The Dual Nature of Transparency:

Corporatization and Democratization of Global Production Networks

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Abstract: In the age of global production networks, companies increasingly become confronted with demands for transparency of their contractual business relations and purchasing practices as a basis for creating accountability and democratic control. The chapter discusses the dual nature of corporate transparency politics as a means of governing and taming corporate power, on the one hand, and as an instrument of corporate control and profit maximization, on the other. We conceptualize four levels of transparency practices in global production networks. The dual nature of transparency is inherent in each level: the level of collecting (1) and translating (2) information into corporate governance, the usage of information for public policy decisions (3) and for private legitimation strategies in corporate public relations (4). We argue that the consideration of these four levels and their recursive interconnectedness together are necessary to understand the political nature of corporate transparency. They are of key relevance with regard to the wider dynamics of relations of power, political conflicts, and social change in global production networks because they link conflicts around corporate transparency with the broader debate about the 'new' political role of transnational corporations and a changing relationship between states, markets and civil society in transnational relations. Our empirical evidence suggests that the main techniques of knowledge production, translation and usage are mainly shaped and dominated by business, allowing for increasing marketization, commodification and profit maximization under the veil of legitimacy as a transparent – i.e. allegedly democratic and accountable – company. We conclude by calling for a new research agenda on transnational transparency politics, which introduces a cultural perspective on knowledge practices and links it with a political-sociological view on power and governance struggles. This agenda would require looking into the technologies and practices of information collection, translation, and usage as well as inherent and subtle mechanisms of exclusion and inclusion related to them.

Introduction

Transparency has become an omnipresent catch phrase both in public and scientific debates across all areas of society (see introduction). Some postulate the "age of transparency", or transparency society, where transparency demands to all institutions and actors and access to information becomes omnipresent. At the same time there is a growing criticism about the panoptic "tyranny of transparency", which allows for an increasing surveillance and control of the people.[1] Transparency is an ambiguous and contested concept with multiple normative and ideological dimensions, reflecting both hopes, like for the enhancement of freedom, and dangers, such as the threat to privacy. This contribution discusses the ambivalent nature of the concept in the context of global production networks.

Companies increasingly become confronted with demands for accountability and democratic control through the creation of transparency. The paper starts with the observation that the generation and sharing of information in global production is more and more politicized: While civil society organizations continue to push both companies and governments to carry forward more pervasive forms of disclosing information about conditions of global production, states also increasingly seek to develop regulatory frameworks that force or incentivize corporate transparency in transnational supply chains, especially through obligatory forms of reporting. This growing pressure and regulatory tendency towards corporate transparency have become a key, yet contested element in the governance of global production networks. One key assumption made by advocates of corporate transparency is that disclosing available information to external stakeholders and the public is a crucial and necessary condition for companies to become sustainable, accountable and socially responsible. Corporate transparency is "promoted both as a democratic ideal and as a matter of economic efficiency"[2].

We challenge such a view by discussing the dual nature of corporate transparency as a means of governing and taming corporate power, on the one hand, and as an instrument of corporate control and profit maximization, on the other. We conceptualize four levels of transparency practices in global production networks. The dual nature of transparency is inherent in each level: the level of collecting (1.) and translating (2.) information to corporate governance, the usage of information for public policy decisions (3.) and for private transnational legitimacy strategies (4.). We argue that the consideration of these four levels and their recursive interconnectedness together are necessary to understand the political nature of corporate transparency practices in global production networks. At each level, conflicts between buyers, suppliers, NGOs, trade unions, workers, auditors, state agencies, multi-stakeholder initiatives or business associations are possible. Transparency politics, therefore, are of key relevance with regard to the wider dynamics of relations of power, political conflicts, and social change in global production networks. Understanding the nature and consequences of these politics is important as they link conflicts around corporate transparency in global production networks with the broader debate about the 'new' political role of transnational corporations and the changing relationship between states, markets and civil society. Our empirical evidence suggests that, while transparency is mainly discussed as a source of legitimacy through the creation of democratic, responsible and accountable companies, major technologies and practices of knowledge production, i.e. the collection, translation and usage of information about social, economic and ecological conditions in production networks, are shaped and dominated by corporations and their business rationales, leading to an increasing

marketization and commodification of information as a basis for transnational governance and policy decisions.

The paper concludes by calling for a new research agenda on transnational transparency politics, which introduces a political-economic perspective on knowledge practices and links it with a political-sociological view on power and governance struggles. This agenda would require looking into the technologies and practices of information collection, translation, and usage as well as inherent and subtle mechanisms of exclusion and inclusion related to them. We see a rising urgency for this research agenda in times of digitalization of supply chain management and related new technologies of knowledge production that fundamentally affect both corporate governance and civil society activism.

Transparency conflicts and the political role of corporations

"Transparency makes democratic control possible" argues the NGO Germanwatch [3]. Germanwatch doesn't refer to transparency of state institutions. Instead, the organization is part of a large network in Germany, Europe, and across the globe, which demands that companies collect and publish all relevant information about the social, political and environmental consequences of their business around the world. This reflects the great importance actors attribute to corporate transparency as a key tool and mechanism for governing multinational corporations (MNCs) and their transnational production networks by developing new forms of democratic control through transparency.

Demands for democratizing companies by making information about their business practices publicly available are also an indication of recent shifts in the relation between nation states and business. Traditionally, transparency has been demanded in order to limit power and fight corruption of states. States were also addressed by activists to regulate corporate behavior by state law. [4] Corporate transparency was primarily discussed as a means to optimize management processes and investor relations. This has fundamentally changed. In the current age of global production networks, companies increasingly become confronted with (almost) the same demands for accountability and democratic control as states.[5] States continue to play a crucial role in the politicization of MNCs, especially in the wake of the increasing importance of what Mayer refers to as "synergetic governance"[6] – the use of private corporate governance for national and transnational public policy purposes. It draws on forms of soft, incentivizing regulatory frameworks, which make corporate reporting and transparency about social and ecological conditions compulsory for companies. And states are increasingly building up such regulatory frameworks, albeit with highly varying rigor. Examples include the US Dodd-Frank Act, the new EU regulation on corporate non-financial reporting (Directive 2014/95/EU, also called "transparency law"), the California Transparency in Supply Chains Act and the UK Modern Slavery Act.[7] Next and largely prior to state regulation, the ideal of transparency is materialized through private reporting standards, most prominently the Global Reporting Initiative (GRI) and the ISPO Norms (e.g. ISO: 2600 on CSR), creating a "world of standards".[8]

These laws and regulations require companies to disclose standards of social and ecological conduct and impacts throughout their supply chains, such as measures taken against human or labour rights violations. The key idea behind this is that such information, once publicly available, presents new opportunities for public control of companies, as they will try to avoid any association with negative practices. This can be due to business environments in which consumers increasingly become sensitive to business malpractices and sanction these by

changing their buying preferences, sometimes combined with public policy incentives for disclosure of non-financial affairs in production networks. NGOs, social movements, trade unions and journalists can use this information to hold companies accountable – often through public blaming strategies but sometimes also by taking legal actions. Thus, transparency optimists hope that transparency and the public struggles resulting from them become a functioning governance mechanism of MNCs and their global production networks. [9] Transparency pessimists argue the opposite: They see transparency as a new opportunity for already powerful state and business actors to increase their capacities to control and surveil citizens, suppliers and consumers and fear an erosion of trust and democracy.[10] We suggest looking at those two competing visions of transparency not only as philosophical debates but also as an important political and sociological issue: they are a basis of fundamental societal transparency conflicts, which are currently in the process of modifying transnational relations between civil society, business and states, both at places of production and consumption. Understanding the nature and consequences of such conflicts is important as they link conflicts around corporate transparency with the broader debate about the 'new' political role of MNCs and the changing relationship between states, markets and civil society in the era of global production.[11]

Given the high relevance and contested nature of transparency processes, it is surprising that there is little empirical research and theorizing about what we call the private politics of transparency in global production networks.[12] This article embarks on discussing the dual nature of corporate transparency as a means for governing and taming corporate power on the one hand and for increasing corporate control and profit maximization on the other. We suggest a framework that analyses transparency politics in different stages of knowledge production from data collection to data transformation and usage. We argue that the dual nature of transparency as a means for corporate control and democratic accountability is inherent in each level: the level of collecting (1.), of translating (2.), of transferring information to corporate governance and public policy decisions (3.) and the stage of private use of information for public relations purposes (4.). We suggest that bringing these four stages and their recursive interconnectedness together is necessary to understand the political nature of transparency practices in global production networks. We use multiple examples from our previous research on global supply chains to discuss each stage of transparency politics. We conclude that, despite cases of increased control of MNCs by civil society, activist or trade unions and effective solutions to supply chain problems (e.g. labour rights violations), main contemporary elements of transparency politics are dominated by business, allowing for increasing marketization, commodification, profit maximization and corporate control under the veil of legitimacy as a transparent – i.e. democratic, responsible and accountable – company. Thus, current transnational transparency politics often empowers business on direct-relational and structural levels, while only occasionally empowers workers, social movements, or trade unions.

Overall, we are calling for a new research agenda on *transnational transparency politics* which introduces *cultural and political-economic perspectives on knowledge and epistemic practices* and links these with a *political sociological view on power* and *governance struggles*. This agenda would require looking into the techniques and practices of information collection, translation, and usage as well as inherent and subtle mechanisms of exclusion and inclusion of certain actors. In other words, without a better understanding of the conditions under which corporate transparency leads to democratic control or to increased corporate power, we are

unable to validate the potentials and pitfalls of transparency as a key governance mechanism in the 21st century.

Corporate transparency between political contestation, discursive power of MNCs, and marketization

In 2016, nine labor and human rights organizations formed the "Civil Society Coalition on Garment Industry Transparency", a coalition to advocate for transparency in apparel supply chains. They formulated a "Transparency Pledge", which defines a minimum standard for supply chain disclosure. Part of this collation are global unions like IndustriAll Global Union, International Trade Union Confederation, and UNI Global Union as well as international labor and human rights organizations such as Human Rights Watch, Clean Clothes Campaign, Maquila Solidarity Network and the Worker Rights Consortium. They believe that transparency will "ensure respect for human rights in their supply chains" and "improve corporate accountability in the garment industry".[13] This coalition is just the latest step of efforts by activist networks and trade unions alike to increase transparency in the global garment industry since the 1990s. Continuous waves of mobilization and politicization indeed increased the transparency, in particular of some apparel and footwear companies.[14] For instance, sportswear and fashion brands that had come under civil society pressure since the early 1990s, like Nike and Adidas, have increased disclosure efforts about their supply bases from the early 2000s.

The quest for transparency is grounded in strong normative believes in the role of transparency as a means to lift the 'corporate veil' that covers conditions and responsibilities for labour conditions in global production networks, and thus contribute to a democratic control of transnational companies. This holds particularly true for contexts where trade unions as a main force of democratic corporate control are absent. Production networks are structured in a way that has enabled the brands and retailers to distance themselves from traditional labor relations and their responsibility for the work force. By externalizing the labor-intensive aspects of production, global sourcing companies no longer have to take responsibility for the majority of workers involved in the process.[15]

The everyday experience of activist work shows that the notorious lack of transparency in many transnational industries makes it difficult to challenge corporate misconduct and support workers' rights. Not revealing their sourcing partners gives lead firms countless opportunities to distance themselves from misconduct in their supply chains, e.g. by arguing that they had already ended their sourcing relations prior to any specific tragedy, or to relativize the scope of instances as 'exceptional' cases of supplier misconduct, e.g. when the presence of their labels at the involved site is presented as a case of non-commissioned (illegal) subcontracting activities. For instance, while 14 brands have been linked to the Tazreen Fashions factory in Bangladesh, only six brands have ever confirmed their relationship after the catastrophic factory fire in 2013. The lack of transparency at sourcing locations makes it very difficult to verify many of these claims, which is one of the reasons why campaign organizations have demanded the disclosure of audit reports that document inspections prior to the fire.

Thus, on the one hand, the demand for transparency is connected to the aim of holding companies accountable and making them more democratic by emphasizing their public agency and their need to publicly justify their actions.[16] Furthermore, the goal is to directly

improve working conditions and the environmental impact by increasing the governance capabilities of companies throughout their supply chain. This view of transparency is connected to a much more fundamental belief in the role of transparency for a functioning democracy – which has been discussed in political theory and philosophy as a key characteristic of the enlightenment and, especially, of late modernity.[17] It is in this context that also many trade unions in Europe including the European Trade union Federation (ETUC) as part of a broader "transparency coalition", which also included other civil society organizations, sustainable investors, or other responsible business organizations, were pushing for the introduction of the EU Directive on EU Regulatory Process of Non-Financial Reporting.[18] The hope was to be able to strengthen the role of works councils and their participation and consultation rights in relation to broader topics such as diversity, environmental issues, outsourcing and supply chain management.

On the other hand, transparency remains an ambiguous concept. If associated with increasing the transparency of those in power, then it is considered a means for citizens, or marginalized groups to become empowered vis-à-vis power holders. But those in power can also use techniques of 'making something transparent' to pursue their own governance goals. This is usually discussed in connection of increased information asymmetries, information manipulation and increased capacities to surveil in order to control from a distance.[19] Companies for that matter are never just passively responding to transparency demands, but they actively shape the procedures, types of collecting, transforming and using information in processes of transparency creation. This, we claim, is a key element of the politics of transnational firms – as aspect which remains overseen in the current debate about the political role of companies. We need to also explore how their greater efforts to generate transparency provides a source for reproducing and increasing corporate power. Their control over means and technologies of generating information about their production network can allow them to increase rather than reduce their discursive power vis-à-vis activists and trade unions.[20] The generation of knowledge through collecting, selecting and disseminating information about transnational business affairs is never a mere technical or managerial activity of (just) representing existing conditions in the production network. Where corporations are the prime agents of knowledge about global production, we can assume that the creation of transparency also brings about a process of marketization and commodification of knowledge. It entails a productive power of business practice.[21]

Given this ambiguous character of transparency, we suggest understanding it as a contested field of transnational governance and resistance in global production networks. We therefore speak of 'private transnational transparency politics'. Empirically, we can find it on four different levels in global production networks: the level of collecting (1.), of translating (2.), of transferring information to corporate governance and public policy decisions (3.) and as an object of private transnational legitimacy politics (4). We argue that by bringing these four levels together we can further understand the political nature of private transparency practices in global production networks.

1.) Collecting information

On the level of gathering and *collecting* information about factory conditions, we primarily find practices such as internal and external social audits, as well as forms of voluntary disclosure by supplier companies. The social audit has become the overarching approach towards

collecting information about factory conditions. On the one hand, against the general background of an ever increasing importance of auditing practices as a characteristic of late modernity,[22] social audits in global production networks have specifically been criticized with regard to their dysfunctionalities in representing labour conditions.[23] On the other hand, given the fragmented and complex character of production networks, variants of social audits continue to provide a central (and sometimes the only) source of information for corporate managers, consumers, policy makers and the general public about distant factory conditions. Audits have thus become a key tool for corporations to *govern* – not only their relation to suppliers but also their public image and reputational risks.

Furthermore, this corporate function of audits has led to the wide-spread commodification of 'auditability' as a key asset of manufacturers: not only are many social audits conducted by for-profit agencies and accordingly driven by corporate interests, but supplier factories often also use their successful passing of brand audits as a source of competitive advantage.[24] Even where social audits are conducted by not-for profit agencies, such as local civil society groups or government inspectors, the image they create about the production network is necessarily selective and limited to particular aspects of social and environmental conditions. Thus, while problems and deficits of social auditing practices are widely known, over the last decades private transparency politics have paradoxically created a massive auditing market and ever new demands for more and 'better' audits. Ironically the data is often decoupled from the interpretation of the workplace situation in factories – even if they are based on worker interviews. [25] Instead, data often rather follows the managerial logics of supply chain governance. With this term we refer to management-driven aspects of information and their particular collection as piecemeal data, e.g. by focusing on certain areas over which the company has specific leverage or which represent strategic priorities set by buying companies. These then privilege specific aspects of information about specific parts of the network, such as child labour in formal employment relations in first and second tier supplier factories, rather than laying open context-specific conflicts and priorities from workers' perspectives. In this way transparency is always about revealing information but also about mechanisms of separating and excluding information. This is linked to and legitimated by a vast academic management literature on measurements of social performance auditing and supply chain assessments.[26] The managerial logic of measurements through specialized agencies is currently further advanced through the introduction of big data approaches to supply chain evaluation.[27] One (in)famous example was the case of working conditions at Foxconn, the largest producer of electronic goods, producing about 50% of the world's electronic products, including for Apple. The tight delivery times for new products has repeatedly taken precedence over worker health and safety and rights protection. Devastating working conditions were leading to the attempted suicides of 18 young rural migrant workers, resulting in 14 deaths. That happened despite Apple's continuous monitoring and positive evaluations in Apple Supplier Responsibility Progress Reports, by Foxconn Global Social and Environmental Responsibility Committee and, later on, the independent audits by the Fair Labour Association (FLA).[28]

In practice, workers and trade unions are usually not involved, at least not as equal partners in the knowledge production process.[29] Yet, workers, trade unions and labor-oriented social movements can gather their own information. It is indeed an important yet underexplored role of activists to produce and diffuse alternative knowledge.[30] They can do this in two ways: Either by writing their own public reports about working conditions in a particular factory or by gathering data about labour rights problems and violations to use existing complaint procedures. However, both strategies are highly conditional, as they require a rather high

amount of resources, network capacities and social skills to be able to compile a report or file a complaint. In many cases local actors need the support and resources of transnational activist networks in order to be able to do so. [31] Furthermore, managers, sometimes in cooperation with state actors, also apply numerous counter strategies preventing activists to gather information, e.g. by denying access to the factory or workers' dormitories, threatening workers to talk to activists or by blocking social media communication channels to prevent the diffusion of information and the likelihood of collective action and broader international involvement of global unions or other labour rights organizations[32]

This means while audits have become the standard managerial way of collecting social and ecological information about factory conditions, alternative ways remain marginalized and dependent on access to networks and civil society resources. This is a fundamentally different approach to knowledge creation than envisioned in ideas of industrial co-determination, where trade unions have information, consultation and participation rights in the production and usage of knowledge.

2.) Translating knowledge into the corporate form

The second field of transparency politics is created when information about dispersed factories brought into an appropriate form in order to make the scale and number of data accessible and intelligible in the context of wide-spread global production networks. This is the level of *translating* knowledge into the corporate form. Sociological and anthropological research on "epistemic practices" illustrates that these processes need to be understood as productive and political in themselves. Practices such as aggregation, quantification, indexing and benchmarking of information constitute "technologies of truth"[33] . More specifically, through quantification, information about complex social conditions is made simple, accessible, countable and commensurable.[34] It is through such practices of translation that information can be made marketable, such as for corporate risk assessment tools, indices, benchmarks and consumer labels. In the process of translating complex and conflictual knowledge about social contexts, highly contestable, often subjective, political and ethical interpretations and judgements, values, the distribution of wealth – e.g. over the violation or non-violation of a particular labour right – are 'freed' from their ambiguities and their contested nature. They are stripped-off their ethical-political contamination and are transformed into easily accessible facts. This process, thus, involves an "uncertainty absorption"[35] from the 'ground', where someone gathers information, to the headquarters of corporate strategic decisions and public reports. This uncertainty absorption necessarily brings about a tendency towards *depoliticisation* of related ethical judgements, conflicts and contradictions on the ground.

Furthermore, practices of translating contextualized information into the corporate form involve processes of *commensuration*. That is, qualitatively different social phenomena and related forms of information are brought into a comparable scale or measure; they are made "commensurable"[36]. For instance, when a company presents its "supply chain performance" in terms of an integrated triple bottom line of ecological, social and economic sustainability, various conflicts related to labour processes in selected supplier factories become subject to aggregation and particular conventions of measuring social responsibility performances. The result often are absolute numbers of cases (e.g. of a number of rights violations in a certain period) or percentages indicating relative changes in company performances. While such numbers "firm up"[37] soft laws and guidelines, they also change complex social information into the corporate, managerial form. [38] Knowledge presented in this form then appears as an objective result of public transparency, but subjective decisions and conflicts over ambiguities

taken in a terrain of highly unequal relations of power, information asymmetries and vested capital interests, vanish in this process of knowledge production. Thus, where normative claims for transparency tap on corporate responsibility discourses to demand for ever increasing forms of disclosure by MNCs and their global production networks, the processes of corporatization, commodification of knowledge, and its standardized representation become key characteristics of transparency politics – processes which are likely to be accelerated though digital technologies.

In addition to these normative and epistemic political processes, we can assume more fundamental ontological effects of transparency politics: Company mechanisms for disclosure usually draw on decisions about what the actual range of the production network *is* and what its limits are. For instance, companies in the garment industry are usually able to report about issues in their direct supplier factories, sometimes also about the second and even the third tier of their production chain. Whereas sub-contracting, informal labour and further tiers 'down the chain' often constitute major parts of the production network that allow for the flexibility and distribution of costs necessary for profitable supply chain management, these are being sidelined or even made invisible, due to the dominance of the lead firm perspective and of 'formal' sources of information about the production network. The picture that emerges from various private and private-public disclosure practices, therefore, might look very different from the actual sum of production activities involved in a particular manufacturing country or region. Transparency politics, therefore, involves processes of boundary drawing. We can take the example of garment production in Bangladesh: after the Rana Plaza collapse, when various transnational actors started or renewed their efforts to address fundamental health and safety conditions, it became clear that the sector comprised a much higher number of factories than previously estimated in any of the internationally available corporate or major public data. Especially, the number of subcontractors had so far flown under the trans- and international radar .[39]

Both this normative and epistemic managerial standardization as well as the ontological boundary drawing also affect the way knowledge gets translated in labour activist networks. Workers' knowledge is increasingly quantified for reports in order to be comparable and thus to potentially challenge the authority of corporate reports. In order to link factory conditions to particular lead firms, activists need to draw on available corporate information, which is usually highly restricted by contractual secrecies throughout the network. Thus, even if activists try to produce alternative knowledge through their transnational "networks of labour activism", (NOLAs),[40] the process of translating information through standardization and quantification often looks similar, as activist groups have to compete for public legitimacy in the presentation of information with companies. This again can feed back negatively into the activist networks and cause friction in particular between workers and local trade unions and their allies from abroad – as they no longer feel their grievances and claims being represented and gone lost during the translation process. This in turn threatens the often cited coalitional power between labour and consumer groups along global production networks. These negative consequences of transparency politics on the dynamics of NOLAs continues to be largely unexplored.

Transferring knowledge into policy decisions

Besides the collection and translation of knowledge, we can assume that private transparency politics involves a third arena: Knowledge about global production networks is constantly transferred to governance decisions, not only to the level of strategic corporate governance,

but also of public policy making. Knowledge about global production has increasingly become the ground for political decision-making, especially in the wake of what Mayer refers to as "synergetic governance, that is, public policy goals that are pursued through private governance mechanisms, such as through incentives and conditions, but also public-private partnerships and multi-stakeholder settings.[41] On this level, however, the political nature of knowledge production (collection and translation) has mostly vanished in the process. Patchy and fragmented elements of knowledge about conditions in the production network appear as facts and guide wider policies. Corporations also use such factual knowledge for increasing their brand value or generate new sources of profit, such as niche markets for 'fair' or 'organic' trade, and the inclusion into 'sustainability' stock market indexes and investor schemes. Once a particular label or policy standard is granted and widely accepted, the politics of knowledge production and translation, which presuppose the label or policy standard, disappear. Through this construction of certainty, those forms of knowledge and bits of information that have been excluded from the picture in the process become highly difficult to 'reactivate' for civil society activists. On the level of policy making the politics of transparency is subject to a further step of simplification, often even to a dichotomous 'yes' or 'no' decision over benchmarks (which product or firm is fair/not fair; organic/not organic; sustainable/ not sustainable; et cetera). In this way, corporate tools and technologies of knowledge production at least co-determine economic concepts of leverage over the production network and the possible reach and scope of corporate responsibility for public policy decisions. Transparency politics then have an influence in creating the very political framework conditions that incentivize their responsibility practices, since they (co-)construct the very knowledge grounds on which policy decisions are being taken. It is particularly problematic to base decisions on such information when transparency is also a mechanism for hiding information, in particular information which is linked to non-measured negative societal impacts of core business practices. For instance, if we take the example of structural gender discrimination as a key feature of global production networks, its depth and reach will hardly be visible in individual corporate responsibility reports that draw on individualistic conceptions of responsibility and economic leverage.[42] Trade unions in Europe are directly confronted with the challenge of dealing with the reports of their companies – increasingly since the European transparency regulation, but also before, in cases where non-financial reporting already existed prior to this regulation. A recent study on the impacts of the EU directive 2014/957EU on labour relations in Europe found that trade unions respond very differently to non-financial reporting and in many cases and countries not at all. Even when reporting has already been a long-term practice, very few worker representatives are involved in the consultation or preparation of these reports.[43] This again makes if very difficult for them to question or challenge corporate decisions based on these reports. Thus, where policy decisions are increasingly based on such conceptions, they tend to reproduce the same exclusionary tendencies of corporate knowledge production. Yet the debates about the EU transparency directive only to a very limited degree reflected these aspects.

3.) Information as an object of private transnational legitimacy politics

The fourth level of transparency politics draws on the other three levels, but it is the most indirect level and hard to make empirically visible. The notion of legitimacy politics describes the arena on which social actors negotiate and struggle over the very grounds on which legitimacy claims are being made.[44] Social movements and activist groups, at least in Europe and the US, are often engaged in public struggles where movements seek to change corporate politics to produce social change.[45] Transparency should facilitate public discussion and

critique, as it partly depends on the provision of information about 'their' production chain, since they usually operate in an elusive environment of contractual secrecy and vast geographical dispersion. In such an environment of transnational production networks, it is often far from clear which normative grounds and criteria of legitimate corporate actions are being assumed. However, where companies can offer "transparent" information, this rather reduces the likelihood that activists can win the conflict over appropriate normative grounds of legitimacy claims. This is why companies consider transparency as an important step of risk reduction, as it creates a new ground and source of legitimacy, which is difficult to question for 'outsiders'. A provision of aggregated 'counter-knowledge' is hard to come by, because critique often partly depends on the very form that knowledge about the production network takes. Paradoxically, critique is sometimes disarmed simply by being confronted with a multitude of information, reports, statistics, and multi-stakeholder involvements, without an actual change in the price-bound transnational competition that leads to the violation of fundamental labour rights in the first place.[46]. We share Vogelmann's suggestion that the logic of transparency leads to paradoxical effects (see chapter XX). Instead of providing more visibility, clarity and public debate, transparency can also make real problems 'invisible' – and therefore the solution to them impossible. And instead of a public sphere with new demands for control, openness and justification from a vigilant public, which is able to embed corporate power in a democratic discourse, we see an emerging institutional framework of policy initiatives, standards, benchmarks and incentive structures (see level 3.), which creates a rather corporate-led environment for legitimacy claims in global production networks.

Conclusions

In this paper we discussed the dual nature of corporate transparency as a means of governing and taming corporate power, on the one hand, and as an instrument of corporate control and profit maximization, on the other. Therewith we contribute to the debate on "contested transparencies" (see introduction and other contributions in this volume), by highlighting that the hope of increasing accountability and democratic control of companies through the creation of transparency remains wishful thinking in most parts, as the main techniques of knowledge production, translation and usage are mainly shaped and dominated by business under the veil of legitimacy as a transparent – i.e. allegedly democratic and accountable – company. Table one summarizes this dual nature of transparency as a means of empowerment for workers and civil society, while at the same time being a means for increasing marketization, control and profit maximization and thus further empowerment of company's vis-á´-vis workers and civil society. We suggest conceptualizing transparency politics at four levels: These four levels overlap in practice. The first level of information collection especially involves processes of selectivity. Transparency politics here constitutes struggles over 'where to look' and 'what counts'. The second level of knowledge translation contains processes of changing the forms of information, from the 'ground' towards aggregated, managerial or corporate forms. Transparency politics here constitute struggles over translation and truth production. The level of knowledge-policy transfer can be understood as a struggle for acceptance and influence of policy-making processes. Transparency politics here represent an agenda-setting and decision-making tool. The fourth level involves the struggle over criteria for public acceptance or critique of corporate activities. Transparency politics here are also a source of legitimacy.

To further engage with transparency politics is gaining importance with an increasing digitalization of both supply chain management as well as activist networks and their strategies.

Digital tools and algorithmic forms of knowledge generation could further blur political elements of contradiction and ambiguity and turn the role of labour in production and exiting capital labour power imbalances invisible (e.g. Irani and Silverman 2013). As Moore and Joyce (2018 forthcoming) state: "The turnaround is, apparently, complete. Where digital technology once revealed, it now obscures; workers who previously could not hide, cannot be seen at all". But digital tools might as well offer new pathways of challenging alleged 'truths' about factory conditions. This makes it necessary to further study the dual nature of transparency through the linkages between data, activism and justice in transnational relations in times of digitization.

Table 1: The dual nature of corporate transparency in global production – setting the stage for a research agenda on transnational transparency politics:

Stages of transparency practices	The civil society empowerment vision	The business-empowerment vision	Elements of transparency politics
Collecting information	Collecting data on 'real life' conditions in the production network (esp. workers' experience)	Collection of information within field of influence and leverage, according to corporate governance strategy	Struggle over strategies and access to gather and select information about the production network, <u>transparency politics as 'selectivity'</u>
Knowledge translation	Making workers views visible/ intelligible for a wider public	Making corporate responsibility efforts and achievements visible to stakeholders	Struggle over the form of information, often adoption and dominance of managerial, corporate forms of information, in order to make networks intelligible and governable from a distance. <u>Transparency politics as 'truth production'</u>
Knowledge-Policy transfer	Improving working conditions using transnational networks and policy instruments	Steering effective transnational governance under conditions of calculable legal and reputational business risks	Struggle for policy-acceptance and transfer: civil society efforts to mobilize through coupling of information versus business efforts for effective governance and controllable liability. <u>Transparency politics as agenda and decision-making tool</u>
Public Legitimacy	'Blaming and shaming' against misconduct and holding companies accountable	'Knowing and showing' responsible business conduct, minimizing legal and reputational risks, improving reputation and/ or stakeholder relations	Struggle over knowledge and interpretation of 'real life' conditions: corporate governance knowledge versus civil society critique. <u>Transparency politics as a source of legitimacy</u>

Notes

[1] Han, Byung-Chul 2012: Transsparenzgesellschaft, Berlin.

[2] Franck Aggeri, Morgane Le Breton. The regulation of transparency in the field of CSR : The materialization of an ideal into technologies of government. EGOS, Jul 2016, Naples, Italy. 2016. <halshs-01368029>

[3] https://germanwatch.org/de/thema/unternehmensverantwortung/transparenzpflicht-f%C3%BCrunternehmen, last visited 24.05.2016.

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[7] Further national policy strategies have been introduced in the wake of so-called National Action Plans to implement the UN Guiding Principles on Business and Human Rights (see OHCHR 2017).

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[12] These conflicts are to a large extend carried out between private actors (companies, NGOs, unions, associations) and are therefore understood as a form of private politics (Baron 2003).

[13] https://cleanclothes.org/transparency/transparency-pledge.

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[16] It is in this context that business scholars increasingly become interested in Habermasian discourse theory.

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[19] Foucault's famous use of Bentham's Panopticon as the idealized representation of societal characteristics of governance under conditions of late modernity is a case in point for the critical function of transparency as a means of 'control from a distance'. In the context of global production networks and the function of controlling distant factories through health and safety targets see e.g. Raj-Reichert 2013.

[20] Zajak, Sabrina (2015): Die (Re-)Konstruktion von corporate legitimacy in öffentlichen Legitimitätskonflikten. Soziale Bewegungen und Wal-Marts Unternehmenspolitik, in zfwu 16/2, p. 155–177.

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