Civil society campaigns and the politicization of working conditions in global supply chains:
A comparison of the production of athletic footwear and toys

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Abstract:
Since the 90s, neo-liberal globalisation resulted in rising contestation, resistance and opposition challenging the spread of markets and rising global injustice. Transnational activist networks strive to politicize the link between consumption and exploitative working conditions by various means such as public media campaigns, targeting specific companies with demands for setting standards and initiating, monitoring and sometimes also collaborating with rule-making and enforcing initiatives. Such a politicization of the consumption-production nexus, however, is a highly contingent process. As I will argue in this paper, politicization is by no means an automatic reaction to the excesses of commodification of labor at the end of global production chains in developing countries. The paper is based on the comparative analysis of two fields of global production: athletic footwear and toys. Both industries are dominated by buyer driven supply chains, are sourcing their products predominantly from China and are criticized for exploitative low wages, long working hours and bad working conditions in the supplier firms. However, different starting conditions structured interactions between firms, NGOs and regulatory organizations that lead to two distinct regulatory arrangements. Thus, outcomes of these struggles are never certain, but depend on the context in which they are negotiated and how actors are actively framing and naming the issue, recognizing threats and opportunities and are mobilizing resources.
1. Introduction

On August 31, 2001, a Mexican factory that produced university logo clothing for Nike and Reebok recognized an independent union of its workers, following a two-year struggle involving not only local workers, unions and labor support groups but also their North American allies. Protests and negotiations crucially involved transnational activist networks making use of Nike’s and Reebok’s codes of conduct and monitoring systems (Ross 2006; Rodriguez-Garavito 2005). These cases give interesting insights into new forms of struggles for labor rights in a globalized economy:

Unlike the development in early capitalist England, where the introduction of social and labor rights evolved out of counter reactions to the commodification of labor (Polanyi 1957), conflicts nowadays do not only run between employers and employees, but between activist networks, states and transnational companies (Esbenshade 2004). The arenas of struggles have transnationalized, new actors have entered the field (NGOs or other SMOs), and there are new addressees, not only the state and the management of the local factories, but also the management of transnational companies which organize these global production chains. These struggles of the so called “anti-sweatshop movement” are part of a broader struggle against neoliberal globalization, which gained momentum in the 1990s. International organisations like the WTO, but also political meetings as the G8 or economic meetings like the World Economic Forum, evoke massive resistance against the context and procedures of governance beyond borders. These organisations or events are challenged by activist groups because they are seen as breaking down barriers of corporate freedom, pushing for a market-based means of organizing political and economic activities. In a political context, where nation states loose increasingly the ability to regulate spheres of global production, transnationally organized activist networks increasingly challenge systems or structures of authority beyond the government and the state.

In this paper I am interested how social movement activists strategize vis-à-vis those transnational economic structures and how they achieve a politicization of working conditions in global supply chains. Politicization is understood in a broad sense as activities in which people organize collectively to transform or regulate some aspects of their shared social conditions by means of communication, persuasion and formal rule-setting (Young 2006). Social activist campaigns against sweatshops in developing countries (often but not always
organized by actors in industrialized countries) strive to politicize the link between consumption and exploitative working conditions by various means such as scandalising in public media campaigns, targeting specific companies with demands for setting standards and initiating, monitoring and sometimes also collaborating in self-regulatory or multi-stakeholder initiatives which develop codes of conduct to be applied to working conditions in global supply chains.

Such a politicization of the consumption-production nexus, however, is a highly contingent process. As I will argue in this paper, politicization is by no means an automatic reaction to the excesses of commodification of labor at the end of global production chains in developing countries. We can identify several filters at work: Firstly, while social movement campaigns do target exploitative working conditions in some fields of global production there are many others which so far have not been subject to campaigns. Secondly, locality and social context matters quite a lot on both sides of the nexus: Social activists typically start from a local or national campaign in a specific country and might eventually build up into transnational campaigns or networks; they typically target highly localised abusive employment practices from which a broader problematization of working conditions may evolve; Local activist groups in developing countries are involved to different degrees and in various forms in the mobilisation process. Last but not least, the subsequent interaction between social activists, targeted companies and business associations as well as other actors (including states) is likely to result in different types of regulatory arrangements in some fields of global productions while it has not produced anything of this kind in other fields.

Politicization is therefore a selective process which requires more detailed investigation to identify the mechanisms which generate different degrees and different forms of politicization. At the same time it is a cumulative process in so far as social mobilisation and politicization in one field of global production may subsequently influence mobilisation and politicization in other fields. In order to better understand the phenomena of politicization of the consumer-production-nexus in global production chains my dissertation research focuses on a longitudinal and comparative study of the interactions between social movements and corporate actors in two fields of global production and asks the following questions:

- *How do transnational activist networks politicize working conditions in global supply chains along the whole production chain at sites of production and sites of consumption?*
The paper is based on the comparative analysis of two fields of global production over the time period from the beginning of the 90ies up to now in order to show, that although the starting conditions were quite similar, different processes of politicization ensued and led to distinctive regulatory outcomes. The differences reflect activist strategies in specific industrial settings, resulting in two divergent types of self-regulation. The major difference between the two fields under comparison does not lie so much in content of the rules since most of the codes refer to the ILO core labor standards. Instead, what significantly differs is the range of firms which are covered by labor codes, and the compliance versus commitment approach by which the codes are implemented.

In this paper I put forward the argument that the specific way in which global fields of production get politicized over time has an effect on turning an economic, management driven process into one which opens the potential for empowering workers. But it is a highly demanding process, depending on the activist networks and both their continuous engagement in stable transnational networks between spheres of production and spheres of consumption and their ability to publicly challenge common economic pattern of justifications. The effect of these attempts also depends on factors specific to products and the organisation of production like the specific image sensitivity of a product group, the stability and instability of supplier relations and the existence or non-existence of business associations which might become engaged in the regulatory process.

In the next section I present a short historical overview of the evolution of conflicts around issues of production and reproduction, followed by a first confectionalization of the meaning of politicization and a literature review on the role of firms in global governance as well as the transnational activist networks challenging those arrangements. Chapter 3 summarizes the methodological approach and the case selection and in chapter 4 the first empirical findings are presented.

2. The evolution of transnational contention about issues of redistribution and economic power
Recent developments in social movements suggest significant changes in forms and strategies. While movements since the 70ies predominantly focused on issues relating to the spheres of reproduction, issues of redistribution and economic power gain prominence again (Rucht
These changes provide the general background in which my research is embedded and therefore will be briefly sketched in this section.

Since the times of industrialisation, economic power and redistribution between classes defined by the capitalist mode of production were seen as key issues of social and political mobilisation of workers and their union and political organisations vis-à-vis the capitalist class represented by individual industrialists and business associations. Class conflict was the central, dominant social conflict, structurally linked to the system of production (Dahrendorf 1959). These conflicts lead to an industrial relation system based on collective bargaining at firm, industry and national level and state regulation, especially social welfare and citizenship rights, which made capitalism compatible with democracy (Marshall 2000 [1949]).

The shift to a post-industrial economy since the 70ies brought up the so-called new social movements” of which feminist, anti-abortion, ecological and peace movements are examples. The focus of these movements was distinctively – and in opposition to what they considered as the “old” social movements - on issues relating to the sphere of reproduction and its importance for the life world. Consequently, the new social movements included a broad range of different ideologies, goals, tactics, and participants (Rucht 1994; Klein/Legrand/Leif 1999). In contrast to the old labor movement, “new” movements preferred to remain outside of normal political channels by using extra-institutional tactics, and they did not define themselves by class boundaries but by a common concern over social issues often predominantly though not exclusively supported by members of the middle class (Pichardo 1997). The issues centered around the values of identity and autonomy (Larana/Johnston/Gusfield 1994). These movements challenged the conventional definition of politics to include issues that had been considered outside the domain of political action (Offe 1987). They addressed not only the nation state with demands, but also different authority structures like business, educational institutions or other non governmental organizations to produce change within their specific national or local setting (Van Dyke/Soule/Taylor 2005). Nevertheless, the state was the major actor in solving societal problems and implementing solutions.

The recent shift in focus of new social movements from the sphere of reproduction back to the sphere of production has to be seen in the context of economic globalisation and its impact on the political system. Since the 1970s, the rise of neo-liberalism and the demise of the system
of the “embedded liberalism” (Ruggie 1997) has challenged the Post World War II keynesian welfare state model in industrialized countries and replaced it with a paradigm which prioritizes market-based competition as the major mode of organization and praises the moral benefits of the market for wealth creation, development and democracy (for an overview of this development see for example Mudge 2008; Campbell/Pedersen 2001).

In this context, attempts of existing international organizations like the International Labor Office (ILO) proved limited because of its weak sanctioning power. Equally, attempts by unions and labor NGOs to incorporate social clauses in the WTO with its stronger sanctioning mechanisms failed (Scherer/Greven 2001). These failures contribute to the rising discontent with the spread of neo-liberal globalization, free trade and the concentration of economic power, which culminated in the “Battle of Seattle”, the protest against the WTO conference December 1999 (Rucht 2006; Smith 2001; Levi/Olson 2000).

This was the most visible event of the so-called “Global Justice Movement”, which is based on transnational activist networks or protest events, framing itself as a movement against the global spread of markets and neo-liberalism, demanding democratization of international institution, social justice, economic sustainability and a change in the distribution of power between rule makers and rule takers (Della Porta 2007; Rucht/Roth 2007). Figure 1 shows the general rise of protest events with a strong growth since the protest against the WTO conference. These events do not only include classical protest repertoires, but also meetings at (World) Social Forums, or counter-summits or global days of action (Marchetti/Pianta 2008).

Figure: 1 Growth of Global Civil Society Events, 1990-2005 (Pianta and Zola 2007)

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1 This failure was also due to the strong opposition of developing countries, regarding social and environmental standards as barriers to trade (Singh/Zammit 2004).
The anti-sweatshop networks as part of the global justice movement specifically focuses on issues of redistribution and economic power at sites of production. However, this re-orientation on the link between the “life world” of consumers and citizens and the spheres of workers in the “world of production” is not a simple revival of mobilization along the old class conflict (Della Porta 2007). Four interrelated dimensions distinguish these movements from earlier mobilisation along the class conflict between capitalist and workers. These four dimensions include a) a focus on transnational production which is mirrored by a transnational organization of collective action, b) the building of alliances between the old and the new movements, c) a shift in addresses from the national to a combination of transnational and local actors, combined with a re—orientation from public towards private actors, and d) framing strategies which establish a nexus between production conditions in newly industrializing countries and the marketization of the life world in industrialised countries.

a) The Global Justice Movement is “global” in terms of issues it addresses, the centers of power it challenges and the way the movement is constituted and operates across boarders. Transnational collective action is defined as „coordinated international campaigns on the part of network activists against international actors, other states or international institutions” (Della Porta/Tarrow 2005, S. 2). Such coordination does not only take place between activists in various industrialized countries, but often also includes actors from developing countries. Usually it is assumed, that labor groups at the point of production externalize claims because of closed national opportunity structures, seeking allies in the international arena to trigger pressure from outside (Keck/Sikkink 1998). The reorganization of economic activities in global supply chains facilitated transnational activist networks linking spheres of consumption (the industrialized world) with spheres of production (the newly industrializing countries) (Merk 2009).

b) Coordinated action does not only take place across borders but also across movements, specifically the labor movement and new movements. The neo-liberal political agenda that dominates Western politics leads to a decline in unions’ political influence and their ability to effectively organize collectively (Streeck 2009). The decline in influence leads some unions to use more disruptive tactics again, which made them more open for cooperation with social

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2 In fact this should not revive debates on the intrinsic newness of a certain movement, which is often debated and questioned in social movement research
movement actors. Such collaboration becomes visible in big transnational protest events, but also in anti-corporate campaigns. This strategy was in fact revived by American unions facing the challenge of organizing inside the factories (Manheim 2002) and is now part of the action repertoire of social movement actors. This does not imply that it is always a harmonious relationship. Especially in relation to the working conditions in supply chains, international unions are usually very critical towards NGO engagement in industrial relations, as they are actors mobilizing outside the factory (Justice 2001; Connor 2004; Eade/Leather 2005). It opens up debates on who is the legitimate speaker for workers interests, in the absence of bottom up collective organizing (Egels-Zandén/Hyllman 2006).

c) Transnational collective action is also expressed in respect to addressees. The major addressee is no longer only the nation state. This is also not a new phenomenon, as movements have a long history of challenging different authority structures. However, these targets don’t necessarily lie within national border, but also beyond the regulatory reach of the state. The growth of international institutions, regimes and practices provide multilevel targets, national, macro-regional and international. Tarrow and Porta also speak of complex internationalism, as these organizations produce threat, opportunities and resources for activism, providing new arenas for the articulation of claims, opening up questions on the linkages between domestic and international levels of conflict and cooperation (Della Porta, Donatella/Tarrow, Sidney 2005). These actors become targets the more they try to regulate cross border issues, which enables people more and more to connect the consequences of globalization to their everyday life (Zürn, et al. 2007).

d) In terms of issues, the common lowest denominator of globalization-critical groups is firm anti-neo-liberalism and pro-democratization. Activists not only criticize the specific economic and political order, but also its institutional and procedural basis (Rucht forthcoming). Zürn et al. see this resistance towards international organizations as an expression of politicization, as governance with and without government is confronted with the same demands as governance by government (Zürn, et al. 2007). This is not only true for international organizations but also for market conformal instruments of transnational governance structures: “The more politics gets economized the more the economy gets politicized” (Zürn

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3 For an overview see for example “authority in contention”. In this book the authors define social movements as collective challenges to system of structures of authority, or more concretely, as collectivity acting with some degree of organization and continuity primarily outside of institutional or organizational channels for the purpose of challenging extant systems of authority, or resisting change in such systems, in the organization, society, culture or world order of which they are a part.” (Snow 2005, p.11).
The anti-sweatshop movement in specific is driven by the aim of linking issues of production in newly industrializing countries, with general critique on the weakened primacy of politics towards economic forces.

To sum up, the ways social movement actors nowadays frame their demands, get organized in alliances crossing different movements and spaces and change the addressee towards other actors than the national state, indicate that production in organizations becomes an important issue again. Next, this paper gives an overview over scientific debates looking at the firms’ role in transnational governance and civil societal attempts to politicize these often relatively autonomous, technocratic rule making bodies.

3. Processes of politicization

Politicization can be understood as “...activities in which people organize collectively to regulate or transform some aspects of their shared social condition, along with communicative activities in which they try to persuade one another to join such collective actions or decide what directions they wish to take” (Young 2006, p.377)\(^4\). The definition covers three dimensions of the process which shall be briefly summarized including their empirical implications for the analysis of politicization of global economic actors and issues. The first dimension refers to the classical definition of politics as the production and implementation of collectively binding decisions. Politicization from this perspective can be considered as the transfer of an actor or issue from one sub-system into the political system. At the national level, the political system is defined by the government, the constitution, law and a democratic process. At the global level, the sphere of politics is structures by an interstate system of international organizations as well as transnational structures of economic and social organizations reaching across boarders. It is a system with multiple sources of authority and different arenas in which rules are negotiated and competing governance modes exist (Djelic/Quack 2003). From this perspective, the role of firms in politics in the international arena is seen in their engagement in rule setting activities. This aspect can be translated into the empirical question on who is addressed with demands for rule setting. The second dimension encompasses collective actors as drivers of the process. Pushes of politicization are often triggered by an “alliance of critical forces” which challenges the exclusiveness of issues

\(^4\) I only would like to present a preliminary working definition of the term, not going into detail of the major differences in conceptualizing it, depending on different theoretical conceptions of what is politics, especially the similarities and differences between differentiation and discourse theoretical approaches. For a detailed definition see for example (Rucht forthcomming; Zürn forthcomming)
or arrangements and asks questions of effectiveness and legitimacy (Rucht forthcoming). This implies taking a closer look at the subject of politicization, how civil society actors organize collectively and produce mobilization. The third dimension covers communication or debates about the right form and way to regulate. Collective actors are turning questions of economic efficiency and technical expertise into questions of general societal concern. It is an empirical question in how far those actors are able to define political problems and the range of possible solutions in a neo-liberal context which might limit political debates and choices (Schaal 2007).

The literature which has been dealing with aspects of the politicization of economic relations in global production is quite diffuse and fragmented between different sub-disciplines and approaches. As a consequence, the three dimensions of politicization stated above have often been approached in separate studies and from different angles. The following section attempts to give an overview of some of the most relevant findings without being a comprehensive overview.

The first dimension is reflected in debates on rule setting beyond the nation state and transnational governance. The political role of the firm is seen in its function as rule setter or contributor to governing the global economy (Braithwaite/Drahos 2000; Cashore/Auld/Newsom 2004; Rasche, et al. 2008). Political conceptions of corporate social responsibility (Matten/Crane 2005) or debates on the role of corporations in legalization (Scherer/Baumann 2007) try to theorize on firms entering the political sphere by becoming a source of rule-making and enforcement. Matten and Crane take account of the observation, that in times of globalization, companies already fulfill the function of protecting, enabling and implementing citizen rights, a function that in the liberal model is assumed to be exclusively under the authority of the state and its agencies. Interestingly, in these debates politics is reduced to how firms act state-like by becoming regulatory agents, shaping the international political economy an therewith blurring the distinction of an actor centered definition of the public and the private (Cutler/Haufler/Porter 1999). These developments can be triggered by activism, but the successful implementation of labor rights is seen as a question of standardization of management practices and the introduction of codes of conduct. The focus is on organizational change at the firm level, as it is assumed that as soon as the standards are incorporated in the policies, operations and contracts of the transnational company it will be effective (Kolk/van Tulder 2002). Competition between firms for ethically
sensitive customers and competition between monitors to improve the scope and reliability of their methods should lead to a ratcheting up of standards (Sabel/O'Rourke/Fung 2000). Normative questions are asked on how to democratize corporate activities or hybrid forms of public-private rule making, where deliberative procedures are seen as one way to close the legitimacy gap (Börzel/Risse 2005; Fung 2003; Beisheim/Dingwerth 2006). The relation to the subject of politicization, transnational activist networks constantly using this governance arrangements as new sites of contentious claim making (Bartley 2007), publicly debating best ways to regulate and implement rules, is not fully considered in these analyses.

The second dimension of politicization referred to above was collective action. In the previous section it was already stated that the anti-sweatshop movement is constituted and operates across boarders. Nevertheless, although these activist networks span across borders and mobilize along the supply chain, we do not witness a single unified labor or anti-sweatshop movement. Workers at sites of production have a strong interest in combating sweatshops. Indeed, even in a repressive regime like China one can witness rising amount of labor unrest. Beverly Silver found out that the location of working class formation and protest shifts within any single industry along with shifts in the geographical location of production (Silver 2003 p.75). Yet, especially where freedom to organize is not recognized or not enforced, workers can benefit from the support of actors in industrialized countries, who make their grievances public and put pressure on the agents who are responsible blocking their efforts (Young 2006, p.124). At the same time, reaching out to potential supporters can be difficult for workers or local labor support groups (Caraway 2006). The shift in geographical location of production is not only accompanied with rising worker struggles, but also with the introduction of new types of actors into the field of industrial relations. These actors are compliance managers and consultants, related to the CSR teams of big buying companies, but also newly founded labor support groups and international NGOs, with direct links to organizations from industrialized countries (Wang 2008). Such labor groups often leverage their claims via their international partners. In course of the development, new opportunities might rise to get directly engaged with buying companies and factories at the local level.

In industrialized countries, anti-sweatshop activist try to politicize economic actions by turning questions of economic efficiency into questions of general societal concern, confronting them with the same demands as governance by government. To produce public

5 The emergence of civil society organizations in the field of labor and their links to other countries was an important part of my field research in China, which I won’t present in thy paper.
debates, public campaigning is a central form to introduce political messages of distant problems at the site of production into public debates at the site of consumption (Bennett 2004). Such campaigns are aiming at influencing discursive processes of public will-formation and linking it to corporate decision-making. Activists try to attribute responsibility for labor conditions in newly industrializing countries to companies, but also consumers. They are arguing that companies as well as consumers are responsible because their actions contribute to processes that produce global injustice, even if (or precisely because) they follow accepted rules and conventions.6

According to an analysis of newspaper coverage of sweatshop issues in the New York Times and Washington Post between 1996 and 2000, activists were quoted and their point of view presented more often than from corporate actors (Greenberg/Knight 2004). Activists challenge both, corporate policy and practices as well as the consumers’ world view about the role of consumption in society as a whole, trying to link system critique of global economic power with cultural critique on the marketization of the everyday life (Lamla 2006; Micheletti, Michele/Stolle, Dietlind 2007). Symbolic for the combined critique of production and consumption is the link of messages of “no sweatshops”, addressing the regulatory deficit of global economic production chains and their effect on exploitation of labor, with the slogan “no logo”, addressing the influence of the economy on lifestyle (Hellmann 2005).7 What makes the sweatshop issue so newsworthy is the way it conforms to the narrative requirements of news reports involving conflict, normative disorder and victims (Greenberg/Knight 2004). Media resonance might mobilize different types of audiences like consumers, shareholders, rating agencies but also governmental actors, to take various kinds of actions including not only boycott or boycot8, but also online tactics like petitions and letters, add busting, workers tours, demonstrations, flash mobs or shareholder activism. Nevertheless, consumers stay important as campaigns also use them in a symbolic way and a source of vulnerability of corporate actors, without the need of real shift in public opinion or consumer behavior (Bennett 2004). Last, mass media is only one form of gaining public

6 Young speaks of political responsibility instead of a moral one, as injustice is seen as a structural problem, where not a single actor can be blamed or hold morally accountable and solve the problem, but which requires collective action. She calls this the social connection model of responsibility (Young 2006).
7 The book “no logo” by Naomi Klein (Klein 2001) can be seen as the manifesto for civil society actors combining criticism of the distributional effects of outsourcing production by transnational companies with critique on company’ strategies of producing customer loyalty.
8 Boycott and therewith a change in actual consumer behavior is hard to create and its success is not at all clear (Vogel 2005). Moreover, it is not seen as the right strategy, as boycotts support encourage the company to end its contract with the problem producing supplier, instead of contributing to solving the problem. This is why especially in Europe activist campaigns don’t call for boycotts (Baringhorst/Kneip/Niesyto 2007).
resonance. As mass media is often biased towards elites and companies at the same time improve their public relation and communication, activist networks search for alternative communication channels. The internet as well as “small publics” like Round Table Discussions are seen as important venues to influence debates on right ways to regulate (Baringhorst/Kneip/Niesyto 2007; Vreese 2007).

This also implies that some fields of global production might be easier to politicize via public campaigns then others. The outsourcing of production does not explain per se an automatic counter reaction. Social movement studies confirmed long ago that grievances are not sufficient to produce mobilization. Broader structural economic and political changes must be processed by actors in networks, actively framing and naming the issue, recognizing opportunities and threats and mobilize resources (Della Porta, Donatella /Tarrow, Sidney 2005). Such contextual factors include image sensitivity of a product, the type of supplier relationship and the existence or non existence of business associations engaged in the regulatory process. In the next chapter, these differences shall be specified in relation to my case selection before first empirical results will be presented.

4. Case Selection and methodology

The two fields of global production chosen for this study are toys and athletic footwear. They represent in many respects critical cases since both sectors are known for exploitative low wages, long working hours and bad working conditions in the supplier firms in developing countries. The two fields are dominated by buyer-driven supply chains and have a similar sourcing history, starting to outsource their production to China soon after China’s economic opening in late 70s. In both fields, there are a few company leaders with a high reputational vulnerability (though to a higher extent in athletic apparel/footwear than in toys).

However, there are some differences: The athletic footwear industry is largely dominated by a few major brands. In 2006, Nike and the Adidas Group (Adidas, Reebok) possessed a share of 61.6% of the world market. If one includes Puma, polarization comes up to 71.7%. The Top 20 companies make up 95.8% of the world market share⁹ and the supply chain can be characterized by almost complete outsourcing, close ties to suppliers, large intermediaries, few tiers of supply, continuous buyer-supplier relationships as well as guaranteed orders for a couple of years.

⁹ Source: sporting goods intelligence 2007
The *toy industry* appears in a different light: Few large industry leaders exist along with many small and medium sized companies. Despite of recent consolidation, the toy industry is still very much a sector with medium-sized companies and a few dominant actors. The latter are predominantly based in the US. Mattel and Hasbro, the two leading US firms, make up only 18% of the world market. A contrasting example is the German toy industry which has no comparable large firms reflected by the fact that the thirty biggest toy-companies share 80% of the national market in 2006.10

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<th>Toy</th>
<th>Athletic Sport Shoes</th>
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<tr>
<td><strong>market structure</strong></td>
<td>A lot of SME’s and retailers; less image sensitive</td>
<td>Higher degree of consolidation, dominated by a few global brands</td>
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<tr>
<td><strong>Important associations</strong></td>
<td>International Toy Association engaged in regulating toy safety (“shadow of state hierarchy)</td>
<td>World Federation of the Sporting Good Industry: industry representative within the Olympic family</td>
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<tr>
<td><strong>Characteristics of supply chain</strong></td>
<td>Longer distance. Licensees, trading companies and agents in between; No guaranteed orders; A lot of SMEs; factories producing for a variety of companies</td>
<td>Shorter distance; Guaranteed orders for a couple of years; Less factories producing a bigger amount, often just for one buyer</td>
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From the early 1990s onwards, companies in both fields of global production were increasingly confronted with international campaigns by activists and unions. In order to find out how politicization processes unfolded and in which regulatory arrangements they resulted, the analysis of the two cases is based on a detailed process analysis starting with the beginning in the early 90s up to the present-day. The focus of the analysis lies in the emergence of transnational activist networks and their strategies, changes in rules and implementation procedures, but also failed attempts by activists to draw certain actors into the regulatory arena.

So far I conducted interviews with important actors involved in the process, like firms, unions, NGOs, consultants, regulatory agencies, compliance managers, development agencies and the International Labor Organization. The interviews were based on a semi-structured interview guide line focusing on how and why different actors entered the regulatory arena, which important changes took place over time and how the relationship with other actors in the field evolved. Other important sources of information are different reports and studies by

10 Source: Data monitoring: Global Toys games, industry profile 2008 and toy industries of Europe: Facts and figures 2008
companies themselves, by other regulatory bodies as well as reports and websites of NGOs. This helps to analyze changes in the perception of problems and their solution over time. I also participated in network meetings between German and Chinese advocacy coalition members as well as round table discussions, for example at the international toy fair in Nuremberg, in order to gain deeper insights on non-public ways of communication and debates. What still has to be done is a content analysis of newspaper coverage over time, to show how problems and solutions were publicly debated (References of analysis of English speaking articles are for example Sethi 2003; Greenberg/Knight 2004). I have reconstructed parts of the processes, which shall be roughly summarized in the next section.11

5. Civil society mobilization and the politicization of the consumer-labor nexus in two fields of global production

In this chapter I will present preliminary findings of my research. The findings indicate that in both fields of global production an increasing politicization of working conditions can be observed which started with civil society campaigns and increasing media attention given to sweatshop working conditions in supplier firms in developing countries. Both industries were among those which received the high negative media coverage, although the coverage was considerably higher for athletic footwear companies (Sethi 2003). Despite of similar starting conditions, however, these processes of politicization unfolded differently in the two fields of global production in respect of the nature of the actors driving the process, the objects and addressees chosen for politicization and the major frames in which demands and claims were raised. As a consequence, different forms of regulating working conditions became established in the two sectors.

5.1 Toys

In the toy sector, protest against exploitative working conditions started in Hong Kong (as major sourcing place) after factories burned down in Thailand and China 1993, killing over 250 workers. Hong Kong based NGOs and unions formed the Hong Kong toy coalition. One year after these accidents, the coalition published a „Charter on the Safe Production of Toys“, which was signed by 21 NGOs in Hong Kong, demanding better fire protection and a general

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11 These are only very preliminary findings, as I’m now in my second year of my PhD, focussing on the empirical research. I’m just starting to make sense of my finding and therefore still very open to suggestions. There is also still bias towards the process taking place in Europe, as I haven’t done my field work in the US yet. To study forms of engagement of local actors in the regulatory process, China was chosen as the country case. In my field work in China I conducted 25 interviews with companies, consultants, unions, NGOs, development agencies, the ILO, workers, compliance managers and took part in a factory audit as well as a worker training and a manager training. Results from this field trip are only indirectly part of in my analysis in this paper.
Improvement of basic labor rights. In 1995, they met with the Hong Kong Toys Council with the intention of having the association sign the charter, but the meeting ended without results. This is when they externalized their claims and started a transnational coalition building process, with activist groups both in Europe and the US.\textsuperscript{12} Between those groups, no stable coalition across Europe and the US emerged; instead a loose form of coordination took place each year around Christmas, the peak time for selling toys.

Christmas was used as an opportunity to link values of fair play with unfair working conditions in the developing world, but also to formulate a connection between toy safety issues and unsafe workplaces at points of production.\textsuperscript{13} One of the campaign reports 2003 started the following way: “The worst Christmas stress starts in May. At the beginning of summer in Germany, toy factories in Asia operate at full stretch. The presents children find under the Christmas tree are to a large extend produced in China under inhumane conditions” (Ries 2003).

In the UK, British Toy and Hobby Association (BTHA), introduced the first Code of Conduct as a response to a national campaign led by “World Development Movement”, “UK trade Union Congress” and “the Catholic Institute of International Relations”, which later on became the model Code for the International Toy Association. In the US, Disney, Mattel and Hasbro became the focus of public scrutiny (Sethi 2003, p.34). As a consequence, Mattel was one of the first companies to develop an independent monitoring program, which was often labeled a model approach to code implementation and independent monitoring. In Germany groups with a specific religious development aid background got involved like Misereor (“Hilfswerk der katholischen Kirche”), but also Katholische Arbeitnehmerbewegung Deutschlands (KAB) – Bundesverband, Nürnberger Bündnis "Fair Toys" or Werkstatt Ökonomie, which together formed the “fair spielt“ (play fair) campaign.

The “fair spielt” campaign not only focused on companies and their respective industry association and retailers selling toy products, but also gained support by political actors like the Federal Ministry of Food, Agriculture and Consumer Protection, which included the demands of the “fair spielt” campaign in its own information campaign “Echt gerecht. Clever kaufen”, which resulted out of the development of a national sustainability strategy of the German government.

\textsuperscript{12} From the Hong Kong side, the Asian Monitoring Resource Center as well as the Hong Kong Christian Industrial Committee (HKCIC) were the main coalition partners.

\textsuperscript{13} According to my own preliminary analysis of the newspaper coverage in German newspapers searched in Lexis Nexis, roughly 40% of the articles combine the issue of product safety with working conditions in supply chains. This frame was later on also adopted by the International Toy Association: „There is a strong relationship between social compliance and the quality of the products. Who is cheating on product is cheating on labor and who is cheating on labor is cheating on product.“ (Interview head of ICTI)
The International Council of Toy Industries (ICTI) introduced its first Code of Conduct in 1996, followed by the establishment of a certification procedure, the ICTI Care process. This reaction was not only a consequence of activist engagement and the support of some leading companies, but also of the specific history of this organization. ICTI was founded as the umbrella association of the national industrial associations in 1974 in New York. Since then, one of its major tasks has been harmonizing toy product safety standards worldwide, while simultaneously trying to prevent possible further state regulation (Biedermann 2007, p.181). The association’s already strong commitment to international standardization processes facilitated the attachment of labor standards as new elements to the existing regulatory process. One the one hand, industry-wide rule setting activities made the organization quite responsive for demands of activists, adding on labor issues to the already existing certification approach. On the other hand, as the certification done by product testing agencies was already seen as a legitimate approach, it is much more difficult to fundamentally challenge the regulatory structure. The introduction of this system also started to reduce the amount of newspaper reports on labor conditions in toy producing factories and also the perception of them by the international association, constantly screening the media: “Christmas 2008, I found almost nothing about child labor and sweatshops in the news. We were able to exert influence positively, so that there is no focus on problems relating to our social compliance any longer.” (Interview head of ICTI).

The foundation of the ICTI Care international program triggered a change the campaign strategies. Some campaigns stopped altogether, for example in England or France. In Europe, the “fair spielt” campaign in Germany was a particularly stable. In 2001, the Nuremberg Round Table was founded at the international toy fair, the biggest toy fair in the world. There, not only different companies and civil society actors, but also the German national association, the European and international association participated, officially aiming at solving the problems together.

ICTI Care opened new possibilities for labor activists to act and produced a shift in strategies. The campaign decided on “critical engagement” with the international association trying to on the one hand support efforts of the head of ICTI to win more and more members for the process, and on the other hand trying to improve the regulatory procedure. Such an industry-wide approach seemed to be very promising as it aimed at not only covering almost all buying companies, but also a large number of factories. And indeed, the German association with over 180 members made participation in the ICTI Care process compulsory, which seemed impossible at the beginning of the process. This was reached by a mixture of public and non-public strategies, publicly naming the laggard companies while at the same time negotiating with the association (Interview “fair spielt” campaign).
But this process of making regulation more binding for buying companies didn’t lead to an inclusion of the workers or new participation channels for workers and their speakers on the ground. ICTI care portrays rather a top down management driven implementation procedure based on market incentives: The factories themselves have to organize the monitoring and the audits and pay for them. They can choose from 8 audit companies accredited by ICTI Care (now complemented by unannounced visits by ICTI monitors). After the audit, factories get a certificate, the “Seal of Compliance”, with which they can enter database of the ICTI care. Buying companies participating in the ICTI Care process are only allowed to buy from factories with a Seal of Compliance or from those having passed a first audit. Activists have been criticizing this market based implementation procedure for years demanding a change in buying practices, the inclusion of workers in the process and the solution of specific problems like overtime work (see for example last press statement June 2006).

Overcoming these specific problems seems to be more difficult. The high volatility in the toy industry, which is caused by variable and unpredictable demands especially by big retailers, very short and specific selling-windows (seasonality) and short product-life-cycles (Wong et al 2005) is seen as an insurmountable obstacle by corporate actors. This is reflected in statements like: “What shall we do? We cannot abolish Christmas.” (Interview, head of ICTI). The consequences are high time and price pressures without permanent or stable relationships between buyer and supplier, making any long term engagement very unlikely.

Here, limits of market based implementation procedures become obvious: The certification procedure should set an incentive for the factory to comply with the Code. But actual buying practices are contradicting this attempt by seeking out the cheapest sources of production, setting incentives to cheat the auditing process. The auditing process is modeled after financial audits. Auditors arrive with lengthy, detailed checklists aimed at exposing record-keeping lapses and easy to detect code violations. Managers in turn, “learn” to be inspected (Locke/Amengual/Manglai 2008). Factory owners present themselves as a compliant factory using double book keeping, training workers what to say, bribing auditors or hire consultants (usually former auditors) who teach the best way for falsifying audit requirements and even providing software to produce good fake books. According to one of the leading organizers of the audit process in the toy sector, this is the case in at least 80% of the factories (Interview Hong Kong).

To conclude, Hong Kong based labor groups have been effective in externalizing their claims and activists in the “sphere of consumption” where able to politicize working conditions in toy factories by publicly linking issues of toy safety, the well being of children and values of fair play with inhumane working conditions in supply chains. This resulted in the International Council of Toy Industries to get engaged in rule setting activities towards both, buying companies as well as supplying factories. Activists contributed to the agenda setting and diffusion of a certain approach, but they only had limited impact on the specific
governance mode. Structural characteristics of the field like the market structure and associational structure facilitate a certain governance mode. This lead to an auditing process with no direct engagement with the local labor support groups and workers.

5.2 Athletic footwear

In athletic footwear, the development started out differently: In 1982, 86% of Nike’s athletic footwear was made in Korea and Taiwan. As those countries began to develop and costs began rising, Nike started to urge its suppliers to re-locate their operations to other, lower-cost countries, namely to Indonesia, China and Vietnam. But the problem of working conditions was not thematized in the US until the 1990s: In 1989, the Agency for International Development provided a human rights grant to the Asian American Free Labor Institute-Indonesia (AAFLI) to do a minimum wage compliance survey of factories that produce goods for the export sector, focusing on wages and working conditions in factories producing Nike goods (Locke/Qin/Brause 2006). After this information gathering, it took again a couple of years to build up networks around this issue to gain public momentum. Quantitative analysis of US news reports of sweatshops and human rights abuses revealed that prior to 1991 only a handful of news articles reported on this subject. Since then, the amount of reports/coverage doubled almost every three years. By 1996, there was a breakthrough in public attention with the “Kathie Lee Gifford - scandal 14, during which the athletic footwear industry and more specifically Nike gained the most attention (Sethi 2003). Nike reacted in various stages, which has been analyzed in detail by Zadek (Zadek 2004).

These highly visible scandals were perceived as crisis by many companies to which they needed to respond - not only fearing image damage, but also Congress legislation. In 1996, Nike and Reebok became founding members of the Fair Labor Association (FLA), which emerged from the Apparel Industry Partnership of the Clinton administration to protect workers worldwide (Esbenshade 2004). The Clinton administration brought together a diverse group of industry, labor and human rights representatives. The political actors were motivated by the desire to mobilize support for the administration’s free trade agenda. After an initial stage, the unions and some human rights groups dropped out of the process because of insurmountable differences regarding living wages and monitoring. A rather small group finally agreed on the charter documents of the FLA after two years of negotiations, which was formally established in 1999. As a critique to the companies’ domination of the FLA, The Worker Rights Consortium (WRC) was developed in 1999 by United Students against Sweatshops (USAS) in cooperation with the Union of Needletrades, Industrial and Textile

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14 “When Kathie Lee Gifford cried on her morning talk show sobbing that she “didn’t know” her clothes were made by teenage girls working 14 and 16 hour days in Honduras, the sweatshop issue burst into the living rooms of TV-watching America. (Bullert, p.6-7)
Employees (UNITE), the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and a number of human rights, labor, and religious groups. Driven by the rivalry between these two initiatives, the Fair Labor Association has made efforts to address some of its weaknesses specifically concerning the monitoring approach (Appelbaum 2000), and turned into the dominant regulatory initiative in this field.

In Europe, Clean Cloth Campaign, founded in 1990 in the Netherlands, started to target European companies in the apparel and sporting sector. The Clean Cloth Campaign (CCC) is an international coalition of various organizations: Consumer organizations, trade unions, human rights groups, migrant solidarity activists and women workers’ organizations with headquarters in 11 European countries and partner organizations in the south. It is also considered a success story in terms of cooperation between NGOs and unions on various levels: Nationally, unions are part of the CCC network (e.g. in Germany IG Metall and the DGB Bildungsnetzwerk); internationally, global unions like the ITGLW take part in international campaigns.

In Germany the campaign gained momentum in 1998, when Adidas became sponsor for the Soccer World Cup in France and obtained world wide license rights. In the course of this highly visible event, news about sweatshop conditions in factories in El Salvador became public. This information was based on information of a project of the German NGO "Christlichen Initiative Romero" (CIR), which is one of the founding members of the German Clean Cloth Campaign and their Salvadorian partners (Comutras). One week after the broadcast, Adidas contacted CIR to discuss cooperation for the improvement of the working conditions (Kampagne für Saubere Kleidung, Rundbrief Nr. 4, 1999). This lead to the foundation of the social and environmental team (SoE), which addresses the implementation of CSR practices within the company. In the same year Puma followed suit. But civil society critique does not end with a change in corporate policies and the establishment of new management practices. Often activist network strategies are separated into two different types: Episodic campaigns focusing on particular issues and specific claims and stable campaigns trying to influence the underlying structural problems. An example for the episodic campaigns is the urgent Appeal Network of the Clean Cloth Campaign. Workers or local labor support groups can requests supportive actions of their western allies if their rights get violated. The action repertoire encompasses a variety of tactics, from writing and distributing a few letters to full-scale campaigns including demonstrations, picket lines, worker tours and flash mobs. It represents a mixture of public a non-public tactics, while the decision to go public depends on the organization behind the call (Merk 2009). This campaign form is also described as
dynamic campaign type, relying on both intense cooperation with local partners and the rapid flow of information and people across borders (Caraway 2006).  

Stable campaigns are continuous efforts of activist networks to publicly challenge existing regulatory arrangements, trying to influence the underlying structural problems. Examples are the recurrent campaigns at high-media-profile sporting events like the Soccer World Cup or the Olympic games. After first years of experience with the code of conduct approach, activists used the already existing infrastructure of transnational organizations (namely CCC, Oxfam and the global unions) to strengthen the cooperation across borders. In an internal meeting, the objective goals were reformulated aiming at not only influencing single companies, but the sector as a whole, including major (meanwhile developed) regulatory initiatives and other important players in the field: „Systemic problems require a collective effort on the part of the entire sector, before they can begin to overcome the system’s limitations and begin to see results from the implementations and enforcements of the codes“ (Merk 2007, p.7). This leads to the start of the “Play Fair at the Olympics” campaign beginning in 2002 (first network meetings), in which the Olympic Games were to be used as an opportunity to establish a single set of standards on labor practices applicable to the whole industry. The demands focused on three issues: Co-operation with appropriate trade unions and NGOs at all levels, the establishment of credible labor compliance policies at company level, including a worker-centered approach and a change in purchasing practice.

Such high media profile sporting events are important for the activists as they can use them to publicly link the virtues of fair play and fair competition, which companies try to link to their brands by sponsoring these events, with the messages of unfair working conditions, under which these products are manufactured. The major report for the Olympic Games started the following way: “The 2008 Beijing Olympics represent a golden opportunity for the brand-conscious sportswear industry to associate its products with the cherished Olympic brand. For a costly, but manageable sponsorship or licensing fee, a sportswear company can infuse its athletic shoes and clothes with the lofty Olympic ideals of fair play, perseverance and, most importantly, winning. […] But there is another side to the story. The abysmal working conditions endured by the young women and men, and children, who make the shoes, jerseys, footballs and other items in contract factories and subcontract facilities around the world.” (Clean Cloth Campaign/Maquila Solidarity Network 2008). In 2004, roughly five hundred actions were taking place in thirty-five countries, including press conferences, street performances, parades, workers tours, demonstrations, petitions, interventions in corporate

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15 For the Chinese setting, direct participation of workers remains very difficult due to the repressive regime character. But in the last couple of years one could witness the raise of local labor support groups, often founded by migrant workers themselves, who are engaged in a variety of different issues trying to support migrant workers. They get supported by activist groups try to link up with them either directly or indirectly via Hong Kong based groups, but also some of the newly funded regulatory institutions like the FLA, ETI or WRC (Interview).
events, alternative torch carrying events, as well as lobbying and contacts to different sorts of actors (Micheletti, M./Stolle, D. 2007).

But not only individual companies were approached with a set of demands, but also the International Olympic Committee (IOC), the World Federation of Sporting Goods Industries (WFSGI) and state actors (Merk 2005). The result of various meetings and debates was that the WFSGI wasn’t willing to negotiate with unions a form of a framework agreement any other form of a more binding regulation for its members. The WFSGI stressed that it was not the right institution to do more than set up a platform for exchange among companies, as it did not have any power over its member companies (Miller 2004). Especially the leading companies did not seem to be interested in a more binding approach at the international level via the world association, but preferred a softer, communicative approach. Instead, the FLA became the most important voluntary initiative for this sector with almost all companies which have been addresses in the campaign, joining in.

The leading companies in the sporting sector now try to respond to the critique on the auditing process by trying to solve the problem in cooperation with the factory and at least partially with the direct engagement of workers or labor support groups. Rather than simply employing factory audits and the threat of sanctions to drive behavioral change, the commitment approach uses includes training of worker and management. The idea of worker training is to inform about their rights and about possible grievance mechanisms. For the first time, workers themselves get a chance to participate in the whole process, having a way for communicating their concerns. These usually include a direct talk to the supervisor or management, suggestion boxes inside the factory or a call to the compliance manager. These procedures are aiming at keeping the complaints inside the factory. Several interviewees stressed, that these programs are not intended to change the power relationship as the buying companies and regulatory initiatives take a neutral role.

However, these trainings cannot only be done by compliance managers or consultants, but also by local labor groups. This could be a way of linking developments inside the factory with general mobilization efforts outside the factory. Local labor rights advocates also use these trainings for the promotion of self-organization and claim making by workers themselves, trying to turn the CSR agenda into a process of empowering workers.

16 “It is not the duty of the international association to give us guidelines. Absolutely not. It can give recommendations or we can use it as a megaphone. That is all” (Interview company A).

17 Just recently the first quantitative study on the usage of different complaint channels of the FLA came out. Even the number of complaints varied greatly: According to the workers, a couple of thousands, according to the managers only just above one hundred in the last twelve moth (FLA survey report, 2009)
Usually Hong Kong based NGOs, which are again part of the international labor activist network and local labor centers, which are usually supported by Hong Kong based groups or other international actors (e.g. Ford Foundation, from Germany GTZ, but also IGMetall) are not allowed to enter factories. They are engaged in different forms of labor support work, for example establishing a counseling hotline, a radio program to broadcast workers concerns, entering the city programs to help migrant adjust to the new circumstances. Especially the labor groups in mainland China have a difficult legal position, but they are often tolerated by the state, as they take on important functions solving disputes. If buying company and factory manager agree, they can get directly engaged by taking a negotiating function with the manager or union representative (the union representative often is part of the human resource management). The aim is to completely abandon auditing approaches by replacing it with communication channels between workers and local labor groups, which take a negotiating position between worker and manager. Only if problems cannot be solves locally, either via these new grievance channels or external legal support, international partners are again getting engaged using systems like the urgent appeal network.

All in all, these networks and their public and non public communication to economic actors are described as system provides local groups with the possibility of widening the geographical range of their protest and scaling up local struggles (Featherstone 2003). Some already see them as emergent systems of transnational industrial relations (Egels-Zandén 2008). At the same time, even if a transnational campaign helps local workers to establish a trade union or other form of labor representation, this success may not last long. In industries, where production is easy to relocate, factories can get closed down easily.

In the final chapter I would like to summarize my findings and discuss further implications.

6. Summary and conclusions

In this paper I tried to show how social movement actors try to politicize working conditions in two fields of global production. The preliminary results of my research indicate that political conflicts between the anti-sweatshop movement, firms, business associations and newly established regulatory bodies have evolved over time and shaped the different initiatives for regulating working conditions which were formed in the two fields of global production.

In the toy sector, the link between consumption and production was established by relating working conditions in supply chains to values of fair play and toy safety. The symbolic consumers are parents, who want their children to play with safe toys, produced under human
working conditions without the involvement of child labor. To gain media attention, criticism was raised specifically at Christmas and during the international toy fair. In athletic footwear, activists also linked their political messages to ideas of fairness as conveyed in big sporting events. The connection to brand images, precisely trying to make money by relating their image to such values, was able to gain more public attention and debates, as well as a broader involvement of citizens in protest around these events. Taking public resonance and mobilization as an indicator for politicization, activists in the sporting areas seem to be more successful.

Activist in both fields aimed at an industry wide regulatory approach including sanctioning mechanisms in case of non-compliance by buying companies. This was possible in the toy sector, where the International Council of Toy Industries has already been engaged in regulating safety issues. In athletic footwear, the World Federation of the Sporting Goods Industry did not get involved in rule making, as specifically the big companies rejected such an approach.

Last, activist in both fields demanded a change in buying practices and the inclusion of workers or their representatives in this process, to turn compliance models from a management driven process into an instrument of worker empowerment. In athletic footwear one can see first approaches of the institutionalization of communication and grievance channels, opening up ways of engagement of local labor groups, only using international networks in specific cases to leverage their claims. This is not yet reached in toy production, as the institutionalization of communication channels requires at least some stability in the buyer-supplier relationship, which is usually the case in athletic footwear. In contrast, toy production is characterized by a high volatility and seasonality, without long term relationships, which seems to limit the possible influence of activist networks.

These findings have broader implications in three respects.

First, these findings suggest, that politicization is a highly demanding process, as it requires actors in networks actively framing and naming the issue, recognizing threats and opportunities and mobilizing resources. Although the struggles for the improvement of labor conditions in supply chains are part of broader attempts of civil society actors trying to
politicize the economy, it is no automatic reaction to the relocation of production, but rather a selective process.

Second, the results of my analysis point to the theoretical and empirical limitations of conceptions of transnational corporations as key regulatory actors popular in the corporate social responsibility literature. My empirical analysis points toward politicization as a constant struggle between civil society actors, corporations and regulatory initiatives. Activist networks are repeatedly challenging the power relations by publicly linking system critique of global economic power with cultural critique on the marketization of everyday life. These challenges are played on various levels which require further investigation: They question the distribution of power between producer and buying company at places of production, as well as the distribution of power between the selling company and its customers at places of consumption. They also raise questions about the rights of workers in the producing companies in global supply chains. The complexities of the struggles, as well as the contingencies which influence the politicization process support Barley’s (2003) suggestion that we need to overcome market-based approaches which tend to reduce “politics” to pressure on firms and their reactions.

Third, the question remains, if such attempts to politicize working conditions in supply chains can lead to a de-politicization. Specifically in the toy sector, the regulatory approach by the international association was able to reduce public debates, making mobilisation around issues of production more and more difficult.
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