A LEAGUE OF THEIR OWN:
HOW BUSINESS-LED PRIVATE GOVERNANCE INITIATIVES ACHIEVE LEGITIMACY*

PRELIMINARY DRAFT

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Abstract: Despite considerable theory on the democratic and problem-solving merits of multi-stakeholder initiatives (MSIs), business-led initiatives (BLIs) have become prominent private governance organizations in numerous industries. While both MSIs and BLIs struggle to establish their legitimacy vis-à-vis governments and inter-governmental organizations, we know relatively little on the competitive dynamics between MSIs and BLIs, particularly on BLIs' non-market strategies. Employing a longitudinal, organizational field approach that combines archival and interview data, I study the emergence and interaction of various private regulatory initiatives within the global apparel supply chain. My findings outline the heterogeneous strategies by which MSIs and BLIs secure legitimacy and provide an explanation for the growing dominance of BLIs in the governance of global supply chains.

Keywords: Private politics; multi-stakeholder initiatives; global supply chains; apparel industry; qualitative

INTRODUCTION

Production chains that span the developed and developing world represent a daunting governance challenge. Transnational networks of firms, civil society organizations (CSOs), international organizations, and business associations have responded with the development of corporate social responsibility (CSR) codes and standards, guidelines, and certifications schemes dealing with labor, environment, governance and human rights issues (Brunsson & Jacobsson, 2000; Cragg, 2005; Djelic & Sahlin-Andersson, 2008a; Scherer & Palazzo, 2011; Vogel, 2010). Initial expectations of convergent, industry-wide private governance initiatives developing around multi-stakeholder initiatives (MSIs) have not been met. Instead, in many industries, there has been a proliferation of numerous, competing standards/codes – some developed by MSIs and some by business-led initiatives (BLIs. This competition has become a source of consternation for the international policy community, who suggest that this regulatory tangle is an impediment to effective transnational economic governance. Where convergence has occurred, it has usually been around codes or standards developed by business-led initiatives (BLIs).

Despite the prominence of BLIs there is relatively little research on the phenomenon. While both MSIs and BLIs struggle to establish their legitimacy vis-a-vis that of government regulation (Vogel, 2008), we know relatively little about how business-led private governance initiatives establish their legitimacy. What explains their rise to prominence? What non-market strategies do they engage in? On what basis do BLIs claim to be legitimate? The few studies on the topic suggest a de-coupling or symbolic management argument (Meyer & Rowan, 1977) whereby BLIs adopt a "thin" version of MSIs' stakeholder governance structures in order to bolster their claims regarding inclusiveness and democratic processes (Fransen, 2012; Gulbrandsen, 2008). This paper examines this phenomenon more closely. Findings suggest that while BLIs do emulate MSIs, their main non-market strategy and legitimacy claims concerns their scale and effectiveness in dealing with existing fragmentation rather than on their democratic credentials. Put differently, their legitimacy claims rest on arguments concerning output rather than input legitimacy.

Employing an inductive, qualitative, comparative approach, I examine the development of a private governance field in the global apparel industry, particularly how competing forms of private governance deal with a similar social issue, commonly referred to as *sweatshops* (Fung et al., 2001). Likely, the longest-standing and most representative of the issues associated with global economic restructuring, sweatshops have been associated with the apparel industry since the eighties and persist in the public eye (Wetterberg, 2012). By means of twenty-one interviews and eighty-six archival sources covering a twenty-five year period, I study MSIs and BLIs in the global apparel industry. Emphasizing the historical lineage of the institutions in which these organizations are embedded I conceptualize the emergence of private governance initiatives through the lens of an organizational field, where ongoing institutionalization projects occur around governance issues (Hoffman, 1999; Schneiberg & Bartley, 2008), and firms engage in collective action for political gain (Barley, 2010).

This study makes a number of contributions. Empirically, it traces and examines the emergence and evolution in the apparel industry's private governance structures over nearly three decades, extending previous studies findings. From a theoretical viewpoint, this more expansive, longitudinal perspective brings into focus the longer-term patterns of NGO contention and industry response hat have not been sufficiently explored in extant literature. Thus, it explains the heterogeneous strategies by which MSIs and BLIs secure legitimacy and provides an explanation for the growing dominance of BLIs in the governance of global supply chains. This theoretical contribution also provides insight into how stronger links between the self-regulation and multi-stakeholder (MSI) literatures may be established, based on an understanding of how these two forms of governance gain credibility and interact.

This paper is organized as follows. I begin by providing an overview of the literature multi-stakeholder initiatives (MSIs) and self-regulation, which I refer to as business-led initiatives (BLIs). I then juxtapose them to each other and to empirical evidence in order to highlight two puzzles – one theoretical, one empirical - that provide the driving motivation for this paper. Next, I review the methods used for the study and present the findings. I conclude with a discussion of my findings.

ORGANIZING GLOBAL GOVERNANCE

The rise of economic globalization in recent decades has resulted in what has been commonly referred to as "governance deficit" (Newell, 2001, p. 908), whereby in some circumstances nation-states are no longer willing or capable of regulating economic activity. Global governance has gradually become understood as an institutional phenomenon whereby governance is generated via shared rule-setting (Levi-Faur, 2011). It is generally understood to produce public goods that "cut across borders" (Kaul et al., 2003, p. 2). Disassociated from territorial boundaries, "governance without government" (Rosenau & Czempiel, 1992) has meant that non-state actors, including firms and non-government organizations (NGOs), have become increasingly active rule-makers and enforcers (Murphy & Bendell, 1999; Scherer et al., 2006). There are numerous terms and definitions used to describe the regulatory phenomenon resulting from this shift. This paper uses the definition of private regulation provided by Vogel: "[C]odes, regulations, and standards that are not enforced by any state and address the social and environmental impacts of global firms and markets, especially in developing countries" (2008, p. 262).

Multi-stakeholder Initiatives (MSIs)

While regulatory governance activities espouse a diversity of organizational arrangements (Abbott & Snidal, 2009), multi-stakeholder initiatives (MSIs) have been pointed to as holding the greatest promise for filling the global governance deficit (Utting, 2002a). This organizational form is considered by some scholars to be one of the most important governance innovations of recent times (Cashore et al., 2004), largely because of its inclusive governance structures, transparency and independence from narrow state or commercial interests. As such, it has been described as a vehicle with the purported potential for "re-embedding liberalism" (Polanyi, 1944; Ruggie, 2003), meaning its ability to re-balance social and economic objectives – an imbalance largely brought about by globalization processes.

Sometimes referred to as *civil regulation* (Bendell, 2000a; Murphy & Bendell, 1999; Utting, 2005; Vogel, 2008; Zadek, 2007) or *co-regulation* (Fransen & Kolk, 2007; O'Rourke, 2006; Selsky & Parker, 2005)

MSIs are characterized by collaboration between firms and non-governmental organizations (NGOs) for the purposes of addressing social and environmental issues. At standards that include verification, accreditation, and certification of adherence (Auld et al., 2008; Zadek, 2008). MSIs were described early on by Utting (2002) as schemes where "… NGOs, multilateral and other organizations encourage companies to participate in schemes that set social and environmental standards, monitor compliance, promote social and environmental reporting and auditing, certify good practice, and encourage stakeholder dialogue and 'social learning'". WWF, an NGO involved in setting up numerous such initiatives defines them as "voluntary, market-based approaches that employ multi-stakeholder consultation and negotiation to develop a set of principles, criteria, and indicators for more responsible production, sourcing, and manufacturing practices within or across a given sector or product." (2010, p. 6).

The impetus for MNC-NGO collaboration is argued from three specific complementary perspectives – strategic, learning, and normative. The first perspective suggests that MSIs can be understood as an outcome of the contention between NGOs and firms concerning the rules by which markets are governed. In recent years the study of social movement impacts upon markets has flourished into a rich stream of research. The emphasis has been on how civil society organizations, predominantly advocacy NGOs, have increasingly bypassed governments in order to directly challenge, pressure and engage with corporations concerning their policies and practices (Baron, 2001; Davis et al., 2008; den Hond & de Bakker, 2007; King & Pearce, 2010; Schneiberg & Lounsbury, 2008) (Soule, 2012). The non-market strategy stream of literature refers to this as "private nonmarket competition where private interests such as activists or NGOs try to affect company and industry practices using the arena of public sentiment and (Prado, 2013)the media" (Baron & Diermeier, 2007, p. 540). The main analytic narrative suggests that political contestation on the part of NGOs has resulted in political settlement (Rao & Kenney, 2008) that that have taken the form of MSIs and certification systems NGOs and corporations engaging in collaborative activities for the purpose of addressing social and environmental issues (Bartley, 2007; Rondinelli & London, 2003). Firms have engaged in cross-sector collaboration and alliances in order to

manage the social risk arising from public campaigns, boycotts and other NGO tactics (Bartley, 2007; Kytle & Ruggie, 2005). This point has been strongly echoed by organizational institutionalists who have proposed that firms subjected to reputational damage stemming from boycotts and public campaigns will enter into strategic alliances with governments or NGOs in order to bolster their social legitimacy (Dacin et al., 2007).

A second perspective, emphasizes collaborative learning, suggests that the problems addressed are often global in scope, multifaceted, and fraught with conflicting interests, making it highly improbable to be successfully addressed by a single actor or for a solution to be provided ex-ante. "Complex problems" (Ostrom, 2007, 2010) "wicked problems" (Brown et al., 2010; Dentoni & Bitzer, 2013; Rittel & Webber, 1973) and "super wicked problems" (Levin K et al., 2012) have been used to describe social and environmental issues whose boundaries are unclearly defined, contested, and require concerted, iterative, collective action amongst various groups spanning multiple domains of knowledge, practice and scale. Addressing such problems, requires discovery, experimentation and extensive deliberation (Sabel et al., 2000; Scherer et al., 2013). The inclusion of actors from different sectors permits the pooling of resources including tacit knowledge and skillsets that lead to innovative solutions to social and environmental problems. MNCs and NGOs have shifted from conflictual to collaborative relationships in order to draw on complementary strengths and resources (Austin, 2000; Rondinelli & London, 2003; Yaziji & Doh, 2009). Den Hond et al. refer to the need to work collaboratively as a form of "strategic fit" (2012).

A third and last perspective refers to the socio-political legitimacy granted by collaboration. In the absence of a sovereign power to legitimately exercise its regulatory ability, the inclusion of firms and NGOs (multi-sector collaboration) involved in deliberative, transparent, decision-making practices is considered to be an indication of democractic process, and therefore a legitimate governance mechanism. If designed properly, private transnational rule-making can be as democratic as intergovernmental rule-making (Dingwerth, 2007). Decentralized deliberation (Fung, 2003; Fung et al., 2001; Sabel et al., 2000; Young, 2004) and third party audit and verification processes (Cashore et al., 2004) have been pointed to by

numerous scholars as the key social mechanisms conferring legitimacy. Scherer and Palazzo provide a succinct summary of the argument in favour of MSI deliberative structures when they state that they "…can be understood as a 'school of democracy' where participants learn to solve problems together" also adding that power relations can be "…better neutralized by the design of the arena" (2011, p.917).

This last point is key to the argument proposed by deliberative democracy scholars. Applying political theory to MSI structures (Zürn, 2004), they have generally conceptualized institutional design in terms of input legitimacy (Scharpf, 1997), meaning how rules are developed (the input to the political process). Input legitimacy requires inclusiveness and transparency. Output legitimacy refers to the outcomes of regulation - effectiveness in addressing the issues and solving problems. Summarizing the literature applying political theory to MSI structures, Mena and Palazzo (2012) have argued that both input and output legitimacy is required for effective private regulatory governance.

Figure 1: Theoretical process for scaling up CSR codes via MSIs
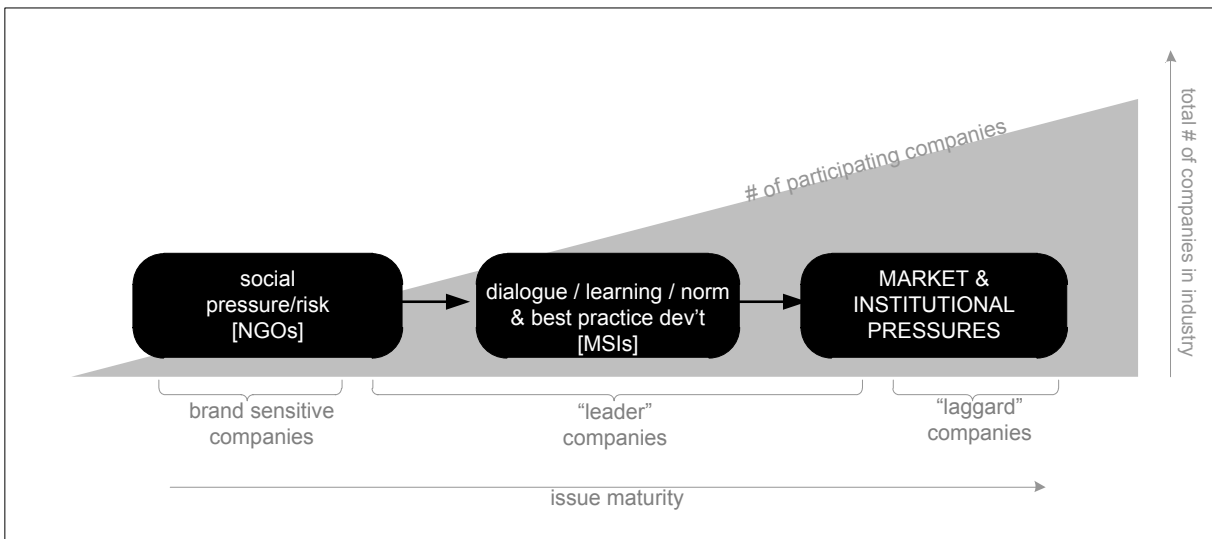
Connecting these three perspectives together provides a process perspective on the antecedents, formation and outcomes of MSI formation. Activists' ultimate intent is to bring about field-level change (Bartley & Child, 2011 ; den Hond & de Bakker, 2007) and some proponents have asserted that

convergence of entire industries around a core MSI may eventually develop (Bernstein & B.Cashore, 2008; Zadek, 2006). Although there are variations in reasoning, arguments in this vein can be conceptually understood as generally following a three stage process (see Figure 1 above): 1) an increase in MNEs' social risk generated by NGOs; 2) the participation by leader companies in forums and institutions that facilitate stakeholder dialogue, best practice identification and norm development; 3) the resultant market and institutional pressures upon laggard firms to adopt best practices.

According to Zadek (2006), companies progress from a "defensive" posture, where they deny the problem, to various higher order stages: "compliance" where CSR initiatives are perceived as a cost; "managerial", where such issues are integrated into management processes; "strategic", where potential there is a synergy between the issues and the business; "civil", where leading companies persuade other firms to move through the same stages by partaking in MSIs (Zadek, 2006). In a similar vein, Yazigi and Doh's evolutionary perspective of corporate – NGO interactions suggests that in latter stages of collaboration firms may partners with NGO coalitions to push for industry-wide legislation that will provide competitive advantage and reputational benefits (2009, p. 182). Bernstein and Cashore's (2007) non-state, market-driven (NSMD) theory places greater emphasis on shared norm development, rather than instrumental gains of leader companies. However, they too affirm that certification systems progress through increasingly encompassing stages of development: initiation, building support, and political legitimacy. Underpinning such arguments is the suggestion that collaboration between leader firms and NGOs would provide the normative basis required to shift collective firm behavior. As Ruggie suggests: "[t]he corporate world is not a single, unified block, opposed to progressive change. As in any other social domain, there are leaders as well as laggards, and leaders can become allies in meeting global governance challenges." (2007)

The research on MSIs is limited to a very narrow list of initiatives. By far, the most studied initiative is the Forest Stewardship Council (FSC) (Bartley, 2003; Boström & Hallström, 2010; Cashore et al., 2004; Dingwerth, 2007; Gulbrandsen, 2010; McNichol, 2008; Murphy & Bendell, 1999; Pattberg, 2007; Scherer & Palazzo, 2011). The FSC is a private, non-for-profit MSI based in Bonn, Germany. Established in 1993,

following the failure of inter-governmental attempts to establish a binding convention for forest management at the 1992 Rio Summit, it is generally referred to as the first and multi-stakeholder private regulatory governance initiative. Its purpose is to promote responsible management of the world's forests via standard setting, certification and labeling of forest products. As such it has become the template for how an MSI should be designed, included in nearly every discussion of legitimate transnational governance involving corporations. Vogel (2009) suggests that there have been more studies on the FSC than all other initiatives combined.

Business-led initiatives (BLIs)

Though the MSI regulatory form has figured prominently in the management and transnational governance literature, a related literature concerning the second form of private regulation has developed in parallel. Referred to as *business-led* or *industry self-regulation,* this form refers to when "companies join together to regulate their collective action to avoid a common threat or to provide a common good by establishing a standard code of conduct" (King & Lenox, 2000, p. 698). I use the term *business-led initiative* (BLI) to contrast it with the term *multi-stakeholder initiative* (MSI). A distinguishing characteristic of BLIs that differentiate them from MSIs is their governance structure – whereas an MSI board of directors is composed of representatives from both industry and civil society (NGOs), BLI boards are composed exclusively of corporations, effectively excluding NGOs from decision-making power. As reviewed above, shared decision-making is a considered a key characteristic of MSIs and as such an essential characteristic (Van Huijstee, 2012). Early writings on MSIs suggest that the MSI or NGO form emerged as a reaction to business-led initiatives, viewed as non-credible forms of private regulation by civil society actors (Bendell, 2000b; Murphy & Bendell, 1997; Utting, 2002a, 2005).

Scholarship on BLIs has grown significantly in recent years, particularly within the fields of management strategy and political science (Barnett & King, 2008; Fauchart & Cowan, 2013; Héritier & Eckert, 2009; King & Lenox, 2000; Lenox, 2006; Potoski & Prakash, 2009; Yue & Ingram, 2012). Contributions generally draw on the rational choice, new institutionalism framework within political science, including

collective action (Olson, 1965) club theory (Buchanan, 1965) and resource commons management theories (Ostrom, 1990).

The core argument is that individual firm reputations are interdependent, meaning that the behavior of poorly performing firms will draw attention to and diminish the reputations of entire industries – what Barnett and King refer to as an "intangible commons" (Barnett & King, 2008). Therefore, exogenous shocks resulting from negligence on the part of one or a few firms can lead other firms in the industry to enagage in self-regulatory processes as a means of repairing and safeguarding collective reputation, avoiding sanctions and deflecting government regulation (King & Toffel, 2009). As individual firms do not have the ability to individually repair the industry's reputation, they engage in collective action as a means of doing so (Barnett & Hoffman, 2008). As such, actors are perceived as rational and instrumental, capable of assessing collective benefits and engaging in collective action as a means to bring them about (Knight, 1995). In much the same way as the MSI literature is heavily based upon studies of the FSC, the self-regulation literature is predominantly based upon the chemical industry's Responsible Care program (Barnett & King, 2008; Conzelmann, 2012; Hoffman, 1999; King & Lenox, 2000).

Competition and interaction between MSIs and BLIs: critical puzzles

Juxtaposing the literature on MSIs and BLIs draws out two compelling puzzles. Each has exposed different socio-political mechanisms underpinning the respective institutions – while the MSI literature strongly emphasizes democratic legitimacy, the self-regulation literature's focus is upon collective industry reputation. Both suggest that a properly designed governance structure allow you to transcend corporate self-interest and ensure widespread acceptance and diffusion. Paradoxically, conclusions regarding the suggested governance structure are diametrically opposed - one literature suggests that industry-wide scale will result from group heterogeneity while the other literature proposes that group homogeneity is required. While the MSI literature's aforementioned focus on processes of deliberative democracy focuses on the social benefits of group *heterogeneity*, the self-regulation literature's focus on reputational

pressures leads to the suggestion that group *homogeneity* is a key determinant of collective action and effective self-regulation (Barnett, 2006).

The implications of combining these two distinct literatures presents a theoretical puzzle representative of the ambiguous state of the literature on private regulation. Despite the fact that both these literatures deal with private regulation, they remain largely isolated. This is problematic, for their juxtaposition provides a useful lens from which to contemplate different aspects of the same phenomenon. These literatures are in fact complementary in many respects.

As mentioned above, the MSI and transnational governance literature strongly emphasizes institutional legitimacy, suggesting that business-led forms are a less credible form of private regulation (Vogel, 2008) (Braithwaite & Drahos, 2000). This is due to fact that while business-led initiatives are exclusionary, including only firms and their trade associations, MSIs include a variety of stakeholders (Albareda, 2008; Bernstein, 2011; Bernstein & Cashore, 2007; Hahn & Weidtmann, 2012; Mena & Palazzo, 2012; Reed et al., 2012). Such a view is widespread in the international policy community as evidenced by a recent report by the G20 interagency working group:

> The process of taking into account differing views of the key parties concerned… tends to strengthen initiatives and give them more credibility in the eyes of the public since civil society groups are consistently seen as more trustworthy and respected by the general population when compared with individual companies or industry associations. (G20 Inter-Agency Working Group, 2011) P.18

However, empirical evidence suggests a mismatch between existing theory and the phenomenon of transnational private regulatory governance. While MSIs have been generally promoted by both practitioners and scholars as the legitimate form of private regulation, business-led initiatives have grown significantly in some industries. Vogel suggests that the vast majority of governance codes and standards have in fact been adopted by trade associations or individual firms (2008). In some industries such as electronics, chemicals and telecommunications they are the only form of private regulation, whereas in others, such as forestry and apparel they have gain a significant proportion of regulatory share vis-à-vis

MSIs (Bartley, 2010; Fransen, 2012). However, despite the prevalence of private regulatory governance driven by business groups, there has been scant attention paid to such phenomena.

The recent institutional literature investigating social movements and stakeholder politics has focused on the collective action and influence of social movement organizations (Bartley & Child, 2011 ; de Bakker & den Hond, 2008; den Hond & de Bakker, 2007; King & Pearce, 2010). However, as Soule suggests, we do not know much about business responses to activism (Soule, 2012). Consequently, there is a clear need to address broader patterns of contention and countermovement. Often characterized as passive rule-takers, firm responses may in fact comprise a much broader spectrum than portrayed in the extant literature. Various approaches have been proposed. In a review of the empirical research on the subject, Delmas and Toffel argue that the institutional perspective is unable to explain the diversity of firm responses to institutional pressures (Delmas & Toffel, 2012). They suggest the need to consider the interaction between firm characteristics and institutional pressures. Mena and Wäger argue for the need to extend the timeframe of analysis and view the interaction between firms and NGOs from an iterative perspective whereby the creation of MSIs do not represent an end-point but the beginning of a new round of firm-NGO interaction (Mena & Wäger, 2012) .

It has in fact been well established in the neoinstitutional literature that corporate responses to institutional pressures are varied (Lawrence et al., 2009; Oliver, 1991) and that corporations can alter their environments (Pfeffer & Salancik, 1978), fuses together the economic and the political (Baron, 1995; Mintzberg, 1983; Mintzberg et al., 1998; Selznick, 1984). Recent research has pointed to cases where firms targeted by activists resist or harness such forces. For example, the "corporate-sponsored boycott", where firms partner with activist NGOs in order to target and campaign against other firms (McDonnell, 2012). Similarly, seeking to understand the reaction of firms to transnational governance pressures, Black draws on Oliver (1991) to suggest that firms, facing uncertainty and complexity in the institutional environment, may actively participate in the definition of what is legitimate regulatory governance (Black, 2009).

This stream of research suggests that under certain conditions firms and firm coalitions may actively attempt to shape the private governance agenda, effectively competing with other coalitions:

> "When a firm chooses a market strategy, that strategy competes with the strategies of other participants in the market. Similarly, when a firm chooses a nonmarket strategy, that strategy competes with the strategies of others, including other firms, activists, interest groups, and government agencies. That competition shapes the nonmarket environment and often the market environment as well. The nonmarket environment thus should be thought of as competitive, as it the market environment." (Baron 2006: 34).

There is, however, a dearth of analysis on the relationships amongst different initiatives (Rasche, 2010) or between different forms of regulation (Auld et al., 2008).

> Theorizing this type of regulatory competition among private initiatives is a crucial task for the literature on voluntary programs. Does the sort of competition, conflict, and mutual adjustment observed in these cases water down or ratchet up compliance? To date, few have provided empirical purchase on this question, even though a variety of sectors (forestry, apparel, coffee, and organics) feature competing clubs. (Bartley, 2009, p. 130)

How do BLIs compete with MSIs? How have BLIs established themselves despite being considered less legitimate? The few scholars that have addressed this issue underscore the fact that industry associations will often develop initiatives after the development of NGO-led systems, in order to compete with MSIs and generally as a response to the demand for certification systems (Bartley, 2010; Fransen, 2012; Gulbrandsen, 2008). Their findings suggest a de-coupling argument whereby BLIs emulate MSIs but that they do so by adopting a "thin" version of MSIs' stakeholder governance structures in order to bolster their claims regarding inclusiveness and democratic processes. As such, they point to legitimacy-seeking as the key mechanism:

> Business-driven programmes can thus be understood as legitimacy-seekers, and their staff seems to care about the prevailing norm of multi-stakeholder governance as a legitimate way of organizing responsibility. But there is a pick-and-choose quality regarding the substance of institutional revisions that suggests strategizing. (Fransen, 2012, p. 178)

The studies of how BLIs compete with MSIs and the legitimacy claims they make are however few in number and, as has recently been suggested, more research is required to fully understand the

phenomenon (Kolk, 2013). This study extends current research on the topic by studying business-led legitimacy arguments in the apparel industry.

METHOD

Conceptual framework

As a means of integrating the MSI and self-regulation literatures, and analyzing the phenomenon of regulatory complexity, I conceptualize the emergence of private regulation in each industry through the lens of an organizational field[1]. The organizational field concept has become one of the main approaches for understanding how ongoing institutionalization projects (ie.: private regulation initiatives) develop around regulatory issues (Bartley & Child, 2011 ; Hoffman, 1999; McNichol, 2008; Wooten & Hoffman, 2008). The level of analysis has been strongly suggested as a particularly suitable framework for future studies concerning private global regulation (Djelic & Sahlin-Andersson, 2008b). The inherent benefit of the organizational field approach is that it permits us to view organizations and the strategies they pursue, in relational and historical context (McAdam & Scott, 2005).

I model organizations as political actors that engage in collective action for a variety of reasons - to pursue specific interests, mitigate risks, and/or guard against uncertainty. They will often engage in collective action in order to do so, normally by forging political coalitions (Barley, 2010; Baron, 1995, 2006; Djelic & Sahlin-Andersson, 2008a; Fligstein & McAdam, 2012). Their non-market strategies are often exhibited in their discourse and rhetorical strategies (Maguire & Hardy, 2006; Nelson et al., 2004; Suddaby & Greenwood, 2005). However, due to the highly uncertain nature of the environment, the strategies they pursue are not always deliberate – rather, they often emerge and materialize ex-ante (Mintzberg & Waters, 1985), sometimes as a result of, rather than prelude to, collective action. Therefore,

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[1] The terms organizational field and institutional field have been used interchangeably in the literature (Davis & Marquis, 2005). I use the term organizational field in order to emphasize the organizational-relational aspects and ensure consistency with the literature focused on regulatory field issues (Wooten & Hoffman, 2008).

understanding relational patterns of actors in historical context, by tracing over long periods of time becomes essential (Mintzberg, 1977; Mintzberg, 2007).

Empirical Setting

Comparisons of code setting initiatives at the global industry level reveal various degrees of complexity with a few industries such as the chemical industry developing fully consolidated approaches (Responsible Care). However, the majority of industries with global supply chains have developed highly fragmented private governance with numerous MSI and business-led initiatives. Illustrative of a very fragmented private regulatory field characterized by high levels of competition between different forms of private governance is the global apparel industry, one of the most publicly visible consumer goods industries. The apparel industry has likely been the most targeted industry by activist campaigns for its labour violations involving sweatshop conditions in overseas supplier factories (O'Rourke, 2003). Widely demonized by NGOs for decades, it has developed numerous codes of conduct in order to deal with the issue – some developed as MSIs and some as BLIs (see Table I below). Although MSI standards are generally viewed as more credible (Turcotte et al., 2007), BLIs have become increasingly prominent in the apparel industry (Fransen, 2011).

It is commonly argued that the numerous codes of conduct have resulted in a great deal of duplication of efforts, hampering progress in improving conditions in the supply chain (Bartley, 2007). Conroy writes: "even in 2007 there are no widely credible, enforceable labor standards and no widely applicable labor certification system in the footwear and apparel industries" (2007, p. 12).

TABLE I: Global apparel supply chain – private regulatory initiatives

Organizational Form	EU-based	US-based
NGO coalitions **(non-government organisation)**	• **CCC** (Clean Clothes Campaign, Amsterdam)	• **WRC** (Worker Rights Consortium, Washington)
MSIs **(multi-stakeholder initiatives)**	• **FWF** (Fair Wear Foundation, Amsterdam) • **ETI** (Ethical Trading Initiative, London)	• **FLA** (Fair Labor Association, Washington) • **SAI** (Social Accountability International, New York)
BLIs **(business-led initiatives)**	• **BSCI** (Business Social Compliance Initiative, Brussels) • **Sedex** (Supplier Ethical Data Exchange, London) • **GSCP** (Global Social Compliance Programme, Paris)	• **WRAP** (Worldwide Responsible Accredited Production, Washington) • **FFC** (Fair Factories Clearinghouse, New York) • **SAC** (Sustainable Apparel Coalition, San Francisco) • **TSC-CFT** (The Sustainability Consortium Clothing, Footwear, and Textiles Sector Working Group; Fayetteville, Arkansas)

Data collection

Data was gathered from a number of different sources, including semi-structured interviews and archival data, particularly trade publications, specialized CSR practitioner journals, and MSI or BLI annual reports (see Table II below). The complete dataset is composed of twenty-one interviews with twenty different individuals and eighty-six archival sources covering a twenty-five year period.

Archival data was collected from a number of sources. Comprising initiatives by some of the world's best known brands such as Nike, Adidas, Gap and Levi's, and retailers such as Tesco, Carrefour and Wal-Mart, criticism of the industry's production and sourcing practices is highly visible to the public. Consequently, media reports, expert analysis and academic case studies are plentiful and provide a fruitful secondary source of data, including information regarding the contestation and competition taking place amongst initiatives.

The Factiva database was used to search for relevant press releases, reports, newspaper articles and industry trade publications including Just-Style, the most prominent trade publication in the apparel and textile industry. Additional sources of archival data included CSR trade publications and reporting websites such as Ethical Corporation, CSRWire and the Business & Human Rights Portal. Documents produced by the organizations themselves were collected from their websites. These included newsletters, annual reports, and relevant website pages. Interviewees also suggested a number of reports produced by NGOs and consultants.

Interviews were conducted between December 2011 and September 2013. When possible, in-person interviews were conducted at the informant's work location. Locations for on-site interviews included Amsterdam, Brussels, Geneva, New York, and the San Francisco Bay Area. The remainder of the interviews were conducted over the telephone or by Skpe. The duration of the interviews ranged from one hour to three hours. Transcriptions of the interviews resulted in a total of 735 type-written pages.

Interviews were conducted with participants from firms, business associations, activist NGOs, research NGOs, MSIs, consulting firms, government agencies and international intergovernmental organizations. A pilot study was conducted between October 2011 and June 2012 to explore the general issues and concepts, validate interest in the study, and assess feasibility. These initial interviews were with informants from inter-governmental organizations (IGOs) and labor rights independent consultants, as such informants have a high-level familiarity with the issues, and do not participate directly in the development of standards and codes. In keeping with the longitudinal approach of this study, the intention was to establish a high-level understanding of the governance field, its evolution and actors, before engaging the data collection effort at a more granular level. Doing so allowed me to confirm the relevance and feasibility of the study. Preliminary findings also permitted a fine-tuning of the research design and data collection strategy, providing an estimate of the scope of interviews required for theoretical sampling saturation.

A semi-structured interview approach was used in order to achieve a working balance between comparability and flexibility. Although efforts were been made to ensure that similar questions are asked across all respondents (to permit comparison), in keeping with an inductive approach, some flexibility was permitted as a means of permitting respondents to convey what aspects are most salient as informed by their perspective and experience (Shah & Corley, 2006). Such an approach can be considered as a "guided inductive" approach as it provides structure for comparison between cases but permits the discovery of new concepts.

Sourcing data from various sources enabled triangulation by matching the recounting of events in interviews with archival data. The gathering of interview data was intended to provide as rich a description as possible concerning events and actors' intentions.

Table II - Data sources

Organization	Source 1 – interview data	Source 2 – data produced by organization	Source 3 - 3rd party data
Firm	Interviews w/ firm managers	Firm-specific codes of conduct; annual reports, press releases	Reports, analysis, and blogs by specialized agencies, consulting firms and research NGOs. Media scans (newspapers, specialized media outlets and journals).
BLIs	Interviews w/ business association reps	Association codes of conduct; association websites, press releases and annual reports; membership lists.	
MSIs	Interviews w/ MSI reps	MSI codes of conduct; association websites, press releases and annual reports; membership lists.	
Civil society	Interviews w/ NGO reps (including NGO coalitions)	NGO codes of conduct; association websites, press releases and annual reports; membership lists.	
Government/ intergovernmental organizations	Interviews w/ International Organization reps	codes of conduct; websites, press releases and reports; membership lists	
N	21	49	37

Retrospective bias is generally a problem in longitudinal studies of this nature (Huber & Power, 1985). In order to minimize retrospective bias arising from ex post reflection by interview subjects, data sourced from interviews with various participants (see Table II) was compared in order to assess divergent perspectives and varying points of view on the same phenomena. Archival data is also subject to possible sources of bias including "selective deposit and survival" (Pettigrew, 1990, p. 277). Data sources included archival data produced when the events were unfolding.

In some cases, portions of the analysis were presented to interviewees and requesting feedback on the contents. Requests for such feedback were normally made in the weeks or months following the interview. Doing so served two purposes. First, it provided checks on the precision, fairness, comprehensiveness and overall validity of the analysis (Patton, 2002, p. 560). Second, it provided guidance on how to proceed for pending interviews (Gioia et al., 2013).

Data Analysis

The data were analyzed in a three stage process. In a first stage, secondary data was analyzed to produce a detailed chronology of events related to private governance initiatives in the global apparel industry. I began by familiarizing myself with the data available in academic studies, books, websites, annual reports, media coverage, specialized trade journals, and analyst reports. The resulting longitudinal event history database (Hardy & Maguire, 2010; Van de Ven & Poole, 1990) provided a detailed account spanning initial events in the 1980s up to and including events in recent years. The detailed accounts were of actors' actions at specific points in time and provided a detailed reconstruction of event sequences.

In a second stage, all data, including documents and transcribed interviews were coded by the author using AtlastTi. During this stage, open or "in vivo" coding (Corbin & Strauss, 2008) of all data, meaning the use of empirically grounded classifications of the data, resulted in the generation of a significant number of first order codes that were grouped into first-order categorizations. In addition, as a means of

validating and refining the timeline, codes were also used to temporally order the archival documents and data generated from interview passages. During this stage, interpretation of the data was conducted in the form of an initial narration of events (Langley, 1999) as a means of creating an initial theorization concerning distinct phases in the evolution of the field.

The third stage of analysis involved axial coding, whereby initial first order codes were grouped together into more theoretical categories and aggregate dimensions. During this stage, the initial theorization concerning distinct phases in the evolution of the field created in stage 2 was further refined and by matching the theorized phases to the axial codes.

FINDINGS

In this section I present the main findings generated by the analytical process outlined above. I begin by presenting the final condensed narrative outlining the distinct phases in the evolution of the governance field revealed by analysis of the detailed timeline of events and interview data. The final state of the analysis reveals four phases in the evolution of the field, delineated by explicit inflection points. Drawing on Hoffman (1999) I first describe salient events affecting field formation followed by the changes in composition of the field.

I then provide a table summary of the final data structure resulting from the data coding. Content analysis of the data reveals considerable differences in MSIs and BLIs legitimation strategies. The combination of both the longitudinal analysis of the field and content analysis establish the increasing dominance of BLIs (the "what") and reveals how BLIs were able to achieve it (the "how").

Phases in Field Evolution

Figure 2: Global apparel supply chain – private regulatory initiatives (4 phases)
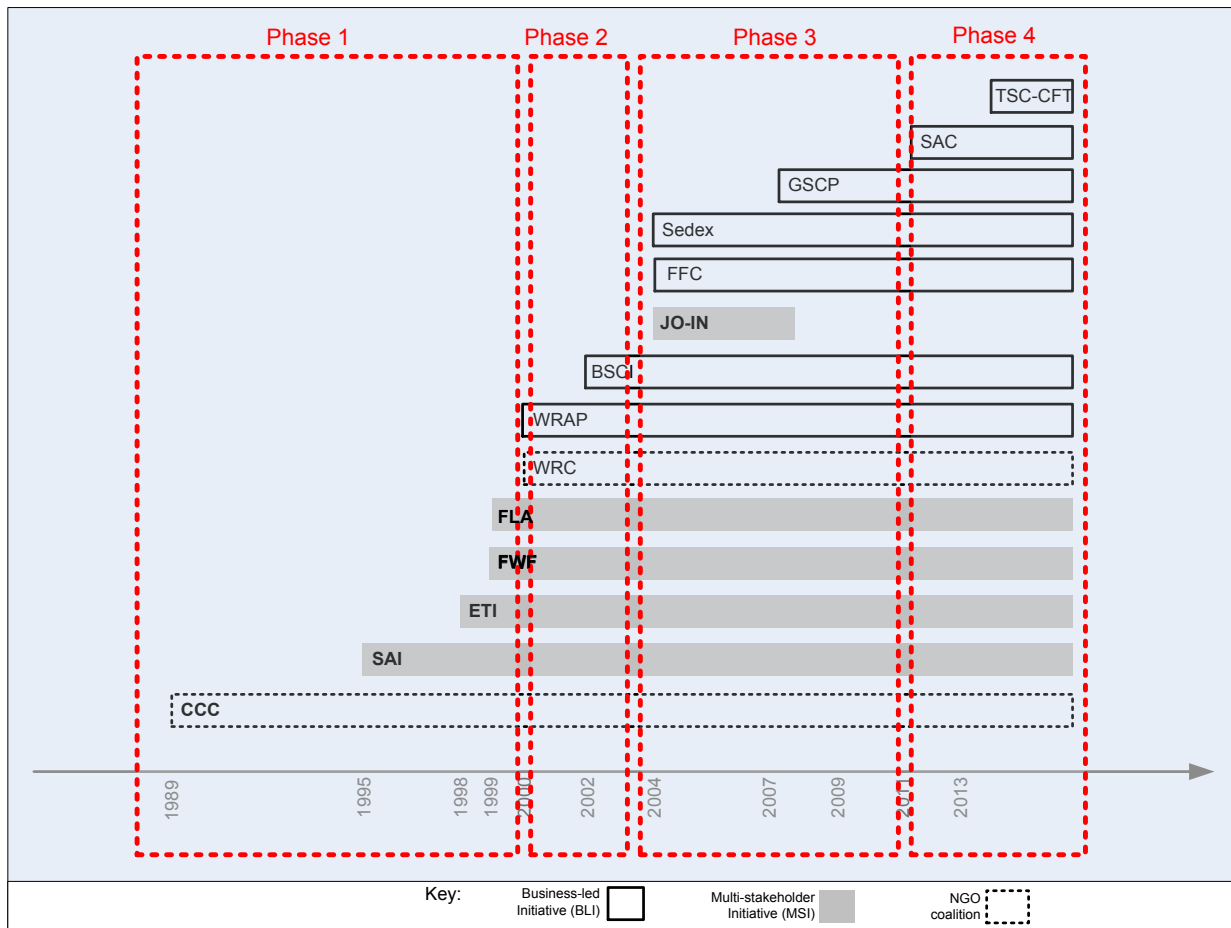
In each of these phases a new form of collaborative activity and approach has emerged. Rather than supplant or displace existing forms, each new approach has become superimposed on existing forms suggesting that each of these organizational forms has been able to establish its legitimacy.

Phase 1 (1989-2000): the emergence of multi-stakeholder initiatives (MSIs)

Disruptive events

In the late 1980s and early 1990s, initial campaigns against overseas sweatshop labor take place. SOMO, a research NGO in the Netherlands publishes evidence of sweatshop labor in Dutch and British retailers' supply chains leading to protests in the United Kingdom (UK) and the Netherlands (Sluiter, 2009). The Clean Clothes Campaign (CCC), a coalition of activist groups concerned with ethical issues is formed in 1989. Based in the Netherlands and U.K. the CCC activist network quickly expands across Europe (Sluiter, 2009). In the United States (U.S.) investigative reporters publish the first detailed accounts of sweatshop labor as a central issue by the National Labor Committee in Support of Human and Worker Rights (NLC), an organization with strong affiliation to labor unions (Featherstone & USAS, 2002).

Discovery of serious human rights violations by their suppliers, prompts leading U.S. brands including Levi's and Gap to respond by issuing purchasing and manufacturing guidelines for their suppliers (den Hond et al., 2010). However, individual company codes of conduct are widely criticized by NGOs for lacking credibility – main criticisms include their one-sided development, their disregard for ILO core labor conventions, and their poor auditing programs (Bartley, 2003; Moberg, 1999). Increasing scrutiny by U.S. State Department and leading activists' exposés, particularly of Nike and the Kathie Lee label at Wal-Mart, attract significant media attention and the formation of various activist coalitions including Sweatshop Watch. Campaigns on university campuses across the U.S. targeted at leading apparel and sportswear brands result in the formation of the United Students Against Sweatshops (USAS) (Featherstone & USAS, 2002).

A turning point is reached in the mid 1990s when, following repeated attempts at disclaiming responsibility for activities taking place at its suppliers, Nike relents to intense activist pressure, publically acknowledging responsibility for many of the issues facing its suppliers and agreeing to take responsibility for labor violations in its supply chain (referred to by activists as the "Nike moment") (den Hond & de

Bakker, 2007; Locke et al., 2007; Zadek, 2004). Company level codes are increasinlgy de-legitimized by activists, claiming that such attempts are litlte more than public relations exercises. Increasing pressure for more credible alternatives and approaches.

Organizational field

The result of this unswerving groundswell of activism pressuring corporations to deal with their supply chain issues eventually leads to the development of a new of regulation (Bendell, 2004; Utting, 2002a). In both the U.S. and Europe numerous multi-stakeholder initiatives (MSIs) are formed, for the purposes of establishing codes of conduct and certifying auditors to monitor and report on conditions in supplier factories (See Table III below). Such collaborations involve NGOs and firms, and in some cases, trade unions, focus on raising consumer awareness of the issues in order to increase demand for more ethical products and provide the information required for them to make such choices (Conroy, 2007; Fung et al., 2001). The standards and codes of condut developed by such organizations are all based upon intergovernmental conventions regarding labor and human rights. The conventions most commonly referenced include the the ILO Declaration on Fundamental Principles and Rights at Work and Article 23 of the Universal Declaration on Human Rights.

In addition to the MSIs, NGO and trade union coalitions develop their own codes. Now well established in Europe, the CCC claims to develop the most stringent such code. In the U.S., the United Students Against Sweatshops (USAS), critical of corporate influence in the Fair Labor Association (FLA), one of the most prominent U.S. MSIs, establishes its own initiative, the Workers Rights Consortium (WRC), together with university administrators, and international labor rights experts. Forty-four universities join the WRC in its first year of operations (WRC, 2013).

Table III: Phase 1 (1989-2000) organizational field – new initiatives

	Initiative	Est.	Founder(s)	Governance	Operational scope	Inclusion of Int'l Norms	Mission
Phase 1	**CCC (Clean Clothes Campaign), Amsterdam**	1989	Solidarity campaigners		alliance of trade unions/NGOs 15 EU	ILO and UN conventions	Ensure that the fundamental rights of workers are respected.
	SAI (Social Accountability International, New York);	1995	Council on Economic Priorities (CEP)	trade unions, brands and NGOs.	3,000 factories, across 65 countries and 66 industrial sectors	ILO conventions	Advancing the human rights of workers around the world., improving workplaces and communities.
	ETI (Ethical Trading Initiative, London)	1998	UK Secretary of State for Int'l Development, companies and NGOs	trade unions, brands retailers, and NGOs.	70 corporate members	ILO conventions	Improve the working lives of poor and vulnerable people across the globe who make or grow consumer goods
	FWF (Fair Wear Foundation, Amsterdam)	1999	brands, trade unions, NGOs	Dutch trade unions, NGOs and business associations	117 brands	ILO and UN conventions	FWF is an international verification initiative dedicated to improving labour conditions in the garment industry;
	FLA (Fair Labor Association, Washington)	1999	U.S. Clinton Administration, brands and NGOs (suppliers?)	universities, civil society organizations and brands	39 companies; 20 suppliers	ILO Conventions	Create lasting solutions to abusive labor practices
	WRC (Worker Rights Consortium, Washington)	2000	USAS, university administrators, and labor rights experts	university administrations students, NGOs,	175 college and universities	ILO Conventions	Combat sweatshops and protect the rights of workers who make apparel and other products

Phase 2 (2000-2004): BLIs mobilize to maintain favorable trade conditions

Disruptive events

In the late 1990s a wave of anti-globalization protests take place. These include the World Trade Organization (WTO) meetings in Seattle, the protests against the World Bank and International Monetary Fund in Washington DC, the summit on the Free Trade Area of the Americas, a proposed extension to NAFTA, in Quebec city. Fierce protests and strong contestation at all of these events call into question the neo-liberal project and demonstrate a new-found strength and determination on the part of global civil society (Smith, 2008; Tarrow, 2005).

The U.S. and E.U. governments in particular, come under considerable pressure to address the global justice movement's concerns. As result, a number of possible policies and regulatory measures are contemplated for dealing with globalization's negative consequences, some of which deal with supply chain abuses in overseas factories (Rosen, 2002). During the same timeperiod, U.S. trade unions, including the American trade union federation AFL-CIO and the garments union UNITE, under pressure from its membership base to do something concerning the large number of job losses, lobbies aggressively for the government to address wrongdoings in overseas factories (Esbenshade, 2004). In the early part of the 2000s, the European Commission considers regulation to address labor issues in overseas supply chains (Wells, 2007).

Organizational field

Table IV: Phase 2 (2000-2004) organizational field – new initiatives

	Initiative	Est.	Founder(s)	Governance	Operational scope	Inclusion of Int'l Norms	Mission
Phase 2	**WRAP (Worldwide Responsible Accredited Production, Washington)**	2000	American Apparel & Footwear Association (AAFA)	corporations	36 national associations and over 150,000 individual companies	12 princples*	Promoting safe, lawful, humane, and ethical manufacturing around the world through certification and education.
	BSCI (Business Social Compliance Initiative, Brussels);	2002	The Foreign Trade Association (FTA)	Corporations (retailers & brands)	700 retailers, brands and importers	free and sustainable trade	Improve the political and legal framework for trade in a sustainable way; build an ethical supply chain

* 12 Principles focusing on local law and workplace regulations, generally accepted international workplace standards, and the environment, facility's customs compliance and security standards in line with the Customs - Trade Partnership Against Terrorism (C-TPAT) Foreign Manufacturers Security Criteria of the U.S. Department of Homeland Security for facilities exporting to the US.

In both the U.S. and Europe, industry groups threatened by the possibility of pending regulation and possible trade barriers, mobilize to establish their own, business-led initiatives. In the U.S., Worldwide Responsible Accredited Production (WRAP) is established by the American Apparel & Footwear Association (AAFA) as a labor and environmental certification program for labor-intensive consumer products manufacturing and processing (WRAP, 2013). It quickly grows in size, claiming to be the largest

such initiative of its kind. In Europe, the Business for Social Compliance Initiative (BSCI) is established by the Foreign Trade Association (FTA), an industry trade group concerned with maintaining free trade and open supply chains. It too, grows quickly from a dozen members to hundreds of members (BSCI, 2013; Egels-Zandén & Wahlqvist, 2007). As confirmed by a BSCI representative, the rapid growth of these business-led initiatives is clearly driven by a combination of activist pressures and rising fears of trade barriers and government regulation:

> So, let's say in the very beginning it was really the pioneers anyway and the more experienced companies and then more companies joined BSCI, because, first of all, they were facing increasing pressure from stakeholders. There was also increasing fear of more legislation at the European or national level. At that time the European commission was also… still… let's say more in the mood to come up with more legislation than the years after…. after that, the commission changed and you had different new commissioners in charge and they basically left it up to business to organize itself, how to run the show basically. (Interview, BSCI representative, 2012)

In an effort to lure away companies participating in MSIs and ensure growth in membership, both the BSCI and WRAP position their standard and certification systems as providing an integrated, flexible approach focused on providing a harmonized solution as a response to the growing regulatory uncertainty and proliferation of private governance initiatives. BSCI describes its mission as a "balance between compromise and progress" (Gardner, 2006) required to "create consistency and harmonization for companies wanting to improve their social compliance in the global supply chain" (BSCI, 2013).

NGOs immediately go on the offensive, attacking BLIs' credibility. The lack of legitimacy generated by its exclusion of NGOs in its governance structure is the key point addressed by critics of the these organizations (Egels-Zandén & Wahlqvist, 2007). The Maquila Solidarity Network (MSN), a prominent activist NGO based in Canada states the following concerning WRAP:

> Terry Collingsworth of the US International Labor Rights Fund calls WRAP 'an industry-dominated project [set up] to avoid outside, legitimate monitoring. In short, it's a dodge, and is so regarded by everyone except industry.' Michael Posner of the US Lawyers Committee for Human Rights has described WRAP as a 'closed door' system because of its lack of transparency or independence. (MSN, 2002, p. 1)

Phase 3 (2004 - 2007) – Attempts to reduce complexity: Competing approaches

Disruptive events

Concern grows over the negative effects resulting from the proliferation of codes of conduct and standards. The view that the resulting fragmentation and complexity in the regulatory system is impeding scale, which in turn is limiting effectiveness, becomes a prominent point in international policy circles. Intergovernmental organizations (IGOs) begin to voice concerns (Utting, 2002b). The Word Bank in particular calls for more collaborative, systemic, and less ad-hoc, fragmented approach, that takes into account local and industry specifics (World Bank, 2003/2004). It explicitly proposes industry-specific initiatives as a way to deal with the inefficiencies and confusion generated by numerous supply chain buyer codes.

The main concern is the inefficient use of resources resulting from duplication (multiple audits of some factories and no audits of other factories), leading to lack of regulatory effectiveness. The problem becomes commonly referred to as "audit fatigue", and it becomes the main source of contention between BLIs and MSIs (Interview with Industry Consultant, 2011). Further adding to the criticism of MSIs are various studies demonstrating the inability to "scale" such initiatives and the ineffectiveness of the social auditing and certification system (Locke et al., 2007; O'Rourke, 2003).

Such concerns are openly acknowledged by the CCC who state the following: "It is commonly accepted that there are in fact too many MSIs and this multiplicity needs to be addressed. Actions to this effect are underway" (Merk & Zeldenrust, 2005). Meanwhile, contestation and criticism of BLIs escalates. In Europe, the CC publishes a report criticizing BSCI suggesting it is merely adding to the audit fatigue problem:

> One must also ask the question why European retailers decided to set up a new initiative. For whatever reason, BSCI-member corporations clearly feel they are not ready to join an MSI preferring instead to establish an institution that is dominated by business interests. The BSCI just adds to the plethora of existing initiatives. The danger is that it will increase public and consumer confusion and undermine the credibility of non-governmental programs to improve working conditions. Furthermore, the BSCI is not accountable to stakeholders outside the acting entity. It does not

involve key stakeholders in decision-making positions; nor does it provide information on factory locations or social audit results. Therefore, the BSCI faces an accountability problem towards the wider public (stakeholders). (Merk & Zeldenrust, 2005, p. 15).

Organizational field

Table V: Phase 3 (2004 - 2007) organizational field – new initiatives

	Initiative	Est.	Founder(s)	Governance	Operational scope	Inclusion of Int'l Norms	Mission
Phase 3	**Sedex (Supplier Ethical Data Exchange, London);**	2004	Marks & Spencer, **Tesco,** Wal-Mart, Carrefour and Metro	Corporations (retailers & brands)	35,000+ members	ILO Conventions (ETI Code)	Ease the burden on suppliers facing multiple audits. Drive improvements in ethical performance of global supply chains.
	Fair Factories Clearinghouse (FFC, New York)	2004	Reebok, U.S. National Retail Federation, Retail Council of Canada, and World Monitors Inc.	corporations, academics, consultants, trade association (WFSGI), audit firms.	30,000 factories in 142 countries; 6,000 buyers,	N/A	Continuous improvements in social, environmental and security standards.
	GSCP (Global Social Compliance Programme, Paris)	2007	Consumer Goods Forum (CGF)	Corporations (retailers & brands)	Companies throughout global consumer goods industries	N/A	Continuous improvement of working and environmental conditions in global supply chains

The Jo-In Platform (Joint Initiative for Corporate Accountability and Workers' Rights), a collaboration between the major MSIs working on labour rights is formed in order to harmonize their codes of conduct and deal with the issue of duplication and system effectiveness. Participants include the Ethical Trading Initiative (ETI), Fair Labor Association (FLA), Social Accountability International (SAI) and Workers' Rights Consortium (WRC). The Clean Clothes Campaign (CCC), an activist NGO with its own code of conduct. is also included (Joint Initiative on Corporate Accountability & Workers' Rights, 2006).

MSIs feel institutional pressure to co-operate and harmonization their codes of conduct. The result leads to the Joint-Initiative Project (JO-IN), an attempt at by the various MSIs and the CCC, an NGO coalition (Lally, 2007), was criticism that MSIs were contributing to the audit fatigue issue plaguing the industry and unable to scale their efforts to a larger group of companies. The Clean Clothes Campaign (CCC), Ethical

Trading Initiative (ETI), Fair Labour Association (FLA), Fair Wear Foundation (FWF), Social Accountability International (SAI) and the Worker Rights Consortium (WRC) jointly attempt to decrease duplication and increase effectiveness by developing a common code of conduct. Unfortunately, the JO-IN initiative ended after just two years due to conflict over the desired level of stringency and best practices (Fransen, 2011). One outcome of this effort results in FWF and FLA establishing an alliance to share audit data intended to avoid double auditing. According to FWF, such an alliance is essential to maximizing resources and demonstrating ability to cooperate (Interview with FWF representative, 2013).

As a response to audit fatigue, the initial "audit aggregators" are created by business groups interested in collaborating on sharing audit information, thereby addressing the duplication of audit issue. The first, is the Fair Factories Clearinghouse (FFC) Sharing Platform, based on Reebok's in-house system, is launched in New York, by Reebok, the U.S. National Retail Federation, the Retail Council of Canada, and World Monitors Inc., a consultancy (FFC, 2013b).

The second initiative, the Supplier Ethical Data Exchange (Sedex) is launched in London by Marks&Spencer and Tesco, two prominent U.K. retailers with global sourcing, and quickly joined by other global retailers (Wal-Mart from the U.S., Carrefour from France and Metro). The third, and largest initiative of its kind is the Global Social Compliance Programme (GSCP) based in Paris. Launched by the Consumer Goods Forum (CGF), a global, industry network, composed of over 400 retailers, manufacturers, and service providers operating in more than 70 countries, it includes many of the same companies taking part in Sedex (Carrefour, Metro, Migros, and Tesco, Wal-Mart) (CGF, 2013). GSCP is a harmonization platform, effectively creating translations between different standards and driving convergence towards a common code (GSCP, 2013b). Although pan-industry both Sedex and the GSCP count the apparel industry as the largest amongst the industries it deals with.

Phase 4 (2007 – 2013) - Continued proliferation: New entrants

Disruptive events

Activitsts increasingly target Wal-Mart operations in China due to prominence as the world's largest retailer. Characteristic of the critiques launched again Wal-Mart, are illustrated by China Labor Watch, a prominent labor rights NGO based in China, who in 2009 issues a report on Wal-Mart's failure to implement basic labor standards.

> Labor conditions in the Pearl River Delta have somewhat improved in recent years but remain devastatingly brutal, characterized by long hours, unsafe workplaces and restricted freedom of association, and are in blatant violation of Chinese and international labor law. The case of Wal-Mart, the world's largest retailer, shows that corporate codes of conduct and factory auditing alone are not enough to strengthen workers' rights if corporations are unwilling to pay the production costs associated with such codes…. Wal-Mart has pledged to increase sustainability in recent years. The Ethical Standards team has rolled out a number of reforms to its sourcing policies, promising to revamp Wal-Mart's factory audit system, create higher standards for supplier factories and offer more capacity-building support. Despite these policies, CLW investigations of randomly-selected Wal-Mart suppliers routinely identified their failure to implement even Wal-Mart's most basic standards.… Given the tens of thousands of Wal-Mart suppliers in China, one-at-a-time improvement is inadequate (China Labor Watch, 2009).

The report also implicitly links the need for it to improve its social performance to the growing importance of the Chinese market:

> Wal-Mart not only manufactures products in the country, but has also made a major retail push there, selling the products of Chinese labor back to middle class Chinese consumers. Wal-Mart had 267 retail stores in China as of October 31, 2009, up from 83 in 2007. Today, this number continues to grow.(China Labor Watch, 2009)

The report garners international media attention and raises concerns at Wal-Mart, leading it to take a firm stance on suppliers' adherence to labor and environmental standards.

> At a sustainability summit in China, Wal-Mart's CEO 'delivered a stern message' to nearly 1,000 of Wal-Mart's leading suppliers, Chinese officials and other stakeholders, telling them that 'Meeting social and environmental standards is not optional'. At the meeting: an objective is set for the top 200 factories it sources from to achieve a 20%

improvement in energy efficiency by 2012; a new supplier agreement that requires suppliers to certify that they complied with China's environmental regulations as well as the company's social and environmental standards, is unveiled. (Chhabara, 2010)

Organizational field

Table VI: Phase 3 (2007-2013) organizational field – new initiatives

	Initiative	Est.	Founder(s)	Governance	Operational scope	Inclusion of Int'l Norms	Mission
Phase 4	**SAC (Sustainable Apparel Coalition, San Francisco)**	2011	Patagonia, Adidas & Wal-Mart	Corporations; Environmental Defense Fund (EDF)	65 companies	N/A	working to reduce the environmental and social impacts of apparel and footwear products around the world.
	The Sustainability Coalition (TSC) Clothing, Footwear, and Textiles (CFT) Sector Working Group	2013	Wal-Mart	Corporate members only on Advisory council and Sector Working Committee		based on life-cycle appraoch (LCA).	design and implement credible, transparent and scalable science-based measurement and reporting systems accessible for all producers, retailers, and users of consumer products.

Wal-mart, the world's largest retailer launches a number of sustainability initiatives dealing with apparel industry sustainabilty. The first project Sustainable Apparel Coalition (SAC) emerges from an initial supply chain sustainability assessment project with Patagonia, an organization considered to be outstanding in the practice of sustainability tracking. Walmart and Patagonia invite the CEOs of twelve companies, including Adidas, to help found the Sustainable Apparel Coalition (SAC), in order to develop an industry-wide index for businesses to measure and evaluate apparel and footwear product sustainability performance as well as guide their improvement efforts (Schwartz, 2011).

Shorlty after, Wal-Mart launches The Sustainability Coalition (TSC), the largest sustainabilty initiative of its kind, focused on developing a global database of information on environmental and labor practices in product lifecycles (from raw materials to disposal). The TSC later launches its Clothing, Footwear, and Textiles (CFT) Sector Working Group in order to develop the Sustainability Measurement and Reporting

System (SMRS) for one or more product categories and for "different areas of environmental and social impact" (what data to collect, how to collect it, and how it should be reported) (TSC, 2013).

GSCP and the United Nations Industrial Development Organization (UNIDO) sign a global partnership agreement described as "…an unprecedented opportunity for member companies to work together on the development and the implementation of a capacity building programme that will be replicable and scalable" (UNIDO & GSCP, 2013)

BLI Strategies

The historical narrative provided above traces changes in the private regulatory organizational field in the apparel industry's global supply chain from inception to time of writing. This narrative suggests that activist pressures were successful early on in establishing MSIs but that business-led initiatives, mounted a countermovement that successfully introduced new approaches that have now become dominant. Based on content analysis of archival documents and interviews, this section provides the final data structure related to BLI strategies that emerged during coding. Three main strategies are revealed.

Strategy 1 – Emphasize the dysfunction of the current system

Whereas MSIs criticize BLIs on numerous fronts (they "water-down" standards; they are just playing a "numbers game"; their decision-making processes are exclusive and opaque), BLIs refrain from doing so publicly. Instead, BLIs focus upon the dysfunction and ineffectiveness characterizing the system. BLIs describe their organization from the point of view of offering a comprehensive solution to the duplication and audit fatigue problem. It is important to note that they have all exploited the concern over the complexity of the governance system to their advantage, emphasizing the severity of the issue and parlaying it into a key contribution by their organization. For example, in an interview with a prominent

CSR publication, GSCP's Wal-Mart representative, a founding member of the organization, refers to the

current situation as unacceptable and positions GSCP and the ideal solution for such a problem:

Mr. Kamalanathan calls the problem of auditing duplication 'crazy', and he believes that the way to get

beyond it is through credible reference standards….Eliminating the need to unnecessarily conduct audits

is a top priority for GSCP. In addition to creating 'audit fatigue' and widespread confusion, excessive

audits add cost. (CSRwire, 2009)

Similarly, when asked about the cause of the audit fatigue problem, a WRAP representative suggested:

> [I]t's not the MSIs' fault, they, you know, they're doing what they can given the
> constraints they're working with. But the problem is much more complicated that is
> often realized." (Interview with WRAP representative, 2013).

Strategy 2 – Achieve output legitimacy with minimal input legitmacy

Although some BLIs do refer to their "stakeholder orientation" or "stakeholder engagement", this does not

appear to be their main legitimacy claim but rather a complementary claim. A detailed examination of the

GSCP approach clearly demonstrates the point and provides an example of BLI approaches in general.

Firstly, GSCP does not claim to be an MSI. In fact, it prominently states that it is business-driven and

involves civil society organizations for consultation purposes only:

> [T]he Global Social Compliance Programme is a business-driven programme for the
> continuous improvement of working and environmental conditions in global supply
> chains. The GSCP was created by and for global buying companies wanting to work
> collaboratively on improving the sustainability (social and environmental) of their often-
> shared supply base. The GSCP also involves civil society stakeholders (notably
> through its Advisory Board) to guarantee the Programme's integrity and inclusiveness,
> while relying on the widest range of knowledge and expertise.(GSCP, 2013a)

In fact, GSCP clearly stipulates its limited input legitimacy, as evidenced by its emphasis on the strict

control and limitations it places over who can participate:

> Partner Organisations are gradually being invited by the GSCP to join the Network. Participation is by invitation only, and is formalised by the signature of an MoU which reflects their and the GSCP's common will to collaborate. (GSCP, 2013c)

Rather than input legitimacy it strongly emphasizes its focus upon output legitimacy via harmonization.

References to consensus must be understood in the context mentioned above, in which participation is restricted and input by non-corporate actors is on a consultative basis, not on a decision-making basis.

> To this end, these companies are working on harmonizing existing efforts to deliver a shared, global and sustainable approach based on consensus and best practice….The GSCP provides a global cross-industry platform to promote the exchange of knowledge and best practices in order to build comparability and transparency between existing social compliance and environmental compliance systems. (GSCP, 2013c)

The GSCP is intended by design to be the largest harmonization effort, both because it is cross-industry and because of the large number of multinationals involved in the effort. The Financial Times' coverage of organization shortly after its launch clearly conveys this approach:

> Even without full support of independent 'stakeholders', the purchasing power of the participants will exert considerable influence over the field. 'They are so huge that people are going to be drawn in', said one labour rights activist. (Birchall & Rigby, 2007)

A description of the GSCP process illustrates the approach in full. Ultimately, although they claim to not be developing another code, they do intend to consolidation of all codes in the field via adoption of its "reference codes". Doing so would mean achieving output legitimacy with minimal input legitimacy.

> To launch the first step of the Programme, the five companies that initiated the GSCP (Carrefour, Metro, Migros, Tesco and Wal-Mart) drafted a Reference Code. This first draft was based on the provisions which, in the respective codes of these companies and other existing codes, afford the greatest level of protection for workers. It was also based on the relevant international labour conventions and guidelines…. As per GSCP methodology, the draft was opened to public consultation in June 2007 for review and improvement…. Looking into the future from an auditing perspective, GSCP would like to see retailers and brands coming together to accept the GSCP Reference Code (CSRwire, 2009).

Strategy 3 – De-politicize the process

A final strategy relates to the de-politicization of the process evidenced in BLI rhetoric. Descriptions of BLI processes accentuate the fact that they are "best-practice driven", "data-driven", "solution-focused", "scientific", etc. while descriptions of their missions and objectives refer to the resources, knowledge and technology they deploy.

For example the FFC suggests the following:

> Technology enables cost-effective, well-informed ethical business transactions and continuous improvements in global workplaces. Data collected by any participant in the global marketplace is shared for accessibility and transparency among all the participants, in accordance with antitrust, creating a global clearinghouse of factory information. The clearinghouse improves the availability, comprehensiveness, and standardization of information regarding factory workplace conditions. We use the information to advance knowledge about workplace conditions and the steps companies are taking to address them. The clearinghouse significantly advances global efforts to improve factory conditions in the global marketplace. (FFC, 2013a).

Similarly TSC offers the following description of what it does:

> The CFT-Sector Working Group participants work collaboratively to build a consistent, practical, and science-based approach to sustainability assessment and information reporting that … improves the environmental, social and economic performance of the clothing, footwear, and textiles value chain. For different areas of environmental and social impact, the SWG will recommend what data to collect, how to collect it, and how it should be reported. The sector will perform research to improve data quality and availability, and create new methods and processes as needed. (Makower, 2009)

Such arguments convey the notion of an "epistemic community" defined by Haas as "...a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue-area" (Haas, 1992, p. 3). As such, BLIs go to great lengths to ensure that the contentious aspects of standard development are minimized and replaces as much as possible by "evidence based management" (Interview with FCC representative, 2011).

DISCUSSION & CONCLUSION

Theoretical contributions

Key findings in this paper contribute to two specific literatures streams: social movements and organizational theory; private regulation. Recent institutional literature investigating social movements and stakeholder politics has focused on the collective action and influence of social movement organizations upon corporations and markets (Bartley & Child, 2011 ; de Bakker & den Hond, 2008; den Hond & de Bakker, 2007; King & Pearce, 2010). However, the other side of the equation has been neglected. While some corporations engage and cooperate with NGOs, other resist and contest institutional pressures (Oliver, 1991). How corporations react, in some cases establishing counter-movements to such activist forces has not been adequately researched (Davis et al., 2008; Delmas & Toffel, 2012; Lounsbury et al., 2012; Soule, 2012).

This study sheds light on this phenomenon by means of a longitudinal study of the apparel industry in which various cycles of contention and reaction are observed. Analysis of this longitudinal data reveals four separate phases in the development of the private regulation of the apparel industry's supply chain. Progression through these different phases contrasts sharply to the existing literature portraying struggle and contention giving way to collaboration. Instead, in the context of the apparel industry, I suggest that initial "gains" and influence by civil society activists were countered in various ways. These included developing alternatives that either marginalized existing MSIs or encompassed them. Firms reacted in a collective fashion, either via existing business associations or by forming new political coalitions. The competition between private regulation initiatives in the field today is between BLIs and BLIs, not between MSIs and BLIs. Consequently, it is safe to say that such models have achieved legitimacy in the marketplace - leading to the question of how they achieved it.

A second contribution concerns the specific non-market strategies employed by BLIs. The deliberative democracy literature emphasizes the role of decentralized deliberation and inclusiveness in legitimizing

firms as political actors and private governance initiatives as credible regulatory organizations (Mena & Palazzo, 2012)(Mena & Palazzo, 2012; Fung et al., 2001) – essentially a focus on input/democratic legitimacy. Building on this view, the few studies on the topic of how BLIs acquire legitimacy suggest that institutional pressure to be "more democratic" lead BLIs to seek legitimacy by emulating MSI stakeholder processes in a symbolic fashion (Fransen 2012; Gulbranden 2008). Although there are clear efforts to engage a variety of stakeholders, BLIs stop short of providing NGOs and trade unions a seat on the Board of Directors, considered to be by civil society organizations (CSOs) a defining characteristic of multi-stakeholder initiatives (Van Huijstee, 2012). Engagement with NGOs and trade unions is restricted to participation in "consultative councils", and as such, are effectively marginalized and excluded from governance structures. An objective of this study was to contribute to this emerging understanding concerning BLIs' legitimation strategies.

Based on the data presented in this study I propose that although MSI imitation and the adoption of "stakeholder rhetoric" may be part of the strategic repertoire, it only represents one dimension of the strategy espoused by BLIs. Moreover, it appears to not be the main element of the strategy and in some cases may not factor in at all. Instead, the findings of this study suggest that the main source of legitimacy for BLIs pertains to scale and efficiency – harmonization, reduced complexity, cost-reduction, etc. This study includes three distinct BLI sub-groups: 1) business-association, trade-related groups such as BSCI and WRAP focused on creating standardized, uniform codes and monitoring systems; 2) audit harmonization groups such as FFC, Sedex and GSCP; and 3) supply chain life-cycle, metric-based initiative such as SAC and TSC. All of these groups demonstrated a similar strategic pattern that involved emphasizing scale or output legitimacy, thereby providing strong support for this assertion.

In contrast to the studies suggesting that BLIs emulate MSIs' stakeholder democracy approaches, I find the inverse relationship – when audit fatigue became a problem, MSIs felt institutional pressures to emulate BLIs' harmonized, encompassing approaches. For example, the impetus for the Joint-Initiative Project (JO-IN), an attempt at co-operation and harmonization of codes of conduct by the various MSIs and the CCC, an NGO coalition (Lally, 2007), was criticism that MSIs were contributing to the audit

fatigue issue plaguing the industry and unable to scale their efforts to a larger group of companies. Although ultimately unsuccessful, the Clean Clothes Campaign (CCC), Ethical Trading Initiative (ETI), Fair Labour Association (FLA), Fair Wear Foundation (FWF), Social Accountability International (SAI) and the Worker Rights Consortium (WRC), were compelled to join forces to decrease duplication and increase effectiveness by developing a common code of conduct (Fransen, 2011).

Research implications / limitations

The CSR diffusion model based on activist pressures and MSI learning and legitimacy processes requires rethinking as the theory does provide a satisfactory explanation of empirical phenomena. This study points to some future research directions for consideration. Two important avenues stand out. The first concerns the fact that the literature on private regulation is characterized by a bifurcated focus on specific forms of private regulation: MSI and BLI. This granular and segmented approach has resulted in a body of knowledge characterized by a lack of contextual specificity, politics and field-level interaction. However, the study of what many BLIs in this study have referred to as "pre-competitive collaboration" – firm coalitions engaged in private regulation – is essential to the study of private regulation. This suggests the need for the MSI literature to engage with the literature on industry associations and the role they play in self-regulation (Barnett, 2006) and political influence (Barley, 2010).

Scholarship on private governance by trade and business associations has grown significantly in recent years within the fields of management strategy and political science (Barnett & King, 2008; Fauchart & Cowan, 2013; Héritier & Eckert, 2009; King & Lenox, 2000; Lenox, 2006; Potoski & Prakash, 2009; Yue & Ingram, 2012). Such a perspective contrasts sharply with the more sociologically oriented literature on MSIs, which emphasizes social norms and legitimacy. As such, further research bridging these two streams is warranted, particularly because both literatures have addressed the need for further theoretical and empirical elaboration. Scholars from the self-regulation literature have suggested "the theoretical and empirical foundations of this growing stream of research on industry self-regulation remain uncertain and contradictory" (Barnett & King, 2008, p. 1150). They have suggested the need for more realistic models of

behavior that relax the rational actor perspective (King & Toffel, 2009) – they specifically refer to Ostrom's concept of "thin rationality" (Ostrom, 1998). As such, there is much to be gained theoretically from an integration of both literatures.

A second potential research stream concerns a closer examination of the audiences that confer legitimacy upon private governance initiatives (Bitektine, 2011). One limitation of this study is that two important audiences (governments and trade unions) have remained peripheral to the central analysis – a characteristic shared with much of the literature on private regulation. Bernstein and Cashore for example, have suggested that MSI initiatives "derive authority directly from interested audiences, including those they seek to regulate, not from sovereign states" (2007, p. 348). The suggestion is that it is the MNCs and NGOs that often participate in these initiatives that form the political community that confers legitimacy. However, Vogel argues that businesses have generally adopted CSR codes and standards in order to preclude government regulation (2008, p.268). Extending the latter line of reasoning suggests BLIs' ability to forestall government regulation represents the conferral of legitimacy by government, perhaps much more so than by the public or organized civil society, a point that comes across strongly in this paper. The BLIs in this study have close contacts with government officials and are clearly attempting to dissuade government regulation. Therefore, this suggests that under certain conditions government is the main audience, an important component of the "private political community" and an important source of legitimacy for private governance initiatives.

Policy implications

The need to move away from promoting MSIs as panaceas to social and environmental problems has been suggested by various scholars (Kolk, 2013). The findings in the paper point to the possibility that BLIs and MSIs possess differing capabilities regarding input and output legitimacy. However, as both forms of legitimacy are required to attain political governance legitimacy, it raises the question as to whether complementarities between these differing forms of governance have been overlooked. How do you harness the ability for BLIs to achieve scale/ output legitimacy without allowing commercial interests

to capture the process and institution? Equally, the challenge MSIs are faced with concerns scaling up democratic and inclusive processes to operate on a large scale. These are in effect two sides of the same coin. Understanding how these two interact is essential. This paper suggests that the relationship between input (democratic process) and output (scale and coverage) legitimacy should be understood at the field level, rather than at the initiative level is key. It supports the assertions made by the literature on interaction of various types of regulation (regime complexes), whereby one form of regulation compensates for the others' weakness (Vogel, 2010) and the interactions between these forms are characterized by dynamic positioning and constant adjustment of inter-organizational structures (Overdevest & Zeitlin, 2012; Paquin, 2013; Reinecke et al., 2012). Although there have been ample suggestions of a "regulatory race to the bottom" scenario, it is not clear from this case whether this is in fact the process that is playing out. From this point of view, this paper contributes to the budding policy-relevant literature on the interaction of different regulatory forms. More specifically, in this case, a shifting division of labor (Hoffman, 2009) may be appropriate and conducive to a more effective regulatory structure. For example, one possibility is the fact that NGOs might be better suited to developing credible standards and maintaining pressure upon corporations to implement, some that takes place primarily at field inception, than running MSIs on a large scale, required when fields have reached a certain maturity. If so, the inverse may apply to BLIs.

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