Critical Global Value Chains Laws

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ABSTRACT

The European Union's Corporate Sustainability Due Diligence Directive (CS3D) represents a pivotal development in the regulation of corporate human rights and environmental responsibilities within Global Value Chains (GVCs).
By transforming due diligence from a voluntary managerial practice into a binding legal obligation, the Directive introduces a meta-normative framework that redefines corporate accountability and embeds sustainability at the core of transnational production. Yet, beyond its procedural architecture, the CS3D also signals a deeper epistemic and ontological shift in how law, knowledge, and governance intersect. Drawing on Deleuze and Guattari's notion of the *rhizome* and engaging with insights from Science and Technology Studies (STS) and Legal Consciousness Studies (LCS), this paper proposes a *rhizomatic inquiry* into GVCs law. It approaches due diligence not as a static legal duty but as a co-produced process, continuously shaped by data infrastructures, expert knowledge, and corporate practices. Through empirical vignettes—ranging from product-based environmental ratings to extractive-site regulation—the analysis traces how "impact" is constructed, quantified, and contested across regulatory and corporate assemblages. The paper advances the concept of *rhizomatic jurisprudence* to capture law's immanent emergence within these heterogeneous networks. Law is seen not as an external ordering system but as an ecology coextensive with the socio-material relations it regulates. In doing so, the paper illuminates how due diligence operates simultaneously as a mechanism of compliance and a vector of norm production—producing, translating, and sometimes obscuring what counts as harm or accountability. Ultimately, the contribution argues that the transformative promise of GVCs law depends on our capacity to critically engage with its co-productive dynamics and underlying asymmetries. By situating due diligence within a rhizomatic, immanent field, the paper seeks to reimagine the conditions for a more reflexive and just socio-ecological transition – one that recognizes law as both a site of contestation and a medium of re-composition.

KEYWORDS

Global Value Chains, Corporate Due Diligence, Environment, Human Rights, Rhizome Theory, Co-production, Inquiry

Introduction

Global Value Chains (GVCs) have come to dominate the world economy, driven by the increasing interconnectedness of production, trade, and consumption. In a GVC, production processes are fragmented across different geographical locations, with multiple firms involved in the design,

production, and distribution of products (IGLP Law and Global Production Working Group, 2016). This system has allowed corporations to leverage global efficiencies and maximize profits by taking advantage of cheaper labor and materials in different regions, particularly in developing countries. However, this complex network has also given rise to significant concerns regarding human rights abuses, environmental degradation, and socio-economic inequalities. In the context of GVCs, a pressing regulatory challenge has emerged: how to ensure that multinational corporations (MNCs) that benefit from these networks also take responsibility for the abuses that occur along their supply chains. This challenge has fueled debates around corporate social responsibility (CSR), sustainability, and the role of law in addressing transnational economic activities (Mathews, 2012). Efforts to regulate corporate behavior in global value chains have evolved. A crucial aspect of these efforts is the recognition that traditional territorial laws are inadequate in governing the complex, cross-border activities of MNCs. International law, which typically governs state-to-state relations, has struggled to impose direct obligations on corporations, leading to the proliferation of transnational regulatory approaches (Cata-Backer, 2007). One of the most significant developments in this regard has been the adoption of international frameworks that place human rights and environmental responsibilities on businesses. The UN Guiding Principles on Business and Human Rights (UNGPs), endorsed in 2011, represent a milestone in this area. These principles establish a three-pillar framework: (1) the state duty to protect human rights, (2) the corporate responsibility to respect human rights, and (3) the need for access to remedy for victims of human rights abuses. Although the UNGPs are not legally binding, they have exerted considerable influence on corporate policies and national regulatory frameworks. The Organization for Economic Co-operation and Development (OECD) has also developed guidelines for multinational enterprises, which are aligned with the UNGPs and focus on responsible business conduct in supply chains (OECD, 2023). The OECD Due Diligence Guidance for Responsible Business Conduct provides a framework for businesses to identify, prevent, and mitigate adverse impacts, including those related to human rights and the environment – what is now referred to as Human Right and Environmental Due Diligence (HREDD). Although these guidelines are voluntary, they have become a benchmark for businesses seeking to align their operations with international standards.

While voluntary initiatives and CSR policies have been promoted as partial solutions to the regulatory gaps in GVCs, they have been criticized for their lack of enforceability and for being selectively implemented by companies (Sullivan & Robinson, 2017). To fill these very identified gaps, the European Union (EU) – following many other national intitiatives in France (Loi sur le devoir de vigilance), Norway, Germany (LkSG) – has taken a leading role in developing legal responses to corporate abuses in GVCs, mainly through the hardening of previous soft laws (Macchi & Bright, 2020). Over the past years, the EU has introduced a series of directives and regulations aimed at promoting corporate accountability, sustainability, and human rights in GVCs.

The Corporate Sustainability Due Diligence Directive constitutes the cornerstone of the European Union's new architecture of corporate accountability within GVCs. Recently adopted, it formalizes the duty of vigilance as a binding legal obligation—structured through procedural requirements and embedded in an anticipatory governance logic. The Directive mandates that companies identify, prevent, mitigate, and remedy adverse impacts on human rights and the environment throughout their operations and value chains, including third-party suppliers operating under different, often weaker, regulatory standards. Articles 5 to 10 detail the six stages of the due diligence cycle: integrating vigilance into corporate policy; mapping value chains and identifying actual or potential risks; implementing prevention and mitigation measures, including suspension of business relationships where necessary; ceasing and remediating existing harms; regularly evaluating the effectiveness of adopted measures; and publicly communicating due diligence practices on an annual basis.

Annexes I and II of the CS3D list the international legal instruments to be taken into account in this process, including the core ILO conventions, the UN Covenants on Human Rights, and major multilateral environmental agreements such as the Paris Agreement and the Minamata Convention. By referencing these instruments within binding EU law, the Directive effectively translates global soft-law frameworks into enforceable obligations, while retaining a degree of interpretive flexibility. This hybridization between hard and soft law transforms voluntary standards – long championed by the UN Guiding Principles on Business and Human Rights (2011) and the OECD Guidelines for Multinational Enterprises – into positive duties of governance, monitoring, and remediation.

In practical terms, the CS3D requires companies to establish internal risk-mapping procedures, stakeholder consultation mechanisms, and systems for prevention, mitigation, and redress proportional to the gravity and imminence of identified impacts. These mechanisms closely mirror the six procedural steps of the OECD Due Diligence Guidance for Responsible Business Conduct (2018), but with the crucial distinction that the CS3D introduces enforceability and sanctions. Under Articles 20 to 22, national supervisory authorities are granted investigative powers and may impose fines of up to 5% of global turnover or issue corrective injunctions in cases of non-compliance. The Directive also creates a right to civil remedy for victims, enabling them to hold companies liable for harms resulting from breaches of due diligence obligations.

Ultimately, the CS3D represents more than a compliance tool – it is a meta-normative framework designed to be the background structure of the entire European approach to sustainable value chains (Beckers, Tenreira 2025 ; Cata-backer, 2024). It institutes a multidimensional form of vigilance: procedural (through governance structures), substantive (through obligations to prevent and remedy harm), and referential (through the incorporation of international standards). By formalizing the "due diligence turn" the Directive anchors sustainability at the core of corporate governance and redefines responsibility as a continuous process of legal, managerial, and ethical negotiation. But in this context of institutionalization of existing legal practices, this contribution argues that GVCs regulation has not been adequately problematized in the business and human rights field, as existing legal design largely focus on compliance mechanisms, such as hardening legal obligations, without critically nor reflexively engaging with the underlying structural and ontological complexities (Tenreira, 2025). Because this architecture also reveals enduring tensions – between procedural vigilance and substantive outcomes, managerial flexibility and judicial accountability, contextual interpretation and standardization of expectations. As Barry argues, environmental and socio-legal issues are not merely technical problems to be solved but must be seen as encounters between disparate materials, actors, and processes that necessitate deeper inquiry (Barry, 2021). Drawing on Deleuze and Guattari, this paper contends that the lack of problematization in GVCs laws stems from an absence of adequate conceptualization, limiting the ability of legal frameworks to address the evolving socio-environmental challenges emerging from the institutionalization of corporate due diligence.

As the global ecological crisis reshapes corporate responsibility: companies construct a "technico-scientific-normative" space where legal, scientific, and regulatory elements intersect, often without fully integrating internal political contestations or external normative debates (Barry, 2013). Recent environmental litigation exemplifies how courts and stakeholders co-construct legal norms by engaging with scientific uncertainty, thereby illustrating the potential for legal frameworks to accommodate multiples and often diverging interests (Overdevest & Zeitlin, 2014). Following an emerging but still marginalized scholarship, this paper mobilizes the rhizome to critically interrogate the empirical, normative, and conceptual dimensions of GVCs laws. The analysis draws on and extends the existing use of the rhizome in the literature in critical environmental law (translating its concerns to the emergent terrain of GVCs regulation. Rather than carving out yet another siloed sub-field, it approaches GVCs as a concrete object of regulation whose conditions of possibility for transformation are distributed across legal doctrine, managerial practice, scientific expertise, and socio-technical infrastructures. This framing complements—and complicates—the orthodox 'compliance lens' by foregrounding co-production and contestation across domains. In short, the paper situates GVCs within a transversal regulatory ecology (Sjåfjell, 2023) that exceeds conventional disciplinary boundaries.

1. A Rhizomatic Inquiry into Global Value Chains

1.1. Problematizing the object

The last 2025 OECD report "Behind ESG metrics: Unpacking Sustainability Metrics", highlights that compliance with HREDD laws or standards is increasingly reduced to a check-the-box exercise, where metrics, processes, and indicators replace genuine risk mitigation. This reliance on input-based metrics, which represent 68% of HREDD rating criteria, prioritizes self-reported policies and procedures rather than actual outcomes or impact, The report shows that companies can appear compliant without demonstrating meaningful change. The fragmented and disconnected nature of due diligence exacerbates this issue as less than 5 % of input-based metrics could be associated with explicit risk-based due diligence measures (OECD, 2025). The fundamental issue is clear: due diligence, as currently

implemented, does not measure what truly matters. The over-reliance on vague, and input-based indicators, coupled with limited standardization and an emphasis on disclosure over action, has led to a system where compliance is largely cosmetic (Landau, 2019). As the report starkly highlights, if due diligence is to be a real tool for change rather than a corporate smokescreen, it must move beyond process-based compliance to measuring real-world impacts, demanding transparency, and holding companies accountable across their entire value chains.

This is simply the consequence of institutional design thought in a (too) simplistic way, that of a hardening of previous soft law measures. Because when looking at the genealogy of soft law instruments, their conceptual frame is itself ambivalent. Strategic ambiguity – a concept coined by John Ruggie when developing the United Nations Guiding Principles on Business and Human Rights (UNGPs) – created an intentionally ambiguous framework to allow for flexibility in interpretation and adaptation by different actors (states, businesses, and NGOs). However, this ambiguity has created opportunities for corporations to exploit Corporate Due Diligence or GVCs Laws as a tool for cosmetic compliance rather than genuine accountability (Landau, 2024). This strategic ambiguity has led to inconsistencies in how GVCs laws are implemented across sites, sectors, and jurisdictions, creating what are referred to as "governance gaps" (Landau, 2024), sometimes also called "coherence gaps" (Dadush, 2022). While GVCs Laws aim to fill these gaps by setting standards for corporate behavior, they often create new challenges by allowing corporations to interpret their obligations in ways that align with their managerial interests.

The categorization of HREDD laws, and of due diligence as falling into the "audit culture" highlights how companies rely heavily on third-party auditors to certify compliance with human rights and environmental standards. This dynamic often reduces these legal frameworks to a procedural formality aimed at mitigating reputational risks rather than genuinely improving production conditions, leading to a 'tick the box' approach, when its potential could be way more if interpreted and practiced differently. The term "audit culture" encapsulates the tension between the theoretical promise of HREDD and its practical limitations. Audits frequently fail—if they even try—to capture more subtle or hidden forms of human rights exploitation or environmental abuses, raising concerns about the 'privatization' of human rights and environmental provisions enforcement within GVCs.

This regulatory challenge calls to critically examine the emerging GVCs laws, which redefine the role of corporations by imposing a legal obligation on them to steer the social and ecological transition. However, these laws remain vague about the specific conditions under which this transition should unfold. This transformation involves, on the one hand, a self-referential mechanism that applies legal standards derived from international soft law, international environmental law, and human rights law. On the other hand, it also entails an extra-referential mechanism that incorporates extra-legal standards drawn from management sciences, grey sciences, hard sciences, and social sciences, among others. These standards are integrated into corporations' global spheres of economic influence through contractual mechanisms (Tenreira, 2022). To critically engage with this emerging legal framework, it is crucial to identify the trading zones (Honeybun-Arnolda, 2023) between law, social sciences, and ecology within value chains and corporate strategic plans. These points of contact primarily emerge in corporate practices — understood here as indicators, metrics, and other processes of technicization. The central challenge is to conceptualize by measuring the gap between norms and practices, between practices and resistances (Figure 2).

To begin understanding how law interacts in such trading zones, it is important to engage with the rhizome – a concept advanced by Gilles Deleuze and Félix Guattari in *A Thousand Plateaus*. The rhizome challenges traditional models of hierarchical, linear organization, offering instead a metaphor for dynamic, non-hierarchical networks that lack a clear center. In a rhizomatic structure, connections are multiple, non-centralized, and open-ended, which makes it an ideal tool to conceptualize the sprawling, dispersed landscape of global corporate activity, the knowledge and power at stake and the conditions for its regulation. The rhizome serves as an analytical framework for understanding how the law is intertwined with other forms of knowledge, forms of life. Law is not an isolated, top-down mechanism but rather a product of interaction between various institutions, expertise, technologies, and material realities. In this sense, the study of law itself becomes rhizomatic in this context—a complex network of relations that is co-produced by legal actors, corporate entities, environmental concerns, and NGOs advocacy. Rhizome when analyzed as a process or performed as a methodology can also qualify – as it is the case for this special issue. It is then referred to as rhizomic or rhizomatic to emphasize the non-linear,

interactive and contingent features of an object: the question of wether GVCs laws are rhizomatic is interesting to assess though rhizome as theory and method, with its specific ontological and epistemological underpinnings.

For this purpose, this study draws on how the rhizome has been picked up by STS scholars, who claim its usefulness in empirical studies since it captures the fractured, intermittent relationships between science (knowledge) and the social sphere. The interplay between legal regulation and the corporate sphere in GVCs can actually be fruitfully analyzed along with STS concepts, which offer a powerful framework for understanding the role of knowledge production in shaping regulatory practices. STS scholars argue that scientific knowledge is not neutral or objective; rather, it is produced within specific social, political, and technological contexts. Technologies and scientific practices are not just tools for implementing law but active participants in the construction of legal and regulatory norms. Thus, STS provides an analytical lens to examine how expertise, data, and technology shape corporate due diligence processes (Becker & Tenreira, 2025 ; Turner & Wiber, 2023). In the context of the due diligence obligations, STS helps to reveal how environmental and human rights 'impacts' are defined, quantified and often redefined through diverses mediated means. For instance, the measurement of carbon emissions or the assessment of labor rights abuses relies on specific forms of data collection, modeling, and evaluation—each embedded in particular institutional and technological infrastructures – such as auditing as highlighted in the diagnosis of part 1. These systems—ranging from social audits, environmental impact assessments, to digital technologies for monitoring supply chains—do not merely reflect reality but actively shape what counts as an 'impact'. Data is thus not an objective representation but co-produced elements in the regulatory assemblage, and they play a crucial role in constructing the legal and normative discourses that govern corporate activity (Sarfaty, 2021 ; Deberdt & Sarfaty, 2024). Both STS and Legal Conciousness Studies (LCS) emphasize the situated, contingent, and relational nature of these processes (Albe & Lacour, 2018). Legal consciousness studies focus on how law is experienced and understood by individuals and communities. It challenges the notion of law as a static, formal set of rules, arguing that law is instead shaped through people's everyday interactions with legal systems and institutions. Legal consciousness is not simply a reflection of existing legal norms, but an active process through

which law is negotiated, resisted, or reconstituted in practice (Commaille, Lacour & Williams, 2018). This conceptual parenthesis usefully allows, on the one hand, to read GVCs Laws with the rhizome, and on the other hand, to try theorizing GVCs Laws as rhizomatic objects under certain conditions.

1.2. Investigating the terrain

The interactions between rhizome and STS links 'rhizome' to actor-network theory (ANT), as Latour himself acknowledges, emphasizing that rhizome signifies the series of transformations occurring through mobility of knowledge, the so-called mediations (Latour 2005). This study buils on ANT and subsequent development of the concet to build an understanding of GVCs as modern infrastructures, i.e"*built networks that facilitate the flow of goods, people, or ideas and allow for their exchange over space*" (Larkin, 2013). Sociologist Castells gave a similar definition years ago speaking about "space of flows" (Castells, 2020). These definitions obviously echo with the understanding of GVCs today. They are infrastructures, in the sense that there are also fixed facilities, and such as many other "technological systems" (roads, water supplies, power grids, telephones, and buildings), they "have become the naturalized background of modernity" (Blok, Nakasora, Winthereik, 2016). But more than these very concrete elements, Star argues that the relationality in which infrastructures are functioning deserves an "ethnographic attention" which could especially look at the practices, materials, and settings constitutive of an infrastructure (Star, 1999). This strategy of looking into infrastructures as the sites of GVCs regulation is applied here in the context of two ethnographic vignettes, one focusing on product-regulation in the sector of sportswear (Lhuilier & al., 2024). the other focusing on extractive site regulation (Tenreira, 2025; TotalEnergies, 2019). Both are very concerned by this emerging HREDD regulatory modes, and even if the siloed litterature has until now being quite silent about how they interact, connections emerge to bridge these already existing technico-scientific practices with the overall transcendant regulatory framework. To grasp how GVCs laws materialize in practice, we can turn to two empirical vignettes that trace the law's movement across distinct sites: one within the algorithmic infrastructures of product regulation, the other within the extractive landscapes of East Africa. These are

not case studies in the conventional sense but 'percepts' – each showing how due diligence law becomes *lived*, *coded*, and *folded* through concrete practices of measurement, narration, and control.

PERCEPT 1: PRODUCT-REGULATION
Decathlon is a French retailer of sports and leisurewear. The company developed an environmental display system that assigns A to E ratings based on life-cycle assessments (LCA), incorporating some indicators proposed by ADEME (the French Environment and Energy Management Agency) but diverging in key areas. While ADEME's methodology includes nine indicators based on planetary boundaries, Decathlon selects only five: greenhouse gas emissions, depletion of energy and mineral resources, eutrophication, and respiratory effects—excluding biodiversity loss, water consumption, and photochemical pollution. Decathlon follows ISO 14040 and 14044 standards and references the European Commission's Product Environmental Footprint methodology but applies its own criteria for impact assessment. Additionally, its rating system is based on internal product comparisons rather than industry-wide benchmarks, leading to a relative, rather than absolute, evaluation of environmental performance. Through these methodological choices, Decathlon constructs an environmental rating system that aligns with regulatory expectations while maintaining control over its own assessment framework. It co-produces the environmental rating of its products through a combination of self-selected methodologies, legal frameworks, and scientific standards (Lhulier et al., 2024).
PERCEPT 2: SITE-REGULATION
Total Energies is involved in two major initiatives: the Tilenga oil development project and the East African Crude Oil Pipeline (EACOP) project. These projects have led to legal disputes in France and in front of the East African Court of Justice. Total Energies' Environmental and Social Impact Assessment (ESIA) illustrates how environmental and social risks are strategically framed through methodological and narrative choices. Operating within a hybrid framework that combines national regulations with international standards (notably the IFC Performance Standards), the ESIA shapes the perception of impacts while maintaining a strong sense of impact-less project. A key tool is the significance matrix, which assesses impact severity based on magnitude (duration, frequency, reversibility) and the sensitivity of affected environments. This approach minimizes perceived damage by assigning lower sensitivity ratings to local sites compared to internationally recognized areas. Another strategy is pollutant aggregation: by grouping multiple emissions together, high-impact pollutants are diluted, artificially lowering overall assessments. Similarly, the mitigation hierarchy reduces initial impact ratings by incorporating measures (e.g., dust suppression, vehicle maintenance) whose effectiveness is rarely verified. The project's carbon accounting further reflects this selective approach: only direct emissions (Scopes 1 and 2) are included, while indirect emissions (Scope 3)—which constitute the majority of the project's climate footprint—are excluded. Additionally, while stakeholder consultations are presented as inclusive, they remain largely formal and have little influence on decision-making. By controlling the definition of impacts, adjusting data presentation, and managing stakeholder participation, the ESIA does not merely assess environmental risks—it actively constructs them in a way that aligns regulatory compliance with corporate interests (Fieldnotes, Tenreira, 2025)

Both cases can recall implicit co-production throught "frames" that happen when the environmental and social impact of a product is assessed (Turnhout, Tuinstra & Halffman, 2019). Even if nor the Business Human Rigths litterature neither the GVCs litterature explicity identifies them, framing plays a crucial role in shaping how situations are understood and given meaning, as it involves selecting particular details, embedding them within a broader context, and guiding interpretation through pre-existing perspectives (Turnhout, 2024). Rather than distorting reality, framing functions as a cognitive filter that directs attention, highlights significance, and organizes complexity into coherent narratives. Frames exist both as stable structures embedded in texts and practices and as fluid, dynamic processes that emerge through discourse and interaction. Within environmental governance and corporate due diligence, different types of framing influence how impacts are assessed and managed. For instance, baseline framing establishes reference points that define what is considered the norm, serving as a benchmark against which changes are measured when grouping framing simplifies complexity by categorizing diverse elements under broad classifications, then seeing them as collectively labeled despite their distinct origins. These are quite similar to scaling framing, which shifts interpretation by altering the spatial or temporal scope of an issue. On top of this, metpahors are used, shaping perception by linking abstract or technical concepts to familiar language, being central part of narrative framing which construct meaning through storytelling, defining actors such as protagonists, victims, and antagonists, thereby shaping emotional and political engagement. In the realm of corporate environmental governance, framing is a strategic tool used to shape regulatory compliance and public perception, determining which knowledge is privileged, what solutions appear viable, and how accountability is constructed.

Type of Frame	Decathlon	Total Energies
Baseline	Uses a relative internal rating system rather than industry-wide or planetary limits	Sets pre-project baseline by defining the site's conditions as acceptable, ensuring that any impact is measured only against this localized standard rather than global ones
Grouping	Selects only certain environmental indicators, omitting key planetary boundaries	Merges multiple pollutants and emissions categories, reducing perceived severity
Scaling	Focuses on specific impact categories, ignoring broader systemic issues like biodiversity loss	Restricts emissions scope to Scope 1 and 2, omitting downstream impacts
Metaphorical	Uses letter grading (A-E) to simplify impact perception, reinforcing consumer-driven environmentalism	Uses technical language like "residual impact" to minimize perceived harm
Narrative	Frames sustainability as consumer-driven, shifting responsibility away from corporate decisions	Constructs a stakeholder engagement narrative that gives an illusion of inclusivity without altering corporate decision-making

Figure 1: Comparison of framing strategies in the two vignettes

GVCs law call for companies to conduct due diligence by identifying, preventing, and mitigating adverse impacts on human rights and the environment. But how are these impacts defined (framed), and who has the authority to determine their scope? In practice, corporate compliance with the HREDD laws relies heavily on expert knowledge, such as environmental scientists, human rights auditors, and legal consultants, who interpret and assess the risks. These experts produce data and reports that inform due diligence processes, serving as evidence. But their knowledge is not neutral. Instead, it is shaped by the institutional regimes in which they operate, the technologies they deploy, and the values they uphold. The landscape of corporate due diligence is also shaped by the entanglement of institutional regimes—legal, corporate, and governmental. The HREDD laws, and here the CS3D, does not operate in isolation but intersects with other regulatory frameworks, corporate governance structures, and market forces. These intersections create a complex web of obligations, incentives,

and strategic opportunities for companies. Corporations, in particular, will play an active role in shaping the implementation of the CS3D by negotiating their obligations with regulators, suppliers, and stakeholders. Corporate actors may leverage their own internal expertise and data to demonstrate compliance, or they might contest the scope of their responsibilities, seeking to minimize liability.

This strategic engagement reflects the rhizomatic nature of regulatory compliance, where law is not simply imposed from above but co-produced through ongoing negotiation and adaptation. At the same time, institutional regimes themselves are in flux. National governments, EU regulatory bodies, and international organizations all contribute to the evolving legal landscape of due diligence iteratively. Through the choice of specific "frames"; institutions, corporations, and transnational activists bring their own priorities and constraints to the regulatory process, further complicating the already fragmented structure of GVCs. By viewing these interactions through the lens of the rhizome, we can appreciate the multiple layers and planes that intersect in regulation. To simplify the analysis within the framework of this paper and to generalize from the two ethnographic vignettes that has just been discussed, a modelization of these planes has been developed as follows

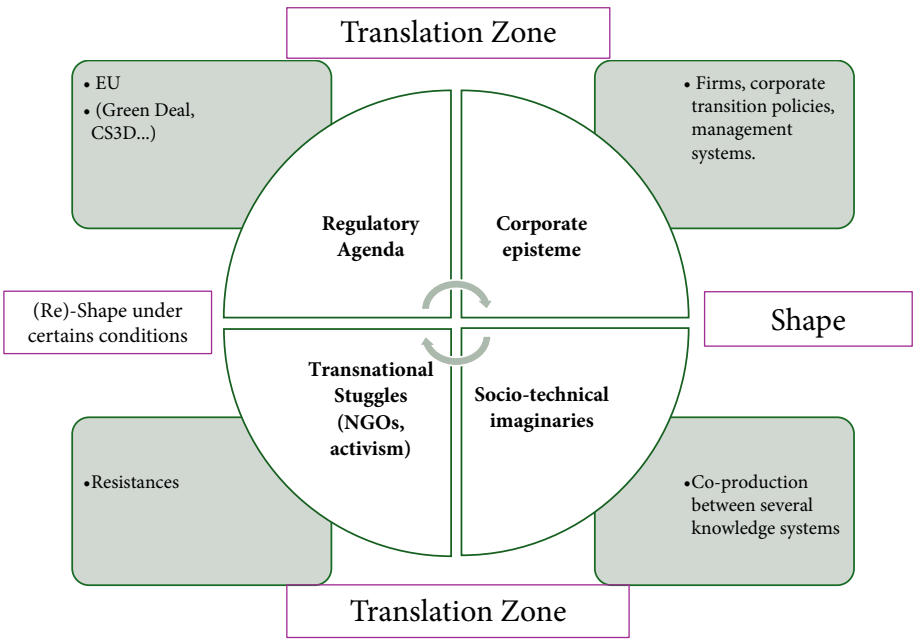

Figure 2 : The co-production matrix of Global Value Chains legalities

This framework is relevant to the analysis of GVCs regulation because it illuminates how corporate due diligence is not merely a matter of compliance with a pre-existing legal framework. Instead, companies, regulators, and civil society organizations participate in the co-production of what constitutes "due diligence". As such, GVCs Laws are not a finished product but a living, evolving regulatory structure that is continually reshaped by the actors engaged in its application. Corporate actors do not passively receive legal mandates but actively interpret, contest, and adapt these mandates based on their strategic interests and external pressures. This creates a dynamic legal environment in which norms around sustainability and human rights are continuously redefined. A rhizomatic landscape of corporate due diligence seems to seems to be possible: rather than seeing the directive as a fixed, top-down regulatory mechanism, it can be understood as part of a broader assemblage, where legal norms, scientific expertise, technologies, and corporate practices are co-produced in an interconnected web of relations.

2. A Rhizomatic Jurisprudence for Global Value Chains

2.1. Emergence: landing back into the 'legal'

The concept of rhizomatic jurisprudence offers both a method and a posture: to trace law not from above but from within the assemblages where it is continuously composed. Originating in Deleuze and Guattari's (1980) metaphor of the rhizome as a non-hierarchical and non-arborescent structure, and later expanded by Philippopoulos-Mihalopoulos through the notion of lawscape, it invites scholars to perceive law as immanent to space, matter, and relation rather than as a transcendent ordering device (Philippopoulos-Mihalopoulos, 2020). In the context of GVCs, this approach opens the possibility of understanding due diligence law as part of a living network that binds together corporate practice, data, and ecology.

In this view, law materializes in circulation. The lawscape denotes the indivisibility of law and world: law is not superimposed upon reality but co-emerges with it, shaping and being shaped by the material and social relations it inhabits. In GVCs, regulation is enacted through the everyday practices of auditors, consultants, and data infrastructures that sustain the

flow of goods and responsibilities. Each traceability platform, life-cycle assessment, or audit form participates in law's existence. Law inhabits the spreadsheets, algorithms, and dashboards that render "impact" legible (Latour, 2005), translating abstract responsibility into quantified and communicable form. The Decathlon vignette demonstrates this dynamic vividly. Its environmental rating system, which translates life-cycle indicators into consumer-facing letter grades. Each methodological choice—whether to include biodiversity loss or to privilege greenhouse gas emissions—constitutes a normative decision embedded in infrastructure. Similarly, in the case of Total Energies, the ESIA of the Tilenga and EACOP projects shows how law takes shape within matrices of quantification. Through the construction of baselines, aggregation of pollutants, and calibration of mitigation hierarchies, the ESIA performs legality by defining what counts as impact. The legal norm is not exterior to this apparatus; it is generated through it. The very techniques that produce visibility simultaneously delimit it, giving form to an "impact-less" project whose compliance is achieved through method rather than transformation.

In both cases, law is an emergent effect of continuous translation between technical, managerial, and juridical languages. Rhizomatic jurisprudence, here, situates legal inquiry in the "middle" – not at the origin of authority nor at its endpoint of enforcement, but in the ongoing processes through which norms circulate, mutate, and sediment. It approaches law as multiplicity, recognizing the coexistence of smooth and striated spaces (Deleuze & Guattari, 1980). The CS3D and related frameworks operate as striated spaces when codified into directives and compliance templates; yet they become smooth as they travel through ESG ratings, soft-law guidelines, or environmental metrics. Legal meaning proliferates through these passages. Philippopoulos-Mihalopoulos's Lhumanian inspired notion of the fold helps articulate this process. Within GVCs, the boundary between law and non-law continuously inverts: corporate codes absorb public norms, and NGOs deploy corporate audits as legal evidence. These folds transform responsibility into an iterative negotiation, where the external becomes internal and vice versa. In this sense, law is a topology of inclusions rather than a hierarchy of sources.

Transformation, in a rhizomatic sense, occurs through 'lines of flight' – micro-ruptures that allow new connections to emerge. Within due diligence law, these appear when tools or baselines are reconfigured, altering the

very ontology of harm. The redesign of ESG indicators or the recalibration of risk weightings constitutes not a mere technical update but a re-composition of normativity. Reform unfolds within infrastructures rather than against them, when activists, auditors, or regulators repurpose existing instruments toward new ends. The analytical task is not to extract law from these entanglements but to follow their interrelations—to observe how a life-cycle database, a supply-chain map, or a satellite image co-produces the categories of harm and remedy. Law is one ecology among many, neither superior nor subordinate, continually folding and unfolding within the world it regulates.

The questions remains if such a jurisprudence acknowledges its own silences. Every legal assemblage leaves zones of unutterance – harms that resist quantification, values untranslatable into compliance or legal language. These silences are not voids but potential sites of re-composition. In the landscape of GVCs, they concern biodiversity loss, cultural dispossession, and non-human suffering, dimensions that remain peripheral to current due-diligence apparatuses, and that are structurally excluded from the lines of flights. A rhizomatic posture alone might recognize these absences as invitations to invent new forms of expression but fails alone to operationalize their integration into the transformative strategy. The resurgence of structural dynamics calls for a critical rhizomatic jurisprudence.

2.2. Resurgence: the shadow of critique?

What is supposed to transform those silences (zones of unutterance) and reveal their recompositional potential? Reminder, GVCs do not merely structure knowledge; they also reshape power dynamics. They introduce a dual decentralization of law: first, by transferring a normative function to corporations, allowing them to co-construct legal obligations through due diligence frameworks; second, by embedding corporate accountability within an emerging due diligence system that acts as a meta-norm, reinforcing oversight across supply chains. This hybridization also generates tensions. Within the texts of GVCs, one finds both ambitious corporate due diligence obligations and elements derived from corporate language, often laden with ambiguities. This structural ambiguity raises fundamental questions: how can we conceptualize a legal framework that oscillates

between the imperatives of socio-environmental transformations and logic often characterized by opressive traits (capitalist, colonial, gendered, anthropocentric, etc.) ?

While rhizomatic jurisprudence provides a compelling reorientation, its commitment to immanence and relatively flat ontology exposes limits when confronted with the structural realities of global production. Precisely because everything connects, it sometimes fails to specify how and why certain connections dominate. A jurisprudence attentive only to relation risks overlooking power relations and effects of structure. Flattening hierarchy can obscure asymmetry. For example, if all entities – states, firms, NGOs – occupy the same analytical plane, the profound inequalities that sustain GVCs risk being naturalized. To portray these actors as equally situated nodes within a network underplays the structural hierarchies that condition whose knowledge counts and whose harm remains invisible. A flat ontology may map connectivity yet remain silent about domination structures.

Rhizomes, as Deleuze and Guattari warn, are never immune to capture; they can be re-striated by power (Deleuze & Guattari, 1987, p. 12). Their immanence privileges relation over position, yet exploitation is also positional. Labour and environmental harms in GVCs are not just the results of material and relational encounters but also structural consequences of accumulation. A jurisprudence that treats every actor as a co-producer of normativity may dilute accountability. The suffering of workers and ecosystems at the chain's 'peripheries' cannot be apprehended solely as elements within a network; they demand recognition as outcomes of enduring hierarchies. A critical legal analysis must retain the capacity to name exploitation, not only to trace assemblages. This problem extends to normativity itself. Because rhizomatic jurisprudence resists transcendence, it struggles to articulate thresholds. If law is everywhere and nowhere, where do duties crystallize? How can one determine when a line of flight becomes an obligation, or when experimentation must yield to coercion? A flat ontology that privileges emergence may obscure the necessity of re-striation—moments when law must harden to counterbalance economic power. Immanence explains how law evolves; it does not ensure that it evolves towards 'justice'.

Acknowledging these limits does not invalidate the rhizomatic method but refines it. The challenge is to combine the sensitivity of immanence with the clarity of structure—to stay with the middle while reintroducing depth. A hybrid jurisprudence would retain the rhizome's attention to

multiplicity and co-production yet articulate thresholds for accountability, redistributive mechanisms, and institutional memory. In the context of GVCs, this means pairing the co-production matrix previously developed with explicit re-striating triggers—moments where law must consolidate authority to protect those most exposed. Rhizomatic jurisprudence thus remains indispensable for understanding how GVCs law operates through networks of knowledge, expertise, and materiality. Yet, to become transformative, it must also confront the enduring architectures of inequality that organize these networks. Only by folding structural analysis into the plane of immanence can a truly critical jurisprudence emerge—one capable not only of mapping connections but of re-orienting them toward justice.

The key challenge today is to analyze contradictions within legal, political, and technico-scientific systems and develop a critique that is both practical and transformative – an immanent critique 2.0 (Glaser, van De Beeten, Tenreira, 2025). This means assessing how different models of governance and knowledge production reflect conflicting ways of life—yet might still be reconciled through institutional adaptation and innovation. Immanence 2.0 designates this renewed posture of critique: a mode of thinking that remains situated within the networks it interrogates yet refuses to dissolve into their logic. It acknowledges immanence as a strategic entry point—a way of tracing how law emerges through assemblages of knowledge, technology, and governance—but reclaims *structure* as a necessary moment of re-articulation. This is not a return to transcendence but a movement of *reflexive re-striation*: critique turns back upon its own conditions of production. Such a multi-directional immanent critique (Fraser, 2023 and Nicolaïdis, 2024) redefines jurisprudence as a practice of navigation rather than mastery. Here, it begins *ex ante* as rhizomatic inquiry—mapping the multiple, interstitial sites where law co-produces meaning—but moves *ex post* toward structural reconstruction, bringing back hierarchy where accountability demands it. It learns from the genealogical method described by Santos and Sobottka: critique as a continuous exposure of deficits rather than a celebration of coherence. In this sense, immanence becomes an ethic of mediation – a readiness to oscillate between thick description and situated prescriptions.

Conclusion

GVCs laws are much more than legislative packages; they represent a structuring framework that has the potential to deeply transform regulatory modes. They are not merely a European project but a lever for reshaping transnational law, ways of production and consumptions, and the power dynamics within them. Understanding GVCs requires both an examination of the knowledge they mobilize and an analysis of the power structures they redefine (rhizomatic inquiry). GVCs rely on an interwoven set of heterogeneous knowledge systems, blending legal techniques, corporate governance principles, and social and environmental sciences. This permeability of law to technical and scientific knowledge signals an evolution toward a new regulatory conception—where legal norms exist within an open framework, subject to continuous interpretation and re-interpretation in a highly iterative manner (rhizomatic jurisprudence). Beyond law, GVCs mark an epistemological shift (Beckers & Tenreira, 2025). The knowledge base for corporate accountability is being redefined—it no longer merely describes corporate impacts but actively inscribe a particular meaning to a particular phenomenon. This transformation means that knowledge is not just informative but performative, driving political and institutional change or status quo.

Rather than treating law as a fixed system that lags behind social and environmental crises, it is increasingly being recognized as a tool of translation – a way to integrate scientific, ecological, and political considerations into institutional governance. At one level, this shift is occurring in courts, where judges are co-constructing new legal interpretations by incorporating environmental science and accountability frameworks into their rulings (Ganguly, 2019 ; Zhu & Fan, 2024). At another level, policy and governance structures are evolving, as seen in the European Green Deal, which mandates that businesses prevent environmental harm across their supply chains rather than merely compensating for damage after the fact. This shift requires a rethinking of legal categories and institutional design (Tenreira & Azoulai, 2025). Law is not merely a system of rigid classifications (persons, things, property, liability); it is an evolving network of translations – an assemblage where economic, ecological, and political forces intersect (Callon, 1984). The question is how legal reasoning can be

reoriented to reflect the entanglements of technology, science, and governance in a way that is more responsive to planetary crises. One potential way forward is to view law as a flexible, iterative process that continuously integrates local and global knowledge, scientific advancements, and emerging social movements.

Coming back to the percepts developed in the paper, here, points of contact emerge between rationalities, making worlds translational despite the persisiting neutral mechanics of legal reasoning: damage, causal links, harmful acts, evidence, environmental impact – all traditional legal concepts whose neutrality allows them to compose across ontological divides. These two percepts indicates that the future of law, then, is not just about who is responsible for harm, but about how do we build new systems of accountability, resilience, and care in an era of profound transformation (Muir-Watt, 2023). New legal potentialities are now emerging in reaction to the excesses perpetuated by disempowered actors and institutions. These legalities have the potential to land, to anchor itself in reflections inviting us to rethink human/non-human, North/South, dominant/dominated relationships, etc. These interactions between modes of existence make this new law and its nodes, which can be seen as rhizomatics vector of transformation – each vector make sense very differently of what transformation should entail. But is this not asking too much of law? And, where should we land? Rhizomatic thought—a product of boundary shifts between worlds—is not merely an academic endeavor, a matter of knowledge, but a political act, a form of intervention. To make this thought heard—and in doing so, transform the ways humans inhabit the world—law and lawyering needs to navigate and compose with the political. It is law—not phislosophy—that is tasked with rendering into *legal form* the "modes of veridiction" a society produces about itself (Foucault, 1994). It seems like the Anthropocene and the different turns and shift that comes with it is generating a new political truth—lawyers must now find ways to translate these truths into legalities. Rhizomatic thinking and learning coud be a first attempt to do so.

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