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Talking Up a Storm? Using Language to Activate Adherents and Demobilise Detractors of European Commission Policy Frames

Richard Thomas and Peter Turnbull

ABSTRACT The linguistic premises of European policy-making often remain hidden from public debate and the scrutiny of social scientists, despite the fact that ‘rhetorical framing’ is a widely recognised strategy and frame theory has dominated the way social scientists talk about ideas in social movements. Our concern is how the European Commission uses the ‘master frame’ of neo-liberalism to establish a mandate for sector-specific policies that can be pursued via autonomous action by the Commission and/or collective action by adherents of Commission policies. Using critical discourse analysis (CDA) to decode the speeches of Siim Kallas, former Commissioner for Transport and advocate of an open market for port services, we demonstrate how rhetorical framing supports a strategy designed to ‘divide-and-conquer’ opponents of freedom of establishment and the right to provide services in the single European market.

KEY WORDS critical discourse analysis (CDA); European Commission strategies; EU policy-making; liberalisation of port transport; rhetorical framing.

1. INTRODUCTION

Although the importance of framing in shaping public policy is well established (Daviter 2011), only recently have systematic empirical studies examined the determinants of interest groups’ frame choices in European Union (EU) policy debates initiated by different Directorates-General (DGs) (Klüver *et al.* 2015), the degree of ‘frame congruence’ between Commission officials and either business or civil society interests (Boräng and Naurin 2015),

and how contextual factors (national and European) affect the types of frames adopted by different interest groups (Eising *et al.* 2015). As expected, the Commission appears sensitive to political support in order to develop proposals that will survive the EU policy process. But instead of asking how interest groups ‘[put] into question the scope, validity or legitimacy of others’ arguments’ (*ibid*: 521), including those of Commission officials (Boräng and Naurin 2015), we might also ask, contrariwise, how the Commission frames debates to enact preferred policies, especially when these are aligned to those of a self-regarding interest groups such as big businesses?

Our starting point is that the Commission is more than an agenda-setting institution. As guardian of the Treaty and an administrator of European competition law, the Commission can either manipulate the default condition of decision-making within the Council of Ministers by encouraging relevant stakeholders to reach a more acceptable compromise to the (neo-liberal) policies proposed by Brussels (the so-called ‘lesser evil’ strategy), or seek to change the preferences of individual member states by challenging the propriety of national regulations or the economic and social practices of particular national actors (the so-called ‘divide-and-conquer’ strategy) (Schmidt 2000). A third strategy of ‘rhetorical framing’ is also identified, albeit as a ‘less aggressive’ Commission strategy (e.g. Woll 2006), but is rarely grounded in any theoretical framework or detailed empirical analysis. The concept of framing as the ‘politics of signification’ (Snow and Benford 1988: 198) is often used to understand the generation, diffusion and functionality of changes in public policy and the explanation of developments between public and private actors (e.g. Surel 2000: 496). Indeed, the policy frames for particular industrial sectors (e.g. civil aviation) and particular issues (e.g. gender equality) have been analysed (see Woll 2006; and Verloo 2007 respectively), but rarely in relation to how rhetorical framing supports autonomous action by the Commission via the

lesser evil and/or divide-and-conquer strategies. Moreover, when rhetorical framing is analysed in isolation or even alongside other Commission strategies it is often in the context of ‘creating consensus’ and ‘building unity’ (e.g. Woll 2006: 55) rather than a mechanism that, through purposive control over various forms of interchange, can not only ‘mobilize potential adherents and constituents’ but also ‘demobilize antagonists’ (Snow and Benford 1988: 198). Of the ‘three faces of power’ (Lukes 2005), namely the capacity to prevail in explicit contests, the ability to determine the issues over which there will be any explicit contest at all, and the linguistic premises upon which the legitimacy of accounts will be judged, the latter is the least visible (and hence most unaccountable) form of power (Molotch and Boden 1985: 273). Our aim is to show how this ‘third face of power’ exercised by the Commission can be made transparent and accountable.

Too often, the linguistic premises of European policy-making remain hidden from public debate and academic scrutiny (Hay and Smith 2005: 125), despite the fact that policy frames are typically contested. Consider, for example, the policy frame for European ports, where any talk of a pan-European policy has been contested since the 1970s by public port authorities and private port employers (Chlomoudis and Pallis 2002). More recently, when the Commission proposed a Directive *On Market Access to Port Services* (European Commission 2001 and 2004), anticipating a compromise (‘lesser evil’) between the relevant stakeholders (e.g. shipping lines, shippers, public port authorities, private terminal operators and organised labour), overt conflict spilled over onto the streets of Brussels and Strasbourg (Turnbull 2006 and 2010). A key factor in this policy contest, which resulted in the Directive being rejected twice by the European Parliament, was the absence of (institutionalised) ‘voice’ for port workers (a Sector Social Dialogue Committee was only recently established in 2013). Critical frame analysis incorporates ‘voice’ as a mechanism to consider power relationships within

any given policy frame (e.g. who has or should have a voice in the political debate) (Verloo 2007) as cognitive and normative frames legitimate some groups rather than others (Surel 2000: 499). Indeed, different roles will be attributed to different actors, with some cast(igated) as the ‘problem group’ while others are part of the proposed solution.

Our preferred conceptualisation of a policy frame, elaborated in more detail shortly, is a *collective action frame* involving ‘diagnostic framing’ (problem-identification), ‘prognostic framing’ (proposed solutions) and ‘motivational framing’ (Benford and Snow 2000: 615). Our particular focus is on rhetorical (motivational) framing as a ‘call to arms’ for engaging in collective action. Simply put, frames constitute ‘how I see the world’ whereas rhetorical framing denotes ‘how I want you to see the world’, in this instance how the Commission seeks to legitimate its own policies and provide adherents with compelling accounts for engaging in collective action and for sustaining their participation. As Benford and Snow (2000: 620) point out, the issue is often not whether diagnostic and prognostic claims are factual or valid, ‘but whether their empirical referents lend themselves to being read as “real” indicators of the diagnostic claims’. In the European ports policy frame, even though a ‘factual’ (albeit contested) Impact Assessment was initiated by the Commission (Van Hooydonk 2013; and European Commission, 2013a; cf. ETF 2013) in preparation for a new Regulation to establish a *Framework on Market Access to Port Services and Financial Transparency of Ports* (European Commission 2013b), the General Secretary of the European Sea Ports Organisation (ESPO) doubted ‘whether anyone will have the courage to act upon the conclusions of such an analysis’ (Verhoeven, 2011: 164). Siim Kallas demonstrated the Commission’s ‘courage to act’, pre-empting the Regulation by initiating infringement proceedings against Spain and calling port employers ‘to arms’ in various speeches delivered at politically opportune moments during the latest phase of EU port policy-making.

Employers in the port of Antwerp subsequently heeded this call. Such instrumental action will always ‘speak louder than words’, but ideas and discourse precede, legitimise and actuate policy change. While ‘talk is cheap’, it might ultimately cost some actors – in this instance dockworkers – their livelihood.

This latest episode in the long-running debate on European ports policy provides an opportunity to assess ‘rhetorical framing’ as the foundation for a ‘divide-and-conquer’ strategy in a highly contentious context. Theoretically, we use critical discourse analysis (CDA) to illustrate how Commissioner Kallas used language to justify and advance pan-European port reform. CDA enables us to ‘see through’ the argumentative or figurative devices, the stylistic elements, and how talk itself is arranged for maximum effect in order to comprehend discourse as intentional, controlled and purposeful. Empirically, we focus primarily on three Speeches delivered by Commissioner Kallas to different (port-specific) audiences. In these Speeches, what matters is not just the substantive content of ideas – cognitive arguments about their necessity and normative arguments about their appropriateness – but the interactive processes by which they are conveyed and the institutional context in which they are contested (Schmidt, 2007: 993). In sum, to understand the process, and outcomes, of any rhetorical framing strategy, what matters is not simply what is said, but where, when, why, by who and to whom.

2. FRAMING IN ACTION

The European Union (EU) is a liberal project, but with its complex institutional architecture, combined with its cultural heterogeneity, Europe constitutes a forum where various streams of market liberalism discourse are intertwined (Morin and Carta 2014: 119). Thus, while all liberal discourses accept that markets allocate resources more efficiently than states, there is

still a role for the state and other actors to enable and enhance market mechanisms, correct market failures and ensure that progressive social, environmental and other ‘non-market’ outcomes are protected. In effect, neo-liberalism functions as a ‘master frame’, or what Benford and Snow (2000: 618-19) describe as ‘a kind of master algorithm that colors and constrains the orientations and activities of movements’, attributable, in considerable part, to the Commission’s ‘strategic constructivism’ which has persuaded a heterogeneous coalition of political actors that ‘the market idea’ was the solution to all that was (Jabko 2006) and still is (Lehndorff 2012) wrong with Europe. The economic crisis has certainly coloured, but does not appear to have overly constrained ‘competition discourse’ within Europe (Kessler 2012). Indeed, neo-liberalism has proven itself remarkably resilient and is still considered by many policy-makers across Europe to be an expedient route out of recession (De Ville and Orbie 2014: 157).

While ideology is a cultural resource for framing activity, the latter is an empirically observable activity rooted in and constituted by social interaction. Framing is strategic, discursive and contested (Klüver *et al.* 2015: 483) and as such ‘readily available for first-hand observation, examination, and analysis’ (Snow and Benford 2000: 59). As our interest is focused on collective action framing, it goes without saying that policy framing is understood to be deliberate, utilitarian and goal oriented. For example, the Commission might seek to bridge the gap between different stakeholders to build support for its policy proposals, or extend the frame to other issues that are of importance to potential adherents (e.g. the customers as well as the providers of particular services). The discursive process includes both articulation (i.e. the connection and alignment of events so that they hang together in a relatively unified and compelling fashion) and amplification (i.e. the accentuation of particular events, issues and beliefs as being more salient than others) (Benford and Snow

2000: 623; and Snow et al 1986). While amplification will invariably involve the clarification, invigoration, and idealisation of existing values and beliefs, as a ‘call to arms’ it may also involve embellishment in order to fit facts of political, social and economic relations into ‘coherent patterns as a critique of current circumstances and a plan of action for the future’ (Windt, 1991: 191).

For many observers, the European project – a ‘competitive *social market* economy’ (Lisbon Treaty, art.3 (3), emphasis added) – is an oxymoron (Morin and Carta 2014: 126), highlighting the contested process of all policy framing within the EU. Rhetorical (movement) framing processes are not always under the tight control of élites, with challenges coming from within (e.g. contestation between different Directorates of the Commission), from without (e.g. member states, different business interests, trade unions, civil society organisations, etc.) and from the dialectic between frames and events (Benford and Snow 2000: 625-6). In this context, the credibility of the proffered frame, and its relative salience, will depend on a combination of consistency, empirical validity, and the credibility of frame articulators (*ibid*: 619). For example, if the Commissioner for Transport proclaims that ‘Europe is home to some of the best ports in the world’ (Kallas 2014: 1), how does this square with earlier claims that service provision in European ports ‘is riddled with inefficiencies’ (Kallas 2012a and 2012b), especially those attributable to restrictive labour practices that ‘sometimes amount to a “closed shop”’ (Kallas, 2012c)? Commissioner Kallas ‘find[s] it surprising that these kind of practices still exist in 21st century Europe’ (*ibid*), thereby signalling the need for ‘open access’ to bring ports ‘up to date’ with the precepts of the single market.

Of course, collective action frames need not be *generally* believable, but they must be believable to *some segment* of prospective or actual adherents. Put differently, there must be some ‘resonance’ (Benford and Snow 2000: 620). If the Commission’s strategy is to ‘divide-and-conquer’, then teaming up with private sector actors with pronounced sector-specific interests becomes a potential route to changing the preferences of individual member states. For example, a member state might be genuinely unaware that particular sector-specific arrangements infringe European competition law, which creates an information asymmetry in favour of the Commission. However, the Commission must still ‘call adherents to arms’, ideally via infringement proceedings that are ultimately brought before the Court of Justice of the European Union (ECJ). The Commission is then able to use the binding nature of any legal judgements in favour of market liberalisation for its own ends (Schmidt 2000: 39). In other words, the Commission must mobilise at least some actors in some member states in favour of its preferred (pan-European) policy frame. Unlike the lesser evil strategy, divide-and-conquer is a sequential process, because once even a minority of member states have incurred the costs of domestic reform, they are themselves interested in comparable community-wide changes (*ibid*: 47).

How, then, are the Commission’s objectives mobilised and maintained linguistically? Studying EU political speeches is not new (e.g. Erjavec *et al.* 2009; and Nordin 2011), previous work having demonstrated how discourses around globalisation and other ‘master frames’ have shaped policy developments (e.g. Hay and Smith 2005). We concur that ‘cognitive and normative frames not only construct “mental maps” but also determine practices and behaviours’ (Surel 2000: 498). Ontologically, therefore, we differ from some constructivist accounts (e.g. De Ville and Orbie 2014) downplaying causality. We link discourse to its underlying intentions and objectives and do not allow reality construction to

overwhelm the structures that influence collective action frames (Reed 1997: 26). Put differently, while discourse ‘socially constructs’, discourse itself is also shaped by people, organisations and circumstances.

Any talk on European policy is always ideational and organisational, a process of legitimisation through ideas and procedure (Wodak and Weiss 2004). Seasoned speechmakers are often skilled in the art of framing, making some aspects of reality more salient at the expense of other aspects. Consequently, understanding political speeches demands a forensic analytical method such as critical discourse analysis (CDA), where language can construct a selective version of reality. Here, we use CDA to shed light on the collective action framing of DG Move, and Commissioner Kallas in particular, during the latest phase of EU ports policy making.

3. DATA AND METHODS

We begin our methodological explanation with a working definition of terms often used generically: discourse, rhetoric, frame and argument. First, we follow the analytical distinction between ‘discourse’ and ‘rhetoric’ proposed by Hay and Rosamond (2002: 151), and posit that while discourses exist independently of their use and pertain within available ‘discursive repertoires’, rhetoric is their ‘persuasive deployment’. Frames are an organizing mechanism between discourse and rhetoric, as a unifying concept (Van Dijk 1977) that groups together discourses with some synergy. These frames are then deployed using rhetoric, which forms the overarching argument. Our concern is how Commissioner Kallas draws various discourses into a frame and then delivers them, using a range of rhetorical techniques to amplify and, at times, embellish his advocacy for EU port reform. Hence, we move beyond the ‘modest identification of discourses’ (Hay and Smith 2005: 150-1) and the observation

that rhetoric exists within many speech acts (Hamilton 2001). Instead, our purpose is to demonstrate how rhetorical framing is used deliberately and purposefully. Our approach is to map the ‘highly suggestive’ discourses by considering the collective action frame and the linguistic and rhetorical strategies employed by Commissioner Kallas and, most importantly, his motivations for doing so.

We focus on three Speeches delivered by Commissioner Kallas during a critical 12-month phase of European port policy making, which initially anticipated the findings of an Impact Assessment of potential EU port reforms (Speech 1), then subsequently amplified and embellished the initial findings (Speech 2) and final reports (European Commission, 2013a; and Van Hooydonk, 2013) of this Assessment (Speeches 3). While our sample is smaller than other CDA studies analysing EU policy documents (e.g. Erjavec *et al.* 2008; and Nordin 2011), De Ville and Orbie (2014: 153) validate this approach for a small number of texts. In terms of the delivery of the speeches themselves, when addressing ESPO (Speeches 1 and 3), the audience was dominated by adherents of port reform (e.g. port authorities, private terminal operators, shippers, shipping lines and other port users). The more general audience in Brussels (Speech 2) was also populated by many yet to be persuaded of the benefits of pan-European port reform (e.g. international port terminal operators in the ‘world leading’ ports of northern Europe) as well as (a minority of) antagonists (e.g. European Transport Workers’ Federation and the European Maritime Pilots’ Association). Despite their presence at the Conference on European Ports Policy (Brussels, 25th September 2012) convened by DG Move to ‘consult’ the relevant stakeholders, trade unions were afforded only limited (formal) opportunities to speak (during the very last session of the Conference), in stark contrast to the previous consultation on European ports policy (six 2-day workshops between November

2006 and May 2007) when an entire workshop (Valencia, 8-9th March 2007) was devoted to cargo handling and associated labour issues (Turnbull, 2010).

Extempore elements including body language, voice intonation and facial expressions are clearly important within political speechmaking. Analysing transcriptions therefore misses visual and aural detail as well as the semiotic nature of the venue (Catalano 2011: 52).

However, as Van Dijk (1997: 21) points out, the spoken word is ‘recorded, corrected, printed and possibly published or otherwise made public’, and will thereby ‘count as’ the intervention or position of the person and/or organisation for whom s/he speaks. Consequently, orating and then publishing a public policy speech is a purposeful and deliberate act of motivational framing.

For sound analytical reasons, CDA has been described as discourse analysis ‘with attitude’ (Van Dijk 2001: 96), signalling that an otherwise neutral linguistic discipline has acquired political motivation. In particular, the emancipatory objectives of CDA make it well suited for decoding ideologically loaded texts (Fairclough 2001). The assumptions that inform neo-liberalism (e.g. open competition is ‘fair’ and will drive innovation and efficiency) are now ‘taken for granted’ in many quarters, but when viewed through the lens of CDA it is clear that the call for European ports to be more ‘open’ and ‘transparent’ will benefit some stakeholders (e.g. short-sea shipping lines, shippers and stevedores) and disadvantage others (e.g. the ‘problem groups’ who currently benefit from a ‘closed shop’). As Commission Kallas speaks for those standing to benefit from an open market in a way designed to manipulate his audience with suggestion, inference and omission, he is open to (counter) claims that his objectives are neither fully transparent nor entirely legitimate. If words are indeed ‘all he has’, such counter claims provide grounds for our (critical discourse) scrutiny.

Figure 1 depicts a multi-level CDA framework often used for analysing media texts, adapted to facilitate the examination of our sample (or indeed any other political speeches). The outer layer, or ‘social and cultural goings-on’ (Fairclough 1995: 57) – in this case the ‘master frame’ of neo-liberalism – fashions the production of specific texts. Thus, any proposed (de)regulation of port transport can be situated within the single market discourse and the ‘four freedoms’, as well as similar moves in other areas of European transport such as road, maritime and civil aviation. The middle layer of discourse practice identifies the circumstances within which the text is both constructed and received, reflecting the institutional structures therein. Finally, the inner layer of TEXT is where we consider how Commissioner Kallas uses language in specific and deliberate ways in order to convince key stakeholders, at least in some member states, to support DG Move’s preferred and intended policy frame.

*** FIGURE 1 HERE ***

CDA offers a wide range of techniques for linguistic detection that we used in the initial (comprehensive) stage of data analysis.¹ In this respect, CDA can be likened to a ‘toolbox’ such that the process of CDA is akin to selecting the most appropriate (analytical) tools for the job in hand (as per van Dijk 1997). Thus, just as social actors use ‘toolkits’ to combine elements from the existing ideational repertoire (the outer layer in Figure 1) to create new meanings and powerful coalitions for collective action and change (Carstensen 2011), here we use a selection of linguistic techniques to demonstrate how Commissioner Kallas promotes his argument. More specifically, we evidence how, in the absence of a robust impact assessment that might establish the need for change alongside policy options that might work for the benefit of all stakeholders, the Commissioner seeks to manipulate his

audience through: (i) repetition, (ii) (de)coupling and (iii) rhetorical contrast. We analyse repetition within and across speeches to demonstrate how Commissioner Kallas seeks to emphasise the neo-liberal agenda and then couple (decouple) this with positive (negative) outcomes. Rhetorical contrast then creates a sense of urgency – the idea that the industry stands at a critical juncture – and to build solidarity among actual and potential supporters of port reform¹.

Repetition across the three Speeches is perhaps the most immediate and striking feature of the Commissioner’s talk. However, in our analysis, instead of repeating examples from every Speech we present only one or two examples marked with a single asterisk (*) if there is a similar example in the other Speeches and a double asterisk (**) where a phrase is repeated almost verbatim. Our own aversion to repetition in no way detracts from the conclusion that rhetorical framing can be deployed to ‘kick start’ a divide-and-conquer strategy with much wider ramifications, most notably for dockworkers, especially when the Commission has the legitimacy, and courage, to ‘kick first’.

4. TALKING UP A STORM

4.1. Let’s Be Clear About Repetition

Our starting point, informed by the outer layer of Figure 1, was to identify keywords associated with the discourse of neo-liberalism and the ‘four freedoms’. References to ‘competitiveness’ – the ‘mantra of neo-liberalism’ and *leitmotiv* within European politics (De Ville and Orbie 2014: 152; Hay and Smith 2005) – featured heavily (six times in Speeches 1 and 2 and once in Speech 3).² However, the Commissioner repeatedly and consistently uses

¹ We identify these three elements as part of what we propose is Kallas’ sequential strategy to persuade his audience to support and act in pursuit of port reform. These elements form part of our wider and more comprehensive analysis which embraces more tools from the ‘CDA toolkit’. This full analysis is available online here XXXXXXXXXXXX

the more enigmatic concept of ‘transparency’. In the eyes of the Commission, transparency is a precondition for (fair) competition, and there is no alternative to an open market for port services on the agenda.

In his former position as EU Commissioner for Administrative Affairs, Audit and Anti-Fraud, Siim Kallas strongly advocated transparency. In March 2005 he launched a (surprise) European Transparency Initiative that ‘basically used the demands, concerns and alarmist, not to say vehement tone of the campaigners’ (Chabanet 2007: 33) calling for greater transparency within the EU. However, ‘transparency’ within the new EU ports policy frame relates not to any (outer layer) concern about the ‘openness’ of the system of interest representation in the EU or any broader discussion of accountability within the general system of interest representation that has dominated European (master frame) discourse on transparency (Smismans 2014). Instead, Commissioner Kallas focuses on the (ostensibly) opaque regulatory environment that fails to deliver a ‘level playing field’ in European ports. This particular use of the transparency discourse is perhaps unsurprising as Commissioner Kallas was addressing actual or potential adherents (see Table 1) and therefore a one-sided interpretation of transparency allowed him to ‘avoid the haunting question of representation’ that still lies at the heart of the ‘regulatory conundrum of interest group participation’ (Smismans 2014: 491-2) (i.e. the fact that some interest groups, most notably labour, were largely excluded from much of the policy framing process). Within the three Speeches, the words ‘clear’, ‘clarity’ or ‘clarify’ are used seven, five and six times respectively, while ‘transparent’ (or variation thereof) is used six times in each Speech. We return later to the emphasis on transparency, which is not simply regarded as ‘good’ in its own right but is also coupled with other (potential) ‘positive outcomes’ arising from pan-European port reform.

For now, a single example, albeit repeated in other Speeches and therefore denoted with an asterisk (*), illustrates the apparent need for greater clarity:

making things clear³ ...

Speech 2: “There are no *clear* EU-wide rules to cover today’s varied patchwork of national regulations”*

By featuring transparency so strongly and so often, Commissioner Kallas implicitly but continually reminds his audiences that current port regimes are purposefully opaque and over complex. Unstated, and yet clear nonetheless, is the inference that national (industry-specific) regulations are undesirable and should be replaced with a common standard; to do this national regimes must first be delegitimised as an inefficient bricolage. It is these national regimes that constitute the ‘last line of defence’ for dockworkers in the face of globalisation (Turnbull and Wass 2007).

Repetition simplifies messages by combining clarity and focus with emphasis and accentuation (Tannen 2007). More importantly, it is conceivable that repeating the same word, phrase or idea may be unconscious during *ad hoc* interaction, given the deliberate transcription process described earlier, it is evident that ‘clarity’ and ‘transparency’ is the binding motif within these Speeches, making the Commission’s call for ‘open access’ to European ports inescapable.

For Commissioner Kallas, repetition is purposeful, deliberate, and beyond the confines of subtlety. Indeed, rather than any coincidental or accidental use, repetition is a central

linguistic meaning-making strategy, creating ‘a discourse, a relationship, and a world’ (Tannen 2007: 97). Furthermore, Commissioner Kallas uses repetition vertically *within* Speeches and horizontally *across* speeches. Some common themes and passages across his three Speeches are exemplified below:

European ports left behind ...

Speech 1: “we have to ask ourselves where that growth and demand *will actually leave our many hundreds of seaports* in the next 20 years”**

Here the Commissioner’s discourse suggests that without a pan-European policy, ports will stagnate as investors and customers ‘leave them behind’. By rhetorically asking where ports will be ‘left’ as a result of globalisation and technological developments (most notably the construction of ever larger container vessels), the Commissioner strongly suggests that this may be somewhere undesirable. This message will resonate with some (e.g. Mediterranean ports) more than others (e.g. ‘world class’ north European ports), depending on how opaque various practices are in the particular ports in question. Commissioner Kallas therefore needs only to appeal to some (potential and actual) antagonists in the audience (i.e. those feeling the furthest behind). These ports, and their users, must face up to forthcoming challenges:

facing up to future challenges ...

Speech 1: “The *challenges that ports face* in productivity, investment needs, sustainability, human resources, integration with cities and regions can in no way be underestimated”**

The need to address such challenges is exemplar of how language manipulates using presuppositions (Huckin 1997); the assumptions are, first, that these challenges exist, and secondly that they must be addressed. Moreover, terms like ‘sustainability’ and ‘integration with cities and regions’ are sufficiently vague but sound more problematic and wide-ranging than more specific challenges, such as enticing capital to European ports:

attracting investment ...

Speech 3: “we have to ... create a business climate *to attract the investments*”**

Here, Commissioner Kallas appeals to a universally recognised discourse (master frame) that commerce cannot survive without investment. Implicitly, therefore, he suggests that investors will not be attracted to European seaports by ‘irregular’ or ‘non-standard’ governance (i.e. national variation that protects ‘vested interests’ *versus* pan-European consistency and conformity that creates ‘opportunities for all’). Once again, in pursuit of a ‘divide-and-conquer’ strategy, Commissioner Kallas appeals to those ‘least attractive’ to investors. More specifically, among the audience of port authorities, terminal operators, service providers, shipping lines and other port users, the Commission is appealing for potential antagonists to ‘lead the floor’, via collective action, and put paid to market restrictions by supporting a new pan-European policy frame:

market restrictions ...

Speech 1: “Today’s *many bottlenecks* are often due to low efficiency and sometimes to *restrictive labour* and other *non-competitive regimes*”**

Speech 2: “some of the practices are *highly restrictive* and amount to what is, in effect, a ‘*closed shop*’ where service providers may not employ personnel of their own choice”**

‘Bottlenecks’, ‘closed shops’ and other (unspecified) ‘restrictive practices’ (e.g. labour pools) are pejorative terms designed to isolate dockworkers as both a source of inefficiency and a target for reform. Thus, the clear suggestion is that ‘restrictive practices’ benefit some (e.g. dockworkers) but retard progress and disadvantage many others (e.g. users and consumers). Repeating this message resonates with the proclaimed efficiency gains from liberalisation now embedded in the wider economic and ideological circumstances of the EU (De Ville and Orbie 2014: 152), represented by the outer layer in Figure 1. In terms of discourse practice, these repeated messages develop the notion that unless European ports are ‘opened up’ to competition by removing (claimed) restrictive practices, they will be unable to keep abreast of the new global sea freight market. To further reinforce the new ports policy frame, the benefits of transparency are repeatedly coupled with other values that talk to adherents of the Commission’s position and marginalise known opponents of an open port services market.

4.2. You Can’t Have One Without the Other

The linguistic technique of *(de)coupling* is an attempt to legitimise an organisation’s actions and aspirations by (dis)associating with (un)acceptable values (Meyer and Rowan 1977).

Rhetorical theory utilises what might be considered perfectly reasonable, common-sense value systems. For example, ‘transparency’ is not simply repeated to reinforce, but is joined to other considerations that build a more legitimate and widely acceptable message. Thus, in the master frame of neo-liberalism, transparency is typically presented as a precondition for an ‘open market’ and a ‘level playing field’ for competition. In the ports policy frame, transparency is coupled with other (positive) outcomes such as fairness, long-term investment, the simplification of rules, increased productivity and financial limpidity. All are intuitively desirable. *Ipso facto*, transparency must also be desirable. When coupled together, they build a (rhetorical) case for port reform in the absence of ‘hard evidence’. The following examples suggest that ports must change or suffer the damaging consequences:

transparency plus ...

Speech 1: “the idea is not to create more rules. It is to standardise the different conditions that exist today for concessions in many Member States and to make them more transparent”*

Speech 2: “it is about having greater transparency and fewer restrictions, to remove barriers for new entrants wanting to tender fairly and openly”**

Speech 3: “public funding should not be used to distort port charges for using infrastructure, which should be set in a transparent and non-discriminatory way”**

Transparency and clarity are coupled with reasonable, positive and necessary outcomes; most notably, it is suggested to be the antidote to discrimination. Because of the lexical choices of clarity/transparency, the constructed discourse is an advocacy of ‘standardisation’, ‘open practice’ and ‘barrier reduction’ to enable free-market principles and

practices within European ports. Indeed, lexical selections are key in matters of representation and the efficacy of specific choices can be increased when combined – or coupled – with agreeable outcomes. Commissioner Kallas does this regularly in his three Speeches, to reinforce the claimed benefits of reform and clearly establishing who is ‘for’ and ‘against’.

4.3. If Not This, Then What?

Rhetorical contrasts (Edwards and Potter 1992) are extensively used within political speechmaking. In the new European ports policy frame, the repetition of ‘transparency’, coupled with seemingly desirous outcomes, and contrasting it with negative outcomes if reform is not accepted, is used to build a compelling and rational case (at least for potential and current adherents). Commissioner Kallas establishes several contrasts within his overarching argument, most notably via the strategic device of ‘rationalisation’. All three Speeches contain examples of dichotomous outcomes, consistent with an approach where ‘the past is embraced in the interpretation of the present’ (Nordin 2011: 3). Thus, in the words of Commissioner Kallas, the past (and present) connotes restriction within port operations whereas the future, if grasped today, promises a transparent and liberated free-market essential for prosperity. Once again, this is consistent with the master frame of neo-liberal European discourse – the restrictions of the past versus the (four) freedoms of the future (Krzyżanowski 2005) – and is part of a process of ‘temporal othering’ (De Ville and Orbie 2014: 162). For Commissioner Kallas, the past, and indeed the present, is represented as problematic and undesirable whereas the future is potentially prosperous:

learn from yesterday, live for today, hope for tomorrow ...

Speech 1 (present): “*Today’s* many bottlenecks are often due to low efficiency”**

Speech 2 (future): “We expect, and hope for, a great deal of growth *in the years ahead*”*

Using this temporal model, Commissioner Kallas not only enables audiences to visualise the natural denouement to deregulation, he uses ‘today’s many bottlenecks’ instead of alternatives such as ‘the current bottlenecks’ to introduce urgency. Those who benefit from the ‘embedded restrictions’ of the past, such as dockworkers, are undermined, even though the nature of port inefficiency remains unexplained. Instead, it is set against transparency through another discursive selection of the neo-liberal master frame, namely the ‘natural order’ of ‘free markets’, as the following example serves to illustrate:

Speech 1: “it is about having *greater transparency and fewer restrictions*, to remove *barriers* for new entrants wanting to *tender fairly and openly* for port services”*

The competitive threat of a ‘geographical other’ is often evident within EU discourse (Wodak and Weiss 2005), whether in the form of the USA in the negotiation of ‘open skies’ in civil aviation (Woll 2006) or the more general threat from China in the new millennium (De Ville and Orbie 2014: 161). Commissioner Kallas positions the competitive threat of ‘them’ against ‘us’ as a driving factor in port liberalisation:

mobilising ‘us’ by identifying ‘them’ ...

Speech 1: “It is also crucial if ports are to be properly efficient and compete globally against rival ports in North Africa or in Asia – particularly China”*

The use of *deixis* (e.g. ‘that’, ‘this’, ‘them’, and ‘us’) helps to position groups within power structures (Catalano 2011). Commissioner Kallas uses ‘we’ and ‘them’ to further the constructed notion of ‘us’ versus the collective ‘other’. ‘We’ develops group membership (Krzyżanowski 2005: 150) but it is often unclear to whom ‘we’ refers. Irrespective of its nebulous status, it is likely that Commissioner Kallas uses ‘we’ to indicate communality and collaboration and to provide a ‘bridge’ between different interest groups (Snow *et al* 1986). It is hard to resist the conclusion that ‘we’ is used to promote a ‘spurious solidarity’ (Fairclough 1989: 12), as the following examples serve to illustrate:

Speech 1: “*we* need to improve access to ports as well as raise their efficiency”

Speech 2: “*we* also need to examine the issue of financial transparency”

In these examples, ‘we’ is ambiguous and lacks definition. One alternative is that it could refer to the ‘royal we’, where ‘we’ is amplified into a ‘massive form that is soon merged with the entire field’ (Fontanille 2006: 64). ‘Us’ and ‘we’ develop apparent commonality between stakeholders, and even those disadvantaged by deregulation are swept along, or aside, as part of a forward movement for the proclaimed common good. In contrast, in the following examples, Commissioner Kallas differentiates between ‘we’ and ‘the port transport sector’. When used in this more specific way, and in conjunction with ‘you’, the pronoun ‘we’ seemingly becomes the legislature requesting the co-operation of other social actors making up the audience of either the ‘live’ or transcribed Speech, recognising that some will be ‘for’ and some will be ‘against’:

Speech 1: “So how do *we* go forward? Firstly, *we* naturally want to hear *your* views and valuable input”

Speech 2: “*we* are all here today in our respective roles ... *we* all have our interests and they will not always converge”

Speech 3: “*we* propose new, transparent and open procedures”

Here, Commissioner Kallas’ use of ‘we’ is clearer than the polysemous notions outlined in much theoretical literature examining political discourse. ‘We’ for example, can either include or exclude ‘us’, and within his Speeches Commissioner Kallas uses ‘we’ to do both. Thus, despite claims that “our intention is to be light on regulation” and “we don’t want to impose unnecessary red tape” (Speech 3), CDA shows that ‘we’ (the legislature) is strongly advocating free-market principles for European ports, with the process of consultation (“we” ask for “your” input) perhaps masking this effect and suggesting some illusion of choice. Since repeated use of the inclusive ‘we’ constructs a community with common goals and values, by the time Commissioner Kallas uses ‘we’ more narrowly, the communal ‘we’ has long been established.

5. CONCLUSION

In setting the agenda for EU port reform – both in terms of what is on the agenda (e.g. open access, transparency, etc.) and what is not (e.g. the benefits of labour pools and other ‘closed’ employment arrangements that ensure social protection, comprehensive training, safety and health, and the sharing of underemployment costs by employers) – the Commission has identified the problem (diagnostic framing), proposed solutions (prognostic framing) and sought to legitimate its own authority to act, call adherents to arms and demobilise detractors and opponents (motivational framing). To some, including waterfront trade unions, the exclusion of cargo handling from the latest *Regulation on Market Access to Port Services and Financial Transparency of Ports* (European Commission, 2013b) might be read as another

outright victory for organised labour, but rhetorical (motivational) framing in the latest contest to determine the future of EU ports policy was designed to divide-and-conquer. The day after the Conference on European Ports Policy in Brussels (Speech 2), the Commission sent a reasoned opinion to Spain (the second stage of the infringement procedure) for non-compliance with the EU-Treaty (restrictions on freedom of establishment and the obligation on employers to recruit only recognised dockworkers from the Spanish labour pool). It seems that when Commissioner Kallas talked about the need for action ‘today’, he obviously had in mind ‘tomorrow’.

As the Commissioner correctly anticipated, ‘we’ (i.e. the Commission and its supporters) were indeed “looking at a potential conflict of interest” (Speech 2) as Spanish trade unions were incensed at being consulted today and threatened with the demise of their ‘closed shop’ tomorrow. But opposition, on this occasion, was national (confined to the main Spanish ports, albeit with ‘letters of support’ from other port unions) rather than the pan-European disputes that proved so costly to port operators and users during the ‘war on Europe’s waterfront’ (Turnbull 2006) and the more widespread opposition to the subsequently revised Directive *On Market Access to Port Services* (European Commission 2004) when dockworkers once again coordinated action across the EU (Turnbull 2010). Following the ESPO Conference in Varna (Speech 3), when it was clear that cargo handling would be excluded from DG Move’s proposed Regulation (European Commission, 2013b), an employer in Antwerp made a complaint to the Commission about the ‘restrictions’ of the national port labour law in Belgium that likewise restricts employment to dockworkers registered with the port labour pool (i.e. enterprises are not free to hire labour of their own choice). Following industrial action against the employer in question in March 2014, on this occasion confined to port of Antwerp rather than concerted national action or coordinated

European action, the Commission sent a notice to Belgium (April 2014) on alleged infringements of the rules of the Treaty on the Functioning of the European Union, marking the first step towards the opening of an infringement procedure. In December 2014 the ECJ ruled that Spain had indeed breached EU rules on freedom of establishment with regard to the rules on hiring port labour. The ETF expects this ruling to “spread like a cancer” to other European ports in the Mediterranean (most notably Italy and Greece) and possibly even some ports in northern Europe (e.g. Hamburg).² Commissioner Kallas has evidently ‘talked up a storm’ in European ports.

Although it is widely accepted that discourses play a powerful causal role in determining the ideational structures and norms of political debate within the EU (Hay and Rosamond 2002) as well as the trajectory of policy change (Hay and Smith 2005), such that discourses are now treated as objects of enquiry in their own right, much of this analysis has focused on the ‘master frames’ of liberalisation and globalisation (the outer layer of Figure 1) and has less often considered how rhetorical framing might support policy framing and collective action by European actors at the sectoral level. This is especially important when the Commission is seeking to ‘divide-and-conquer’ because any collective action framing must function both as a mechanism to legitimate action on its own part and to persuade actual or potential adherents to engage in (collective) action in support of the Commission’s preferred (pan-European) policy. Rhetorical framing will therefore pre-empt and help to sustain collective action by the Commission and adherents of Commission policies. By legitimating some groups rather than others, the strategy of rhetorical framing is not only a ‘call to arms’ but a ‘delineation of the battle lines’ that determine the issues over which there will be any explicit contest. By considering text in its political context, CDA is able to decode

² Interview with EFT Dockers’ Section Political Secretary, April 2015.

the messages sent by the Commission or indeed any political actor to its intended audience. If the text is made transparent, and the speaker is held to account, we can reveal how discursive repertoires become rhetorical strategies and the role these strategies play in policy framing, collective action and subsequent policy decisions that benefit some and disadvantage others.

Biographical notes: *Richard Thomas* is a doctoral researcher at Cardiff University. *Peter Turnbull* is Professor of Management at the University of Bristol.

Address for Correspondence: Peter Turnbull, School of Economics, Finance & Management, University of Bristol, Priory Road Complex, Bristol BS8 1TU.
email: peter.turnbull@bristol.ac.uk

NOTES

1 Detailed analysis is available from the authors on request.

2 For expediency, in our analysis we refer to the three speeches listed in Table 1 as Speech 1 (Kallas 2012a), Speech 2 (Kallas 2012b) and Speech 3 (Kallas 2013).

3 All text highlighted with *italic* in the three Speeches is our emphasis.

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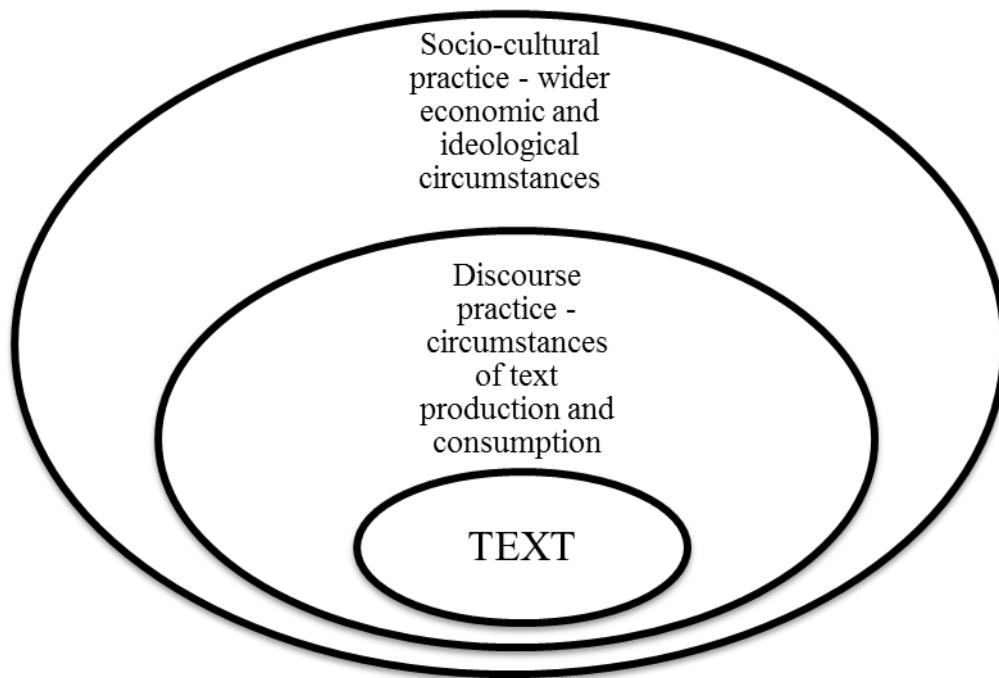
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Figure 1 Analytical framework for CDA



Source: adapted from Fairclough (1995)