

## **“European Trade Policy”**

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## **European Trade Policy**

Although it is one of the oldest and most important supranational competencies, trade policy has so far failed to attract much attention from interpretivist scholars. This is a pity, given that the complexities and the increasingly normative tone of EU trade politics lend themselves well to a post-positivist gaze.<sup>1</sup>

To support this claim, this chapter begins with an overview of the policy's main features and a brief discussion of why it might appeal to interpretivists. I then present the academic 'state of the art', reviewing both the 'mainstream' literature and some of the less conventional work that has appeared in its margins. I will show that the latter studies, though very interesting, are currently still somewhat 'patchy' – lacking programmatic drive. In the final section I therefore outline three avenues for further research. These examples illustrate one, ethnographic, way in which the literature may choose to move forward.

### **1. The Conduct and Substance of EU Trade Policy**

Trade policy has been an exclusive EU competence since the Treaties of Rome, although the boundaries of this authority have expanded through decades of institutional wrangling. Since the Treaty of Lisbon, the EU's exclusivity includes all topics that are currently considered a trade issue at the world stage – including investment, services and commercial aspects of intellectual property. The Common Commercial Policy includes a series of different policies, each characterized by distinct politics and policy-making procedures, usefully grouped into the multi-, bi- and unilateral 'sub-systems' by Young and Peterson (2014).

The multilateral level concerns talks within the World Trade Organization (WTO) and the boundaries, enforced through the dispute-settlement mechanism, set out by its rules and procedures. Especially since the late eighties, the EU has become increasingly assertive in the multilateral rounds – playing an important role in the progressive liberalization of free trade

across an ever expanding set of sectors (a notorious exception being agriculture). The EU was also one of the driving forces behind the push towards new/deep trade issues (Poletti 2012). In recent years, however, its commitment to the WTO has diminished. The policy of ‘multilateralism first’ that was put in place by Commissioner Lamy (1999-2005) was abandoned with the arrival of Peter Mandelson and the 2006 ‘Global Europe’ Communication, which set out a more aggressive bi-/pluri-lateral strategy.

The bilateral system involves the panoply of free trade agreements (FTAs) that the EU can conclude with other states. The authority to propose and negotiate treaties has been delegated to the European Commission (EC), while adoption requires a qualified majority of member states in the Council as well as (since the Lisbon Treaty) a simple majority in the European Parliament.<sup>2</sup> The goals and the relative importance of the bilateral sphere have undergone a marked shift. For several decades bilateral agreements were used primarily to bolster ties with former colonies and the EU’s neighborhood. This gradually changed over the course of the 1990s, with a more drastic turn being taken with the aforementioned Global Europe strategy – which reframed the purpose of FTAs in primarily economic terms (Young & Peterson, 2014). Since then negotiations have commenced (and have in some cases been concluded) with, among others, South-Korea, India, Malaysia, Singapore, Canada, the United States, Japan and Vietnam. In accordance with multilateral developments, the types of issues covered by these deals have increasingly crept ‘behind the border’: negotiations are not just about traditional barriers like tariffs, but also about regulatory issues, product standards and other kinds of government intervention (see below). Although there were some shifts in emphasis, Global Europe’s core features were largely restated by the 2010 ‘Trade, Growth and World Affairs’ communication.

The third, unilateral sphere includes all the instruments the EU can use to either pry open foreign markets or protect its own – outside the negotiating context of the other sub-

systems.<sup>3</sup> Here, the trade-defensive tools available to the EU are distinct in both their orientation (protection rather than liberalization) as well as their decision making procedures. They include safeguards, anti-subsidy measures and anti-dumping duties – the latter being used most frequently. Through various reforms of the procedures, the Commission has gradually increased its grip over the application of such measures. For example, it can currently decide autonomously whether to implement preliminary anti-dumping duties, while a proposal to implement final measures can only be rejected by a qualified Council majority. The EP plays no formal role here. The trade defensive sub-system has remained an exception to the overall trend of EU trade policy, which since the eighties has been oriented towards obtaining foreign market access while generally pushing for more liberalization (Young & Peterson 2014). For decades now the EU has been one of the biggest users of contingent protection, and the amount of industries, products and import value covered by anti-dumping has been growing since 2004 (Vandenbussche and Viegelahn 2011).

All of these sub-systems have had to operate in an international economic and regulatory context which has been subject to frequent and drastic changes. One of the more important shifts in global commerce of the past twenty years has concerned the substance of (what counts as) trade policy itself. Until the 1980s debates were still largely over 'at the border' trade policies like tariffs and quotas. Since then, the global trade agenda has thrown an ever wider net. Discussions now deal with previously shielded sectors like services, but also tackle 'behind the border' items like intellectual property rights, product standards, procurement policies, and health, labor and environmental issues. This bulging agenda has been considered a threat by a wide variety of actors (labor and farmers' movements, NGOs), who believe that it impedes the state's ability to intervene, endangering social welfare and more equitable forms of globalization. Resistance has gradually increased, piquing first during the 1999 WTO negotiations in Seattle, and more recently against big 'deep-trade' deals like

the Transatlantic Trade and Investment Partnership (TTIP).<sup>4</sup> Together, these shifts have fostered trade debates that bear only partial resemblance to the ‘protectionism versus free trade’ quarrels that used to animate both public discussions as well as the literature. *Normative* debates over regulatory sovereignty, interventionism, food safety and the host of issues related to that pliable notion of ‘fair trade’ have become more prevalent.

In sum, many of the reasons for why an interpretivist lens makes sense for researching the EU in general (see Diez 2016) are relevant *a fortiori* for trade. Policies are forged by a complex decision-making network and are characterized by frequent and long-lasting interactions between officials. Policymakers not only have to think about their own (state’s) position in this process, but also about how ‘the EU’ as an entity will present itself to and interact with a variety of foreign ‘others’. They are confronted with large and increasing uncertainty related not only to the effects of their actions but also their goals and means. If their debates once possessed a certain amount of numerical simplicity due to the overwhelming dominance of material arguments, then this clarity has now made way for the headaches of normative disagreement and regulatory politics. As in other fields this has been compounded by an influx of heterogeneity through enlargement but also because of asymmetric socioeconomic and political shifts across the member states. Meanwhile, elite and/or technocratic bargaining has been challenged by the increasing politicization of trade by new actors (like NGOs) and new concerns. Finally, there is the mere fact that the EU has emerged as an important and assertive co-architect of the global economic system<sup>5</sup>. Even without the expansion of the trade agenda or its self-congratulatory narratives, this was bound to draw the suspicious eye of ‘critical’ scholars eventually. So far, however, the literature has been dominated by more ‘mainstream’ approaches.

## **2. The literature on EU trade policy**

### **2.1 'The mainstream'**

Most studies on European trade policy build on a more or less rational-institutionalist framework (see also the reviews by Orbie and Kerremans 2013 and Siles-Brügge 2014). In order to illustrate the main outlines of this literature, I am dividing it (somewhat artificially) into three thematic parts.

The first big set of studies has focused on the struggle between the Commission, the Council and (to a far more limited extent) the European Parliament over who holds the reins in trade policy (e.g. Meunier, 2005). Much of this work is couched in principal-agent theorizing, investigating the ways in which tasks are delegated and how the actors involved wrestle for autonomy and power by installing (or subverting) various control mechanisms. Some recent examples include Gastinger's (2015) work on the ways in which the Commission tried to push its own agenda and evade Council oversight during bilateral negotiations with India, or da Conceição-Heldt's (2011) focus on the effect of intra-Council divisions on Commission autonomy at the WTO. Others have looked at intra-Commission negotiations (Larsén 2007), at how institutional lock-in prevented a protectionist 'Fortress Europe' from emerging in the 1990s (Hanson 2003) and at the effects of the 2004 enlargement – both on the ability of the Commission to get what it wants as well as the increasing dominance of large members states (Elsig 2010). The influence of decision making rules, actors' cohesion, control over the agenda as well as the flow of information, and the scope for informal deal-making are central independent variables; Commission autonomy the core explanandum (Dür & Elsig, 2011). Although these works sometimes pay attention to constructivist elements like state identity (see for example Meunier and Nicolaidis 1999) to discuss marginal aspects of their narratives, the core of their analysis is quite firmly rooted in rational-institutionalism.

Cost-benefit calculations guide the behavior of rational actors, whose motivations and beliefs are themselves either exogenous or deduced from the model's assumptions.

A second group has explored the role of business and other 'societal' actors in trade policy-making. Here, authors have for instance looked at the relative power of NGOs versus business in accessing the Commission and influencing the policy process (Dür and De Bièvre 2007), or the role of exporters in pushing for competitive liberalization (Dür 2007; Garcia 2010). Other examples include Dur and Mateo's (2014) investigation of the successful defeat of the anti-counterfeiting trade agreement (ACTA) by NGOs, and the large amount of texts that study the fight between import defensive industries and a liberal coalition in the various textile 'wars' with Asian economies (Comino 2007; Eckhardt 2011; Heron 2007). Again, most of this work can be characterized as conventional, rationalist political-economy although there have of course been exceptions. The ambitions and work of Cornelia Woll (2008), for example, defy some of our usual categories. Her work deals with preferences and lobbying, but also with the ways in which the perceptions and wishes of firms in the services sector evolved by interacting with changing institutions, ideas and interests.

A third strand is more concerned with the behavior of 'the EU' as an actor vis-à-vis third countries. What demands does it bring to multi- and bilateral venues, which kinds of tactics does it employ, and when is this unitary entity successful in reaching its goals? Authors have looked at the importance of internal divisions in determining the EU's negotiating leverage (Meunier 2005), at the kinds of policies it tries to export (De Bièvre and Poletti 2013; Young 2015), or at specific issue such as the composition of its anti-dumping measures (Rovegno and Vandebussche 2011). Here, a small number of scholars has debated whether the EU is a 'special' kind of trade actor, with some contending it is indeed promoting a particular model of globalization (see Meunier and Abdelal's work on 'managed globalization', 2010) while others have claimed otherwise (i.e. Zimmermann's 'Realist Power

Europe' 2007). In general, however, the literature has spent far more time studying the specifics of everyday decision-making and policies than thinking about what the EU 'is'. In that sense, EU trade policy research policy can be characterized as 'post-ontological' (Caporaso 1996 in Della Sala 2015: 4).

In sum, the majority of works published on EU trade policy has its roots in rational-institutionalism and (materialist) political economy. However, although there is a strong drive towards the development of generalizing theories it would be unjust to lambast this literature for some of the criticisms often lodged at contemporary International Relations: excessive abstraction, an interest in theory over empirics or naïve falsificationism. Many authors working in this field have become increasingly interested in constructivist 'variables' related to ideas and discourse (Orbie & Kerremans, 2013), and their neopositivism has remained complexity-sensitive. This is reflected in their preferred choice of methods: although there is some statistical work, most claims are based on qualitative assessments of archival sources, news media and interviews, while formal modeling is almost completely absent. Moreover, as is shown in the next section, the field's space for less conventional analyses has widened in the past ten years – both at its core and on the fringes.

## **2.2 Growing diversity**

A small but growing amount of authors has distanced themselves more clearly from the (itself increasingly eclectic) mainstream. Although none of them (to my knowledge) have self-identified as interpretivist,<sup>6</sup> their work shows a clear affinity with core aspects of this methodology.<sup>7</sup> Recurring characteristics include (i) a call for more holistic approaches, chastising the abstractions of the mainstream (ii) a focus on discourse, rhetoric and argument; (iii) a more overt normative dimension, criticizing both the substance of European policies as



well as the ways in which the Commission (and some academics) have tried to discursively legitimize (or obscure) its liberal agenda.

Again organizing them thematically, the discourse analyses have without doubt created the most output. The majority of these studies have focused on the Commission and the ways in which it has responded to various offensives against its (free) trade agenda. They have done so through a variety of different lenses. Crespy (2014) for example, uses 'discursive institutionalism' to study the wrestling match between citizen groups and the Commission over the General Agreement on Trade on Services (GATS). She shows how NGOs and trade unions 'agreed' on their narrative early on, barely altering its basic elements (GATS as serving big business, and as a threat to democracy and public services) over several years of contestation. However, their main sparring partner, the Commission, remained deaf to their pleas. Its unvarying response rejected some claims of the NGOs as being myths while ignoring others (particularly the 'public services' dimension of the deal). The only times the EC altered its narrative was when it was forced to speak in a different institutional setting, i.e. when addressing the Parliament. Crespy's work bears some similarity to that of De Ville and Orbie (2014), who investigate the Commission's trade discourse since the post-2008 economic crises. Again the emphasis is on how the Commission has tried to sell its liberal agenda through subtle discursive moves, in response to various kinds of pushback. After positioning their thinking vis-à-vis critical discourse analysis, constructivism and post-structuralism, the authors situate themselves as part of the reflexive and critical strand of 'structurationist' constructivism.<sup>8</sup> Holden (2015) investigates the same subject of the Commission's crisis-era speech on trade and development, though his theoretical mix of Faircloughian critical-discourse analysis and neo-Gramscianism puts a lot more emphasis on underlying material drivers. He argues that the neo-liberal hegemony has retained its grip, but has become more confrontational and realist. Not because it has been challenged by any

strong counter-ideologies, but because of the altered (geo-)economic landscape. Although it does not include any such meta-theorizing, the same theme of legitimation and contestation is also present in De Ville's recent book with Gabriel Siles-Brügge (2015); this time in the war of words over the Transatlantic Trade and Investment Partnership (see section 3.3).

A rare exception to the emphasis on the Commission is the paper by Mathieu and Weinblum (Mathieu & Weinblum, 2013) which looks at how members of the European Parliament (MEPs) have rallied around the need for fair trade, even though the exact content and the policy implications of this 'floating signifier' differ immensely across MEPs' ideologies. Referring to Foucault, de Saussure and Laclau and Mouffe, they build this analysis on a theory of discourse that rejects its use as a 'variable among others', emphasizing that *'discourse creates the space for possible and legitimate options; it defines what/who is and what/who is not considered as being legitimate and authorized, and what/who is to be excluded'* (Mathieu and Weinblum 2013: 188). This theoretical position (which shares some commonalities with those of De Ville, Orbie and Crespy) distances them somewhat from the more conventional social-constructivist work done by Woll (2008) and Arne Niemann (2004, 2013). For instance, the latter has operationalized Habermas' theory of 'communicative action' to study the role of argument and deliberation,<sup>9</sup> viewing the explanatory potential of such communication as dependent on a host of variables such as the lack of clear goals and strong preferences. Finally, they differ as well from the constructivist International Political Economy (IPE) of Gabriel Siles-Brügge (2013, 2014), who goes beyond the ideas-as-variables strand of IPE while still searching explicitly for the (in)direct *causal* effect of beliefs.

Although some of the authors mentioned above self-identify as critical, and often include more or less explicit normative judgments in their work, Orbie and Kerremans (2013) have noted that there is also a pronounced 'radical' strain in the literature. This includes for

example Bailey and Bossuyt (2013), who have developed a critique of the idea that the EU's trade policy has been used for increasingly virtuous purposes since the mid-1990s. They fiercely contest portrayals of the EU as a 'counter-hegemon' against neoliberal globalization, as well as those that argue that this counter-hegemonic project failed because of internal divisions. Rather, they claim that the EU's trade policy is nothing but the continuation of its own neoliberal and undemocratic drivers. They outline various 'mechanisms of domination' ('othering', de-politicization and the market mechanism), that serve to portray the EU as a force for the good whilst also making sure that its lofty ambitions will not be realized; they therefore choose to characterize the EU as a 'conveniently conflicted counter-hegemon'. A similar analysis can be found in the work of Mark Langan (2015). Like Bailey and Bossuyt, he attacks the discrepancy between the EU's stated goals in its new generation of trade agreements with the Maghreb, and the detrimental effects these deals will (probably) have on human well-being, economic development and migration flows. As this will in all likelihood lead to a 'lose-lose' scenario (both the EU's and its partners' goals will be damaged), he believes this course of action must be due to the (discursively reinforced) belief among EU policymakers that their aims are both ethically just and economically necessary for these countries. Finally, Lucy Ford (2013) situates her work within a critical-realist methodology, which allows her to focus on the political, social and discursive 'frames' in which EU trade policies are forged. She couples this with neo-Gramscian theory and a variety of concepts from global ecology in order to, again, arrive at an indictment of the EU. According to Ford, the narrative as well as its conduct are projecting neoliberal global governance, prioritizing the market over social and environmental sustainability.

### 2.3 Discussion

In summary, a diverse and interesting scholarship has sprung up and has found its way to the field's foremost journals and publishers. Still: the amount of (more or less) interpretivist analyses remains quite limited. The above overview here includes a large proportion of all published works, while the discussion of the mainstream was far from exhaustive. Moreover, many of these works focus on the trade-development nexus (see also Holden 2014, and the work by Hurt, Lee and Lorenz-Carl 2013), while other aspects (including for example intra-EU struggles over supranational competence, multilateral negotiations or the trade defensive sub-system) have been neglected.

It seems fair to say that these contributions look somewhat 'patchy': there are some thematic and philosophical similarities, but there is no discernible, consistent empirical or theoretical research-agenda. Although they often respond to, and contrast themselves with, mainstream approaches, there is no ongoing debate among interpretivist scholars about their (potential) contribution to EU trade research<sup>10</sup>. This is further aggravated by some authors' attempts to devise new labels for their 'approaches', even though the actual practice of their work is almost impossible to distinguish from what many others have been doing for a long time. For example, the way Mark Langan (2015) employs his 'Moral Economy' framework does not seem distinct from (for example) critical discourse analysis.<sup>11</sup> To some extent the same is true for the discursive-institutionalism of Crespy or the structurationism of Orbie and De Ville. The questions they ask, the way they conduct their research, and how they support their claims differs less than their (meta) theoretical positioning would seem to imply. As I already pointed out, there are also difficulties with labeling all of these authors 'interpretivists' – including some of the critical scholars.<sup>12</sup>

In the end, however, these criticisms are mostly due to the (in itself surprising) fact that interpretivist researchers have only recently discovered European trade policy, and that

the amount of works, though swelling, remains limited. The next section outlines some of the ways in which the literature might move beyond its current state.

### **3. EU Trade Policy and Interpretivism: Ways Forward**

The dynamics of European trade politics, as outlined in the previous sections of this chapter, cannot be fully grasped by positivist approaches alone. Not only because its high amount of ‘ontological’ complexity should make us pessimistic about the prospects of discovering general laws (see Hammersley, 2014), but also because an interpretive epistemology is better suited to deal with many of the questions that we should seek to answer<sup>13</sup>. It would be unnecessary to further elaborate on the pros and cons of rational-institutionalist approaches to trade policy making here (see Siles-Brügge 2014, for an extensive but not wholly dismissive critique). Instead, in what follows I will focus on one specific set of questions and the kind of research, perhaps best described as ethnographic, that might flow from them. More specifically, I will zero in on the need to inject the current research about EU trade with a dose of Weberian ‘*verstehen*’: the need to think more clearly about the commitments, the motivations and the beliefs of the ‘actors’ that we are studying. Deeper insight of the rationale driving them will help us understand, and therefore explain, their actions (Ringer, 1997).

The construction of a more nuanced and historicized picture of Europe’s foreign trade policy will inevitably force us to unpack the players involved, since we will want to probe the humans that, in the end, make up institutional ‘actors’ like the Council or the Commission. In what follows, I will illustrate how we may proceed by discussing three broad examples. These represent three steps on the ‘delegation chain’ that runs, through a web of intermediaries, from voters to supranational trade policy.

### 3.1 DG Free Trade?

It is often claimed that the Commission is committed to free trade. Yet what this precisely entails, and why this is the case, has remained unclear.

As for the latter, a wide host of answers seems possible. Perhaps it is the result of strong liberal leadership, as two out of three trade Commissioners have hailed from liberal parties,<sup>14</sup> or DG Trade's intrinsic belief in the merits of open trade. Others have claimed that this is merely a reflection of the wishes of the member states, which delegated politically unpopular liberalization to the European level (Meunier, 2005). Still others may point at bureaucratic expansionism and supranationalization or the pressures from export-oriented business lobbying. Such questions have at times been dealt with (implicitly) by the literature on principle-agent dynamics between the Council and the EC, or in the works that look at interest-group lobbying. Discourse analyses have come closest to an attempt at deciphering the Commission's thinking, but in the end still focus largely on the legitimizing and obfuscating function of the Commission's speech (or rather: rhetoric).

Nonetheless, the discursive studies have at least outlined one important potential answer for the 'why' question: the beliefs and ideological commitments of those involved in producing this policy, uncovered by analyzing the Commission's various communications. It should immediately be evident that in such research, the 'why' cannot be detached from the 'what' – in order to understand why the Commission has behaved in a certain way we must understand its view of what is at stake, which means it considers legitimate, and how it sees its role.

An interesting sub-field of EU studies has sprung up which tries (by combining statistical analysis with elite interviews) to paint a picture of the background and views of the Commission's personnel, as well as inter/intra-departmental politics and interactions (see especially Hartlapp, Metz and Rauh, 2014; Hooghe 2012; Hooghe 2001). However, trade

policymaking has not received much attention in these studies and their discussion of values and worldviews has tended to focus on rather broad cleavages (focusing, for example, on the left-right or technocratic-political axes). So far, there have not been any systematic studies of the way that trade Commissioners and (perhaps more importantly) personnel from DG Trade think and talk about commercial policy, where they stand on issues of ‘free’ and ‘fair’ trade, how they interpret such terms and how, in a general, they see their own part in propagating a certain model of globalization. How do they perceive the costs and benefits of our current system, or the current threats posed by emerging economies? What are their views on the need for ‘competitiveness’? Of what, for what purpose? Who are their clients, their beneficiaries, their adversaries? And who are the people involved in this work? Are they economists, lawyers, political scientists etc.? Are they ideologues, technocrats or career-driven public servants?

Fairbrother’s (2010) study of the North American Free Trade Agreement (NAFTA) between Canada, Mexico and the United States provides an interesting illustration of the kind of text this may produce. He looks at business and policy-making elites’ views about the rationale of free trade agreements and, with the exception of economically trained technical staff and contrary to some of the critics of such agreements, finds little evidence of any belief in the inherent superiority of free trade. Instead of adhering to the teachings of neoclassical economics, it turns out that most of the driving actors held deeply mercantilist views. They did not support NAFTA because of theories of comparative advantage, but because of zero-sum thinking in terms of the trade balance, growth, and jobs<sup>15</sup>. These findings should also lead us to question prevalent views about the Commission’s support for unfettered commerce, especially when considering the somewhat contradictory beliefs that various academics currently hold about the Commission’s driving urges. As should be evident from the literature reviewed above, some believe it tends to tailgate dominant business actors, others propose

that it has an inherent desire to bolster the EU's exporting interests, while a third group argues that the Commission's preference for open trade stems from its genuine belief in the (win-win) economic and social benefits provided by unhampered global markets. Although these different pluralist, mercantilist and neoclassical motivations can perhaps co-exist in practice<sup>16</sup>, there is an unresolved tension between these stories that should be excavated.

There is a variety of ways this can be studied. Interviews with those involved in formulating policies would be an obvious choice, but more thorough analyses of the trade discourse across the years is also warranted. Although it will be challenging to analyze the discourse of DG Trade (or its Commissioner) across the wide variety of issues it is involved in at any time<sup>17</sup>, more insight on the fluctuations, the contradictions, the subtle changes across issues (and time!) may in fact also be one of the most interesting fruits of such labor.

### **3.2 Unpacking the Council**

Moving away from the peak of the chain, we come to one of the major lacunae of EU trade policy research:<sup>18</sup> the lack of attention paid to what's happening below the supranational level (Alons 2013; Dür and Zimmerman 2007; Young 2007a). We know very little of how individual member states' positions come about, or of the role played by (sub)national politicians, trade unions, firms and citizens. This gap is just as present in the supposedly more complexity-sensitive and critical studies; even these largely study either 'the EU' or the Commission and its internal politics. And yet, the ways in which member states are discussed should certainly trouble interpretivist scholars.

First of all, there is a strong tendency towards treating states as unitary 'actors' with identities, interests and beliefs. Speaking about 'France', 'Germany' or 'Malta' as if these abstract entities were doing the acting can certainly be useful in some cases – but only if we remember that this is an extremely simplified heuristic. In reality, as was remarked by the



historian Mark Gilbert (2008) in his criticism of ‘integration’ studies more generally, a state’s behavior is in the end nothing but the stylized representation of moves made by government officials, parties, prime ministers, cabinets, trade unionists, etc. all operating in their own local contexts according to their own logics. Secondly, there is a tendency to ignore the complex and potentially contradictory motives that may be driving member state preferences; at times by writing as if there is a perpetual gap between the ‘Northern’ and the ‘Southern’ approaches to trade, but more often by simply taking member state positions as a given (state x was pro, state y was contra) and assuming that they are acting on certain material interests in largely predictable ways. Almost always, member state preferences are treated as an exogenous ‘given’; simple to summarize and easily distilled from press reports or elite interviews.

Because the member states remain important actors in formulating EU trade policy, and since there is little prospect of the Council’s heterogeneity diminishing (Messerlin, 2001; Young, 2007b), the task for interpretive scholars seems clear. They need to help foster a *thicker* understanding of the policy process, the people involved, their motivations, the ways in which they see the world, and how all of this varies over time and space.

Of course, the complexities involved are even greater than at the European level, if only for the amount of actors playing a role of potential importance. The most commonsensical way to proceed would therefore be by starting near the ‘top’ of the *national* delegation chain – with the trade policy officials spread across the ministries of trade, foreign affairs, agriculture and others. Here, scholars may for example expand the empirical work already done by someone like Johan Adriaansen (2014), who has compared trade decision making in Poland, Estonia, Spain and Belgium by looking (amongst other factors) at the educational and professional profile of the trade experts, the ways in which conflicts are handled or how ‘society’ is consulted. He barely tackles other important aspects however, such as how these people actually deal with societal input, who they interact with (in what

way), what their aspirations and beliefs are, how they are steered and incentivized, and how all of this ties in with their function and ‘output’ as trade policy officials.

Comparative ethnographical studies of countries from various parts of the EU would offer some very interesting insights, considering the variation in state-society relations, economic paradigms, governmental cultures, socioeconomic interests, etc., and would allow us to refine the ‘what’ as well as the ‘why’ of member state preferences. They will also allow us to better determine to what extent our usual heuristics (North versus South, unitary state preferences, the dominance of material interests and instrumental rationality) make sense. Such a study would then serve as a launching pad for further work on other and non-state actors. It would also allow us to further develop Niemann’s project (see Niemann 2004; 2013), in understanding better how participation in the EU system has shaped national views on trade.

### **3.3 Deep Trade, Protectionism and the Trade Debate**

In this last sub-section we arrive at the ‘societal’ level, by tying in the need for more interpretive research with what is seen as a major double movement of the past decades: the spread of trade negotiations towards new contentious terrain, and the associated (but uneven and fluctuating) backlash against this development since the 1990s.

Arguably, this has been accompanied by at least two broad discursive shifts.

First of all, there has been a tendency among the policy makers driving this new agenda, but also among academics studying it, to hang on to the phraseology of the ‘old’ trade politics even though the substance of negotiations has shifted markedly. As noted in the introduction, traditional commercial policy was mostly about tariffs, quotas, anti-dumping duties or other ‘at the border’ measures. This led to conflicts that are best described as *distributive* (De Ville and Siles-Brügge 2015): they were about who gets what domestically as

well as internationally. The terminology accompanying this struggle was that of ‘free trade’ versus ‘protectionism’, emphasizing the insider/outsider aspect of these instruments – which, undeniably, at least to some extent did serve to discriminate between domestic and foreign goods. However, there has been a tendency to use these same terms to describe the ‘behind the border’ issues that have entered trade negotiations’ crosshairs, continuously stretching the meaning of ‘barrier’ (Lang 2011: 309).<sup>19</sup> Even though ‘regulatory’ and ‘technical’ barriers to trade often reflect political and normative struggles that did not involve their potential trade-distorting effects, they are now scrutinized from behind the suspicious lens of the discriminatory-versus-free trade paradigm.<sup>20</sup> As Lang notes, to measure something ‘*as a “barrier to trade” can also significantly alter perceptions of the desirability of that measure, and the nature of debates which accompany it. [...] debates about the measure become subject to the dynamics of broader debates around economic liberalisation generally – whether for or against – which exist within the political culture in question*’ (Lang, 2009: 30-31). The clearest example of the kind of alarmist discourse this may lead to are the reports, published since the onset of the crisis, by Global Trade Alert. This ‘trade watchdog’ has kept a wary eye on government regulations across the globe, coding their potential discriminatory effect as either ‘red’, ‘amber’ or ‘green’, and generally concluding that the protectionist tide has been steadily rising (i.e. Global Trade Alert 2012).<sup>21</sup>

On the other hand, a counter-movement has sprung up; first in the 1999 ‘Battle of Seattle’, now (primarily) in the protests against TPP and TTIP. As is explained by De Ville and Siles-Brügge (2015), this movement has been anything but swayed by the distributive arguments of policy-makers. On the contrary, it has insisted on a *normative* critique of these deals, and has engaged in an intense struggle to reframe the debate; away from the supposed economic gains, and towards the threats posed to sovereignty, democracy and equity. According to NGOs like Corporate Europe Observatory or ATTAC, social, environmental

and health standards are endangered by a regulatory race to the bottom, while the controversial Investor-State Dispute Settlement (ISDS) provisions encroach on equality before the law (differentiating between citizens and foreign firms) as well as the government's right to regulate. TTIP, which initially got off to a quiet and uncontroversial start, has increasingly become politicized.

The struggle that has ensued has been fascinating. While Crespy (2014) still described the contestation (2001-2007) over the GATS agreement as a 'dialogue of the deaf', in TTIP the Commission has responded by yielding to some core demands of the NGOs' intense campaign; it has increased the transparency of the talks to 'unprecedented' levels, and has completely re-written its ISDS proposal. However, it has done so *without yielding discursively* (De Ville and Siles-Brügge 2015). It has continued to advertise the overarching goal of TTIP in geopolitical and economic terms, while still referring to regulatory differences as barriers to trade. Of course, these arguments have been unable to convince those that reject the deal on normative grounds.

These two shifts deserve further scrutiny from interpretive scholars. The way this contentious process of reframing has taken place within the EU, one of the important proponents of the new agenda, has not yet received much attention. Again analyses of the institutions will remain necessary. Are DG Trade's narratives 'strategic'? Or are they first and foremost the 'rational', normative conclusion drawn from their worldview, perhaps as part of their wider socialization in the sphere of international trade policy formation? Similar studies of the EP and the Council would be useful as well. For the remainder of this chapter, however, I will focus on two more 'societal' research avenues we may want to explore.

First, much is made of the controversial nature of the new trade agenda. Yet it is unclear if the opposition to this trend has been widespread or durable. Since NGOs will in the end always be dependent (to some extent) on public support if they want to enact durable

change, they (and the research community) will want to understand why this supposedly new era of norm-driven debates has (i) been met with such apparent disinterest by the vast majority of the public, and (ii) why the first pique of contestation petered out after 1999 until it resurfaced, a decade of relative quiet later. Although there have been several surveys about the support for globalization, free trade and also TTIP,<sup>22</sup> we still know quite little about what (and whether) ‘the public’ thinks about these deals, and whether it really cares about them in the ways NGOs are telling us. Many of the questions we would like to ask in ‘higher’ parts of the delegation chain remain just as relevant here, with the added dimension of basic awareness: do people know these deals exist, do they care? And how do they feel about the arguments over sovereignty, food safety and regulatory cultures? These same questions also apply to activists, although here we must also wonder how important they think trade-related topics are compared to other battles. Perhaps the threat from these rather technical international deals is just not tangible enough to keep their memberships interested, and NGOs may have to diversify their work and focal points if they want to be able to rely on the constrained resources of potential campaigners.<sup>23</sup>

Secondly, the opponents of these deals strongly emphasize the discrepancy in ‘regulatory cultures’ between the US and the EU.<sup>24</sup> However, by doing this there is a danger that they themselves are exaggerating the homogeneity of European views at stake here. In fact, if the origin of the current contestation is truly normative, then perhaps this explains the wide variety in attention and support paid to TTIP across Europe. Protests have been concentrated in Germany, Austria, the UK and the Netherlands. Perhaps people from the ‘South’ and the ‘East’ care more about geopolitics than sovereignty and GMOs? Or maybe political agendas have just been dominated by other, more pressing worries. Again, interviews, analyses of (social) media and other such investigations, not just of the proverbial

‘man in the street’ but also of trade unionists, business owners, party officials, *et cetera*, would help us understand the broad trends hinted at by surveys.

#### **4. Conclusion**

A majority of the existing research on EU trade policy has its roots in rationalist-institutionalism. This ‘mainstream’ has become increasingly eclectic in the past decade, and a small but growing amount of authors has distanced themselves more clearly from the dominant current. Although they tend to self-identify as constructivist and ‘critical’ rather than interpretivist, their work shows a clear affinity with core aspects of the latter methodology. However, there is no real ‘research program’ binding these scholars together and their work remains a small proportion of the field’s total output. This is a pity, because a more expansive interpretivist agenda would yield important insights about the complex and increasingly normative politics of European trade.

More specifically, I argued that the construction of a ‘thicker’ picture of European trade policy will require that we look at the commitments and worldviews of the people involved in producing it. Along three steps of the ‘delegation chain’, I showed where such a line of inquiry may take us: an exploration of the language, the ways of thinking and the overall institutional and discursive context in which DG Trade, national trade administrations and ‘the public’ are embedded.

Of course these suggestions have their limitations. Much of what I have proposed can be seen as *complementary* to existing approaches – which may rattle the chains of more devoutly anti-positivist interpretivists. Perhaps it is also too much oriented, for the taste of many critical scholars, at contributing to our understanding of why the EU does what it does, instead of questioning these goals and their effects (or the kind of academic output that accompanies them). More prosaically, I have also not discussed any of the practical hurdles

that will emerge for researchers wishing to do in-depth interviews with DG Trade or 28 national trade representatives.

I can only concede that I occupy a hesitant middle ground; yet I still hope this chapter will help invigorate a wide variety of approaches to this important subject.

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- 1 I would like to thank Jan Orbie, Krenar Gashi and Ferdi De Ville for their many  
valuable comments and suggestions.
- 2 Unless the deal includes aspects that are not the exclusive but the shared competence of  
the EU, in which case the ‘mixed agreement’ needs a unanimous Council and  
ratification by individual Member States. This scenario has become far more unlikely  
since Lisbon.
- 3 Although most of these tools are still constrained by international trade law, enforced by  
the WTO’s dispute settlement system.
- 4 Or the Transpacific Partnership (TPP) recently concluded (though not yet ratified)  
between the United States and eleven other countries.
- 5 Of course, many will argue that its role has already started withering – especially after  
the Eurozone malaise set in.
- 6 As in the rest of EU studies (see Diez 2016) ‘constructivism’ is the more commonly  
used label.
- 7 Methodology in Peter Jackson’s (2011) terms: a set of ontological and epistemological  
claims about what social science is, and can or should do.
- 8 As they explain in their text, this means that they hold a ‘dialectical’ view of the  
agency-structure debate: “*structures of intersubjective meaning do not simply provide  
the context within which agents operate, but [these agents are] also continuously  
(re)constructing the discursive environment through ‘speech acts’ (Diez 1999) or ‘text’  
(Fairclough 1995)*” (Orbie & De Ville, 2014 : 97).
- 9 His work has looked at the Trade Policy Committee’s deliberations on the Basic  
Telecommunication Directive and at the discussion over trade policy competences in  
the ‘constitutional’ convention.
- 10 With the exception of Siles-Brügge (2014), who is explicitly advocating the application  
of constructivist IPE to trade policy.
- 11 Which Langan treats and uses as a method in his work, without pointing out the  
analytical/philosophical value added of the Moral Economy approach.
- 12 Again one of Langan’s core assumptions illustrates the point, namely his claim that  
‘legitimizing norms [can be contrasted with] the knowable material impact of economic  
structures for their nominal beneficiaries’ (2015: 4). Similar ‘fact’-checking tendencies  
can be found, though somewhat more implicitly, in the work of (amongst others)  
Holden (2014; 2015), Orbie and De Ville (2014) as well as Bailey and Bossuyt (2013).

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- 13 However, I follow Ringer (1997, 2004) in resisting the idea that positivist ('nomological') studies cannot contribute to such a project. I consider these approaches as being, to a large extent, complementary. For a competing view, see Jackson (2011).
  - 14 Liberal in regards to economic policy. Papering over the ideological differences that probably distinguish Commissioners hailing from nominally similar 'camps', the liberals reigned for (roughly) 33 years, the social-democrats for 17 years and the Christian-democrats for three.
  - 15 Although economists' technical standing did provide for some lubrication by lending their 'expert's seal of approval' to the deal.
  - 16 They may also differ across Commissioners and even within DGs. Young and Peterson, for example, claim (without going into much detail) that the sub-directorate in charge of trade defenses is more protectionist than DG Trade's ideological average (Young and Peterson 2014).
  - 17 Multilateral and bilateral deals, deals with industrialized as well as developing economies, with formal colonies, the design and implementation of unilateral sticks and carrots, investment, rules of origin, varying sectors (agriculture versus services) etc etc.
  - 18 I have developed the arguments in this section more thoroughly elsewhere. See Bollen 2016.
  - 19 See also Lang's sophisticated treatment of how an informal (but increasingly codified and quantified) notion of 'a barrier to trade' (in services) has emerged through expert interactions and interpretations, and how this has fed into policy-makers' worldviews and agendas.
  - 20 Of course, some of these measures may indeed be designed specifically to discriminate against foreign trade. See WTO (2012) and Lang (2011) for good discussions of this debate.

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- 21 This has to some extent also been visible in, and arguably reinforced by, the academic debates over trade politics. The metaphor of ‘the swamp’ has been popular here, focusing our attention on the non-tariff ‘stumps’ that emerged as conventional barriers were drained. Although originally used by Baldwin (1970) to denote the use of non-tariff at-the-border-barriers like anti-dumping duties (quoted in Bown 2014: 2), the metaphor has remained popular and has spread to behind-the-border regulations, see for example Holmes (2006). There have been numerous attempts to estimate the trade-distorting effects of these regulations in order determine how protectionist a country is, calculating new, composite variables that are then regressed on a host of factors like the country’s economic interdependence, its trade balance, exchange rate fluctuations et cetera, in order to research the ‘determinants of protectionism’ (for many examples and a detailed discussion of this debate see WTO 2012 and Lang 2009).
- 22 For TTIP see the Eurobarometer surveys conducted by the EC, available at <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/>, for freely available data related to globalization and trade see PEW <http://www.pewresearch.org/>.
- 23 As has happened in the case of TTIP, by tying the deal to ‘chlorinated chickens’ and climate change trade may yet become part of other, perhaps more durable ‘permanent campaigns’
- 24 De Ville and Siles-Brügge (2015), for example, criticize the Commission for acting as if the US and the EU are a value community (to make a deal more feasible by ‘othering’ China). According to them, it is thereby strategically moving away from the frame that was prevalent before the post-2008 crises, which held that worldviews differed greatly across the Atlantic (with the EU representing soft power and managed globalization).