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The moral discourses of ‘post-crisis’ neoliberalism: a case study of Lithuania’s Labour Code reform

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ABSTRACT

This article problematizes the neoliberal reconfiguration of labour rights in Lithuania, a newer European Union member state, in which the impacts of the global economic and financial crisis were particularly severe and where radical austerity measures were subsequently imposed. Now, after six years, in an attempt to resolve the exhaustion of previous austerity-based solutions for economic recovery, a new Labour Code is being introduced which will further weaken labour protections and labour rights. This article analyses conflicting positions in current debates over Labour Code reform. It attempts to map the mobilization of strategic discursive resources in an unfolding dialogical ‘moral’ politics of Labour Code reform in the current conjuncture of ‘post-crisis’. Theoretically, this article draws upon the seminal work of the early Soviet Marxist scholar V. N. Voloshinov in proposing a dialogical method which foregrounds the interconnections of language, class and ideology.

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1. Introduction

On 10 September 2015, over a thousand trade unionists marched in orderly procession along the main thoroughfare of Vilnius, capital of Lithuania. Demonstrations by trade unionists are rare events in this small Baltic country of less than three million inhabitants, in which trade union density amounts to under 10% of the workforce. This was the first time that the leading trade union confederations (of which there are three in Lithuania) had led a united protest on the streets since an anti-austerity demonstration in 2009 had ended in disorder and riot, with police using rubber bullets and tear gas to quell demonstrators. Forming the centrepiece of the parade was a white eight-door ‘stretch-limo’, an ostentatious representation of ‘post-communist’ affluence, more normally used to transport the play-children of the nouveau riche between house parties or fashion events, now ironically harnessed to a workers’ protest. The limousine windows were adorned with the banner ‘Employer – the most important person’ while on its wheel hubcaps were pasted the

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words – ‘new Labour Code’. This protest was taking place against a series of ‘reforms’ to the Lithuanian Labour Code which proposed a major reduction in previous levels of employment protection. The trade union ‘stretch-limo’ was a symbolic riposte to the power of a ruling class and the proposed subordination of labour rights of working people.

As the above cameo suggests, this article is about the imposition of a new Labour Code in Lithuania. It analyses the discursive ideological resources mobilized to both promote and contest these measures. These measures exemplify a much wider process of neoliberal restructuring of labour rights, to be achieved if necessary by forcing through sweeping legislative changes with sometimes blatant disregard for parliamentary and democratic procedures (BBC News, 2016). A resurgent neoliberalism has embarked upon a global agenda of labour law reform, even at the cost of evoking fierce popular resistance in places as far apart as Paris and Seoul (*The Financial Times*, 2016).

Labour law reform has also been the primary concern of the European Commission with its matching neoliberal agenda of advancing the interests of capital over those of labour. The Commission has counselled the Lithuanian government to adopt pro-business reforms and conduct ‘a comprehensive review of the labour law’ ... ‘to find ways of alleviating the administrative burden on employers’ (Council of the European Union, 2014). ‘Country specific recommendations’ from the Commission mirrored similar extensive labour law reforms foisted upon a number of European Union member states, especially in Southern Europe in the aftermath of the financial and economic crisis, to be adopted more or less enthusiastically by national governments whether of conservative or ostensibly social democratic and even Leftist hue. Lithuania presents a case study of such reforms in an Eastern European newer member state and thus addresses an important gap in the literature.

The political economy of Lithuania is of particular interest, as being among the celebrated ‘Baltic tiger’ countries which experienced rapid economic growth in the early years of the new millennium. With the crisis in 2008 came one of the sharpest contractions in GDP growth (17% in two years) globally, and with that a steep fall in living standards. What followed this crash was a period of strict austerity with cuts to already meagre public services and a widespread erosion of wages and working conditions. Austerity programmes seemed to be effective in the short term producing an unexpectedly rapid economic recovery. However, by the mid-2010s, the effectiveness of austerity-based responses to the crisis had declined as wages began to increase rapidly while at the same time GDP growth slowed. In terms of political economy, a new phase of ‘post-crisis’ emerged characterized by declining economic competitiveness and profitability, and with that new economic exigencies, at least as seen from the viewpoint of ruling circles at both European and national levels.

For purposes of this study, ‘post-crisis’ is a new conjuncture in which re-writing the Labour Code is seen as the means to resolve the problem of declining capital accumulation. Promoting renewed growth and increasing profitability would be achieved by controlling labour costs (wages) and shifting socio-economic risks from capital to labour – largely through creation of ‘flexible’ labour markets. Such a shift, bringing in its wake increased precariousness for the workforce, entails a necessary innovation in moral discourses from the purported equality of ‘common sacrifice’ under austerity, to ideological legitimation of unequal burden sharing in the new moral order of ‘post-crisis’.

This is the historical conjuncture within which proposals for a new Labour Code in Lithuania were inaugurated, generating the ensuing discursive clashes and social conflicts

which are analysed here. It is argued that such an extensive assault on established employment protections, at the very least, required a comprehensive set of ideological justifications, especially so since the proposed measures threw into question the very substance of the social contract between labour and capital. The core question that this article seeks to answer is how this ideological work was conducted, and whether it has been possible to contest discursively this hegemonic challenge to expectations of fair and decent employment conditions in Lithuania today.

It is also important, however, to indicate the limitations of what is being attempted in this study. This article is not a comprehensive review of Lithuanian mass media coverage of debates concerning the new Labour Code per se. Nor is it an attempt to hypothesize the impacts of mass media on wider societal consciousness, far less propose a mechanistic infusion of ruling class ideology thereby. Its more limited aim is to map the unequal mobilization of discursive resources and the parameters of an unfolding dialogical 'moral' politics, as reflected in contested 'strategic discourses' (van Dijk, *nd*).

In what follows, first the theoretical basis of the article in critical discourse studies is briefly sketched. An attempt is made to draw on an historical materialist and explicitly Marxist approach that links political economy and the (re)formation and contestation of neoliberal ideology through an applied semiotics. Second, the methodology utilized in the analysis of Lithuanian mass media covering the debates over provisions in the new Labour Code is detailed. Third, the 'strategic discourses' deployed in these debates are analysed within ideological discursive contexts, both those that seek to impose a new neoliberal hegemony and those that seek to counter it.

2. Some theoretical considerations

Theoretically, the paper adopts an applied Marxist sociolinguistics perspective that embraces questions of class power in society, language and the formation of ideology. We draw on Valentin N. Voloshinov's masterwork, *Marxism and the philosophy of language* (1973 trans.), first published in Leningrad in 1930. The current analysis seeks to extend previous attempts to apply Voloshinov's approach to specific historical conjunctures (Foster & Woolfson, 1999; Woolfson, 2010). We argue that Voloshinov's Marxist sociolinguistics forms one important, largely unacknowledged foundation of contemporary critical discourse analysis (but see Collins, 1999; Hall, 1981; Holborow, 2006; Rodgers, 2004; Williams, 1977). At its core is the attempt to grasp the essentially *dialogical* character of contested strategic discourses. Consonant with this perspective there is an emergent literature in contemporary critical discourse studies on the analysis of the global financial crisis and its aftermath of austerity (Fairclough, 2015; Fairclough & Fairclough, 2012; Kelsey, Mueller, Whittle, & Khosravini, 2015). Our article is a contribution to this literature and attempts to link the political economy of neoliberalism in a new phase to the study of language and ideology (Block, Gray, & Holborow, 2012; Holborow, 2015).

Voloshinov assigned priority to dialogical utterances in which reality is both 'reflected' and 'refracted' in the linguistic sign and realized as the vehicle of ideological social consciousness. As Voloshinov (1973, p. 15) noted:

Every ideological refraction of existence in the process of generation, no matter what the nature of its significant material, is accompanied by ideological refraction in word as an obligatory concomitant phenomenon.

The dialogic realization of utterances is contingent upon the underlying processes of emergent social forces conditioned by class relations in which ‘the word is the most sensitive index of social changes’ (1973, p. 19). However, in advancing an explicitly class-based theory of language and ideology, Voloshinov identified not simply the reflection of reality in signs but its ideologized refraction, infusing an ‘inner dialectical quality’ in word meaning (1973, p. 23). This dialectical tension creates a clash of ‘accents’ or ‘differently oriented social interests within one and the same sign community’, in other words, ‘*by the class struggle*’ (Voloshinov, 1973, p. 23, original italics). The refraction of class struggle is registered in what Voloshinov (1973, p. 23) termed the ‘social multiaccentuality’ of the ideological sign, in which ‘differently oriented accents intersect in every ideological sign’. For Voloshinov dialogical discourse provides a window into changing social consciousness, and is also conditioned by ideological interventions imposing ‘above-class’ terms which are themselves politically and socially motivated by the need to retain and preserve the current hegemonic order. Ruling elites have attempted to give a ‘supra-class and eternal character to the ideological sign, to extinguish or drive inward the struggle between social value judgements’ and thus impart a ‘uniaccentual’ or ‘immutable’ quality to word meaning, and hence to perceived reality (1973, p. 23).

In the context of Lithuania as a ‘post-communist’ country, it has been necessary to forestall the articulation of rights-based social justice demands and collective discourses of fairness in the new ardently neoliberal and unequal society (Matonytė, 2006). At the same time, while the new order has explicitly de-legitimized class perspectives, new realities generate dialogical ‘tension’ between idealized ‘non-class’ representations and the lived experience of the excluded majority. This disjuncture or ‘inner dialectical quality’ creates what Voloshinov (1973, p. 24) called the dialectical flux in language which can pose socially disruptive challenges to the dominant neoliberal social and economic order in times of crisis.

Thus, our analysis proposes an understanding of debates over the reform of the Labour Code in Lithuania as the embodiment of opposing social and class interests in the contemporary ‘post-crisis’ phase. Strategic discourses become the privileged site upon which a ‘socially interested’ interrogation of contested signs between labour and capital takes place, in which each side attempts to establish its legitimacy on specifically ‘moral’ grounds. As suggested by Kelsey et al. (2015, p. 5) analysis also includes ‘moral positions < ... > [that] are constructed < ... > by political agents and institutions < ... > to legitimize or delegitimize particular changes’ not only as rational, effective and efficient, but also as morally right (see also Sayer, 2005, pp. 8–9). The next section describes the empirical methodology employed in detail.

3. Methodology

The proposed raft of contentious measures for labour law reform in Lithuania entailed altering the existing Labour Code to include the following legal provisions: introducing new grounds for dismissal such as ‘unsatisfactory performance’; shortening notice time and minimizing financial compensation to employees for dismissal by reducing the notice period to 1 month or 10 working days in case tenure is less than a year; reducing severance pay to one month’s wages (or half of a monthly wage when tenure is less than one year); increasing maximum permissible hours of overtime and altering the basis for

calculating overtime payments; permitting new forms of temporary and insecure contracts such as ‘zero hours’ contracts; introducing inferior working conditions for temporary employees compared to permanent ones; doubling the period during which employees must reimburse employers for expenses incurred in providing training; reducing guaranteed idle-time wage rates; extending on-call time, as well as introducing a split hours working-day; introducing a seven-day working week roster, with the weekends and public holidays no longer considered days-off; reducing holiday pay rates and entitlements; reducing maternity/paternity provisions; restricting the scope of trade union representational rights to those of collective agreement negotiation only, while boosting the role of non-union works councils in matters such as information and consultation at the workplace and limiting trade union presence on company works councils; removing trade union rights to approve employer dismissal of elected representatives; limiting the right to strike beyond the local branch level. Taken together these changes fundamentally altered the basic conditions of ordinary employees and their rights to representation.

A comprehensive list of news reports and articles was compiled on the Labour Code reform published from 10 December 2014, when the draft outline of the new code was introduced until November 2015 (the time of writing). For this purpose, the most visited Lithuanian national news portals such as *Delfi.lt* (1.2 ml visitors per month), *15 min.lt* (1.03 ml), *Alfa.lt* (507 thousand) and online sites of the major daily national newspapers such as *Lietuvos Rytas* at *Irytas.lt* (‘Lithuanian Morning’ in *Lith.*; 884 thousand) and *Verslo Žinios* at *vz.lt* (‘Business News’ in *Lith.*; 507 thousand) and others were searched (see <http://www.audience.lt>). Articles were searched for the term *Darbo kodeksas* (‘Labour Code’ in *Lith.*). For December 2014 through to November 2015, a total of 357 articles on the new Labour Code were identified. As is illustrated in Figure 1, from December 2014 when the new Labour Code draft was made public, up until June 2015 coverage was dominated by the public rhetorical sparring between the President and the Prime Minister (and their surrogates), squabbling not only about provisions in the new Labour Code, but also

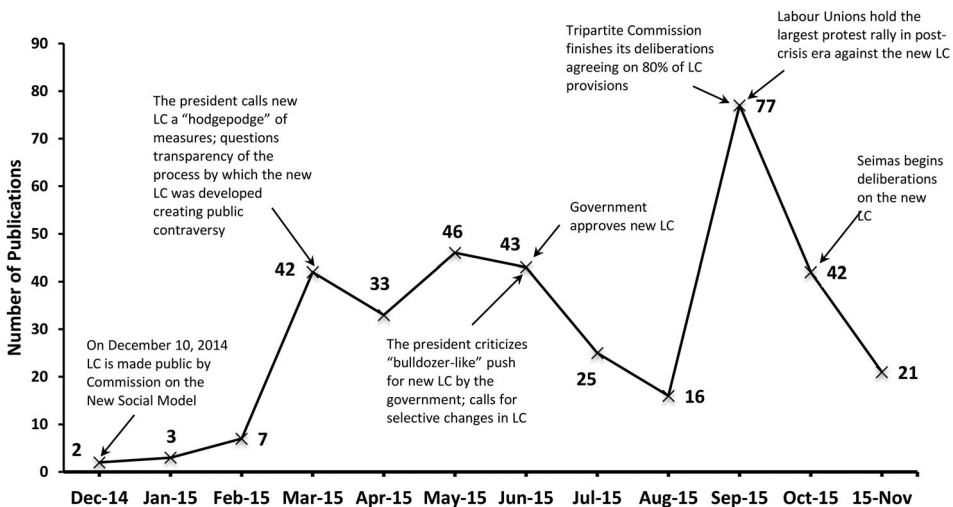


Figure 1. News Media Publications on the new Labour Code (LC) in Lithuania (Dec 2014 - Nov 2015; N=357).

about the social democratic-led government's authoritarian, strong-arm tactics in hastily pushing the reform legislation through the *Seimas* (parliament), attempting to quash public debate and prevent scrutiny of the new law, while side-lining participation of key stakeholders such as trade unions and the broader public in deliberations.

By July 2015, the political debate expanded beyond the Prime Minister and the President, to also include the national Tripartite Council representing employers and trade unions, and debates in the *Seimas* between representatives of political parties in the ruling coalition and the opposition. Labour unions became especially vocal, organizing a major protest rally against the new Labour Code as described in the introduction. Inclusion and involvement of new actors and stakeholders in debate over the proposed Labour Code was related to a change in the government tactics. Its 'bulldozer-like' (in words of the President) approach had backfired, galvanizing criticism and opposition. In order to avoid a protracted and energy-draining legislative fight with an uncertain outcome, the government negotiated (through the Tripartite Council) a number of amendments which reversed or modified some of the most controversial provisions, such as reductions in maternity leave and childcare benefits, the introduction of unwritten contracts and still deeper cuts in employment severance compensation. By September 2015, the Tripartite Council finished its deliberations agreeing on 80% of provisions of the new Labour Code and forwarding the draft to the *Seimas*. This effectively ended debates on whether or not the new Labour Code would be passed into law becoming, in effect, *fait accompli* (pending unlikely dramatic events). News coverage shifted to reporting on *which* provisions in the new Labour Code would be approved, rejected, or modified by the *Seimas*. Therefore, by November 2015 coverage of the new Labour Code declines significantly – to 21 publications. Since the debates now focused on technical details and intra- and inter-party bickering as the legislation worked its way through the *Seimas* fewer still news reports of this issue in the news media may be anticipated in the immediate future. This allows us to claim that the 357 news reports for December 2014 through to November 2015 effectively bracket the entire episode of political conflict and negotiation over the new Labour Code in Lithuania and comes close to saturation coverage of the topic.

Articles retrieved varied from a paragraph in length, for example, a report on what proposals the parliament was considering or a report on a meeting held by political parties to discuss the new legislation, to extensive articles by experts, government officials, labour union representatives, or editorials and articles by columnists (in 'Opinion' sections). Bibliographic data on each article such as a title, author (journalist or corporate author such as editorial board, newspaper staff, news agency, etc.), source (news portal or newspaper) and date of publication was entered into the EndNote bibliographic reference management program.

The articles were then coded beginning with a list of approximately 20 themes or keywords that were identified. Keywords were constituted by the issues that were discussed in the media reports on provisions of the new Labour Code such as severance pay issues, lay-off notification periods, temporary employment contracts, reduction of wages, liberalization of labour relations, competitiveness, business efficiency, claims of new jobs created via reform, lowering unemployment, reducing poverty, increasing motivation to work, political negotiations, modernization, more authority to employers, lack of transparency, flexibility, taking rights away from workers, reducing security/increasing risks, gender (in) equality. One or more categories could be used to identify the content of a single report.

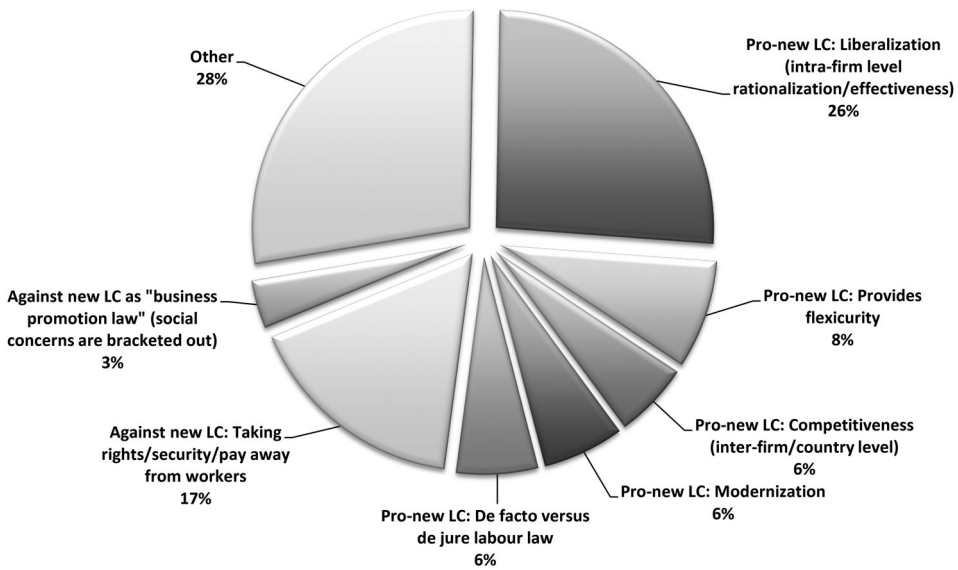


Figure 2. Discourses on the new Labour Code (LC) in Lithuanian News Media ($N = 357$, December 2014–November 2015).

Empirical clustering of keywords in coded articles was, in turn, inductively aggregated to differentiate the distinct ways in which the new Labour Code was defined and described in the news media. As a result, seven discourses or strategic narratives were identified (Figure 2). Sets of keywords that constitute each discourse are described in detail below. Five were clearly supporting Labour Code liberalization and such support was evidenced in 52% of all news reports. Categorized as supportive were those discourses arguing for increasing authority and discretion of employers, thereby benefiting businesses, and by extension, employees and society at large. Two discourses opposed to liberalization reforms were evidenced in 21% of all news reports. These latter reports were focused on claims that the proposed legislation reduced employment security, protection and benefits for employees, effectively reintroducing a kind of ‘social serfdom’, while negatively impacting the well-being of the broader society by privileging market forces before all other considerations. In the next section, these emergent competing discourses and the discursive ideological resources on which they draw are examined in greater detail.

4. Strategic discourses of reform

In this section, competing strategic discourses are unpacked to reveal their internal dynamics and their (unequal) moral thrust, since no discourse exists in isolation, but all are in and of themselves, ‘replies’ to other discourses and thus, to some extent at least, remain contested and, to a degree, in flux.

Liberalization: ‘Liberalization’ as a strategic discourse presents a technocratic argument framed in terms of seemingly objective neutral criteria such as increasing the ‘efficiency of the firm’, or ‘reducing costs for businesses’ (Valatka, 2015). It is a technocratic discourse

because it strives to present liberalization as an attempt to make labour markets more rational and efficient and eschews political, social or ethical dilemmas involved in labour restructuring policies, that is, questions of who will pay for and who will benefit from this restructuring, and how gains from increasing efficiency will be distributed between labour and capital. When the term 'liberalization' is used by advocates of the new Labour Code, it most often means making the labour market 'more flexible' (a strategic discourse which is discussed further below), or 'improving the business environment', especially by 'shortening time for posting notice concerning laying off employees and reducing severance payment compensation' (Gudavičius, 2014); including 'more flexible working time regulation, <...> temporary labour contracts, more flexible employment types' (Alfa.lt, 2014).

In other words, to its proponents, labour market liberalization would allow laying off as well as hiring workers in a simpler, quicker and cheaper way than possible under current labour legislation. The president of the Lithuanian Confederation of Industrialists summed up this view as follows: 'when it is easier to hire and fire, businesses are more willing to risk <expansion>' (Kupetytė, 2015). Such claims were supported by the Ministry of Social Security and Labour which estimated that in a five-year period, the new Labour Code would allow the creation of up to 85 thousand new jobs and reduce unemployment to 7% (BNS, 2015). For their part, the Lithuanian Confederation of Industrialists argued that the number of new jobs created would be even higher, up to 90 thousand, while wages would grow 3–5% (Lietuvos Rytas, 2015). Claims of 'reluctance to hire' by businesses, and projections of tens of thousands of new jobs created, resonated with the Lithuanian government because unemployment remained persistently high (in double digits between 2009 and 2015), despite the fact that in the immediate post-crisis years economic growth, at least in GDP terms, had rebounded.

Competitiveness: While the 'liberalization of labour relations' as a discourse is deployed to argue for increasing effectiveness on an intra-firm level, 'competitiveness' as a strategic discourse adopts regional, national and transnational perspectives. In this iteration, claims are made that the new Labour Code will increase the efficiency of the national economy vis-à-vis global and regional competitors, again seeking to exclude any problematical political, social or ethical dimensions of domestic labour market restructuring. Rankings produced by the World Economic Forum (WEF) were used as evidence of the lagging competitiveness of Lithuania (WEF, 2014a, pp. 250–251). Although WEF uses 12 sets of indicators or ('pillars') to describe a country's competitiveness, the advocates of Labour Code reform had focused on and selected one particular indicator (out of a possible six) in the 'Labour Market Efficiency' pillar, namely 'hiring and firing practices'. According to WEF global rankings on this indicator, Lithuania ranked at 125th out of 144 countries worldwide,¹ or as advocates for the reforms were fond of observing, placing Lithuania 'on a par with countries in Sub-Saharan Africa' (Zabulis, 2015).

'Competitiveness' as a strategic discourse is also framed in a regional context, to indicate that Lithuania with its currently 'restrictive' Labour Code is becoming less attractive for foreign investment than its (rival) neighbouring Baltic states – Latvia and Estonia, both of which had recently liberalized their own labour laws. The main architect of the new Labour Code, acting on behalf of the social democratic government, was Professor Dr Tomas Davulis, an academic labour lawyer from Vilnius University heading a specially appointed commission of experts. For Davulis and his colleagues, the dilemma was simple:

would a <foreign> firm chose to invest in Lithuania knowing that <in our country> employees have twice as long annual holidays than in neighbouring Latvia and Estonia? What should potential investors think about investing <...> when in Lithuania we have many protective measures covering a number of categories of employees <...> while severance payments can reach up to six monthly salaries and lay-off notices should be provided <to employees> up to four months in advance, <...> when in Latvia and Estonia both severance pay equals one month of salary and lay-off notice is provided to employees one month in advance? (15 min.lt, 2015)

Encouraging foreign investment was thus a mantra of the proponents of Labour Code reform and one that key foreign investor spokespersons, especially from the USA, were keen to encourage (Delfi TV, 2014).

Modernization: 'Modernization' as a strategic discourse attempts to cast political conflict over the new Labour Code, not in class conflict terms, but as *generational* conflict between interests and ideals of the old and the young. It was argued that the current Labour Code, characterized as a leftover from the Soviet era, corresponds to the interests and values of an older generation which grew up in Soviet times under the paternalistic system of a manufacturing-based economy. They are now 'clinging' to their lifetime jobs, and are afraid or unable to choose where to work in the modern economy. Their economic and historical marginality was described by the president of the Lithuanian Confederation of Industrialists, as those workers: 'living in provinces and working in minimum wage jobs. They are of very low qualification, they cannot move because they have self-subsistence farms which provide them with an additional income. And they are satisfied with such a predicament' (Lukaitytė-Vnaruskienė, 2015).

By contrast, the 'younger generation' craves to rid itself of the 'clutches' of the past, is defined not only in terms of age, but also in terms of gender and a particular entrepreneurial outlook. As women's rights advocates pointed out, the new Labour Code assumes that 'the ideal employee is a young, educated man, of good health and single', while treating social responsibilities, especially ones associated with the roles of women, as secondary and of little importance (Saukienė, 2015). This gendered trope was elaborated by the architect of the Labour Code reform, Davulis, describing the younger worker as

energetic, creative, enthusiastic, using most advanced technologies, residing in social networks and looking for self-realization. Today's world is offering him [*sic*] numerous alternatives and choices – he can choose to work anywhere in the world, day and night, he is himself choosing suitable ways to labour, planning his work hours and leisure. And he neither wants, nor needs any restrictions. <Today's> labour laws want to restrain him, and he is escaping from them. (2013)

Thus, the 'modernization' discourse portrays the new Labour Code in terms of bringing new 'freedoms'. The idealized image of the young, educated, self-sufficient and hard-working entrepreneur is also juxtaposed to those who lack *moral* fibre. At its extreme, are the views signalled in articles entitled 'Only spongers need guarantees provided in the Labour Code' (Sadauskas-Kvietkevičius, 2015), 'Changes in Labour Code: are dangerous only to those who see their wages as entitlement' (Bardauskas & Anilionytė, 2015). Such partisan juxtaposition between *moral* worth of 'the makers', that is, the young or 'creative class' (Paluckas, 2015) and the older generation of workers, that is, 'the takers', exemplifies the conscious articulation of a socially invidious discourse. It fragments social solidarities and makes the counter-articulation of specifically *class*-based responses more problematic.

The narrative of necessary ‘modernization’ of the Labour Code not only critiques outdated labour norms purportedly inherited from the Soviet era (Savickas, 2015), but also dismisses labour unions, collective bargaining arrangements and consultative tripartite forums as relics of a by-gone factory-based industrial era. Thus, an increasing emphasis appears in strategic discourse on tropes of ‘modernized’ or ‘advanced’, set against ‘clutches’ of the past and ‘ossified institutions’, rather than the more abstract and ideologically saturated discourse of ‘liberalization’.

Flexicurity similarly, a supposedly value-neutral neologism borrowed from the discourse on labour law ‘modernization’ of the European Union, is meant to signal the beneficial combination of flexibility in terms of employment, with security in terms of adequate provision for retraining and income support for those in transition between jobs (European Commission, 2006; Heyes, 2013). It was a discourse much favoured by the academic experts in Davulis’ commission (Petrylaite, 2015).

Thus, the young, creative, networked, multi-tasking, adaptable, self-actualizing mobile employee, the personalized embodiment of an individualized risk-taker, when faced with contingent unemployment is ready to embrace labour market change, as a supportive safety net of state provisions exists. As the individual moves between jobs (projects), ‘flexicurity’ provides new skills to meet the ever-changing demands of the modern labour market. Such an individual therefore needs only limited assistance since she/he is not afraid of a world of temporary contracts with short intervening periods of unemployment, adverse consequences from which will be cushioned by active labour market measures.

An attempt to transplant the Danish flexicurity model to the Lithuanian labour market was as inappropriate as comparing the proverbial apples and oranges. In 2012, Lithuania spent 0.47% of GDP on active labour market policy measures, while Denmark spent 3.68%; in Denmark only 2–3% of employees are paid minimum wages, whereas in Lithuania this category exceeds 20% of the workforce; in Denmark the minimum wage is €2490 per month, while in Lithuania it barely exceeds €300 (Zasčiurinskas, 2015a). Apart from these fundamental dissimilarities in labour markets and remuneration, implementing anything comparable to a flexicurity model in Lithuania would require an estimated increase in social insurance costs to employers of at least 2.5–3%, not a proposition that most employers could be expected to greet with enthusiasm (Dagys, 2015). As such, flexicurity as a legitimizing keyword in the debates was to prove vulnerable because of its clear lack of referential basis in the contemporary Lithuanian labour market. The inauguration of a new word in strategic discourses that does not reflect actual changes, in a Voloshinovian perspective, stands little chance of gaining significant ideological momentum. Nevertheless, for proponents of the new Labour Code this neologism from European discourse, was seen as a useful legitimating tool.

Flexicurity also foregrounds the ‘responsibilization’ of the employee as an individual risk-bearer and self-motivating actor, an important moral strand of the global neoliberal discourse of governmentality. Thus, employees are advised to ‘work in a way that your lay-off would result in a significant loss <to your employer>’, as this will be the best guarantee of your job security, because no business would willingly lay-off a valuable employee (Labutyté-Atkočaitienė, 2015). Fretting over the loss of employment security associated with ‘the Soviet era Labour Code’ is depicted as misguided because ‘today the ball is in the employees’ court <vis-à-vis employers>. These are employees who are in a position to choose where to work, how much money they were to be paid and

whether they are satisfied or not with their employment conditions. Today employers are feverishly looking for employees who would assure their growth and survival. Current debates <over the new Labour Code> miss the point that the main guarantee for job security today is not the law, but a person's qualifications, knowledge and capacities' (Lukaitytė-Vnarauskienė, 2015)

4.1. De facto and de jure debates

An extension of the above discourse is constituted by a dismissal of current labour law as de facto ineffective. It was used, especially by the Government, as an ingenious strategic discourse to respond to the labour union claims that the workers' rights and protections would be significantly reduced by the new Labour Code. Instead of comparing the current and the new labour law provisions, Prime Minister Butkevičius repeatedly urged labour leaders to compare *actual* labour practices with the new Labour Code provisions. The new Labour Code would be supported by effective enforcement of legal rights that were currently widely disregarded by employers in their day-to-day conduct. More specifically, it was argued that even if current labour legislation provides for more formal protections, for example, (depending on seniority) more extended time for posting lay-off notices (two to four months) and one to six monthly wages severance pay, in practice, these provisions were rarely implemented. Moreover, unlike the proposed reforms, current labour law lacked severance compensation provisions for expiring temporary contracts or contracts that had been terminated by the 'voluntary' request of employee, although just how far 'voluntary' employee discretion operated in the private sector could be debated (Lukaitytė-Vnarauskienė, 2015).

Therefore, argued the Prime Minister, it is not the proposed new Labour Code, but current labour practices that are characterized

by <extreme> liberalism because the previous year (2014) following termination of labour contracts, in 93% of cases people had not received even 1 Litas <in severance pay>, while among those 7 percent that did receive severance pay, most were laid off from public sector. (Lapienytė, 2015)

It was argued that the new code would *increase* social protections for employees, making sure that businesses will actually pay on average two months' wages in severance, instead of what is currently an 'empty' statutory provision of six months' wages, in practice ignored by business.

This final pro-reform discourse raises the possible objection as to why businesses which are now able to evade the current law so easily would want to follow the provisions of the new Labour Code? The response of Prime Minister was twofold. First, it was argued that employers are in general willing to pay severance, if it is not excessive. Up to six months' wages as maximum severance pay is excessive especially for small businesses, and if paid out, as is required by the current law, could lead to a wave of bankruptcies. Paying two months' severance would be within the possibilities of even small firms. Second, in order to placate opposition from labour unions and coalition members, the government negotiated the creation of a new severance compensation fund to be paid by employers and administered by the state Social Security Fund (SODRA). The employers agreed to pay into this fund, in return for having a provision in the new law that would

allow them to fill permanent jobs for a period of up to two years with temporary employees (Lrytas.lt, 2015a). From the severance fund, laid off employees would be paid additional severance payments based on their seniority (Lrytas.lt, 2015b).

In summary, several strategic discourses of pro-Labour Code reform have been identified: liberalization, competitiveness, modernization, flexicurity and de facto practice as against de jure protection in existing labour law. The combined ideological weight of these discourses, at around 52% of the total articles reviewed, comprised the dominant discourse in the media representations analysed here. Importantly, all dominant pro-reform discourses eschew any utterance that could be linked to and indicate *class* conflict; class stratification is dissolved into a plurality of morally ranked individuals; fluid class boundaries that can be transcended by mobilization and transformation of an individual. In attempting to give a 'supra-class', or eternal and 'immutable' quality to word meaning, the proponents of the new Labour Code adopt strategic discourses that enshrine reification of the 'neutrality' of the market. The market is also imbued with anthropomorphic characteristics and, like Greek gods, begins to require or even demand, reforms and sacrifice (mostly of employees), otherwise punishing the recalcitrant and unfaithful (Blom, 2015, p. 410); therefore, labour reform is needed soon and quickly, because without it the wrath of market will be upon us; in this way pro-reform strategic discourses fostered a binary opposition between rationality and efficiency of 'non-ideological' market regulation, as opposed to 'ideological' regulation by the state in the form of laws to protect labour rights.

5. The counter-discourses of labour

By contrast, the counter-narratives to Labour Code reform reflect their more circumscribed discursive resources. These are elaborated below as first, the strategic discourses of social disenfranchisement and class conflict, and second, the substitution of society by a market-led discourse.

5.1. Social disenfranchisement/class conflict discourse

This strategic discourse was used mostly by labour union activists to frame negotiations over the new Labour Code in class conflict terms, as an attempt by an alliance of government, big business and employers to strong-arm employees into accepting a social contract depriving them their legal rights, and reducing their wages and benefits. If proponents of the new Labour Code claimed that the legislation would allow for the young, educated and ambitious males to become heroic entrepreneurs, its opponents, suggested workers will be turned into obedient draft animals, such as graphically suggested in an article entitled 'The Labour Code: Horse as an ideal employee' (Kabakaitė, 2015). While advocates of reform argued that the proposed legislation would free Lithuania from the clutches of its Soviet past and propel the nation into the twenty-first century, labour union activists claimed that historical transformation would be in an opposite direction, back to the nineteenth century or even pre-industrial times, towards a disenfranchisement of the labour force comparable to 'serfdom' and 'slavery'.

Use of terms 'disenfranchisement' (*beteišikumas* in Lith.) and 'serfdom' (*baudžiava* in Lith.) are not new tropes, and became especially popular in the news media at the

onset of austerity era beginning with the global financial crisis in 2008. Such terms were used to express popular dissatisfaction with an increasingly oppressive and authoritarian state. Labour relations, in an insidious subversion of the social contract, were seen as characterized by humiliating dependency, condescending attitudes on the part of the elites and feelings of helplessness on the part of ordinary people, both as citizens and workers, when dealing with state officials and employers (Juska & Woolfson, 2012). How then should a strategic discourse that asserts ‘a descent into serfdom’ and/or ‘slavery’ be interpreted if, de facto current labour practices are not that different or even worse than those that the new Labour Code attempts to institutionalize? One possible answer to this question would be to construe the contest of pro- and anti-new Labour Code discourses as a form of legitimacy struggle in society. Seen in this light, this discursive contestation is between and among social groups and classes attempting to vindicate claims of moral superiority and inferiority. For example, the modernization discourse has been explicitly developed to juxtapose the higher moral status of business entrepreneurs and to represent as symbolically of lesser social and moral value that of employees, and especially employees on the periphery of the labour market margins, such as those living and working in provinces or the unemployed. It is both a moral or moralizing discourse, because it claims that the way to adapt to new contingencies is through individual moral rejuvenation or ‘modernization’: with imperatives of study, risk-taking, inventiveness, ceaseless energy, learning and using new social media technologies, etc. And in reverse, it is the absence of these moral values that relegate an individual to the periphery of the labour market as a ‘taker’ rather than a ‘maker’ in this modern morality tale.

Thus, the discursive contestation over the new Labour Code represents a struggle to redefine the boundaries between and among those deemed to be of higher and lower moral value. The power to invest one class with superiority rests on their ability to commodify and thus denigrate the value of another. Debates about the new Labour Code also became markers of the ascendance of a class of about 100,000 employers in Lithuania; not only to its economic and political, but also to its moral dominance in which the well-being and success of entrepreneurial class is equated to the well-being and success of the society as a whole. The ‘serfdom’ and ‘slavery’ tropes used by labour union activists served an expressive function of contestation, a chance to strike back – if only rhetorically – at those attempting to explicitly degrade their stature and dignity as employees. As one critic aptly put it,

It looks like the new Labour Code will be passed into law in Lithuania < ... > We need to resign ourselves to this outcome < ... > What is left for us is to come to terms with the fact, that you, as an employee are of a lesser value than the employer in Lithuania, and that a measure of your human moral worth is equal to that of your economic usefulness. (animusrationalis.blogspot.com, 2015)

5.2. Substitution of society by the market-led discourse

Proponents of this strategic discourse argued against the narrow economic character of the new labour laws, which tended to treat all of society *as if* it were the market, and, by extension, the interests of employers as coincidental with the best interests of ‘society’ itself. In such an interpretation, society, instead of being seen as a collective of people connected by multitude of social and cultural ties and oriented towards a common good, is reduced

to a set of individuals and firms acting on imperatives of economic rationality and maximization of profit. Thus, in the words of one labour union leader, when the commission of experts to prepare the proposals for the new Labour Code was formed in Spring 2014, it was asked 'to improve investment climate <in the country>. However, the commission was not asked about the need to create a more just society, reduce exclusion, improve the quality of newly created jobs, or encourage social dialogue' (Judina, 2015). Therefore, 'the new Labour Code is based on ideology supporting businesses <and> should be called *not the Labour Code*, but the *Business Code*' (our emphasis) (Savickas & Fuks, 2015). Here is a telling example of Voloshinov's *multiaccentuality* within contested class discourses.

Other broader concerns over societal impacts were also raised such as the potential of widening 'social polarization <in the country> by producing the winners as well as generating social exclusion and marginal groups' (Guogis, 2015) and further increasing emigration from the country because of the weakened employment protections and social security (Zasčiurinskas, 2015b). The latter issue remained highly sensitive, as the severe demographic crisis facing Lithuanian society, largely due to outward migration, was intimately bound up with heated debates over 'the survival of the nation' as a viable entity.

6. Conclusion: the moral politics of 'post-crisis' discourse

This article has attempted to map in a preliminary way new claims to moral ascendancy in the 'post-crisis' neoliberal era, taking Lithuania's Labour Code reform as a case study. Objective indicators of declining growth and competitiveness have presented capital with new exigencies. What was elided as the objective necessity of 'common sacrifice' in response to the global economic and financial crisis requires new kinds of justification in order to sustain ideological traction during the phase of 'post-crisis'. This phase has been typified by forms of discursive construction, along explicitly 'moral' dimensions highlighting a discursive struggle for moral superiority/inferiority in a stratified society in which legitimacy is claimed by capital (employers) in a variety of strategic discourses formed around keywords. The moral politics of labour law reform is constructed by an attempt to 'naturalise' these discourses as 'above class', embodying the value-neutral logic of the market and thereby constituting an unquestionable 'common sense' coterminous with both normative societal good and individual social worth.

However, such *supra*-class hegemonic projects are by no means unilaterally imposed. Typically, strategic interventions 'from above' also call forth dialogic contestation 'from below'. These counter-discourses reveal the sometimes contradictory, 'indexical' utterances of participants at a point when demands for social justice are being raised. Voloshinov's Marxist method draws awareness to the dialogical character of these competing strategic discourses and provides insight into an emerging but incomplete *class*-based critique of a new and harsh neoliberal order. Lacking matching discursive coherence of the pro-reform discourses, those who opposed the new labour law adopted a repertoire of keywords that relied on seemingly 'archaic' representations of 'serfdom' and 'slavery' in which nevertheless the kernel of new kinds of collectivist consciousness can be discerned, a consciousness rooted in the perception of deep *class injustice*. For the first time in a generation, the voice of organized labour has been heard offering not just a passive expression of discontent, but an emergent wider critique. These dialogic discourses of discontent from below addressed to the ruling authorities pose uncomfortable, even

potentially incompatible questions about the moral order of the post-crisis project. Such discourses infuse a new dialogical flux into the language of power and of resistance.

Yet it is undeniable that alternative forms of discursive practice to that of neoliberal capitalism, based on the collective assertion of labour's rights, have so far at least been largely subordinated and inchoate. This makes the appearance of any form of discursive struggle or emergent counter-discourse around the issue of labour rights all the more remarkable, especially in the context of a post-communist society such as Lithuania in which the very language of labour rights and collectivism has been de-legitimized in a profound and consistent manner. Whether or not such strategic discourses from below around the new Labour Code mark a signal turning-point remains to be seen. At the very least, however, their creative signification points to an embryonic recognition of the class interests of labour as separate from and opposed to those of capital. Optimistically, we suggest that new dialogical forms of contestation and spaces of resistance, no matter how limited at first, will appear as capital is compelled to launch renewed assaults on labour in the current period. In themselves, these dialogical discourses of contestation constitute emergent markers of one of the many global voices being raised against the contemporary neoliberal reconfiguration of labour rights in the 'post-crisis' era.

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Note

1. Labour market efficiency in Lithuania was evaluated via a 2013 survey of 146 'business leaders' in Lithuania who provided answers to the following question: 'In your country, how would you characterize the hiring and firing of workers?' [1 = heavily impeded by regulations; 7 = extremely flexible; the average score for Lithuania was 3.0]. Thus, an online survey by WEF staff in Geneva was transmitted back to Lithuania via 'global rankings', becoming 'objective' evidence of lagging in 'hiring and firing' flexibility (World Economic Forum, 2014b).

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