

**WORKSHOP 5
EXPERT RULE V. POPULAR PROTEST? THE ELITIST/POPULIST DIVIDE IN
EUROPEAN POLITICS**

**Expert Rule v. Popular Protest in the European Context:
Social Transactions about the Defence of Cross-border Workers
In Europe**

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ABSTRACT: This paper deals with an analysis of cross-border work in the European Union through the concept of 'social transactions'. Faced with specific constraints as a result of the gap between national legislations, cross-border workers' committees consider European standards and institutions as opportunities for their activities: the juridical protection of their members and their demand for a status of cross-border worker in Europe. This secant position justifies the necessity to speed up the analysis of cross-border governance; it is useful to question the plurality of social transactions that occur, concerning clashes of interests at stake between expert rule and popular protest (how to establish a 'cross-border cause?'), as well as conflicts of values (concerning the juridical legitimacy, the principle of representativeness and the nature of the call to Europe especially). We also introduce the cultural dynamics of these transactions in order to question how an acceptable middle ground between 'technocratic' expert-led politics on the one hand and grass-roots anti-establishment reaction on the other, can be defined. The relations between representatives of cross-border committees and officials of the European Commission appear in particular as contacts between unequal partners for the promotion of common interests. It reveals a process of institutionalization of a sphere of representation of cross-border workers' interests through specific multi-level uses of expertise and law.

Introduction

Current views on the European construction often contrast 'top-down' integration – associated with the gap between technocracy and democracy – with 'bottom-up' processes – associated with issues such as people's active participation and European citizenship, considered as significant of the emergence of new forms of local *governance*ⁱ characterized in particular by the transformations of interactions between the key authorities involved in this field and the increasing place of non-governmental social players within the dynamics of European integration.ⁱⁱ The model of multi-level governance constitutes a theoretical frameworkⁱⁱⁱ that allows us to consider Europe as an opportunity for interest groups in relation with the member states through their strategy and resources to put an emerging 'Community governance' forward against national historical agreements – especially when it's a matter of coalitions between public and private or associative players (Jachtenfuchs & Kohler-Koch: 1996). This hypothesis is particularly relevant in connection with the defence of cross-border workers, because the juridical position of this labour force that resides in the frontier zone of a state and works in the contiguous area of a bordering country is quite problematic: social security systems, unemployment benefits, health insurance and pension schemes, family allowances, industrial disabilities, social and fiscal taxes, etc., don't fit between the different states, so that people can suffer the consequences on account of social inequalities or iniquities. For a long time, national trade unions haven't involved themselves enough into these

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specificities of cross-border workers, so that several *ad hoc* grass-roots associations emerged during the 1970s. In this paper, we'll consider their activities through a socio-political approach based on direct observation and interviews completed through the exploitation of archives and regional papers.^{iv} In order to question the paradox linked to cross-border employment – Are cross-border workers a privileged minority with regard to attractive salaries, or victims of the differences between national legislations, or even perhaps the pioneers of the European construction in everyday life?... – we follow a comparative angle articulating eastern French border zones with the European level and the diversity of bilateral relations.

The stakes of cross-border work are both economic and juridical. In border areas, this phenomenon is of importance: for example, in 2004, there were no fewer than 90 000 cross-border workers from Lorraine, among whom 56 300 were employed in Luxembourg, 30 300 in Germany and 3 000 in Belgium. Moreover, this commuter traffic quite regularly increased during the last decades and especially during the last years, as we show in the cases of Luxembourg, Switzerland and even Germany (Fig.1 to 4). In that way, cross-border workers experience in practical terms the reality of the differences between national legal systems and Community attempts at social and juridical coordination (Hamman: 2003d, 2004).

Considering this background, the concept of 'social transactions' proves to be relevant to approach the relations built by the representatives of associations with the various local, national and European players and institutions involved in cross-border issues. These relations are distinguished by several forms of exchange, negotiation and imposition at the same time. We know that the notion of governance is quite widely used today, but often in multiple and unclear ways. One frequently attributes every virtue to the model of governance: it would be synonymous with new partnerships between the public and the private sectors, associating the civil society and the state, and would be therefore more efficient and more democratic than the 'classical' model of government. But the terms mobilized by its supporters are often vague or ideological (i.e. 'good' governance...). For this reason, the French sociology of organizations examines the uses of governance in terms of interplay between many individual and social players, their alliances and strategies, particularly in order to determine the 'dominant partner', i.e. the leader who imposes his ideas on the others. As pertinent as this perspective is, it doesn't exhaust the subject. In this paper, we want to show that the concept of 'social transactions' enriches the current reflections about governance, especially in the context of the European construction, in the sense that such an analysis takes from economics (a transaction is a negotiated exchange) as well as from law (a transaction is a technique to avoid and/or to resolve a conflict). A reasoning by 'social transactions' renders the importance of social space in order to understand a governance network; it means that the relation between individuals that is partly immaterial, also goes through a physical relationship, i.e. through the land of living that takes place within a space framework. Institutional economics classically analyse transaction costs (for instance the subcontracting of a product by the market or its in-house manufacturing...), putting the emphasis on the exchanges. But the social space doesn't correspond to a pure and perfect competition (for instance the diffusion of information is not complete...). That's why the concept of 'social transactions' favours the part of exchanges and negotiations but retains a secondary dimension of conflicts. Besides, in a juridical perspective, a transaction is a way to solve a conflict by settling a difference out of court, so that 'social transactions' express an exchange that takes two dimensions: one of negotiation (like economic transactions) and the other of power struggle into account. Thus, the notion refers to a relation between partners of unequal strength with the aim of promoting a certain number of elements in common, and is therefore relevant for a better comprehension of intersectional stakes revealing social logics of 'co-production' that only work if they are partly tacit and implicit, partly negotiated and internalised (Blanc *et al.*: 1992, 1994, 1998). All these dimensions are important to understand possible dialectics between expert rule and popular protest in European politics, especially concerning cross-border work in our case.

First, it concerns national authorities regarding the elaboration, the implementation and the review of the legislation. It also affects public services and local governments as far as the application of regulations is concerned, as well as European institutions concerning Community norms. Last but not least, today's cross-border workers' committees are placed in relation with national trade unions and their recent specific cross-border organizations on the one hand, and with many public initiatives founded in particular by local authorities to handle cross-border social problems on the other hand. In this context, cross-border associations are particularly confronted

with a structural handicap of their movement: cross-border workers are of course limited in number in comparison with the national working population of a state, and because of great distances their demonstrations are fragmented by nature all along the frontier areas, so that most often they can't make up the numbers to emerge as essential partners for national and European authorities through 'physical' mobilizations. This distinctive feature explains the fact that we can follow in this case the setting up of quite original means of expression and applying pressure on the rulers, as a reaction against 'technocratic' regulations, not only by 'usual' popular protest but mainly through a kind of *militant expertise*, that has an instituting function indeed^v.

That's why it is useful to question the plurality of transactions that occur. In this perspective, a first section deals with the clashes of interests at stake between expert rule and popular protest (how to establish a 'cross-border cause?'), and a second one with the more complex and also very meaningful conflicts of values (concerning the juridical legitimacy, the principle of representativeness and the nature of the call to Europe especially). Finally, a third section introduces the cultural dynamics of these transactions in order to question how an acceptable middle ground between 'technocratic' expert-led politics on the one hand and grass-roots anti-establishment reaction on the other can be defined.

Transactions about Interests, or how to establish a 'Cross-border Cause'

Cross-border workers are often perceived by the authorities as profiteers, so that their associations apply to bring about some change in two images that are unfavourable to their actions: firstly, according to a common opinion, people who work in a neighbouring country would be a privileged caste, and secondly they are said to only try to promote their corporatist interests. Under these conditions, it is a necessity for the representatives of associations to produce a better popular recognition of concrete cross-border issues against national or European expert-led regulations that we examine in this section.

A Privileged and Corporatist Minority?: a Discourse of Justification

As far as incomes are considered, cross-border workers seemingly have got nothing to complain about. This remark of the head of a council housing estate in eastern Moselle is very significant; he explains in that way the inoccupation of an increasing number of council houses or flats, even if they are renovated:

"We are definitively limited by a national scale of resources. We can't offer local authority housing to any people over these maximum incomes. Even if they are low-ranking workers! You know, in our border area, workers employed in Germany can earn about twice as much as in France. Therefore I can do nothing in those cases! And that's the point for us, for Luxembourg too, or even worse: near Switzerland, Mulhouse, Thann, they tear their hair out! Nobody can get a flat in a public housing stock. They all break up the upper limit on salary".^{vi}

Officials of associations come to recognize the resonance of this feeling too. For instance, the president of the UEF mentions the common figure of "an outcast who cashes in on both sides" (Kessler: 1991, p. 136). This representative of another Alsatian cross-border professional organization confirms: "For many people, a cross-border worker is a privileged person because he earns more money. They say: 'If he has a problem, that's the other side of the coin, every rose has its thorn. You asked for it, you cannot take something without offering compensation', and so on".^{vii} But when they speak about this quite negative perception, it is only to contest its relevance in fact. Let us quote what the president of the CDTF Moselle said on this point during the 2001 annual general meeting:

"It is an opportunity to proclaim very clearly for the nth time that cross-border workers are not a caste of enormously wealthy members. Some people always think that we represent a large cost for the French state or its social institutions and we want to take advantage of the situation, etc., whereas we are indeed nothing less than the first French company in the export business! Yes! It gives a high return: when we work in Germany we bring billions and billions of foreign currency back to France. Moreover nobody should forget that our activities maintain the unemployment rate at its bottom in border regions".^{viii}

More precisely, three strong arguments are advanced. First, the differences in salary between 'national' and cross-border workers would be blown up out of all proportion, i.e. they wouldn't earn

twice as much, and to go to Luxembourg or Germany every day would cost a great deal of money too. A vice-president of the CDTFM is insistent about talking to me about what he denounces as a received idea without real foundation: "We did not go to Germany for money. That's not true, not during the 1970s: one German mark was worth F 1.05, it was not financially viable, isn't it? The members of the Government can't say that it was to evade taxation". Secondly, the reality of bad working conditions for unqualified people would be neglected: "We regularly see pay slips of women that work on assembly lines in Germany, they don't even get the guaranteed minimum wage they would have in France! And they work in really scandalous conditions; they are often obliged to accept every job because of their difficult position or marital status, even if they are exploited: they need money and their employers know that!"^{ix} Third, cross-border work would develop not as an opportunist choice but as an absolute necessity in economically depressed frontier areas. In particular, this argument is put forward in Lorraine after the end of the exploitation of coal mines and the crisis of the iron and steel industry.^x For instance, this cross-border worker employed in Luxembourg underlines:

"For us, it's a necessity to go to Luxembourg. We have no choice. Otherwise where can we go? Do you see a better solution? Quite frankly, there is no job to fill here in Lorraine. The creation of new jobs in France is the prior condition to any discussion. To my mind, concerning the question of salaries we can come to an agreement, because if you use your car everyday from Metz or Audun [in Lorraine] to Luxembourg you gain nothing from it, even if you earn € 150 more per month. You only succeed in making things more difficult for yourself".^{xi}

On the other hand, it is not easy to maintain this thesis relating to Alsace and the great influx of workers into the neighbouring Swiss cantons (Fig.3-4). The president of the CDTF of Haut-Rhin has to admit this ambiguity: "When you are looking for a job and you go to the place where you can get it, and you have to accept the lack of job security, you get less paid holidays and moreover you will retire about five years later or only draw a small pension, do you think that being a cross-border worker in Switzerland is a privilege, even if we make money from our abilities? Of course everyone always thinks that his neighbour is a privileged person. Geographically, Alsace is a border region: it is an asset, so it would not make sense to refuse to take advantage of this situation".^{xii}

In fact, behind the diversity of individual positions of cross-border workers, the discourses of justification refer more to the conditions of validity of the collective activities of associations. So far, the problem of corporatism comes to the surface. As a result, the president of the French OGB-L cross-border group explains that representatives of associations should avoid giving an impression of clinging to a narrow-minded view, i.e. to defend by all means possible and from all directions only corporatist interests. He quotes the case of the French 'local' social security system in Alsace and Moselle as a good example of this concern about doing things with restraint and realism:

"You have to put things in perspective. For instance, concerning the restoration of the rights of former Alsatian and Mosellan cross-border workers in the 'local' welfare system when they go into retirement, we had Community law on our side, we could have won hands down, from start to finish: each cross-border worker living in Alsace and Moselle or who had lived there at a certain point would have enjoyed the advantages of 'local' social security benefits, that are of course higher than the other French ones. But we thought that if someone worked during two years under this French 'local' system and during thirty years in Luxembourg, there was something wrong in such a global solution. Today, everybody wants to take all the credit, but in fact there were the cross-border organizations that suggested a way to resolve the problem with several conditions of admission to the 'local' system. So *we went farther than Community law*, that's why one cannot say that we don't behave responsibly!"^{xiii}

We see that these uses of law expertise are connected with the disqualification of other protest methods: juridical resources allow on the one hand to select the representatives who make 'reasonable' proposals, and on the other hand to rule out more radical views; cross-border committees can take advantage of this accordance of their means of action with the juridical pattern enhanced within the national public arena as well as at the European level.

The Production of a 'Cross-border Cause' and its Recognition

In this context, it is quite a task for the representatives of cross-border associations to demand their considerations be taken into account. First, it goes through a permanent activity of lobbying to approach public authorities in order to obtain legislative adjustments, as the president of the

French OGB-L group develops: “First and foremost it is an action of meeting and dialogue, this is always our first reaction to inform different rulers and politicians of our problems: we seek interviews to try to find somebody who accepts to give us a hand”.^{xiv} The line of conduct consists in building up a wide-ranging network; CDF representatives lay stress on this point:

“It is a matter of asking for interviews with Belgian federal rulers via our deputies, by protest post directly sent to concerned ministries, through the questioning of provincial governments, presidents of political parties or European commissioners, also oral questions during political meetings and of course an enormous amount of letters! – And our sole aim in doing all these interventions is to provoke briefing and working sessions with elected members, so that they support our requests and make reform proposals”.^{xv}

More particularly, we can perceive two main ways used by leaders of associations: the juridical expertise in the cross-border field and the submission of individual cases for a legal settlement. In that way, they try to turn their position towards national and European institutions.

At different degrees according to the type of case, three forms of expertise are mobilized by cross-border organizations. First, the representatives I was talking to stressed on the importance of their personal experience. Whether because they consider themselves as competent on the subject, just like the president of the cross-border committee from Hendaye: “It works because there is a jurist and a lawyer in our association, as well as members who study law”.^{xvi} Whether, on the contrary, because they claim to adhere to a practical understanding of the problems – for instance within the CDTFM: “Commanding this sphere is something you acquire only with practice. Personally I have a *Certificat d'études primaires*^{xvii} and a CAP^{xviii} of typographer, that's all! For the rest, I'm a self-taught person. Besides, nobody else but ourselves can resolve cross-border problems, because we are confronted with these issues every day”.^{xix} Resorting to consultants doesn't fit well with a group that is formed from a social identity.^{xx} Nevertheless, if the need arises, cross-border committees subsequently appeal to the help of trade union jurists, especially ‘allies’ from the CGT^{xxi} in France and trade unions from the country where they work. This member of the CDTFM underlines this selective cooperation: “For specific questions we get in touch with the DGB^{xxii} and on the French side there is the juridical department of the CGT in Paris that gives us a hand. This is by no means insignificant. For instance, it was the case to support our protest against the CSG^{xxiii}”.^{xxiv} Finally, before certain courts of law, it is absolutely necessary to be represented by a lawyer. In those cases, specialized law firms are appointed according to the problem, as the president of the French OGB-L group explains: “Our organization is in close contact with several law firms, because it all depends on the individual case or the circumstances of the contentious issue. One lawyer or another is more specialized in international or in Community law, or perhaps in employment or social law and so on”.^{xxv} Of course, this possibility to enlist big names of the bar is an important asset for associations and it is explained by the singular position or ‘moral code’ of many employment lawyers.^{xxvi} For instance, the president of the CDTFM pays tribute to the efforts of his top-lawyer towards the European Commission: “He's an ace! You know, he wrote our memorandum about the CSG in 1992... it really worked wonders! Because at first, the Commission was not especially on our side”.^{xxvii}

These resources of expertise prove their efficiency in particular with regard to the European Union. In this connection, we should point out that there is an historical link between European institutions and cross-border organizations that found at this level their first institutional supports facing the states, and even the negotiation of a ‘patronage’.^{xxviii} For instance, the Council of Europe has organized several symposiums since the 1970s in partnership with cross-border associations, and the European Commission has even financed a report on cross-border migrations, entrusted to the care of the president of the CDTF Haut-Rhin – recognized in that way as an expert and a valid representative (Kessler: 1991). We know that European institutions are open to discussion and negotiation with interest groups when they present a solid offer of expertise (Mazey & Richardson: 1996; Wallace & Young: 1997; Greenwood: 1997). It is specifically relevant concerning the European Commission, mobilized by cross-border associations to characterize a supposed default from a member state with regard to European obligations. The president of the French OGB-L group clarifies the significance of this procedure: “We exchange all the necessary information about a case to know if it is compatible with Community law. If not, the European Commission will get the procedure under way, there will be exchanges of views, and that will be whether settled amicably between the Commission and the concerned government, whether it will be necessary to complain to the Court of Justice, and the Commission can refer the controversy to

the Court. That's really practical".^{xxxix} In the case in point, 'grass-roots' initiatives that underline local disparities to the detriment of cross-border workers use the departments of the Commission as an intermediary, even if this institution is often denounced as the most typical of a 'technocratic' Europe completely out of touch with reality^{xxx}, precisely because cross-border associations meet with a favourable reception from the Commission thanks to their expert position that fits with the one of the European institutions – the vice-president of the CDTFM emphasizes: "They always make us feel welcome and our opinion is valued in Brussels! That's very important, because as soon as we have a question to ask, we know we have these partners to discuss with, who are well-versed in Community law and can answer straight away".^{xxxix}

Towards national administrations and rulers, it is more the contentious way that is used by cross-border organizations to obtain recognition of their interests. Representatives of associations often go to court; the president of the French OGB-L group mentions this solution as common and logical: "That's life! Whether we are capable of settling the dispute out of court, between the parties, or we are not capable and then a judge will have to make a ruling".^{xxxii} Precisely, after three decades of active existence, cross-border leaders consider at present to have won certain recognition from public authorities, as the president of the CDTFM says: "We can say we are credible now, with regard to all the institutions. At the ministerial level, there is no problem. When we go to Paris, every door is open. With the ASSEDIC^{xxxiii}, the pension funds in France and Germany or the state health insurance offices, when they hear about our organization, 'Be careful!'... They know very well that what we say is viable. Our 8,000 members and all the cases we have already won are our best 'invitation card' in fact".^{xxxiv}

Transactions about Values: Conflicts on the Principles of Legitimacy of Cross-border Workers' Protection between Expert Rule and Popular Protest

That's not the whole question. Other scenes of transactions relate to the principles of legitimacy cross-border representatives want to take advantage of with regard to expert-led politics and the different institutions they contact. In that case, we move on to social transactions about values, even more delicate than the previous ones. Three stakes are particularly relevant: the juridical legitimacy, the principle of representativeness and the nature of the call to Europe.

The Principle of Juridical Legitimacy: Community Free Movement of Labour v. National Legislations

Nowadays, the act of turning to the European level is quite 'natural' for cross-border workers, as the president of the French OGB-L group mentions: "It's inevitable! That's essential for us to make a connection with the European aspect because we have a French legislation, a different one from Luxembourg, and in the middle there is nothing! In that case, we are in the heart of the European construction: the free movement of labour is really synonymous with the European Union". The resort to law allows bringing into general at the European level local or bilateral cross-border problems^{xxxv}, i.e. to promote the lawful and rightful imposition on the political schedule of the question of a unified legal status of cross border worker in Europe beyond the diversity of bilateral situations. More than other organizations or pressure groups, cross-border committees take advantage of this particular asset, because they can use the accepted principle of free movement facing national juridical standards that put obstacles in the way of this coordination. It offers a way to enter into negotiations favourably and, if necessary, to go to the European Court of Justice with a good chance, as this OGB-L official explains: "Community law is very profitable because it leaves the way open for compromise and it opens new possibilities if we have to take action against a member state. With regard to social security benefits for instance, the Community regulation called 1408-71 is running well now, so that if there are contentious issues without any national solution, we know that the Court of Justice is a possible way of settlement. That's really worth knowing!"^{xxxvi}

The most often mentioned 'conquest' is the exemption of the French CSG-CRDS tax liability for cross-border workers. This episode fully reflects a conflict of values. On the one hand, the law passed by national elected representatives establishes a new tax levy that has the characteristic to be 'generalized', i.e. payable by everyone as the expression of national solidarity in favour of the public health system, that is to say in the general interest. On the other hand, cross-border leaders make a sharp legal objection concerning the affectation of the resource with the intention of being exempt from this deduction that put a strain on their salaries (about 8 to 10 per cent). The

president of the CDTFM develops his argumentation as follows: “According to French law, the CSG is a tax, but in fact it is directly allocated for the *Sécurité Sociale*, that’s why we have taken up the struggle in 1992: for us it is undoubtedly a social contribution, and in accordance with Community law – that is perfectly clear – we are subjected to German rules as far as social legislation is concerned, because it’s the state where we work. Thus, we don’t see why we should pay twice!”^{xxxvii} Such an argument immediately clashes with the governmental objective of an extension of the basis on which social security contributions are assessed. Consequently, the position of cross-border associations doesn’t find a favourable echo among the French government, even under socialist rule – quite the reverse: the UFE president has very bad memories of this issue, even though he was personally for a very long time a socialist activist and secretary-general of the Socialist federation of Bas-Rhin: “Martine Aubry [Social services minister] in particular was very... very hard on the question, and I found that very dishonest – and as a socialist militant it hurt me especially –, really dishonest to say ‘But the CSG is a tax, it is not a social contribution, so it’s normal for everyone to pay’”. This mutual incomprehension leads this official to leave the Socialist party (*Parti Socialiste*, PS) and to devote all his energies to his association, with a severe judgement on socialist leaders: “I joined the PS to fight against social injustices and now there is a flagrant one that affects me and the PS does nothing, I wouldn’t like to be taken for a fool too by continuing to militate in favour of the PS platform. That’s why nowadays I concentrate on our associative activities”.^{xxxviii} For cross-border representatives, the solution finally comes from the European Court of Justice that concludes the 15th February 2000 along the same lines than them. This ‘victory’ remains unforgettable for cross-border committees. For instance, the president of the CDTFM remembers the difficulties and gets a sense of pride from the final success: “We had to go to the European Court of Justice, it represented an enormous research and juridical work to register a complaint for each of our 8,000 members against the French government, and so on. It was incredible! It’s hard to imagine, day after day and almost the whole year round... since 1992! That will go down in the history of our association! You know, when you have problems with the taxman, it’s no joke! They even threatened some people to make a seizure of their goods if we refused to pay, but we stood firm together and the success finally rewards us for all our efforts”.^{xxxix}

From then on, a permanent tension has gone through cross-border issues between the legitimacy of national law^{xl} and the European principles of primacy and direct application of Community law.^{xli} We can therefore conclude to a loss of centrality from a system of state control (Schmidt: 1996; Lequesne: 1996), but this ‘retreat’ doesn’t mean its elimination, of course. In fact, this process has two main repercussions on our subject.

First, it turns out that the operative field of a decision can become relatively restrictive with regard to cross-border workers as a whole. For example, a decision of the European Court of Justice pronounced in 1995 in the ‘Schumacker case’, dealing with the taxation of cross-border workers, disappointed many committees, because their members were excluded *de facto* of the new adjustments. In that case, it clearly appears that Community law functions as a Europeanization operator and yet this process is never complete, as this cross-border worker of the UFE sets out:

“The Schumacker action gave us great hopes, but it only settled rare borderline cases, because his wife didn’t work. Mr Schumacker alone earned a living, he was taxed only in Germany and the German tax department didn’t take his marital status into account, as they said it concerned the country of residence. But as he had no income in Belgium, Belgium couldn’t take his marital status into account. In this case, the Court of Luxembourg found that it was really too unfair. But now, after the Schumacker decision, they said ‘That’s settled then. We’ve had enough! The party is over! Cross-border workers... that’s enough, you’ll have to manage on your own’”.^{xlii}

Secondly, Community law becomes an object of contention with national authorities, all the more so as from now on, national rulers put a lot into this scene to obtain favourable interpretations. Thus, the president of the CDTFM deplors the calling into question of a long-standing Franco-German convention by French authorities as it wouldn’t be in accordance with Community law. In the case in point, bilateral negotiations had led to a more favourable compromise: “In France, when you are twenty years old and you are a student, you pay your contributions to a specific student social security system. In Germany, they don’t have to pay for their medical expenses until the age of 27, and we say ‘the same contributions, the same benefits’, for the children of a cross-border worker in particular. We came to an agreement with German

officials before. But in Paris the French government said 'No, it doesn't respect Community directives'. Apparently it appears in the European law, but we don't really agree with this text...^{xliii}

This fluctuating connection with the relevant level of law – that constitutes the basis of legal legitimacy indeed, from a national or European point of view – reveals the current transformations of the institutional framework of public policies, that don't come down to an only clear-cut elitist-populist divide. A similar *territorial* issue structures a second scene of transactions about values: that is the principle of representativeness, between the local, national and European levels.

Social Transactions about Representativeness: from the Local to the European Level

The principle of representativeness is a social construction that has followed different ways according to the national contexts. In France, pressure groups have been arousing hostility and suspicion for long since the law (known as *loi Le Chapelier* and *décret D'Allarde*) that broke the guilds during the French Revolution.^{xliv} This position implies a difficulty to integrate the participation of interest groups 'from the inside' into the policy-making processes in relation with the French ideology of the general interest and the public good the state would be responsible for (Chevallier: 2002, pp. 577–578). This context accounts for the construction of a requirement of 'representativeness' as a possible way for public authorities to legitimize institutional contact with lobbyists, insofar as they are promoted to be 'representatives', i.e. in our case to act as spokesmen for cross-border workers, and so to be recognized as valid negotiators.^{xlv} The 'neocorporatist' paradigm^{xlvi} reflects such a solution that actually favours trade unions (to the detriment of associations), because they can insist on their hierarchical and ramified structure covering the whole national territory.

In these circumstances, the affiliation to a German national confederation, the large number of members and the organization by economic branches all constitute trade union features advanced to justify the new presence of the CGM^{xlvii} in Moselle: "We represent the CGM that is an integral part of the CGB confederation.^{xlviii} In Sarre, the CGM has about 10,000 members in various metallurgical industries: iron and steel industry, car industry like Ford, and so on", as its president said.^{xlix} According to this assistant, it is the union representativeness that legitimizes the opening of an office in France specially for giving some advice to cross-border workers: "I joined the CGM as a staff representative in Germany because of my personal convictions, but I turned to the trade union for support too, in particular for all the cross-border problems here".[!]

Associations of cross-border workers don't fit in much with this national model of representativeness. Sometimes, the local characteristic of their presence and development can lead to erosion if bilateral cross-border migrations are reversed. The composition of an association like the CDF of Musson, between France and Belgium, is a good example of this potential fragility: "Our members are mostly -90 per cent- between 65 and 68 years old. It was the metallurgical, steel and textile industries around Lille and Longwy before 1985, but today there are only a few hundred jobs left".^{li} Elsewhere, it is the purpose of the association itself that limits its importance. The case of Anor's *Frontaliers Inquiétés* (that is 'harassed cross-border workers') in the Franco-Belgian frontier zone is quite significant of the reality of several highly specialized committees: this organization was founded as a popular reaction against a singular tax dispute within a Belgian border town "in order to unite behind this cause the people who were automatically re-registered in their former Belgian town, so that they had to pay local and income taxes there, even if they lived in France afterwards. Our aim is to draw up a joint file on the issue and appoint just one competent lawyer to plead our cause that concerns about a hundred people".^{lii}

Faced with such a serious handicap in relation with national trade unions, officials of associations lay stress on their real grass-roots representativeness along the French frontier regions according to the particularities of each local context. From this viewpoint, each cross-border movement has its own area that its representatives cover by a dense network of committee rooms located as close as possible to the place where cross-border workers live. For example in eastern Moselle, the president of the CDTFM emphasizes this daily activity: "We are 28 voluntary helpers, people who regularly hold briefing sessions and give individual advice in each canton and in the main towns".^{liii} Not surprisingly, the number of members is one of the foremost preoccupations for the representatives of cross-border associations; they make no secret of the fact that they get a sense of pride from their results – for example concerning the CDTFM: "At the moment we have about 8,000 members, that's quite a lot of people, isn't it? If you know that there

are 23 000 cross-border workers in our area... Because we only take care of people who work in Sarre and Palatinat^{liv}. If trade unions did as much, people would know about it!"^{lv} Confronted with criticism about non-representativeness of trade unions, leaders of associations put these local membership rates forward in the controversy; the president of the French OGB-L group is very clear on that point: "For our OGB-L group, between 20 and 25 per cent of the French cross-border workers have joined our organization. That's far more than you can imagine in France in the case of national trade unions. It accounts for 8 per cent of *all these unions together*, you know..."^{lvi} In that way, cross-border associations acquire a key position in the area where they are present. This town counsellor confirms such an inevitable situation: "We always pay much attention to everything that's going on regarding these associations because the economic future of our fellow citizens who work in Germany depends on it! So it's very important for us"^{lvii}. By way of example, it becomes quite common in border towns to put premises at the disposal of those local associations, just like the CDTFM: "Now we have a good office, set up by the town council, this means we are levelled with the trade unions over the road"^{lviii}.

At the same time – and it's a sign that cross-border committees are brought to take a stand in the connection between the different levels of public policies –, their leaders also try to produce a kind of accordance with the national pattern of representativeness to increase the 'validity' of their claims. The setting up of a confederative structure dates back to 1971 with the foundation of the *Comité National des Frontaliers de France* (National Committee of French Cross-border Workers), following on from the cooperation that associated the structures of Haut-Rhin and the region of the Lake Geneva (Kessler & Steinbach: 1970; Kessler: 1991). At present, there is a national committee (*Coordination Nationale*) that provides an exchange of information, with a variable intensity according to the member associations however; these extracts of interviews show both sides: "There are yearly meetings that allow to review the situation from every angle and to have an update on the latest events, it's always fruitful"; "We meet from time to time. Each association has its independence and own philosophy. We always ask to communicate information to one another, some play the game, some don't, that's clear"^{lix}. Anyhow, the system proved its worth in times of 'crises'; it worked as a 'driving belt' in the episode of the CSG: "Above all, it was a success concerning the case of CSG-CRDS: we took the decision to boycott these taxes all together, and that was important because too often it's going all over the place. It bore fruits, that's clear! In practice, this national committee is ready to take action"^{lx}. As we see, the coalition is justified at the same time by the complexity of the interests they want to defend and by the necessity to make public authorities realize how important practical cross-border problems are (Webster: 2002, pp. 141–150).

This first cleavage between local and national representativeness becomes now even more complex with the construction of the European area. It leads to renewed tension between trade unions and associations of cross-border workers with particular acuteness concerning new cross-border institutions as the interregional union committees of the ETUC (European Trade Union Confederation^{lxi}) and the cross-border part of the EURES (European Employment Services), that is divided in two sectors: it includes national employment offices and employers' syndicates on cross-border employment issues on the one hand, and national trade unions as experts on the working conditions of cross-border workers on the other hand. Of course, in the last case these missions are quite close to the activities of associations. As a result, representatives of cross-border committees feel at the same time dispossessed of their 'trademark' and excluded from European support; the leader of the CDTFM explains that clearly:

"EURES cross-border structures include all the trade unions, and associations that represent cross-border workers should be an integral part of this partnership too. But some people jam on the brakes: they don't want to share a piece of the pie! But we won't make concessions, because there are EURES employees, I know one of them, when someone asks him for some advice, he answers: 'Listen – it's quite simple: there is the cross-border workers' committee, go there, they are well informed...' Well... at the same time he gives us new members. All right! It's a possible tactic too! But that's not work, so we don't see why we couldn't take advantage of a European grant. We want a fair share of the cake!"^{lxii}

We understand there are institutional as well as practical agreements that are renegotiated in the context of the Europeanization of the representation of interests. National trade unions are members of the cross-border part of EURES thanks to their management and labour position, so that they are particularly restive to envisage the integration of cross-border committees, inasmuch

as that would lead *de facto* to share their resources. This official of the CGT Lorraine makes no secret of it:

“The discussion is always distorted because of the problem of means that immediately appears. Of course you must look beneath appearances. Protection committees do have representativeness, a certain number of members do, so I think if we were only on the basis of a decision in principle... OK! But there is the question of the permanency of those organizations... That’s it, and sometimes there is hardly anyone there, and some other time there are 10 000 associations in the same area. It’s true that it’s difficult for us to make a decision in these conditions, especially because we know some of them for a long time, but finally we say no”.^{lxiii}

The reaction of the president of the French OGB-L group on this issue is quite interesting because he’s the leader of an hybrid organization that is a part of the OGB-L trade union of Luxembourg but constitutes at the same time a ‘self-governing’ group whose members are all French cross-border workers from Lorraine and whose registered office is based in Audun-le-Tiche in the French border area too. This representative is not taken in by the stakes of the debate; it’s a question of cashing in on the situation in relation with the representation of cross-border workers: “How can I say... fortune has smiled on us on the OGB-L side: they early gave to French cross-border workers the possibility to develop a structure and even to get their own organization inside their trade union. Otherwise, I think that at the present time we would have a kind of protection committee in this region too. But it is not in the interest of trade unions, I think. It’s better to face up to things”. Above all, he almost sides with associations when he expresses scepticism about the new cross-border trade union institutions for the cause he defends. Their conceptual level on the scale of Euro-regions would be too abstract in relation with the daily problems of cross-border workers. Clearly, it’s a way to hold its positions, that is the legitimate representation of this group, just at a time when this positioning becomes more contested: “Concerning the interregional union committees, well... I think these authorities are relatively recent, procedures were only set up, and only time will tell. But we are more matter-of-fact, you see, we deal with a lot of workaday cases because people need our help”.^{lxiv}

Furthermore, at this new European level of public policies, the conflict between trade unions and associations becomes more complex insofar as the principle of representativeness becomes vaguer: ‘neo-corporatism’ gives up to a more ‘pluralistic’ running, open to pressure groups.^{lxv} We know that these organizations have often been seen as a factor of Community integration, in particular in the ‘neo-functional’ literature (Mitrany: 1943; Haas, 1958), and European institutions actually seem more receptive to cross-border associations than national governments. That’s why the president of the CDTF Haut-Rhin created in 1991 the *Union Européenne des Frontaliers* (i.e. European Union of Cross-border Workers). This forum regroups ‘direct’ members as well as several local associations to ensure a better representation at the European level.^{lxvi} This reorganization reflects an extension of the associative sphere of activity towards the Community scale (Kohler-Koch & Quittkat: 1999). But this strategy can only work if the initiative is recognized by ‘grass-roots’ organizations, and that in a sufficient number of member states to build a European representativeness. Consequently, the president of the UEF emphasizes the importance of the foundation of new federate associations along the Franco-Belgian border zone, like Anor’s *Frontaliers Inquiétés*, even if he must face the fact that partnerships often remain fragile: for instance, he has not heard anything about AFAL^{lxvii} of Bas-Rhin for several years, although this association is based in the vicinity of the UEF office of Haut-Rhin – unless it is hiding something like a fear of hegemony in relation with old Alsatian petty squabbling in the background. As it reveals, the cooperation between cross-border committees does not only take place within a determined area but it is always defined in reference to such an area and its founding political, economic and social balances (Abélès: 1988) – precisely unlike expert-led politics.

Social Transactions about the Nature of Community Integration: ‘top-down’ v. ‘bottom-up’ European Construction

In this sense, the call for Europe as a resource for the activities of cross-border committees must be backed up with concrete local presence. We can clearly perceive a ‘bottom-up’ process of Europeanization: cross-border organizations aim at changing a long-standing constraint – i.e. the disparities between national legislations – into a resource through a practical mobilization of Community law contrasting with common integrationist views that most often remain ‘overhanging’.

In that way, a third series of transactions on values concerns the legitimate definition of European construction, what it should cover in accordance with what sort of dynamic.

A first split relates to the nature of the Community integration process. In connection with that, one can mention the recurring denouncements of the Maastricht Treaty by many representatives of cross-border associations. The speech delivered by the president of the CDTFM during the annual general meeting for 2001 attests to the resonance of this critical position: "In every European country, the working classes suffer from an attack without precedent against their rights and against their social benefits. This attack has only one source: the alleged necessity to meet the Maastricht criteria for economic and monetary union, the domination of the financial world in Europe, the cash and the globalization that impose their will upon us in conformity with the Maastricht agreement. It's perfectly clear! So don't tell stories! It's a political act and we have to question it".^{lxviii} More recently, during the annual general meeting 2004, the leader of the CDTFM reacted in the same way as he did three years before, by attacking this time the current project of the European Constitution. For him, this text is a further proof of what he defines as "the ultra-free market Europe that is built against and without its people", so that he officially appealed to all the 8 000 members of the association to vote against the European Constitution at the time when the referendum takes place in France, in reply to "the present policies of organized social destructions and the tyranny of the financial open markets".^{lxix} As we understand, the mobilization of European references by cross-border protection committees is also closely linked with a kind of antithesis: the free circulation of capital, in the face of which associations promote the 'real' European integration, that deals with the free movement of labour and the social union in Europe, about which this cross-border activist of the OGB-L regrets: "We must strive to build an Europe with a common social policy. Cross-border workers have no choice! And at the present time, to be frank with you, concerning a social Community harmonization there is about nothing at all... there is still everything to do".^{lxx}

That's why it is always the same people who underline the power of Community law and the support of European institutions when it's a question of obtaining adjustments favourable to cross-border workers. The president of the French OGB-L group explains this apparent paradox as followed: "It's true that it can seem a bit contradictory because on the one hand we criticize certain things and on the other hand... well, anyway we have to work with them. But it's the same thing with a law for instance: there are many people who come at our office for some advice and they often tell me: 'No, this law is not fair, it's shameful!' When you say that, do you think you resolve the problem? Of course you don't. It's our job to try to make the situation change, at the European level in particular, and to replace those laws, that's all!"^{lxxi} As a result, it is not only a transfer of the stakes at the European level that occurs, but also their redefinition, and these evolutions position the cross-border level directly in relation with the European construction (Abélès, 1994).

In this context, the leaders of cross-border committees base their legitimacy on a practical reasoning. In particular, they frequently express their feeling to take part in the European integration from a 'cross-border testing ground', and they proudly define themselves as its mainstay or even, as we often heard, the 'pioneers of Europe'. For instance, the president of the cross-border committee of Hendaye insists: "Europe will remain sheer utopianism if the rulers ignore the European citizens who are the main players of the European construction, and they are indeed the cross-border workers. We constitute the basis of this movement in Spain as well as in France or elsewhere".^{lxxii} In the Franco-German border area, the vice-president of the CDTFM affirms the same conviction: "We are an integral part of Europe because we live that every day, at work and in our way of life in Germany and in France. There are cases that surreptitiously occur, and even the European Commission only becomes aware of such problems at that time, when we sound the alarm. That's why I always say that as cross-border protection organization we precisely help things along. We are in practice the spurs of the European debate concerning the free movement of labour".^{lxxiii}

However, at present, this 'bottom-up' position is not the only one in the cross-border scene any longer: the often strained relations between associations, national trade unions and public authorities reveal parallel evolutions taking place at the moment concerning the legitimate representation of the 'cross-border cause'.

From now on, national trade unions also put a lot of effort into taking the local level of cross-border questions into account, what increases dissensions with associations. For instance, in Moselle the German union CGM shows its concern for organizing regular meetings very close to

the preoccupations of cross-border workers and for receiving people individually. It's with this aim in view that CGM officials get in contact with local counsellors, in order to have a place in which they can meet inside the town hall, for example in Saint-Avold: "We asked the mayor for a room and he gave it really willingly, because they are open to social issues here, so that we have an office, and that's very good for us, because our union office is in Sarrebruck in Germany, and we notice one thing: cross-border workers go to their work place and come back home, that's all, they don't get easily in touch with trade unions in Germany. We have to realize that, and that's why now we try to go and meet them".^{lxxiv}

Moreover, public authorities – states as well as regions or towns – pose at present as mainstays of cross-border relations (Hamman: 2001, 2003a, 2003b). It's especially true in the Rhine area between France, Germany and Switzerland, where local and regional authorities created at the beginning of the 1990s with the support of the European Commission the 'Infobest' offices^{lxxv}, that work in partnership with EURES organizations today. In fact, their concrete activities are relatively similar to the juridical assistance associations' offer to cross-border workers for a long time. Private people formulate the main part of the requests, which concern 90 per cent of the cross-border work – employment law, tax and welfare systems in particular. New expert services appear in that way, office by office, in each frontier labour market area; statistical data on the geographic origin of the users attest to this local setting up.^{lxxvi} As associations do, information and advice are offered during individual appointments at the office, where people looking for assistance are welcomed in a personalized way by an adviser, who can be joined by mail or over the phone: it seems to be a line for line copy of the activities of cross-border committees. A revealing action concerns the regular organization of 'cross-border workers' days' that offer an easy access to all the administrative and social experts of the field at the same place. These events are widely announced in the papers and represent the same activity of intermediary as the associative one, that is the production of connections between cross-border workers and national public services.^{lxxvii} Besides, these Infobest initiatives are explicitly mobilized by local counsellors so that they can claim to adhere to a political union in Europe that put the place of citizens and their daily preoccupations as a central issue. The views of the president of the Infobest office of southern Alsace from 1996 to 1998 clearly reflect this state of mind: "Inside a border area, everyday life has not the same meaning as 50 km farther. We are in the vanguard of the European construction. The largest one that the member states want to promote has a regional complement: it's the everyday cooperation, dealing with minor problems that become great ones for the people who suffer from these issues. The mission of Infobest offices is precisely to become a melting pot where those problems are handled. It's the nobleness of our action too".^{lxxviii}

Social Transactions and Cultural Dynamics between Expert Rule and Popular Protest

As we see, cross-border organizations take an active part in the processes of Europeanization inasmuch as they give concrete expression at the national and local level to the European Union and its regulations, whose effects become more marked in the daily working life of many concerned citizens. It's this singular position of juridical and social advice 'broker' or mediator that becomes competitive nowadays – sign of its success as well as of the difficulties that remain. Cross-border workers and their collective representation come within social transactions that are linked to cultural dynamics round about the dialectics of elitism and populism, formal and informal, confidence and suspicion between a plurality of individuals and social players.

First, the relations between representatives of cross-border committees and officials of the European Commission appear as contacts between unequal partners for the promotion of common interests. For instance, a member of a cross-border association lays stress on the support brought by the European Commission against France concerning the case of retired cross-border workers from Alsace and Moselle, so that they can be restored to their rights within the 'local' French social security system, and he shows several official letters from the head of the Social Security department of the DG V, while another one evokes a tax litigation between France and Luxembourg giving rise to well-argued exchanges with officials of the DG XV, that came to a favourable regulation in order cross-border workers not be heavily taxed in both states.^{lxxix} These cases reinforce the position of European high-ranking civil servants towards the member states and they can benefit from the practical experience and activities of cross-border associations, so we can conclude to an 'objective alliance' formed between partners that nothing seemed to bring

together at first sight: former trade unionists and officials of committees that aren't very inclined to promote the Maastricht Treaty and 'Eurocrats' often denounced as the figure-head of technocracy. And yet, as a vice-president of the CDTFM says, "one thing is for sure: about several things we go the same way. They can only make progress through the complaints we lodge and send to them".^{lxxx}

Besides, a cultural issue also characterizes conflicts between cross-border associations and public organisations like Infobest expert offices in Alsace. Their project leaders position themselves at the same time at the side of the Government and of cross-border workers. That explains the importance given to the *service public* (public service), because this notion allows linking up those two potentially antagonistic aspects by the guarantee of a neutral and free assistance: "We get in touch with different public utilities in order to collect information we need in our job. We don't have any vocation or authority for denouncement! It's not a question of pointing an accusing finger at problems in the management of a department or another. As an administrative office we are under professional obligations to remain neutral, and we are a public service, also free". This Infobest adviser clearly tries to distinguish his position from the associative position that is presented as more anti-authority than explicative, more political than administrative. Another Infobest official from northern Alsace precisely adds to these statements the following remark concerning the local cross-border association AFAL: "What we do is very different from what AFAL does, because AFAL works like a trade union, I mean they only give some information to their members. And AFAL has of course an informative mission, but a function of lobbying too, and I think this aspect is much more important indeed. The defence of sectional interests is really more in a protest dimension".^{lxxxi}

Moreover, Infobest advisers explicitly distance themselves from any contentious action, insofar as departments of the regions or the states that actually co-finance the organisation could be potentially affected by those claims. So the head of northern Alsace office stresses this point: "In those cases, no. Clearly, no! It's something the person has to decide in all conscience, it puts the person in confrontation primarily with herself, I think. We absolutely grow away from legal actions". Consequently, the French label *information et conseil* (information and juridical advice) is interpreted in a restricted way; this adviser of Infobest Kehl actually makes clear right away that "it is not appropriate to talk about a kind of legal aid, the word *conseil* [that can signify *juridical* assistance in French] can lead to confusion, but there is a principle of neutrality for civil servants as well as for local government officials and it applies to us too, even if sometimes we are contract workers. We can't take the place of all these consultants and lawyers, and we don't come with somebody before a court. I lay great stress on this point, because it's often a problem we are faced with concerning people who seek advice from us, but we cannot play the role of a lawyer, that's perfectly clear".

In fact, there are two different interpretations of the protection of cross-border workers that appear and lead to divergent handlings of expertise, information and law – explicative or contentious. This Infobest project official expresses that well: "In comparison with cross-border associations, we don't have the same way to deal with the same problem. It's true that they give some information, but they often immediately advise to go before an industrial and social tribunal and so on! I have nothing against this possibility, if they can really follow the case and support people for the proceedings, but if it is only to react against the employer even with no chance of success... well... they are protest movements, you know. But we notice that some people come to our office because we never tackle a problem from a controversial point of view. It's *an attitude*, it depends on the people and their expectations: you have some people who are always making demands and think that they don't get enough at our office, and other people who say 'I don't want to join an association, I only want to explain my position and discuss to see how this problem can be solved in the easiest way'".^{lxxxii}

The identities of the opposing social players are really different too. Leaders of associations often have an activist profile closely linked to an early personal commitment to trade unions. The case of the president of the CDTFM specifically reflects this kind of 'career' path and the state of mind that follows: "Personally I'm a union activist since the age of 14, when I started my apprenticeship, and since that time I have never stopped to militate in favour of the working class, I have taken on union responsibilities in France and Germany and in workers' councils. We are factory workers indeed, you know. We don't have many intellectuals in our association!"^{lxxxiii} On the contrary, on the Infobest side, advisers are mainly contract workers of local authorities assigned to

this office. They are most of the time quite recently qualified, with a high academic standard (at least 5 valid years of higher education) and profiles that are at the same time quite general on economic, social and political questions and specialized in cross-border issues. This identity of 'specialists of the general' is closely akin to the definition of professional expertise (Henry: 1992) and finds expression in a variety of career paths. For example, the French adviser of the northern Alsace Infobest office explains: "We have very different profiles, according to all our missions: our first secretary is more a specialist in administrative management, the second one is a personal assistant, my German colleagues have done a course in geography or regional development, and I come from political science".^{lxxxiv}

Considering these dissimilarities, the attempt of a cooperation between Infobest and AFAL in northern Alsace rapidly came to an end – as this Infobest adviser explains: "We had an AFAL specialist in employment law who came in our office several years ago, and she gave some advice to everybody here, so one day the president of this association banged his fist on the table and said 'We only give some information to our members'. Since then, our contacts are less frequent, you see..." Open crisis can even break out. By a way of example, the CDTF of Haut-Rhin waged war against the local Infobest office, with particularly sharp episodes, notably throughout the year 2000 about the reform of the health insurance scheme for French cross-border workers in Switzerland: both organizations compete in order to supply precise information to the concerned people as quickly as possible and strengthen in that way their relative position towards the 'opponent'. This struggle for influence led in April 2000 to an occupation through force by CDTF activists of the German hotel in which Infobest had planned to organize the first meeting open to the public on this subject. The local cross-border committee seemed to be caught on the hop and reacted virulently – its president raged against Infobest: "For the moment, information is lacking, so that nobody can answer these questions about health insurance, nobody, and they want to inform even if they don't have a clue about the matter... it's disinformation, that's all!" – while an Infobest project leader retorted in all the regional papers: "These acts of sabotage are a real affront! I'm waiting for the support of our local authorities", underlining the 'official' public legitimacy of Infobest.^{lxxxv} These demonstrations of mutual incomprehension reveal the process of institutionalization of a sphere of representation of the cross-border workers' interests through divergent uses of expertise and law.

Conclusion

In this paper, we show that the often mentioned elitist-populist divide in European politics can be analysed from a relationship point of view, by stressing the territorial dimension of this issue, between grass-roots anti-establishment groups and public authorities and services, at the European level, but not only: local, national and European scenes appear as particularly linked and interdependent in this cross-border field, so that we can observe concrete contacts between experts and representatives of associations for instance. The strategies of cross-border committees finally prove to be really suited to European logics: the importance of juridical expertise, the high level of activity in the field of law standardization and the common resort to national and European authorities in parallel are congruent with a multi-level governance on a network that is adjusted to a functionalist angle, so that the Europeanization of the interests of associations is more advanced than in the case of national trade unions in general (Quittkat: 2002, p. 88). At present, the states aren't the only intermediaries between the national and the international policy level any longer. It's in this new scope of what is possible that cross-border committees find a place, generating many-sided social transactions about clashes of interests as well as conflicts of values between expert rule and popular protest. The advantages that emerge from this transnationalization of the recourse to collective action^{lxxxvi} are not exclusive any more today, in the face of national trade unions and public cross-border offices. Nevertheless, activists of cross-border associations act as mediators who come from an outlying position and manage to connect to much more central worlds^{lxxxvii}, leading to concrete measures through singular uses of law (and especially Community law) as well as a constant activity to build up a network of relevant relations and influence in order to put in contact different worlds that hadn't met until then.

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Notes

ⁱ Governance that is defined as a process of coordination between individuals, social players, groups and institutions in order to reach specific aims that are collectively discussed within a fragmented and uncertain environment (Le Galès: 1999).

ⁱⁱ See for instance Gaudin: 2002, and concerning the notion of 'cross-border governance' in Europe, our analysis: Hamman: 2003c.

ⁱⁱⁱ In this quite well known model, the accent is put on contacts made between subnational players or institutions and European authorities in particular with regard to the increase in power of the regions and the weakening of the states (Hooghe: 1996; Marks, Hooghe & Blank: 1996).

^{iv} We focus on French organizations of cross-border workers that have appeared in Alsace and Lorraine: *Comité de défense des travailleurs frontaliers* (CDTF, i.e. protection committee of cross-border workers) of Moselle, French cross-border group of the OGB-L in Audun-le-Tiche (*Onofhängege Gewerkschaftsbond Lëtzebuerg*: one of the two main trade unions of Luxembourg), *Association des Frontaliers d'Alsace-Lorraine* (AFAL, i.e. association of cross-border workers from Alsace and Lorraine) and *Union des Frontaliers Européens* (UFE, i.e. Union of European cross-border workers) in Bas-Rhin, *Comité de défense des frontaliers* (CDTF) of Haut-Rhin, *Union Européenne des Frontaliers* (UEF, i.e. European Union of cross-border workers) of Saint-Louis, etc., and we draw a comparison with other structures all along French frontier areas: for example the *Comité des frontaliers* (cross-border committee) of Musson and the *Frontaliers Inquiétés* of Anor near to Belgium, the *Groupement Transfrontalier Européen* of Annemasse in relation with the canton of Geneva, or the *Comité des frontaliers* of Hendaye concerning Spain, etc.

- ^v Concerning the dialectics between *instituting* and *instituted* processes of expertise, see Castel: 1985.
- ^{vi} Interview, 23 January 2002. The quotations mentioned in this paper are translated from the French into English by the author.
- ^{vii} Interview, president of the UFE, 2 December 2002.
- ^{viii} Annual general meeting of the CDTFM, 18 November 2001.
- ^{ix} Interviews, 13 February 2002 and 1 March 2004.
- ^x See Nezosi: 1998, and regarding the difficulties of industrial redevelopment in those areas, Beslay *et alii*: 1998.
- ^{xi} Interview, 22 July 2002 and 7 April 2004.
- ^{xii} *Dernières Nouvelles d'Alsace*, 9 March 2000.
- ^{xiii} Interviews, 22 July 2002 and 7 April 2004.
- ^{xiv} Interviews, 22 July 2002 and 7 April 2004.
- ^{xv} Interviews, vice-president of the CDF, 30 September 2002; president, 2 December 2002.
- ^{xvi} Interview, 18 November 2002.
- ^{xvii} i.e. certificate formerly obtained by pupils at the end of primary school in France.
- ^{xviii} *Certificat d'Aptitude Professionnelle*, i.e. vocational training certificate in France.
- ^{xix} Interview, 13 February 2002.
- ^{xx} Because in that case the activities of representatives consist not only in the defence of the group's interests but in its representation too – in every sense of the word, cognitive, social and political (Boltanski: 1982).
- ^{xxi} *Confédération Générale du Travail*, French trade union, historically marxist.
- ^{xxii} *Deutscher Gewerkschaftsbund*: German trade union.
- ^{xxiii} *Contribution Sociale Généralisée*: French supplementary social security contribution formally created in aid of the underprivileged and to finance in part the medical system. More precisely, the French public welfare system (*Sécurité Sociale*) is financed by compulsory contributions paid directly from salaries and by employers. It covers essential health care, pensions and other basic benefits. The deficit of the *Sécurité Sociale* has reached massive proportions in recent years, so that efforts to stabilize the situation include two extra contributions from salaries, paid at source, called CSG and CRDS (*Contribution au Remboursement de la Dette Sociale*). The CRDS tax was introduced after the CSG, in 1996, in order to help pay off the deficit in the social security budget.
- ^{xxiv} Interviews, 13 February 2002 and 1 March 2004.
- ^{xxv} Interviews, 22 July 2002 and 7 April 2004.
- ^{xxvi} About the singular identity of employment lawyers in France, see Michel & Willemez: 2002; and about 'cause lawyering' more generally speaking, see for instance Gaïti & Israël: 2003, and Willemez: 2003.
- ^{xxvii} Interview, 13 February 2002.
- ^{xxviii} About this kind of institutional patronage, see Walker: 1991.
- ^{xxix} Interview, 22 July 2002.
- ^{xxx} About technocracy and its social uses, see Dubois & Dulong: 1999.
- ^{xxxi} Interviews, 13 February 2002 and 1 March 2004.
- ^{xxxii} Interviews, 22 July 2002 and 7 April 2004.
- ^{xxxiii} *Association pour l'emploi dans l'industrie et le commerce*, i.e. the institution managing unemployment insurance payments in France.
- ^{xxxiv} Interview, 13 February 2002.
- ^{xxxv} At the European level, the juridical profile is much more efficient than the militant one, as shown by Dezalay: 1992.
- ^{xxxvi} Interview, 22 July 2002.
- ^{xxxvii} Interview, 13 February 2002.
- ^{xxxviii} Interview, 2 December 2002.
- ^{xxxix} Interviews, 13 February 2002 and 1 March 2004.
- ^{xl} See for instance the classic French thesis developed by Carré de Malberg (reprint 1984) about national law as the expression of the general will.
- ^{xli} About these Community juridical principles, see for instance Rideau: 2002.
- ^{xlii} Interview, 2 December 2002.
- ^{xliii} Interviews, 13 February 2002 and 1 March 2004.
- ^{xliv} For instance, it's quite different in the United States, where interest groups are seen as a corrective to the defects of the representative political system: during the 1960s, 'pluralistic' analysis underlined their democratic contribution, especially with regard to the associative phenomenon (Dahl: 1971).
- ^{xlv} See for instance the analysis of Pierre Muller concerning the social construction of the representativeness of the FNSEA in the French agricultural sector (i.e. *Fédération nationale des syndicats d'exploitants agricoles*, French farmers' union) (Muller: 1984).
- ^{xlvi} As defined by Schmitter & Lehmbrecht: 1979.
- ^{xlvii} *Christliche Gewerkschaft Metall*: German Christian trade union well established in the metallurgical industry of the Sarre frontier area.
- ^{xlviii} *Christlicher Gewerkschaftsbund*, German Christian trade union.
- ^{xlix} Interviews, 24 February 2003 and 8 March 2004.
- ⁱ Interviews, 24 February 2003 and 8 March 2004.
- ⁱⁱ Interview, vice-president of the CDF, 30 September 2002.
- ⁱⁱⁱ Interview, president of the *Frontaliers inquiétés*, 7 October 2002.
- ⁱⁱⁱⁱ Interview, 13 February 2002.
- ^{iv} German border regions near to Moselle.
- ^{lv} Interview, president of the CDTFM, 13 February 2002.
- ^{lvi} Interviews, 22 July 2002 and 7 April 2004. About membership rates of French trade unions, see Andolfatto & Labbé: 2000.
- ^{lvii} Interview, deputy mayor of Sarreguemines (Moselle), 4 July 2002.
- ^{lviii} Interview, president of the CDTFM, 13 February 2002.
- ^{lix} Interviews, OGB-L, 22 July 2002 and 7 April 2004; CDTFM, 13 February 2002 and 1 March 2004.
- ^{lx} Interviews, president of the CDTFM, 13 February 2002 and 1 March 2004.
- ^{lxi} About the ETUC, see Martin & Ross: 1999; Abbott: 1997; Groux, Mouriaux & Pernot: 1993.
- ^{lxii} Interview, 13 February 2002.
- ^{lxiii} Interview, 1 October 2002.
- ^{lxiv} Interviews, 22 July 2002 and 7 April 2004.
- ^{lxv} See the analysis of Hassenteufel who evokes a 'pluralistic model' characterized by interest groups that influence public authorities but outside official mediums (Hassenteufel: 1990).
- ^{lxvi} Interviews, Simon Kessler, 15 June 2002 and 23 June 2003, and Kessler: 1991.
- ^{lxvii} *Association des frontaliers d'Alsace-Lorraine*: association of cross-border workers from Alsace-Lorraine (from Bas-Rhin indeed).
- ^{lxviii} Speech of the president of the CDTFM, 18 November 2001.

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- ^{lxxix} Keynote speech of the president of the CDTFM, 21 November 2004.
- ^{lxxx} Interview, 22 July 2002.
- ^{lxxxi} Interviews, 22 July 2002 and 7 April 2004.
- ^{lxxxii} Interview, 18 November 2002.
- ^{lxxxiii} Interviews, 13 February 2002 and 1 March 2004.
- ^{lxxxiv} Interviews, president of the CGM Sarre, 24 February 2003 and 8 March 2004.
- ^{lxxxv} *Informations- und Beratungsstelle – Centre d'information et de conseil*: information and advisory centre.
- ^{lxxxvi} As an example, the public of the office based in Vogelgrun mostly comes from the nearest canton of Neuf-Brisach. Moreover, this office theoretically relevant for the department of Haut-Rhin deals with a lot of questions coming from the canton of Marckolsheim in Bas-Rhin, because it is very close to the premises in fact: Annual report 2000 of the office, pp. 3–4.
- ^{lxxxvii} We base our analysis on the annual reports of Infobest since 1999, its Web page <www.infobest.org> and several interviews with its project leaders: PAMINA, 18 June 2003, Kehl-Strasbourg, 22 July 2002 and 24 June 2003, Vogelgrun-Breisach, 19 July 2002, and Palmrain, 18 July 2002.
- ^{lxxxviii} In: *Revue de la coopération transfrontalière*, 16, 1999, p. 3.
- ^{lxxxix} Consequently, the government of Luxembourg passed a national act on 3 October 1997.
- ^{lxxxx} Interview, 13 February 2002.
- ^{lxxxxi} Interviews with Infobest project officials in Lauterbourg, 18 June 2003, and Kehl, 24 June 2003.
- ^{lxxxxii} *Ibid.*
- ^{lxxxxiii} Interviews, 13 February 2002 and 1 March 2004.
- ^{lxxxxiv} Interview, 18 June 2003.
- ^{lxxxxv} Several mentions and comments on this episode in the regional papers: *Dernières Nouvelles d'Alsace*, 12 and 13 April 2000; *L'Alsace*, 12 April 2000; *Dreiland Zeitung*, 13 April 2000; *Badische Zeitung*, 13 April 2000, etc.
- ^{lxxxxvi} As defined by Balme, Chabanet & Wright: 2002, pp. 21–120 in particular. See also Imig & Tarrow: 2001.
- ^{lxxxxvii} About the fruitfulness of an analysis of the places and the players, i.e. the crossing ways and their intermediaries, who make an hybridization between social worlds that appear *a priori* separate, see Hamman *et al.*: 2002.