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The Missing Link. International Law, Administrative Power, and European Social Rights

Karim Fertikh *

Abstract: *»Der Missing Link: Internationales Recht, administrative Macht und europäische soziale Rechte«.* Social security for migrant workers was the first truly integrated European policy. The form that this "coordination" has taken since 1958 has proved remarkably stable right up to the present day. Migrant (nowadays "mobile") workers within the territory of the European Union (EU) have benefited from "deterritorialized" and "denationalized" rights in a profound break with the national and territorial logic of social states. This article shows that the implementation of this policy was the work of a small group of national civil servants. These officials imported elements from treaties and agreements negotiated in other international organizations since 1945 into the architecture of the EU. Constituted as an "administrative commission," their group acquired a transnational administrative power. They thus created one of the first international redistribution mechanisms, a sort of social state beyond borders. The article is based on the national archives of several of the founding member states of the EU (here I am drawing in particular on the French national and diplomatic archives), as well as the archives of the International Labour Organisation, the EU, and the British National Archive. The article uses scientific articles written by the civil servants it deals with and by their contemporaries as well.

Keywords: International law, bureaucracy, social security, migration, social state.

1. Introduction[1]

Could it be that the European Union (EU) has created the first transnational welfare state after all? On October 17th, 1971, Adrianus Van de Ven wrote a letter to the president of the Administrative Commission for the Social

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Security of Migrant Workers (Administrative Commission).[2] The head of Social Security at the Dutch Ministry for Labor had been involved since the 1950s in international social security affairs and in the making of the European regulations on migrant workers in Europe. In the letter, he thanked the members of the Administrative Commission for their telegram wishing him a prompt recovery from his stroke. The telegram made him feel "*really, really good*." He added that, should his health allow it (as he hoped), he would travel to Brussels to "*say his farewells*" to his European colleagues in person. He felt that simply sending in a letter of resignation was not enough, as he shared with them "*the great privilege of having cooperated in the social reconstruction of Europe since the inception of the Commission,*" which gave him "*great pleasure*" and left him with "the *most agreeable memories*." He spoke of their common mission to rebuild Europe, and of friends he had had relations with for decades, rather than of colleagues. This group of persons did indeed cooperate in an effort that turned social security into an international legal enterprise: this process is precisely what this paper sets out to examine.

The literature portrays the EU as a neo-liberal construct, with social policies seen as mere market correctives. Yet some social policies were among the earliest to be integrated into European policy. This is particularly true of social protection for migrant workers, which preceded trade liberalization by several years. The first regulation related to the social security of migrant workers came into force six years prior to the formalization of freedom of movement of workers in 1964. In 1958, European Economic Community (EEC) Regulations nos. 3 and 4 established a coordinated European scheme for the social security of migrant workers. By 1961, this applied to 600,000 migrant workers, or 1.5 million including family members, in the six EEC countries[3] (respectively 750,000 or 2 million individuals a year later[4]). This coordination has since protected the social security rights of migrant workers, now called "mobile workers," within the Community. In 1959, looking at the prospects of the nascent EEC, Otto Kahn-Freund regarded these regulations as "*the most significant achievement of the Community in the field of social policy*"(Kahn-Freund 1960, 311). To him, these regulations were "*not only the most important step taken by the Community in the fields of labor law and social security, but by far its most significant achievement in legislation altogether*"(Kahn-Freund 1960, 321). As a matter of fact, the "common market" was progressively established in the 1960s, and the freedom of movement of workers as well. One of the founding figures of German labor law, Kahn-Freund (1900–

[2] Institut für Zeitgeschichte (IfZ), Kurt Jantz, ED 431/25-5: letter from Van de Ven to Kurt Jantz, 17 October 1971.

[3] Historical Archive of the European Union (HAEU), BAC21/1966_119: letter from Kurt Jantz to the EEC Council, 22 December 1961. (Compared to 13.2 million mobile citizens for the EU-27 in 2019).

[4] Archives nationales de France (ANF), 19800 447/5: report of the Administrative Commission.

1979), was at the time a professor at the London School of Economics, and a prominent labor and social security law specialist – serving as president of the International Association for Labor Law and Social Security from 1960 to 1966. He saw the European regulations on social security as a "milestone" in international social legislation and many of his colleagues would consider it a revolution in international law.

Today, it is difficult to grasp the groundbreaking impact that these regulations had at the time. They constituted an unprecedented departure from national and local approaches to social rights – even though these regulations represented the result of a decade of attempts and efforts, and were also the outcome of a history that mainly took place outside the institutions of the EEC. These regulations (whose continuity has never been interrupted) have broken down the national and territorial framework of social protection. They have granted social security rights to migrant workers from EEC countries regardless of their nationality. These rights (to health insurance, pension, and family allowances) have since been attached to individuals and their families in general rather than only to nationals. Italian workers in France could for instance claim family allowances for their children in Italy and retire there with a pension that reflected entitlements accumulated as workers in France and in other EEC countries.

This deterritorialization (or "personalization") of social security (Fertikh 2020) law was a legal "revolution" in a sociological sense (Bourdieu 2013): it redrew the boundaries of welfare (Ferrera 2005; Jureit and Tietze 2015) to an extent that prominent scholars such as Otto Kahn-Freund considered unprecedented. The head of the Social Security Division at the General Directorate for Social Affairs, the Frenchman Jean Ribas, was no less enthusiastic in his assessment that these European regulations heralded a historical break from the "fundamental principle" of national territoriality (Ribas 1963, 410-1). As Otto Kahn-Freund states, no other domain of law, especially one so closely associated with the national level, has experienced such a swift (and lasting) change. This article investigates the sociological foundations of this international law on social security. How can socio-historical research explain the rapid and for a long time uncontroversial invention of social security for migrant workers? Where (and by whom) is international law produced? This article is an attempt to shed light on the making of this legal revolution and its lasting effects on the international legal order.

In the field of social security, which is probably the most integrated domain in European social policy, the naturalization of the European rules contributes to blurring the perception of its importance in European integration, as evidenced by the endless debates over social Europe. To give just an idea of the importance of social security as an integrative force, the budget of the EU would increase considerably if social security transfers between EU countries were taken into account. Granting access to social security to migrant

workers fell under the freedom of movement of workers (Art. 51 Treaty of Rome) but a group of civil servants prepared this internationalization of social security rights long before the EEC was even an idea, and they put in place mechanisms that have never been altered since the 1950s.

Few studies have underlined the role of national administrative elites in the European integration process (Soysal 1994). European studies scholars have rather documented the uncontroversial importance of the national interests of Member States (Comte 2017; Comte 2025, in this issue), of the Commission, and of the European Court of Justice (genuinely European institutional forces) in the making of the "post-national" social state (Ferrera 2005; Jureit and Tietze 2018; Tietze 2025, in this issue). On freedom of movement, the literature often points out the role of scholars (Koskenniemi 2010; Rygiel 2021).

This article will underline the role of national bureaucracies in the integration process. It shows that governmental officials from Labor ministries achieved what I propose to call, after Max Weber, a "concession of law" (Weber 2013, 135). When Weber described the process of the formation of the State and its fight for the monopoly over lawmaking, he insisted on medieval bodies endowed with the ability to exert a "private," autonomous law. These bodies had, Weber wrote, a "concession" in lawmaking, acting as autonomous lawmakers. In the 20th century, national bureaucrats used the internationalization of law to share their national monopolies over social security rules with other national bureaucracies and to invent sets of international rules they had control over. Social security officials were among them. Thanks to their bureaucratic virtuosity and to the interdependencies between the social security departments of various national labor ministries, these officials got the upper hand in the making of international and European rules of social security. These bureaucrats are forgotten actors of the European policy process: "member states" are "represented by a myriad of national officials" in a functionally and sectorally divided EEC (Lindseth 2010, 132). As part of the "patchwork" of policymaking processes (Crespy 2022), social security officials enjoyed a supranational technocratic "concession," a jurisdiction (Abbott 1988) over supranational rules. Because of the role of diverse national officials in European lawmaking, European integration (and neoliberal trends in world trade) cannot be adequately analyzed if different facets of liberalization (goods, services, capitals, persons) are thought of as a homogeneous whole, expressing a one-size-fits-all (neoliberal) ideology. In the field of social security, "other" globalists (than the neoliberal globalists Quinn Slobodian studied [2018]) were at work, for instance in competition or agricultural policy.

Drawing on a wide array of sources, both from archives and publications, I will retrace the making and implementation of the European social security regulations, with a focus on the Administrative Commission for the Social Security of Migrant Workers created in 1958 to implement a new international

(social) order. This commission was an "organ" of the EEC composed of governmental officials referred to as "experts," supported by the European Commission and featuring an International Labour Organization (ILO). The experts meet several times a year; three to six employees handled the daily activities of the Administrative Commission in the 1960s. The Administrative Commission has since interpreted European regulations, found ways to implement them and concluded the necessary financial agreements. It is by far the main player in the field. This paper stresses the bureaucratic power of this commission and sheds light on how and why national bureaucracies have shaped a supranational legal order in the field of social policies. Focusing on the officials, this article evidences the social rationales underlying the formal and technical debates and follows the making of an international doctrine in social security step by step.

This article begins by showing the emergence of international social security law after 1945, and highlights the central role played by national civil servants in shaping European law in this area. The article presents European social security law as a "do-it-yourself kit" cobbled together from other treaties that predated the existence of the EEC (section 2). It was on this law and the body derived from it that these national civil servants grounded their international bureaucratic power, as the article will show in its second part (section 3). The third part of the article highlights the way in which these national civil servants forged legal narratives, *fictio juris,* designed to rationalize their practices and the edifice of Community law that they brought into existence (section 4).

2. The Do-It-Yourself Kit of European Law: The Non-EEC Origins of EEC-Law

Why did the EEC coordination of social security, embodied in EEC regulations 3 and 4, become one the earliest pieces of EEC legislation, being in force in 1958 already? "Social security" was in the post-WWII period a modernization project undertaken by groups of "experts" – people in high-level positions in various national and international administrations. The EEC inherited this modernity.

A group of ministerial officials, made of the heads of national social security departments in West European countries, stabilized a European conception of social security for migrant workers. As national officials, they served as "experts" in various international organizations with a focus on social affairs or labor mobility, such as the ILO, the United Nations, the Organization of the Treaty of Brussels, the Council of Europe and the European Coal and Steel Community (ECSC). Their focus was not specifically European. Rather, they

used the EEC as an opportunity to formalize an agreement they had envisioned for a long time. This European law started as a do-it-yourself kit, made of bits and pieces of preexisting agreements.

After WWII and in the wake of the Declaration of Philadelphia by the ILO (Supiot 2010), these players had a strong sense that they were embarking on a path-breaking journey. In 1961, Jean-Jacques Dupeyroux, one of the founding fathers of French social law as an academic discipline, acknowledged the growing international importance of social security:

> Social security is as much on the international agenda as it is in national legislation. From the Atlantic Charter to the draft European Social Charter, from the Declaration of Philadelphia to the Treaty of Rome, an extraordinary flowering of Declarations and Treaties has highlighted the fight for the freedom from want and for social security. (Dupeyroux 1960, 365)

These players thought they were heralding a new modernity in the world order. Pierre Laroque (1907–1997), who is considered as the father of French social security, was one of these pioneers. In various organizations where he represented the French government, whose department for social security he led, Laroque defended social security as an ideal he was eager to "internationalize": both to internationally expand and to set international rules upon which nations could agree. These rules were both "standards" defining what social security should entail and coordination mechanisms designed to cover the migrant workers who were largely excluded from interwar social insurance systems. In 1947, Laroque was invited to give the inaugural speech at the founding meeting of the International Social Security Association (ISSA), in front of an audience of social insurance company executives and senior bureaucrats from all over the world. He called for extending social security, a brand-new word that "no one talked about fifteen years ago," to all of humanity, and especially colonized people. The "new world" required joint efforts to ensure social progress, and he urged his colleagues to embrace their role as "architects of hope."[5] He was not the only one to use such idealistic language. The president of the Italian national workers accident and health insurance fund and newly elected president of the ISSA, Renato Morelli (1905–1977), praised the UN Declaration of Human Rights' enshrinement of social security in Article 22, recalling that history had been described as the gradual conquest of liberty. The Declaration was "*the catalyst that will ensure its final triumph, and so is social security,*" he added.

This idealism, typical of "technical internationalism" (Schot and Lagendijk 2008; Schipper and Schot 2011), was no mere figure of speech. In 1951, the British official T. C. Stephens prepared a report for the ISSA on the many bilateral social security agreements concluded after WWII. Stephens was a long-standing civil servant at the Ministry of Pensions and then at the

[5] *Actes de la conférence de l'Association internationale de sécurité sociale*, 4-9 novembre 1947, p. 358-9.

Department of Health and Social Security, where he still worked in the 1970s, entrusted in particular with international affairs. Addressed to fellow officials from other countries and representatives of social insurance institutions, his report is full of the idealism that he shared with other high-ranking officials. He attempted to provide an overall picture of the more than 150 bilateral agreements concluded worldwide, albeit mostly in Europe, from 1945 to 1952. Between 1955 and 1960, 98 agreements were concluded.[6]

These agreements were, Stephens wrote, "part of a general effort to remove the barriers which hamper the movement of men, of economic resources and of ideas. The importance of the agreements has, as a result, often been assessed rather in terms of their value as social and political symbols than of tangible benefits they afford to insured persons."[7] This did not prevent Stephens from insisting on the "universal admiration" commanded by the work of social security officials in patiently building up this network of agreements. The pattern of this network may appear as "a patchwork made up of many oddly assorted materials, somewhat loosely held together." But it "is gradually knitting up the social security schemes of Europe into an international system which will afford continuous protection to the population wherever their work may take them." The last words of his official report, then, are full of optimism and idealism:

> Reciprocity springs from the desire to remove barriers between nations but, in its turn, by providing opportunities for the cross fertilization of ideas and experience and by forcing legislators and administrators to look afresh at many of the principles which they have hitherto accepted as fundamental, it helps to create a more liberal conception of social security. The ultimate goal of social security for the human race as a whole may still seem a remote ideal, but no one can doubt that every new reciprocal agreement marks a further step toward the achievement of that ideal.[8]

At the 1947 ISSA conference, to concretize the "hope" of social progress, as quoted before, in the name of the French government, Laroque proposed to create a new "World Organization for Social Security." The French government used its position as a permanent member of the ILO's Administration Council to advocate for this new organization. In 1947, it issued a memorandum aimed at launching an interstate organization, which the ILO circumvented by setting up a "Committee of Social Security Experts" whose purpose was to rethink international legislation on social security as a whole. Under the presidency of the French experts, Laroque and his successor Jacques Doublet, this committee drafted in particular the new ILO Convention on the Minimum Standard of Social Security (1951) and the Convention on the Equality of Treatment between National and Foreign Workers (1961). The aim of the

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6 Bulletin de l'association internationale de la sécurité sociale, 1962, XV, 6-8, 237.
7 British National Archive (Kew, BNA), PIN 34/122: report, 1951, 70.
8 Ibid., 73.

committee, a "pioneer in the field of social security, in the modern sense of this term,[9]" was to propose the "draft for a general social security convention based on the modern approach" and to "switch to a new form of law," more general and adapted to "modern legislations." The idea of modernity and modernization of social security legislation was stressed.

The EEC happened in this context of "modernization" and universalization of social security. During their meetings in different arenas, the national officials consciously attempted to develop a cooperation project based on bilateral and multilateral agreements. In order to understand the swift development of the EEC Common Agricultural Policy (CAP), Kiran Patel and Johan Schot emphasize the importance of a joint understanding of its contours among the experts. This understanding was already expressed in a 1959 policy draft, soon to be called the "Bible," that helped policymakers to expand their prerogatives (Patel and Schot 2011). In the field of social security, by contrast, this understanding predated the EEC regulations themselves. Prior agreements expressed the objective of the expert group: ensuring a complete social security protection for migrant workers on the European continent. In the 1940s and 1950s, the national civil servants concluded dozens of agreements on the matter and developed multilateral agreements though which they formalized an international framework for social security.

They expanded the set of legal instruments used by the EEC and removed the territoriality and nationality principles as bases of social legislation. The 1950 agreement of the Central Commission for the Navigation on the Rhine established the first "*administrative commission*" whose role was pretty much the same as the EEC Administrative Commission's, and the 1951 multilateral agreement of the Organization of the Treaty of Brussels was the first attempt to ensure access to social security benefits for all migrant workers. It is worth noting that most of the negotiators of this agreement had taken part in talks on the EEC regulations and were members of the Administrative Commission of the Social Security of Migrant Workers: Francis Netter for France (seconding Pierre Laroque), Léon Watillon for Belgium, together with Jean Duquesne, the future EEC secretary general of the Administrative Commission, Adrianus van de Ven for the Netherlands, and Armand Kayser for Luxembourg. The 1958 regulations were the next step in their action, as the social security experts had worked since 1954 on an ECSC agreement on social security for migrant workers when they adapted it to the newly created EEC. There were no doubts as to the step-by-step progress envisioned by these industrious bureaucrats. For instance, Olivier Lambeaux, a specialist of social security, commented that the 1951 agreement on the social security of Rhine River boatmen "paved the way for the agreement which will create an ever-closer union between the member states of the ECSC though social ties whose

[9] Archive of the International Labour Organisation (ILO), SI/CSSE 1001-301: general report.

importance for the unification of Europe cannot be contested" (Lambeaux 1957, 518). In his chapter on the European social security regulations as a legal revolution, Otto Kahn-Freund underlines the continuous path that led to this achievement. He says that national officials met as an "informal group of experts" during the 1950s to prepare the international piece of legislation that came to be the European regulation. They "later transformed themselves into an official commission" (Kahn-Freund 1960, 322): the Administrative Commission for the Social Security of Migrant Workers, which this article will shortly scrutinize.

Indeed, the international efforts of these civil servants set the path for the European regulations themselves. These regulations are to be understood as an effort to "elaborate a modern social security law at the European level," as a note to the president of the ECSC president stated in 1961.[10] They made the new regulations from bits and pieces of the old agreements, reenacting some of the debates that were settled as to give a second chance to legal solutions that had not been adopted in the past – such as the debate over an international clearing house in charge of financial transfers between national organisms. The regulations integrated most of the principles of the old agreements – equality of treatment, transfer of benefits beyond borders, addition of the working time in other EEC countries for pension payments. The EEC was merely a convenient institution to implement an agreement designed to protect continental migrant workers in general. In fact, UK and Swiss representatives were invited to take part to the negotiations to ensure their smooth integration in the European mechanism. The EEC was not particularly significant to them: it was an organization among others that they used to achieve their professional goals.

That a group of officials was already prepared to internationalize social security explains why the European law could be prepared so rapidly. The regulations 3 and 4 provided these officials with what we might call international bureaucratic power.

3. A Supranational Bureaucratic Power

The European social legislation has proven amazingly resilient and has seldom been altered since 1958. This "path dependency" owes much to the social composition of the "expert" group that triggered the modernization process in the field of social security. These experts, officials from the national ministries for labor, built an international policy-making community and secured a monopoly over the international social security lawmaking process. The notion of "concession of law" – the idea crafted by Weber that some bodies could

[10] HAEU, BAC 1/1970_944: note to Paul Finet, 15 March 1961.

exercise an autonomous lawmaking power – sheds light on the fact that these officials pooled resources and invented an original type of international regulation that differed (and still differs) from standard European law. This concession of international law set the basis for "supranational delegation" of the policymaking process to an expert community.

The European (and international) law on social security as a whole resulted from the involvement of a small group of experts, who were all in charge of national social security bureaucracies. In 1959, the Administrative Commission was composed of 6 permanent members and 6 alternates, assisted by nearly 20 advisors, the EEC staff, and the ILO expert. Some of the national "experts" stayed at their posts for long periods, in some cases decades: Adrianus van de Ven was a long-standing high-ranking official at the Dutch Ministry for Health and Social affairs, having served as head of the Department for Health since 1936, and of the Department of International Affairs from 1949 to 1957. He had been a specialist of international social and health affairs since the late 1940s. He was a member of the Administrative Commission from its inception until the 1970s. The same goes for Kurt Jantz (1908–1984), the German representative, who had worked at the Ministry for Labor since the 1930s and left it in the 1970s and for Léon Watillon and Albert Delpérée, the Belgian representative and his alternate. In March 1977, Albert Delpérée retired from his post as Secretary General of Social Welfare. In a special issue of the *Revue belge de sécurité sociale* on his career, Léon Eli Troclet, one of the bigwigs of the Belgian Social State and a key figure of European integration, wrote: "The whispers have finally been confirmed: Albert Delpérée is set to leave the ministry! This seems impossible, attached as he is to his function, or rather: to his mission" (Troclet 1977, 167). In France, the Directors-General for Social Security stayed at their post each for almost a decade: Pierre Laroque (1945–1952), Jacques Doublet (1952–1960), Alain Barjot (1960–1967). When they left the French General Directorate for Social Security, they still were part of the small world of the social security, as civil servants, independent experts and professors. Jacques Doublet, for instance, was in the 1940s a member of the European Movement and prepared the Social Conference of Rome (1950) where he was in charge of questions of migration.[11] He left the ministry to occupy the first chair devoted to social security at the Conservatoire national des arts et métiers in Paris and was involved in the foundation of the European Institute for Social Security at the university of Leeuwen. In the office for international affairs, André Philbert (born 1924) had worked at the Ministry of Labor since 1945, and during the 1950s and 60s held many social security-related positions (at the Office for Foreign Affairs, in the Minister's cabinet, at the EEC Commission in 1960). Between 1965 and 1970, he was in a leading position at the Ministry's Department of International Relations

[11] HAEU, ME 518: French Executive Committee (1950).

and represented his government in all European affairs-related matters. Many of them were effectively "international experts," being members of many international arenas and groups (ILO expert groups, Council of Europe, ISSA, International society for Labour Law and Social Security, International Association for Social Policy, European Institute for Social Security, etc.) and these "governmental experts" were also the "independent experts" appointed by the Commission for all social security-related studies in the EEC.[12]

The same continuity can be observed for the ILO and the European civil servants, most of whom were former national civil servants. An alumnus of the *Ecole nationale d'administration* (ENA, the French university for senior civil servants), Jean Ribas (born in 1921) had long been the head of the Social Security at the General Directorate for Social Affairs (GD V). He began his career at the French Labor Ministry, as did other European civil servants who were advisors for their governments (among them, the Belgian Jean Duquesne, secretary general of the Administrative Commission, or the Frenchman Jean Dedieu) before they worked for the EEC. The ILO representative Guy Perrin sat on the bench of the Administrative Commission from 1959 to 1991. Born in 1926, Perrin is considered as one the architects of the European (and global) order of post-WWII social security. Perrin had a pristine academic record (*Ecole normale supérieure, Sciences Po,* ENA, *university of Lausanne*) and worked for the French Department of Social Security (1954–1957) before being appointed at the ILO's Social Security Division on the recommendation of his superior, Jacques Doublet. When he retired in 1988, the ILO and EEC kept relying on his "unique and distinguished expertise" on European social security for another three years.

The role of these "experts" was recognized as pathbreaking. As the Luxembourger socialist and trade unionist Jean Fohrmann (1904–1974) put it in a speech as a member of the ECSC High Authority in 1965:

> As members of this administrative commission, your work is an essential part of reducing the distance between us and the achievement of this goal. Future historians of European unification, in addition to the analysis of political movements and treaties, will have to take into account the part played by the administrative work, which was largely carried out in the shadow of public life.[13]

In 1960, the president of the ECSC High Authority Paul Finet underlined the "work of historical importance" of the Administrative Commission, "one of the most important steps on the way to Europe."[14]

[12] HAEU, BAC 237/1980: studies (GD V, 1960–1966).
[13] HAEU, BAC 1/1970_944: speech of Jean Fohrmann to the Administrative Commission, 21 December 1965.
[14] HAEU, BAC 1/1970_944: speech of Paul Finet to the members of the Administrative Commission, 22 June 1960.

For the first decades of the EEC, the Administrative Commission met on an almost monthly basis and developed a shared understanding of its prerogatives – by 1967, its various committees had met on 321 occasions.[15] This commission brought together specialists who had accumulated a specialized type of capital both in their national work and through their participation in international meetings. They invented new sets of rules, and the rationality of these rules made them complicated to grasp and manipulate for outsiders. While they resisted attempts to "communautarize" social security, the members of the Administrative Commission did not defend national but rather professional prerogatives. As most important players in this field, they triggered the Europeanization of social security.

The members of the Administrative Commission were, in a nutshell, an epistemic community (Haas 1992) of international lawmakers and interpreters of law who were interested in the development and rationalization of social security law. The Administrative Commission solemnly proclaimed its supranational character during one of its first meetings: its decisions would be, its members said, as binding as intergovernmental decisions in the European Council.[16] The EEC's legal service noted that the Council (composed of governments' representatives) had transferred its competences to the Administrative Commission.[17] In their opinion, its decisions superseded national regulations; this was reaffirmed by its members in their publications.

The role of the Administrative Commission in interpreting the regulations cannot be underestimated. Its members put in place a machinery that made it administratively and financially possible to connect independent social security schemes to transfer billions to pay foreign benefits (2 billion Belgian Francs in 1959,[18] 3 in 1962) at a time where the EEC's total budget was quite small. They imposed their own rationality on European law. In December 1959, the Commission's legal service clashed with the Administrative Commission over the definition of "migrant workers."[19] Article 51 of the EEC Treaty pertained to "migrant workers." In preparing these regulations, the national experts had already expanded this category to the families of these workers. In their first meetings, they went a step further: based on a strict legal rationality, they considered that workers temporary staying in an EEC country other than the one where they worked in should be treated on an equal footing with the "migrants" in the strict sense. To put things plainly, a German family on vacation in Italy should benefit from these regulations.

[15] Archive of the ILO, 98637, "Dix années d'activités de la commission administrative pour la sécurité sociale des travailleurs migrants", December 1968.
[16] HAEU, BAC 1/1962_0040: Meeting 1-2 July 1959.
[17] HAEU, BAC 1/1962_0040: Opinion of the legal service of the European Commission, 15 July 1959.
[18] HAEU, BAC 21/1966_111.
[19] HAEU, BAC 1/1962_0040: meeting 17-18 December 1959.

The participants argued that anything different would be "shocking" and contradict the all-important principle of equality of treatment.

Because the Administrative Commission was composed of government officials, its "autonomy" vis a vis the Member States was supported even by those most opposed to the idea of making the slightest compromise with the European Commission. The part they played in this legal enterprise relied on the power they drew from their mastery of technical knowledge in the international negotiations. After several meetings of the "experts" during the late 1950s, Jacques Doublet, the head of French social security, insisted that the 1958 agreement by the national experts had to be supported by the French Ministry of Foreign Affairs as it had proven "extremely difficult to reach."[20] Multiple notes in the Quai d'Orsay archives insist year after year on the diplomats' struggles to grasp the fine points of international social legislation, leaving the Ministry for Social Affairs and its representatives carte blanche in the domain. In 1974, when the experts negotiated new regulations, the chief of staff fed the Ministry of Foreign Affairs with comments and notes, which were met by the same disinterest by the diplomats who considered that the sole purpose of European negotiations on social security was to give a chance to Social Affairs representatives to air their thoughts:

> The main result of these meetings is to give [André] Philbert [the head of the international division of the French directorate for social security] the opportunity to think aloud. It is the only opportunity to do so for him.[21]

Any decision-making in the field was dependent on the experts, and the positions of the governments were the positions of the experts themselves.

The positions of "France" and of the other "member states" were the parochial doctrines of their departments of Social Security, not positions devised by laymen including ministers. On some occasions, when the Ministries of Foreign Affairs intervened on the topic, social security officials mitigated the consequences of their action in order not to jeopardize cooperation with their counterparts in other countries, or even protested against intolerable infringements. In other words, labor ministries developed an international policy of their own.

The national officials resisted infringements to their jurisdiction (domain of expertise) by other players than those from the Ministries of Foreign Affairs. These were not struggles over retaining a national competence: they defended an area of expertise on international law against a vast array of players, ranging from territorial agencies and competing national ministries to the Commission and the European Court of Justice. They defended the autonomy of their decision-making processes and thought of themselves as "craftsmen of a common task." Their independent work contributed to the making

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20 Archives diplomatiques de France (ADF), DE-CE 1945–1960, letter from Jacques Doublet to the Minister of Foreign Affairs, 8 September 1958.

21 ADF, 42INVA799.

of a new world order: “without spectacular demonstrations, without public opinion even being aware of it, the solution of international social security problems represents a concrete contribution to the building of the international community.” (Laroque 1952, 324)

On many occasions, the national bureaucratic leaders rebuked proposals by the European Commission to let other players intervene in their area of competence. Because they thought of their prerogatives as legislative, comparable to those of the Council (where the Governments met), the members of the Administrative Commission resisted allowing civil society (especially trade unionists) into their meetings. The “regulations” themselves were a symptom of this technocratic power. When the UK was preparing to join the EEC, a ministerial memo recalled in 1970 the history of Regulations no. 3 and 4 with an emphasis on this search for autonomy:

> It so happened that, before the EEC was established, the Coal and Steel Community had asked the ILO to prepare a multilateral convention on the social security of migrant workers. The commission [...] recommended regulations rather than a convention because a convention would have needed ratification by the Parliaments of the Member States.[22]

They finally accepted joint conferences where the international trade-union confederations were present to expose their views but left out of the decision-making meetings. The 1962 “European Social Security Parliament” prepared by the Commission was typical of this fierce defense of the jurisdiction of the Administrative Commission. Some members even saw the interventions of the European Court of Justice as a breach of their expert monopoly. Their expertise and the claimed technicality of their field must be understood as a performance designed to put all the other players at bay. In this respect, Kurt Jantz challenged the Court’s rulings on the grounds that they did not grasp the complexity of the national social security systems or the “philosophy” that guided the European regulations themselves.[23] To him, the Court’s decisions introduced irrational and arbitrary differences in the treatment of individuals. He argued that that there was a risk that the Court would jeopardize the whole European system and lead the States to retreat to their old territorial principles (given his position in the international law-making process, this sounded like a threat). These national bureaucratic leaders did not only perform a technical task but developed a specific “philosophy” to give meaning to what a European Commissioner named the “assistance machinery.[24]”

[22] BNA, PIN 34/282: memo (1970), “Social security implications of the treaty of Rome.”

[23] IfZ: ED 431/19-10: “Die Rechtsprechung des Europäischen Gerichthofs zu Problemen der Sozialen Sicherheit“ (16 July 1965).

[24] HAEU, BAC21/1966_138, Discourse of the Commissar Guiseppe Petrilli at the first session of the Economic and Social Committee of the EEC, February 1959.

4. The Human Factor in the Machinery: The Other Globalists

These players, along with other legal specialists of the field, developed what Pierre Bourdieu calls *fictio juris*, legal fictions (Bourdieu 2015) – that is: narratives rationalizing their newly acquired international power. For our contemporaries, these *fictiones juris* are difficult to fathom. Other strains of supranational law have emerged since; we struggle to make sense of the idea of that an international commission made of national civil servants functioned as an autonomous international law maker. Many now see the Administrative Commission as antiquated, the relic of an old legal tradition. Yet, for more than a decade, legal specialists saw it as an international law maker, that both defined and interpreted a new legal field. They developed narratives to frame this new conception of law embodied by the Administrative Commission.

First of all, the persons involved in the making of social security were convinced that they were paving the way to a European integration with a human dimension. They celebrated their achievements as important steps toward a European society. In 1959, Giuseppe Petrilli (1913–1999), the first Commissary of the General Directorate for Social Affairs, said that the European social security created a "machinery" that aimed at protecting the European worker as "citizen of a greater fatherland":

> The European worker, who is a citizen of a greater fatherland, will have the right to move freely among the Community's countries, to settle in any of them after securing a job and to take advantage of the instruments made available to workers by that country's social legislation. As a citizen moves, the full machinery that has been created to assist them will move along with them and protect them so that when they eventually he will retire, their entire working life will be reflected in their pension and serve as a constitute a tangible reminder of a wider solidarity.[25]

In short, to Petrilli, the European social security made "obsolete the particularly awkward notion of emigrant."

Most state representatives in the Administrative Commission helped give a meaning to their collective enterprise. They gained academic recognition for this work during or after their professional involvement in the Administrative Commission. Many of them secured academic positions after their time in the ministry in addition to giving lectures at the College de Bruges and at the French school for Administration (ENA). This is the case of the French Jacques Doublet, the German Kurt Jantz or the Belgian Albert Delpérée and Léon Watillon. Even before the EEC Treaty, they had written numerous articles and books on their activities in addition to taking part in international

[25] HAEU, BAC21/1966_138, Discourse of the Commissar Guiseppe Petrilli at the first session of the Economic and Social Committee of the EEC, February 1959.

negotiations and committees. These players developed a brand of "globalism" that contrasted with neoliberal globalism. They believed, as the ILO Declaration of Philadelphia put it, that "labour is not a commodity" (Delpérée 1956, 81). The international agreements they concluded established a "rule of law" at the international level. As they saw social security as a key feature of "Western civilization," they pinpointed the importance of preserving the individual and personal rights of migrant workers, and the importance of social rights in the free development of personality (Doublet 1952). Defending the "personality" of social security law, they framed a new conception of social security law, unmoored from its territorial and national ties, in the late 1940s (Watillon 1953). A "personal" law would allow any "person" to collect benefits from any country where they worked. They introduced a range of arcane technical concepts ("aggregation," "totalization," "portability") for the purpose of implementing this equalitarian principle.

Born in Berlin, Kurt Jantz (1908–1984) had worked for the Department of Social Security at the *Reichsarbeitsministerium* since 1938. After a short post-World War II interlude whose reasons are unclear (but probably denazification-related), he had a stint as a university professor of theology before returning to state affairs in 1951. In 1953, he was appointed head of the Department of Social Reform at the Ministry of Labor. He remained in high-level positions throughout the 1960 and 1970s and represented Germany at the Administrative Commission.

In addition to being a senior civil servant, he occupied academic positions. An honorary professor of social law at the University of Cologne, he was a founding member of the German Association for the Science of Insurance upon its 1959 relaunch and presided its working group on social security. This association was mainly composed of scholars and conducted studies on the international legislation of social insurance. Jantz theorized the "new conceptions" of international social security that had emerged in the aftermath of World War II. In multiple papers, he dismissed the nation-state-centric approach to the subject as no more than a "relic."[26]

His theory was based on the German concept of "*Freizügigkeit*" (freedom of movement), to which he gave a philosophical meaning, expanding the individual's freedom of choice, tinged with a strong anti-communist flavor and intimately linked to social security, as "there is no freedom of movement without social security, or better: no freedom of movement which deserves this name" (Jantz 1962, 425). In his many articles and talks on the topic, *Freizügigkeit* does not primarily serve the purposes of the European market. Rather this freedom is "essentially" to be seen as a "right of the personality to

[26] IfZ, archive Kurt Jantz, ED 431/19-6: "Die Hauptgrundsätze der zwischenstaatlichen Sozialversicherung" (1966).

choose their profession and working place in freedom."[27] The freedom of movement and the social security that comes with it are the "expression of the personality principle." His argumentation translates a legal principle, the personal right to receive insurance, into a political and philosophical one, the right to freely develop one's personality.

In "relative independence from the national administrations," the Administrative Commission carried out this quasi-philosophical mission. Kurt Jantz argued that the Commission had a supranational competence when it came to setting and unifying the meaning of the regulations:

> Regulation no. 3 has established a specific community institution: the Administrative Commission within the EEC Commission. Even if its members represent their governments, the commission enjoys a relative independence from national administrations. Its missions are to implement the regulation concerning the Social Security of migrant workers, to interpret the regulation – subject to monitoring by the courts – and to implement the financial decisions together with the board of auditors established by Regulation no. 4. (Jantz 1961, 7)

To him, both the European Court of Justice and "the permanent contacts within the Administrative Commission" worked in favor of a supranational approach.

The meaning these national civil servants gave to their collective endeavor found an echo in circles of social law specialists who remained in close touch with national and international academic societies. As I already pointed out, Kurt Jantz was a founding member of the German and International Society for Insurance Law and was close to German specialists of social security law such as Hans Zacher, the founder of the Max-Planck-Institute for International Social Law (1976). Most of them were members of the European Institute for Social Security (EISS), a hub of administrative and academic specialists founded with the financial support of the European Commission. In 1970, most of the members of the EISS bureau of the EISS had at some point been involved in the work of the Administrative Commission: the Belgian, Luxembourgian, and German representatives, Delpérée, Jantz, and Trier; the ILO representative, Perrin; EEC civil servants (Crijns and Ribas); and even the former commissioner, Levi-Sandri. Together with renowned scholars (Lyon-Caen, Troclet, Duchâtelet, etc.), most of the government representatives (Doublet, Netter, Laroque, Zöllner, Kaupper, Coppini, etc.), and the other employees of the EEC Department for Social Security were present at EISS events from 1969 to 1973, discussing the history of the social security of migrant workers, the perspectives of "European social security," or dealing with technical issues such as the "portability" of benefits beyond borders ("portability"

[27] IfZ, archive Kurt Jantz, ED 431/20-1: Soziale Sicherheit und Freizügigkeit in der EWG (16 January 1965).

is a jargon term for saying that migrants can "carry" – "porter" – and hence retain their social security entitlements when they cross a border).[28]

The new international setting gained supporters among the scholarly community. Otto Kahn-Freund, as a leading scholar in the field, provided one of the most refined *fictio juris*, rationalizing the new body of international law. In several papers presented at conferences during the 1960s and 1970s, Kahn-Freund whose last book, which he could not complete for health reasons, would have been devoted to the EEC, rationalized the European social security using a reference to the German *Zollverein,* the German economic unification (1833–1870). It was clear to him that the European regulations "waive[d] the territorial application of social security schemes." In his attempts to elucidate the difference between the common market and a mere free trade area, the very first difference he highlights is the existence of freedom of movement of workers, referred to as "*Indigenat,*" an "old German word" used for workers endowed with the right to settle anywhere they wanted to within the German confederation. "*Indigenat*" must mean for us in 1960 something else than in 1860, at the time of what Lassalle called a "night watcher state" and Harold Laski a "negative state." In the 19th century, "*Indigenat*" conferred negative protection: it prevented the workers from being deported and guaranteed their personal protection under civil and criminal law. In the 20th century, Kahn-Freud argued, the treaty of Rome guaranteed a "social-political *Indigenat*" to workers, which is especially demanding for the social security legislation. It is no wonder, he says, that "*the very first great act of legislation of the EEC, the very first example of the use of the competence of the Community organs to edict supranational law for the six countries was the social security regulations*" (Kahn-Freund 1961, 156). In his description of the Administrative Commission, he stressed that beyond its administrative functions, the Commission's judicial role was essential to the interpretation of a regulation which at the time would apply to over half a million migrant workers.

These singular rationalizations made by a small group of specialists of social security law came to be at odds with European law in general. In 1973, the UK entered the EEC. The British Department for Social Security was eager to understand the legal framework and the role of the Administrative Commission. The Administrative Commission was so specific that the British authorities developed conflicting interpretations of its legal role. A memo summarized it insisting that the Commission's role was controversial. On the one hand, some briefings contended that the authorities had to abide by the decisions published by the Administrative commission; according to a memo, it would take a very good reason to challenge the Administrative Commission's agreements in court. On the other hand, the legal adviser of the Ministry's

[28] BNA, PIN 34/398.

Juridical Service Ann Windsor claimed that the Administrative Commission would "act as if its decisions were legally binding," but that the legal basis for this was tenuous. Windsor quoted an article by Hermann Maas calling the Commission an "institutional curiosity."[29] The chief redactor of the *Common Market Law Review*, Hermann Maas, was a Dutch professor of law who published an article bearing this very title in 1965. To him, the Commission was an "institutional curiosity" not because it acted under false pretenses ("as if its decisions were legally binding"), but because it was the only organ of the EEC to be delegated the ruling power of the Council, which made it a ruling body in its area of competence. Hermann Maas called for dismantling the Commission in its current form, and downgrading it to the status a merely consultative body, with its powers transferred to the European Commission itself (Maas 1966).

5. Conclusion

In 1980, Alain Coëffart, the Secretary-General of the Administrative Commission, lauded the "exemplary success" of the EEC in the domain of social security. This was particularly remarkable, in his view, in that social security is "one of the few domains where the human dimension prevails over the economic dimension, which was for a long time the core concern of its action" (Coëffart 1982). Having long focused on the interplay between States and Commission and on the (purportedly neoliberal) ideology of the Commission, the literature has all too often ignored bureaucratic power and the role played by sectorial ideologies and *rationales* in the European policy process. Clearly, the proponents of European Social Security defendants had little to do with mainstream ordoliberals and the neoliberal globalists who have been widely considered as driving forces of the European integration (Slobodian 2018; Lechevalier and Wielgohs 2016). An epistemic community of their own (Haas 1992; Kott 2008), they were rather steeped in the ILO ideology of the decommodification of labor, and relied on sector-specific legal rationalizations (equality of treatment, personalization, and deterritorialization of social law). In this sense, knowledge is power, but not anybody's knowledge. Pooling both expert and bureaucratic resources, national officials (sometimes acting as international civil servants) defended a supranational system of their own making to govern labor mobilities.

Started by the end of WWII, their grand oeuvre, the coordination of social security systems, is far from mainstream European law. This article explains why the Administrative Commission, which still exists, and the seemingly tedious bureaucratic work it does have been so crucial to European social

[29] BNA, PIN 34/199: memos 1973.

security and why it is nowadays seen as an unpolitical, distant, and obscure European policy actor. On the strength of their legal virtuosity, these bureaucrats pooled enough resources to develop and stabilize a sectoral domain that remain mostly uncontested up to the creation of the European Labour Agency. European Social Security is still governed by principles forged in the 1940s and 1950s, in the highly idealist context of the "new social order" promised by the ILO during World War II.

References

Abbott, Andrew. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago: University of Chicago Press.

Bourdieu, Pierre. 2013. *Manet. Une révolution symbolique*. Paris: Seuil.

Bourdieu, Pierre. 2015. *Sur l'Etat: cours au Collège de France (1989-1992)*. Paris: Seuil.

Comte, Emmanuel. 2017. *The History of the European Migration Regime: Germany's Strategic Hegemony*. Londres: Routledge.

Comte, Emmanuel. 2025. State Power and the Emergence of Free Movement in Europe: Containing State Control over Human Mobility Since the Late 1940s *Historical Social Research* 50 (1): 74-92. doi: 10.12759/hsr.50.2025.04.

Coëffard, Alain. 1982. La réglementation sur la sécurité sociale des personnes qui se déplacent dans Ia Communauté européenne. *Revue internationale du Travail* 3: 265-80.

Crespy, Amandine. 2022. *The European Social Question: Tackling Key Controversies*. Building Progressive Alternatives. Newcastle upon Tyne: Agenda Publishing.

Delpérée, Albert. 1956. *Politique sociale et intégration européenne*. Paris: Librairie générale de droit et de juridisprudence.

Doublet, Jacques. 1952. *Les problèmes démographiques posés par la réalisation de l'unité de l'Europe*. Nancy: Publication du Centre européen universitaire.

Dupeyroux, Jean-Jacques. 1960. Le droit à la sécurité sociale dans les déclarations et pactes internationaux. *Droit social* 6: 365-78.

Ferrera, Maurizio. 2005. *The boundaries of welfare: European integration and the new spatial politics of social protection*. Oxford: Oxford University Press.

Fertikh, Karim. 2020. From territorialized rights to personalized international social rights? The making of the European Convention on the Social Security of Migrant Workers (1957). In *Marginalized groups, inequalities and the post-war welfare state*, ed. Monika Baár and Paul van Trigt, 29-49. London: Routledge.

Haas, Peter M. 1992. Introduction: Epistemic Communities and International Policy Coordination. *International Organization* 46 (1): 1-35.

Jantz, Kurt. 1961. Soziale Sicherheit – überstaatliche Rechtsnormen, zwischenstaatliche Verträge. *Sozialpolitik in Deutschland* 41.

Jantz, Kurt. 1962. Grundprinzipien einer strukturellen Sozialpolitik. *Die neue Ordnung in Kirche, Staat, Gesellschaft und Kultur*, 6: 415-27.

Jureit, Ulrike, and Nikola Tietze, eds. 2015. *Postsouveräne Territorialität: die Europäische Union und ihr Raum*. Hamburg: Hamburger Edition.

Jureit, Ulrike, and Nikola Tietze. 2018. L'espace supranational de l'Union européenne: politiques sociales et migratoires aux prises avec la territorialité post-souveraine. *Critique internationale* 4: 129-48.
Kahn-Freund, Otto. 1960. *Labor, Law and Social Security*. Ann Arbor: University of Michigan Law School.
Kahn-Freund, Otto. 1961. Sozialpolitische Probleme der Europäischen Wirtschaftsgemeinschaft. *Politische Vierteljahresschrift* 2 (2): 154-73.
Koskenniemi, Martti. 2010. *The gentle civilizer of nations: the rise and fall of international law 1870-1960*. Cambridge: Cambridge University Press.
Kott, Sandrine. 2008. Une "communauté épistémique" du social ? *Genèses* 71 (2): 26-46.
Lambeaux, Olivier. 1957. L'accord international de sécurité social applicable aux bateliers rhénans. *Droit social* 9-10: 510-8.
Laroque, Pierre. 1952. Problèmes internationaux de la Sécurité sociale. *Revue internationale du travail* 66 (1): 1-32.
Lechevalier, Arnaud, and Jan Wielgohs. 2016. *Social Europe: a dead end: what the eurozone crisis is doing to Europe's social dimension*. Copenhague: DJOF Publishing.
Lindseth, Peter. 2010. *Power and legitimacy: reconciling Europe and the nation-state*. Oxford: Oxford University Press.
Maas, Hermann H. 1966. Administrative Commission for the Social Security of Migrant Workers - An Institutional Curiosity. *Common Market Law Review* 4: 51-63.
Patel, Kiran Klaus, and Johan Schot. 2011. Twisted Paths to European Integration: Comparing Agriculture and Transport Policies in a Transnational Perspective. *Contemporary European History* 20 (4): 383-403.
Ribas, Jean. 1963. La sécurité sociale dans la Communauté économique européenne. *Bulletin de l'Association international de la sécurité sociale* 16 (12): 399-418.
Rygiel, Philippe. 2021. *L'ordre des circulations ? L'institut de droit international et la régulation des migrations (1870-1920)*. Paris: Presses universitaires de la Sorbonne.
Schipper, Frank, and Johan Schot. 2011. Infrastructural Europeanism, or the project of building Europe on infrastructures: an introduction. *History and Technology* 27 (3): 245-64.
Schot, Johan, and Vincent Lagendijk. 2008. Technocratic Internationalism in the Interwar Years: Building Europe on Motorways and Electricity Networks. *Journal of Modern European History* 6 (2): 196-217.
Slobodian, Quinn. 2018. *Globalists: The End of Empire and The Birth of Neoliberalism*. Cambridge, MA: Harvard University Press.
Soysal, Yasemin Nuhoglu. 1994. *Limits of citizenship: migrants and postnational membership in Europe*. Chicago: University of Chicago Press.
Supiot, Alain. 2010. *L'esprit de Philadelphie. La justice sociale face au marché total*. Paris: Seuil.
Troclet, Léon Eli. 1977. «Albert Delpérée». *Revue belge de sécurité sociale* 3: 167-71.
Watillon, Léon. 1953. Le problème des prestations de sécurité sociale à octroyer aux ayants droit des travailleurs migrants. *Bulletin de l'AISS*: 87-95.
Weber, Max. 2013. *Sociologie du droit*. Paris: Presses universitaires de France (Original: Weber, Max. 1960. *Rechtssoziologie*, aus dem Manuskript herausgegeben und eingeleitet von Johannes Winckelmann, Neuwied, Luchterhand)

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