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Abstract
In this paper, the aim is to shed further light on issues of citizenship in the period between 1951 and 1971, often called the founding period of European integration. The contribution of the paper to the literature is two-fold. First, in *theoretical* terms it contributes by studying citizenship as *a status of individuals in relation to a political unit* differentiated analytically into four dimensions: Membership, identity, rights and participation. This amounts to a more dynamic approach than previous studies as it focuses on the interplay between dimensions rather than solely on rights or identity. Second, connecting these dimensions to the *empirical*, it contributes by highlighting those treaties, legislative measures and practices that are linked to the emergence, consolidation and/or change to the status of individuals within the system. The analysis finds that that we can fruitfully talk about a kind of citizenship in the first period of European integration. It must, however, not be overstated as anything resembling a *full-blown* citizenship status akin to national citizenship. European citizenship should rather be understood in its own right, as a citizenship gradually emerging from the founding treaties, judicial activism of the ECJ and free movement legislation.

Keywords
European integration, common market, citizenship

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Introduction

As the "group of six"[1] established the European Coal and Steel Community (ECSC) in 1951, no-one could foresee a European Union (EU) of 25 Member States, with a European Parliament (EP), wide-reaching common policies and a common currency.[2] For sure, we can imagine that they would also not have foreseen all the talk about citizenship that has emerged after Union citizenship was institutionalised in the Maastricht Treaty (1992). After all, the prevailing understanding has been to link *one* citizen and *one* nation-state with *one* prevailing national identity (see for instance Heater 1999; Schnapper 1998).

Indeed, in one of the first articles that dealt explicitly with the interface concerning citizenship and the European Economic Community (EEC), the French sociologist Raymond Aron (1974: 653) succinctly stated: "[T]here are no such animals as 'European citizens.' There are only French, German, or Italian citizens." In this reading, due to the lack of explicit rights of a *political* character, a "European" citizenship was neither descriptively visible, nor theoretically viable. In Aron's analysis, political rights are seen as unequivocally *national* in character – and separated from other types of rights in their significance for the *ethos* of citizenship (Aron 1974: 642ff., 651).

Contrary to this, it has been argued from a legal point of view that "an incipient form of European citizenship" developed already in the first treaties and through ensuing political practices (Plender 1976). This has been corroborated by studies that have focused on the institutional construction of "citizenship practice" from the 1970s onwards (Wiener 1998) or on identity issues raised by the relationship between the emerging European polity and individual citizens (Kostakopoulou 2001). The sceptical stance of Aron has also been opposed by Willem Maas (2005), who in a recent article on "the genesis of European rights" argues that the study of European citizenship should focus on understanding and explaining the development of rights from the outset of European integration in the ECSC and Rome Treaties.

In this paper, the aim is to shed further light on issues of citizenship in the period between 1951 and 1971, often called the founding period of European integration (see Jachtenfuchs et al 1998; Kostakopoulou 2001). The contribution of the paper to the literature is two-fold. First, in *theoretical* terms by studying citizenship as *a status of individuals in relation to a political unit* differentiated analytically into four dimensions: Membership, identity, rights and participation. This amounts to a more dynamic approach than those of Maas and Kostakopoulou as it focuses on the interplay between dimensions rather than solely on rights or identity. Second, connecting these dimensions to the *empirical*, it contributes by highlighting those treaties, legislative measures and practices that are linked to the emergence, consolidation and/or change to the status of individuals within the system. The

[1] A phrase often used about the six founding members of the institutions of European integration: Belgium, the Netherlands, Luxembourg, Italy, France and Germany.

[2] Notwithstanding the clearly *federal* aspirations of many pro-integrationists in the immediate Post-War period, including calls from the *Movimento Federalista Europeo* for the creation of a European 'continental' citizenship co-existent with national citizenship (Maas 2005; for broader historical accounts, see Dinan 2004; Gillingham 2003; Griffiths 2000; for personal accounts, see Nelsen and Stubb 2003).

following instances stand out in terms of raising issues pertaining to the relation between the European polity and individuals: the ECSC and Rome Treaties, ECJ jurisprudence in the 1960s and free movement legislation in the 1960s/1970s. By focusing on such instances it will become apparent how an issue like citizenship is not conjured up *ex nihilo*, but is rather a phenomenon which emerges, evolves and changes in conjunction with concrete practices of a political system. Based on such considerations, tracing the historicity of citizenship will also provide some preliminary clues for studying the developments after the insertion of Union citizenship in the Maastricht Treaty.

The paper will proceed as follows. First, the theoretical framework for exploring and understanding conceptions of citizenship will be presented. As citizenship is a very much contested and normatively laden concept, attention will be directed to how focusing on four analytical dimensions cover different aspects and questions raised by the concept. In defining each dimension, attention will also be directed to how they can work in operational terms providing empirical indicators for the study of (European) citizenship. Second, in the empirical part of the paper, four different instances within the initial period of European integration will be scrutinised to the extent of how they have affected – in conceptual terms – the status of individuals within the system. In doing so, the focus will be on illuminating how dimensions of citizenship were explicitly or implicitly invoked in each instance and how these were translated into time-specific conceptions of citizenship. Further, with regard to the empirical analysis, the trajectory of citizenship conceptions in the period will be discussed, with specific attention to similarities and differences between the instances. Third, in providing concluding remarks, the findings of the analysis will be linked to broader theoretical projections and questions concerning the state of European citizenship.

Theorising Citizenship: Defining Dimensions

On the most general level I will define citizenship as *a status of individuals tied to a political unit*. With this in mind, the concept of citizenship involves issues both of individuality and collectivity (Heater 1999). Citizenship would hold no meaning if it was devoid of a collective component – it is always granted by *some* political unit (see Walzer 1983). In fact, it is exactly at the interface relating the individual with a political unit that conceptions of citizenship arise. As there is an extra-individual unit that decides on citizenship, we must investigate the practices through which the unit or political system has affected the status of individuals.

Stating that citizenship is a status of individuals does, however, not provide much in empirical terms. How is it constituted, that is, what are its constituent parts? As Bellamy (2004: 3) has emphasised, "[t]o be recognisable as accounts of citizenship, conceptions must share certain common… conceptual features." I will argue that by breaking citizenship down into membership, identity, rights and participation specific aspects of its practical reconciliations are more readily observable. The dimensions should thus be understood theoretically as *complementary* facets of citizenship. Each of them has an *analytically* independent status but they are also (potentially) inter-

related or overlapping at any given moment in a specific conception of citizenship.[3] How and to what extent they are *empirically* related can then only be ascertained by analysing actual citizenship practices. The theoretical point here is more specifically that the traits of one dimension often will have a bearing on other dimensions in actual practices. By way of a cursory example, the manner in which, say, membership is defined and discursively practiced links up with the notion of identity in the community "established" by defining members in a certain way. That said, however, one cannot rule out that the discourse on identity also has a bearing on how membership is defined. Analysing citizenship practices from the vantage point of dimensions thus provides the opportunity to flesh out such linkages in polity-specific conceptions of citizenship.

Turning to defining the dimensions, I will argue that the question of *membership* connects to the notion of *inclusion* and *exclusion* in a political unit (see Brubaker 1992: 21ff.). It does on some level involve the question of who belongs and who does not belong. Through membership, the concept and institution of citizenship "ties" a human being to *some* collective organization presupposing some "self"-understanding of the choosing community, it is not only a reflection on the strangers to, but also the members of the community (Walzer 1983: 32ff.; see also Isin 2002: 22). Thus, in operational terms, membership can be ascertained by identifying *who* are seen as members and on *what* basis they are included. The notion of membership inherent in practical conceptions of citizenship is, then, visible in terms of *the criteria* by which members and non-members are differentiated.

Identity signifies that the boundaries between political units established in terms of memberships – "we" are Norwegian, "they" are Swedish or Finnish, or in the EU: "we" are European, "they" are American? – raise the further question of what *constitutes* a given community and its more specific "differentials" from other communities. The question of identity relates to the questions of "who we are" and "what distinguishes us from others" (Taylor 1985: 34). In this sense, identity goes to the core of what *kind* of community citizens are members of. Accordingly, citizenship links up, not only with the question of "who are members?", but also with asking "who *is* what?" (see Brubaker 1992: 182). In operational terms, therefore, identity can be discovered by investigating *notions* of what draws the community of citizens together, the way in which membership is framed in terms of belonging and which attributes that are used to distinguish between "insiders" and "outsiders."

As a dimension of citizenship, *rights* can be defined as the entitlements that derive from this status (Bauböck 1994: 233). In simple terms: Citizens have an array of rights that non-citizens do not enjoy. Investigating the location of rights within a specific discourse can thus provide further clues as to the conception of citizenship within a political unit. When assessing conceptions of citizenship, we must investigate the extension of rights, that is, *who* are given *which* rights – and how *exclusive* are they? Are there clear boundaries between the rights of citizens and non-citizens? And, if so, where is the line drawn?

[3] This does obviously not rule out that one or more dimensions are omitted from conceptions of citizenship. Thus, the four dimensions highlight the *potential* of citizenship practices rather than stipulating an *a priori* understanding of citizenship as always consisting of *certain* attributes linked in a *fixed* way. Focusing on dimensions rather opens up the scope for interpretation of different practices of citizenship across time and political space.

In addition to these three dimensions, citizenship entails (if not the outright duty, so the potential of) citizenly *participation*. Citizenship does not only have a bearing on how the community relates to the citizen, but also on how the citizen relates to the community to which she is a member (Carens 2000: 166ff.). In operational terms, participation is therefore visible in two ways. First, through what I will call the *facilitation* of voluntary participation. Such facilitation connects to the types of participatory rights that are linked to citizenship and how the community promotes participation. Second, it is visible in the *specification* of duties that derive from the status of citizenship. Thus, the notion of participation addresses the acting out (or not) of citizenship rights and duties within the community.

Table 1. Dimensions of citizenship and empirical indicators

Dimensions of citizenship	*Empirical indicators*
Membership	*Criteria* for *who* are seen as members (and hence non-members) and on *what basis*
Identity	What *kind* of community citizenship is linked to *Notions* of what draws the community of citizens together
Rights	*Extension* of rights – exclusivity in terms of *who* are held to have *which* rights *Degree* of boundary between rights of citizens/non-citizens
Participation	*Facilitation* of voluntary participation *Specification* of duties linked to the status of citizenship

The remarks on dimensions of citizenship and empirical indicators (summarised in the table) thus provide fruitful ground for investigating, not only the kinds of conceptions of citizenship that emerged in the historical period as a whole, but also for comparing different instances and events with a view to illuminate the *trajectory* of European citizenship politics in its first, practical approximations between 1951 and 1971. It is to this that I now turn.

European Integration and Conceptions of Citizenship

ECSC Treaty: Sectoral Integration, Embryonic Citizenship

The Treaty on the European Steel and Coal Community (ECSC) signed in Paris (1951) marks the *institutional* advent of European integration. Through this treaty, the BeNeLux, France, Germany and Italy sought to create a single market in coal and steel (Dinan 2004: 52). At the outset, this integrative effort was thus highly sectoral and limited, both in political and territorial terms. One could thus argue that issues pertaining to individuals and citizenship were not rendered important for European integration in its first political and institutional approximation. This is, however, not necessarily the case if one studies the text of the ECSC Treaty more carefully. Indeed, Maas (2005: 985, 997) has shown that arguments over European rights have been

present since the beginning of European integration, even pre-dating the negotiations on the ECSC Treaty.

Integrating six countries within the limited fields of coal and steel production, the ECSC Treaty was still rather comprehensive in laying out the historical and political foundations for such a community. It stated aims of the ECSC such as "maintenance of peaceful relations", "the establishment of common bases for economic development", and to raise "the standard of living and… furthering the works of peace." Finally, it stated that the abolishment of historic rivalries were to be countered "by creating an economic community, the foundation of a broad and independent community among peoples, … and giving direction to their future common destiny." Obviously, one must be careful of overstated interpretation regarding "lofty" considerations in a preamble. Still, it is interesting that the very limited fields of coal and steel gave rise to such towering assertions of the "rationale" behind integration. In fact, as Dinan (2004: 46) points out, choosing "the word *community*, rather than simply *association* or *organization*, connoted common interests that transcended economic goals." In terms of shedding light on the concept of citizenship within the treaty, one interesting question is thus whether the assertions of peace and community in the broader sense were also raised with regard to the status of individuals within the ECSC.

Clearly, there was no direct designation of individual membership in the ECSC Treaty. In fact, there was furthermore no *direct* reference even to *rights* of individuals that could emanate from the treaty. Still, a notion of individuals and their rights did figure in it. To the extent that individuals were rendered a status within the framework of the treaty, it was primarily in the capacity of consumers, workers or producers.[4] It seems obvious that within the prevailing understandings of citizenship at the time these roles would not be seen as part of citizenship. To be sure, the aforementioned scepticism of Raymond Aron (1974) concerning even the conceptual *possibility* of *European* citizenship as something similar to the national counterpart would possibly have rung even more true in 1951. Against this backdrop, Neunreither (1995: 5) could be right in claiming that the ECSC represented "European integration without the citizens." Still, I will argue that some issues linked to dimensions of citizenship can be read out of the ECSC Treaty.

The thrust of provisions on individuals in the treaty is found in Article 69. This refers to the renouncement of employment restrictions based on *nationality* for workers in the coal and steel industries. Hence, the lofty assertions of promoting peace did not foster any *direct* measures to integrate Member State citizens further. There was no notion of a European identity common to citizens of diverse nation-states – of what drew individuals together in communal terms. The treaty explicitly dealt with the status of individuals in their limited capacity as potential workers in a clearly defined sector of production and market transactions. The basis for individual membership under the ECSC was thus pretty straightforward – it was linked to a given prospective activity on the part of individuals, sectorally defined and circumscribed. The rights attached to this status as a limited "coal and steel worker-citizen" were further meant to facilitate what the treaty referred to as "movement of labour." In theoretical terms, the possibility to move freely across national boundaries constituting the reach of state

[4] ECSC Treaty, Articles 3c, 3e, 4b, 46, 56, 69.

jurisdiction and citizenship rights, can be interpreted as the "abolition of the disabilities of alienage" (Preuss 1998a: 145). Being an alien – a non-citizen – is then no longer such a precarious status given that rights of free movement to some extent "trump" the state's exclusive right to deny the access of foreigners to its territory. But, given the clearly limited character of movement provisions under the ECSC, this cannot be interpreted as the backbone of a genuine *European* citizenship status cross-cutting national citizenship institutions and territorial jurisdictions. The free movement provision inherent in Article 69 of the ECSC Treaty was even stated under the heading "movement of labour",[5] rather than, say, "free movement of persons" which would have signified a broader curbing of the traditional exclusiveness of states in terms of territorial control. What this cursory analysis of the first treaty of European integration has highlighted is thus that concerning the status of individuals, certain narrow issues of citizenship were raised, if not explicitly, so implicitly under the guise of the ECSC. As there was no direct designation of individual membership under the treaty, the focal point regarding the status of individuals was almost exclusively linked to the participation of workers through rights of free movement. At best, this can therefore be interpreted as a *partial, sectorally defined embryonic citizenship* – and nothing by way of a more comprehensive conception taking into account different dimensions of citizenship.

The Treaty of Rome: Economic Integration, Market Citizenship

As the ECSC Treaty, notwithstanding its highly sectoral and technocratic mode of integration, invoked an embryonic conception of European citizenship based on abolishing restrictions based on nationality regarding the movement of workers across state boundaries, no less can be expected from the establishment of the European Economic Community (EEC) through the Treaty of Rome. The designation of the new community as "economic" rather than confined to two narrow sectors clearly signified the broadened scope of institutionalised European integration. In fact, on the back of the failure regarding the European Political Community in 1954 (see Griffiths 2000), one of the priorities of that process were retained: The establishment of a common market in Europe (Dinan 2004: 64). This more complete vision of economic integration renders the question of whether the broader scope of integration had further ramifications for the status of individuals within the system. Did the embryonic citizenship of the ECSC make way for a more complete conception of citizenship through the EEC?

The more comprehensive scope of integration inherent in the Treaty of Rome is evident in its preamble. The "loftiness" of the preceding treaty was retained, however with a somewhat different slant to it. It re-iterated the aims of fostering peace through "eliminating the barriers which divide Europe", by "constantly improving the living and working conditions of their [the Member States'] peoples", and finally "to strengthen the safeguards of peace and liberty." What is further striking about the preamble in terms of issues regarding citizenship is the emphasis on integration, not only between Member State citizens as such, but the determination to establish "an ever closer union among the European *peoples*" (my emphasis). This did not bring the single citizen to the forefront of the aims of European integration. Still, the focus on peoples rather than merely states did signal the link between the institutions of the

[5] ECSC Treaty, in the title of Chapter VIII: "Wages and Movement of Labor."

integrative process and individuals was not only mediated by the Member State level. European integration seems to have signified something more than a simple international treaty or regime, it was perceived to have ramifications for the collectives of individuals underpinning the Member States in terms of community and legitimacy.

It is thus not surprising, notwithstanding the lack of focusing on integration among citizens as such, that issues pertaining to the status of individuals were scattered throughout the Treaty of Rome. Again, the prevailing image is one of focusing on the status of individuals as workers and producers.[6] Still, there was some development compared to the ECSC. The treaty explicitly stated in Article 7 that "any discrimination on the grounds of nationality shall hereby be prohibited", without specifying the precise circumstances to which this principle would apply.[7] The principle of non-discrimination thus seems to have been broader – at least in terms of the exact wording of the provision – than a narrow focus on proscribing such measures for specific groups, such as workers. The designation of membership, the criteria for who were seen as members and on what basis were thus not straightforward. On the one hand, it is clear that the treaty establishes the individual as meaningful within the framework of European integration in his/her capacity as a worker, albeit on a general level. The link was mediated through *participation* in the market and the potential crossing of political borders in order to work within the common market. On the other hand, the broad wording of the general article on non-discrimination points to a tension between a conception of the "worker-citizen" and an individual citizen to be protected from discrimination on the basis of her nationality *per se*. There thus seems to have been a tension inherent in the treaty between the practical and functional focus on market integration and the broader "vision" of overcoming the national divisions of the two wars.

The thrust of individual rights provisions were linked to the principle of free movement.[8] This was clearly related to the notion of workers as the primary individual actors in European integration. Still, it was not a universal principle. Free movement could be curtailed by arguing for reasons of public order and public safety. The emphasis on exceptions to the principles of free movement and free right of establishment based on such reasons underlines that there were no explicit state-aspirations inherent in the treaty foundation of the EEC. In theorising types of boundaries involved in "polity-making" in modern Europe, Bartolini (2006: 7ff., 28) has underlined that the limits surrounding market transactions can be seen as *fringes*, that is rather malleable boundaries subject to ongoing developments of market relations and practices, while politico-adminstrative units are delineated by more settled *borders*. Thus, the principle regarding free movement of persons facilitating a common European market by "abolishing" the fringe boundaries between national

[6] Treaty of Rome, Articles 3, 48, 49, 51, 52, 53, 54, 57, 92, 117, 119, 123, 220.

[7] Article 7 further stipulates that the principle of non-discrimination must fall "[w]ithin the field of application of this Treaty and without prejudice to the special provisions mentioned therein." A narrow interpretation of this could be that as the treaty was geared towards economic integration and facilitating a common market, the principle would only apply to individuals as they engaged within spheres falling under these specific aspects of European integration. It can, however, also be interpreted as a more fundamental individual right under European law stipulating a beginning shift from nationality to individuality in ascertaining the worth of citizens and their relationships to collective units, be it firms or states (see Menéndéz 2002).

[8] Treaty of Rome, Article 48.

markets could cut across the borders of politico-administrative units previously holding exclusive jurisdiction over national territory. In light of the pervasiveness – in theoretical and practical terms – regarding the unitary character of modern nation-states encompassing citizenship, identity, political institutions and territory (see Bauböck 2003: 8), principles "over-riding" these inter-locking boundaries were clearly powerful. Still, ultimate decisions about citizenship remained national, perhaps due to the persistence of statehood in the final instance. As pointed out by Bauböck (2003: 8), the "[t]erritorial integrity of states is a deeply entrenched norm in the international state system." Further, the potential challenge to the link between individual and political units from free movement was clearly thwarted by the concentration on economic integration and market-making in the EEC. The range of rights linked to free movement did not entail a deep "intrusion" into the political borders of Member States. There was for instance no concept of political rights in the treaty. In addition, emphasising that exceptions could be made by reference to reasons of public order and public safety clearly show that there was no vocabulary ready at the time of the Treaty of Rome to challenge the ultimate boundaries of states and thus of national citizenship institutions.

To conclude, then, the answer to "who are the Europeans?" in the vocabulary of the Treaty of Rome was obviously not *the democratic citizen* participating in a political community, rather *individuals-as-workers* in a market. As Preuss (1998b: 11) points out, "[t]he *political term* citizen was thoroughly alien to the wording of the original Treaty" (my emphasis). There was no clear notion of a broader identity transcending the links generated by integrating markets, common institutions and the legal framework on the European level. Still, the tension regarding non-discrimination possibly points to at least a broadening of the potential effect of European integration on the status of individuals within the system. Still, by and large the Treaty of Rome amounted to a very *partial* conception of citizenship with a heavy emphasis on participation in the common *market* by the *potential* crossing of previously pervasive boundaries of national markets and nation-states.

ECJ Judicial Activism: Partial Citizenship-As-Rights

Within the literature on European integration, the judicial activism of the ECJ is often put forward as one of the main factors in the development of the EU as more than an international organisation – as an integrative project with state-like features, but still not a state in its own right (for historical appraisals, see Dinan 2004; Gillingham 2003; for legal-political appraisals, see Conant 2002; MacCormick 1999; Weiler 1999). Part of the interest regarding the ECJ in the literature stems from its so-called seminal decisions in the 1960s establishing the basic principles of supremacy, direct effect and protection of fundamental rights within the EU order (Weiler 1999: 19ff.). These decisions – and especially those on supremacy and direct effect – were not at the outset geared towards the status of individuals within the system. Still, it can be argued that the practices – of European law and policies – emanating from them signified the establishment of a direct link between the EU as a political unit with certain powers and individual citizens "formerly" linked *only* to their nation-states through citizenship (Preuss 1998a; Weiler 1999).

Taking the cue from the two seminal cases of *Van Gend en Loos*[9] and *Costa*[10], what is most clearly striking about ECJ judicial activism in the 1960s is the vigorous assertion of the EU as a legal system in its own right (MacCormick 1999: 113). In terms of investigating its impact on the status of individuals, the sceptic could argue that this does not tell us much, as ECJ jurisprudence in that period was primarily linked to judgements on the specificities of a common market rather than the rights of individuals. But, Costa (2003: 740) points out that "[f]rom a legal point of view, European integration concerned the citizens at a very early stage." From the vantage point of investigating European citizenship, then, the question is how this legal preoccupation with issues concerning rights in the system "translated" into noteworthy contributions to citizenship *politics* in the Community.

In *Van Gend en Loos*, the Court ruled that "Community law creates rights for citizens which national courts must recognise and enforce," and further emphasised that it has "direct effects in the relationship between Member States and their subjects." In *Costa*, the emphasis was on establishing "precedence of Community law" or supremacy as it is referred to in the literature. This was done by affirming that any European legal norm overrides national legislation in conflict with it (see further Weiler 1999: 20ff.). In one sense, the judgments on direct effect and supremacy can be read as partial answers to "who the Europeans are", that is, the question of what binds individuals together within the community of a political unit. It is through European *rights* that individuals are bound together and to the Community in the view of the ECJ. These rights further have direct effect within Member States, that is, they cannot be mediated through national jurisprudence, but must rather be incorporated as such. Through this sweeping judgment, European law thus circumscribed the exclusive discretion of nation-states in relation to their citizens' rights and obligations.

In terms of the subjects that the Court ruled would give rise to individual rights, they centred on aspects of the common market such as aid to companies or industrial sectors, monopolies, and the right of (commercial) establishment. This does obviously not amount to a very "thick" notion of individual identity or citizenship within the Community. It is rather the assertion of principles regarding non-discrimination and the direct effect of Community law for Member States and thus for citizens, that provides the thrust of affecting the status of individuals. This legal development can be interpreted as containing broader political implications through establishing that the EU could not ascribe duties (to follow European and not only national law) on individuals without also granting them certain rights against it (Beetham and Lord 1998: 112).

What is furthermore interesting regarding citizenship is the assertion that rights derived from the European level would have implications on the level of each nation-state in the system. The Community created a status which cuts across the borders of previously insulated legal-political systems in terms of membership and the scope of rights. In this sense, the conception of citizenship was not only linked to the European level as such, but to two levels – European and national. It was not only *transnational* in the sense of cutting across national boundaries, but also *supranational* in the sense of being superimposed by the European level on national systems.

[9] Case C-26/62 *Van Gend en Loos* v. *Nederlandse Adminstratie der Belastingen*, 1963, ECR 1.
[10] Case 6/64 *Costa* v. *ENEL*, 1964, ECR 585.

From this discussion, we see that the Court evidently brought conceptual issues regarding the status of individuals within the legal-political system of European integration to the fore, much more clearly than was the case in the founding treaties. The citizen was "established" as significant *per se* through European rights. In this sense, primacy was given to the dimension of rights in locating individuals within the system. From the ECJ verdicts, it is further and not surprisingly so, the case that individuals were rendered rights as a consequence of national citizenship. The membership dimension was settled on the national level in terms of formal citizenship, but the European rights can also be interpreted as stipulating a kind of membership through (the potential of) participation in the common market. Here, the jurisprudence of the Court clearly continued the predominant economic and market-oriented language of the treaties. Finally, in terms of conceptions of citizenship, what is striking is the explicit statement of a direct link between the institutions and policies of European integration and individual Member State citizens – a direct link that was not explicated in the founding treaties.

Still, one should be somewhat cautious in drawing too sweeping conclusions from this. Empirical research regarding the impact of these principles on the *actual* use of individual capacities to legal action for instance, show that these have been utilised to a very small extent: "There is still today a persistent cleavage between the theoretical individual rights granted by EU integration and the rights that private individuals can actually benefit from" (Costa 2003: 744). As a result, empirical findings of this sort warn us of inferring anything close to democratic qualities from legal provisions on individual rights. Its scope was the *private* market actor, rather than the *public* political participant. In this manner, it did not significantly develop compared to the embryonic and market-oriented conceptions of the ECSC and EEC respectively. Nevertheless, it cannot be denied that calling attention to the fact that the Community not only dealt with states, but also with individual citizens marked a significant shift insofar as it brought about fundamental questions regarding sovereignty and autonomy on the macro-level as well as its impact on the bearers of legitimacy in modern states – the individual citizens. To conclude, then, the ECJ brought forward a conception of *partial citizenship-as-rights* within a binding legal and political system.

Free Movement Legislation: Citizenship-As-Qualified Residence

As the analysis of the founding treaties of the Community and ECJ jurisprudence have highlighted, the status of individuals within this system were primarily linked to rights for citizens *qua* workers and more specifically to the issue of free movement. In the first phase, European integration was undoubtedly geared towards economic integration, albeit as a means for further integration of previously warring states. Issues pertaining to dimensions of citizenship were further raised in legislative measures regarding free movement towards the end of the 1960s. Hence, the foundation through treaties and legal struggles over their interpretation yielded more specific policy measures. Through creeping fashion, then, practices linked to individuals emerged within European integration. It is thus interesting to explore how such specific policies contributed to the framing of individuals and citizenship in the Community.

The principle of free movement contained the thrust of the idea of economic integration. Through abolishing previously pervasive boundaries between national markets as well as political entities, it was believed that not only would Europe prosper economically, but also peacefully (Haas 1958; see further Rosamond 2000: 50-68). But, as has been shown, the exact content and scope of free movement was not entirely clear in the Treaty of Rome. Subsequently, a series of legislative acts sought to underpin the *principle* with *policy*. In short, the policy measures[11] did so by affirming that the principle of free movement connected to individuals primarily as workers and secondarily as spouses or families of these workers.

For instance, *Regulation 1612/68* was a sweeping piece of legislation which in remarkable language underlined the principle of free movement for the idea and functioning of European integration. Interestingly, it stated in its "preamble" that "(…) freedom of movement constitutes a fundamental right of workers and their families." The principle was further linked to guaranteeing "the possibility of improving his living and working conditions and promoting his social advancement." In this setting, the status of individuals within European integration was thus linked, not only to their potential partaking in the common market, but also to their basic well-being. Interpreted broadly, the wording of this regulation thus implies that the individual citizen – still primarily in her capacity as a worker – were to be seen as an end in herself and not only as a means for amalgamating markets. This was further underlined in *Regulation 1251/70* which stated that *post*-work, citizens had a qualified right – generally based on work – to *remain* in the territory where they had worked without being national citizens. European citizens were thus granted a kind of membership based on what could be called "qualified residence." What qualified for rights enjoyed under European law was participation as workers, albeit increasingly linked to a broader conception of their worth *qua* individuals. This orientation was upheld by the subsequent *Regulation 1408/71* which laid down the principles for the europeanisation of social rights in the wake of free movement of persons. Here, the aim was to facilitate free movement and mobility in Europe through transnationalising certain social rights and benefits linked to work and family.

In this sense, even though it was still the citizen-as-worker that was at the forefront of the relationship between European integration and the individual, a somewhat broader conception of citizenship was slowly evolving. This is especially visible if we take the cue from the identity-question of what binds citizens together within a community. The free movement legislation does not cast this question only in purely technocratic terms. Emphasising that free movement is created for individuals *as well as* collectives – for the potential improvement of the individuals' social (and economic) well-being – can be interpreted as a first approximation of a European identity that would bind individuals together, going beyond the image of the worker or market actor. This is also evident in the importance granted to the need for "equality of treatment" based on ideas of the "freedom and dignity" of individual citizens as in *Regulation 1612/68*. Obviously, these scattered points cannot be interpreted as laying

[11] Due to the limited space in this paper, the analysis will focus on the following three legislative acts: Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the community; Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State; Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

the ground for *any* "thick" and comprehensive form of identity akin to those based on language, a common heritage and history or ethnicity. It is rather a very "thin" conception of citizenship centred on constraints in terms of the scope of rights and participation – the worker is still at the forefront of the status of individuals. Still, as De Búrca (1995: 29) argues, "[i]n the face of the apparently overwhelmingly economic impetus of the Community, the language of fundamental rights offered potential to articulate and establish a place for other values." What needs to be further investigated is therefore the extent to which the integration process after its initial phase fostered broader conceptions of citizenship not only rooted in economically circumscribed rights, but also geared towards a grounding in notions of political community or unity, belonging and participation beyond the private sphere of the market.

European Integration 1951-1971: Affecting Individuals, "What Kind" of Citizenship?

The analysis focusing on four distinct, but inter-related instances of European integration has provided a first take on what kind of conceptions of citizenship that have emerged in the process. In summarising and synthesising the findings of the preceding empirical and conceptual accounts, I will shed light on the perceived similarities and differences between the instances – in short: the *trajectory* regarding conceptions of citizenship in the initial period of European integration.

At the outset it is clear that issues concerning citizenship throughout the period analysed were linked to the dynamics of integrating markets in Europe. Individuals were rendered as significant through their function as workers or consumers – as (potential) participants in the common market. Rights were primarily linked to this narrow inclusion of individuals in the mode of integration. In this sense, there was no clear notion of what European citizens would have in common, surpassing their function as "factors of production" (Plender 1976: 39). If one can impute any notion of identity in this period it was clearly rooted in economic enterprise – citizens were not perceived as taking *directly* part in a *political* project with further collective aims. The collective aim of peace in Europe, so to say, was perceived to be reachable through market integration, not by integrating citizens politically or culturally.

Nevertheless, there were some differences between the four instances pointing to a certain trajectory regarding conceptions of citizenship. Not surprisingly, the conception of citizenship was less sectoral and limited in the Treaty of Rome than in the ECSC Treaty. One can impute a more basic *market* citizenship in the former compared to the clearly sectoral and *embryonic* citizenship in the latter. Notwithstanding these differences in the *scope* of incipient citizenship politics, on the whole, both treaties signified market actors as the primary category of citizens within the system.

The market vision of the founding treaties was persistent in the seminal rulings of the ECJ. Still, through these rulings it was established that individual citizens had certain *European* rights enforceable against the Member States. The citizenship elements of the treaties were mainly incipient and implicit, through the ECJ they were clearly more pronounced and put on the table, so to say. The domains in which the Court ruled were very much linked to economic integration – its adjudication was in the first

place centred on the functioning of the common market. Still, it did focus on the rights of *individuals* derived from the Treaty of Rome as *more* than an international treaty.[12] Thus, through a more marked notion of membership a supranational conception of citizenship emerged, possibly creating the impetus for later discussions on European identity, culture and citizenship. The membership assertion was furthered in subsequent free movement legislation towards the end of the initial phase of European integration. Even though the focus was still on economic integration and creating a common market, several of these legislative acts emphasised free movement as a *fundamental right* of citizens-as-workers.

In terms of the time frame, the vocabulary thus shifted from no explicit mentioning of rights in the treaties, via acknowledging the link between citizens and the Community as a legal-political entity through certain rights, to perceiving these as fundamental for traversing boundaries between markets, if not the settled territorial borders of nation-states. These findings point to an increasing awareness of the citizens *qua* individuals already in the first phase of European integration. Still, the prevailing impression is anyhow one where the citizen in the initial phase of European integration was secondary to the aim of integrating states. The integration of workers and citizens seems mainly to have been a *facilitator* for the macro-political aim of market integration and peace-building in Europe. This is further highlighted by the fact there were no *duties* to participation inherent in these conceptions of citizenship. The emphasis was always on how the political or collective unit – the Community – could *facilitate* participation in the Common Market. Again, this is indicative of the very partial conception of citizenship geared mainly towards limited rights linked to the function of work. The analysis has thus showed that the image of the citizen was not at the forefront of integration efforts – conceptions of citizenship rather developed as the scope of principles and policies gained practical momentum. Citizenship in this phase was then not so much a practice in itself, as a very partial, derivative individual status dependent on emerging legal, legislative and political practices within the system.

Thus, the analysis of four events, instances and junctures in the first phase of European integration can be summarised as in the following table:

[12] This was highlighted in *Van Gend en Loos*: "The objective of the EEC Treaty, which is to establish a common market, the functioning of which is of direct concern to interested parties in the Community, implies that this Treaty is more than an agreement which merely creates mutual obligations between the contracting parties. This view is confirmed by the Preamble to the Treaty which refers not only to governments but to peoples. It is also confirmed more specifically by the establishment of institutions endowed with sovereign rights, the exercise of which affects Member States and also their citizens. Furthermore it must be noted that the nationals of the states brought together in the Community are called upon to cooperate in the functioning of this Community through the intermediary of the European Parliament and the Economic and Social Committee."

Table 2. Conceptions of Citizenship in European Integration, 1951-1971

	Significance of event – logic of integration	*Dimensional assertion*	*Overall conception of citizenship*
ECSC (1951)	Institutional establishment of European integration Highly sectoral and technocratic	Exclusive focus on individuals as coal-and-steel-workers, and to some extent as consumers *Rights* to movement linked exclusively to function and *participation* in labour	Partial, sectorally defined embryonic citizenship
EEC (1957)	Institutional establishment of European Economic Community Broadly market-based	Focus on individuals as workers But tension because principle of non-discrimination in its first approximation (art. 7) transcends the notion of the worker and focuses merely on nationality Free movement *rights* explicitly linked to workers and to facilitate *participation* in the inner market	Fundamental market citizenship
ECJ judicial activism (1960s)	Legal interpretations of relation between Community law and national law as well as individual rights deriving from the treaties	*Rights* linked to economic enterprise/*participation* and the functioning of the common market Assertion of direct effect of European *rights* in nation-states	Citizenship-as-rights for workers
Free movement legislation (1960s-70s)	Legislative measures building on the free movement provisions of the EEC Treaty	*Rights* still linked primarily to workers Some tendencies towards emphasising rights *qua* individuals Transnationalising *membership* through rights of residence in second countries, but still qualified through prior work in the territory.	Qualified citizenship-as-residence

Concluding Remarks

In general terms, the analysis of this paper has demonstrated how facets of citizenship crystallised around certain dimensions – be it in explicit or implicit fashion – creating a link between individual citizens and the emerging European political system. Connecting to broader debates on citizenship – national, European and global – the question of what the analysis further entails can be raised. Can we interpret the creeping emergence of citizenship issues in the EU as a nascent post-national citizenship (see Habermas 1996, 1998; Curtin 1997)? Was it already in the initial phase of integration pointing towards what Gerstenberg (2001: 312) has deemed "[the] promise to release the ideas of citizenship and democracy from territorial sovereignty and shared nationality"? Or, is it rather indicative of conceiving citizenship in ways which empties it of substantial content – of the means for meaningful political communication among citizens – and renders it, in the words of Thaa (2001), as a "lean citizenship"?

The analysis of this paper has merely provided a first conceptual overview of the *kinds* of conceptions of citizenship that can be interpreted from the initial period of European integration. To answer the above questions in a cursory manner, what this analysis has illuminated is the strong emphasis on the individual citizen in the founding period of the EU as an actor in *private*, in something approximating a Hegelian civil society of economic matters, shielded from the *public* character of a democratic citizen (Hegel 1952 [1821]). It is therefore closer to a "lean citizenship" – in this case a fractional status within the realm of the market – than a genuinely political citizenship beyond and above the nation-state. This is, however, not surprising, given the market impetus of European integration in the period at hand. But, what has also been shown is that different dimensions of citizenship – especially rights and participation through the link to work and free movement – no longer were circumscribed exclusively by the borders of nation-states.

A final methodological caution and remark is, however, warranted. The analysis in this paper is preliminary and rudimentary insofar as it has had a narrow focus in terms of sources. These have been drawn from treaties, case law and legislative acts within the Community system. As these can be seen as the official institutional, political and judicial expressions of the Community, they provide *some* important clues to the puzzle regarding what kind of conceptions of citizenship that emerged within European integration in the period analysed. Still, a potential criticism could certainly be that this provides a too narrow understanding of "incipient" European citizenship. Granted, a deeper and broader understanding of citizenship within the process would require looking not only at these official – and in a sense final – sources, but also at preparatory documents and reports, as well as, if available, debates involving different actors. Finally, the reception of these legal frameworks, judicial verdicts and policies in press and public debate could also shed light on the issues of citizenship that were raised in the initial phase of European integration. The analysis of this paper has thus only provided some first clues which would need to be backed up and corroborated or refuted by more diverse sources of data. Having stated this methodological caution, the paper has nevertheless brought about some important insights that provide a starting point for investigating subsequent developments of explicit citizenship politics within European integration from the Copenhagen Summit in 1973 and onwards.

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