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CHAPTER 5: Hostile Hospitality and the Criminalization of Civil Society Actors Aiding Border Crossers in Greece



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ABSTRACT

Civil society actors aiding border crossers in Europe have been subject to systematic criminalization through prosecutions and attempted prosecutions, extensive police harassment, public scapegoating, and the imposition of bureaucratic barriers. We seek to explain why this is occurring through the analysis of field research data, collected in Greece between 2017 and 2019, through the lens of Derrida's concept of "hostile hospitality." We develop a theoretical framework with three key features: first, the demarcation between insider and outsider that lies at the core of notions of hospitality; second, the constitutive relationship between hostility and hospitality that is closely related to notions of sovereignty; and third, the primacy of state definitions of hospitality, which subordinate private and collective hospitality practices. This explanatory framework guides the analysis of two case studies from our fieldwork: the criminalization of solidarity initiatives providing accommodation in squats in Athens and Pikpa camp on Lesbos; and the criminalization of boat-spotting and search and rescue activities on Lesbos. We conclude that civil society actors aiding border crossers in Greece are criminalized because they challenge and interfere with state policies and practices of hostile hospitality.

KEYWORDS

hostile hospitality, border crosser, Greece, civil society, criminalization, refugee crisis

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Introduction

An ongoing campaign by the human rights organization Amnesty International (2019) states:

in Greece, you can go to jail for trying to save a life. It happened to Seán Binder, 25, and Sarah Mardini, 24, when they helped to spot refugee boats in distress. They risk facing up to 25 years in prison.

In August 2018, Binder and Mardini, who were volunteering with the Emergency Response Centre International (ERCI) on the Greek island of Lesbos, were arrested, detained for 100 days in prison before being released on bail, and charged with “people smuggling, espionage and membership of a criminal organization” (Smith 2018). Amnesty International’s (2019) call for action ends by accusing Greece of “criminalising humanitarian workers” and claiming that “solidarity is not a crime.” This case, which we will return to in our findings section, exemplifies the rising trend in Greece and throughout Europe of states and authorities criminalizing civil society efforts to aid border crossers, despite the role played by civil society actors (CSAs) in supporting state responses during the initial phases of the “refugee crisis” and the continued frequent cooperation between many CSAs and state actors (Vosyliūtė and Conte 2019).

In this chapter, we seek to analyze and explain why CSAs aiding border crossers in Greece are being criminalized, a phenomenon occurring within the context of the so-called “refugee crisis” that started in 2015 with the arrival of over 860,000 migrants and refugees in Greece. Due to the contested nature of many of the terms used throughout this chapter, we will begin by clarifying what we mean by each. We refer to the “refugee crisis” in quotation marks due to the charged nature of the term, which stigmatizes migrants and refugees, carries “unnecessarily alarmistic” connotations, and legitimizes the imposition of exceptional measures such as abdicating responsibilities to non-state actors and streamlining asylum applications in ways often constituting breaches to human rights regulations (Krzyżanowski et al. 2018, 3). We employ the term “border crossers” to refer to all people who have recently arrived in Greece and are living in unsettled conditions (such as in government camps or irregular squats). This term encompasses the variety of the population under study and lacks the bureaucratic and value-laden meanings that accompany the terms “refugee,” “asylum seeker,” and “migrant.” We understand the “state” as a multidimensional entity comprised of central government, regional and local authorities, police forces, and civil servants, which do not necessarily pursue the same interests (King and Lieberman 2009). We neither seek to

idealize civil society nor to demonize the state, but to analyze the points at which they clash.

We define “civil society” and CSAs as a broad category including both formal and informal organizations and mobilizations, such as NGOs, grassroots organizations, volunteers and individuals, social movements, and solidarity groups (Edwards 2015). Solidarity groups are particularly salient to the Greek context and to our case studies. Solidarity evolved in Greece from being “anti-middlemen” initiatives responding to Greece’s 2009 economic crisis and following period of debt and austerity to being a network of, often free, solidarity initiatives attending to immediate needs such as food, housing, and medical care in the forms of soup kitchens and social pharmacies, for example (Papataxiarchis 2016b; Rakopoulos 2015; Rozakou 2016). The solidarity movement further grew and transformed across Greece in 2015 in response to the new “refugee crisis” and was instrumental in providing necessary aid and services for border crossers (Evangelinidis 2016, 33; Rozakou 2016). Solidarity remains a contested concept, alternately characterized by sociality, understood as the informal formation of social associations, informality (Rakopoulos 2015, 86), spontaneity (Leontidou 2014), inclusivity, egalitarianism, and disinterested mutual aid which was originally non-hierarchical (Rozakou 2016). It is driven by both politics, in its aim to challenge oppression and create avenues for political resistance (Vaiou and Kalandides 2016) and desire for mutuality and connectedness (Rakopoulos 2016). Solidarity initiatives have also been the subject of criticism for appearing too much like philanthropy (Rakopoulos 2016; Theodossopoulos 2016; 2020), collaborating with bureaucratic institutions and state actors (Arampatzi 2016), and threatening the sovereignty of locals (Papataxiarchis 2016b). In this chapter, we use the words “solidarity” and “solidarians” to refer to actors who conceive of themselves as such in their anti-hierarchical and politicized efforts to aid border crossers in terms of radical inclusivity and equality.

Finally, we define “criminalization” as the social and political phenomenon by which a specific activity or social group is systematically targeted through judicial, bureaucratic, discursive, and other methods emanating primarily from the state, with the intention of ending that activity or disenfranchizing that group (Muncie 2008; Palidda 2011). The criminalization of CSAs has been the subject of a growing number of studies that has emerged in recent years and has been framed in a wide variety of ways, including the “crackdown on NGOs and volunteers” (Vosyliūtė and Conte 2019), “policing humanitarianism” (Carrera et al. 2018), “criminalization of solidarity” (Fekete et al. 2017), “shrinking civil society spaces” (Szuleka 2018), and “blaming the rescuers” (Heller and Pezzani 2017). The wide range of terms employed to describe this phenomenon risks a lack

of comparability between studies. This is compounded by the wide range of methods through which CSAs are targeted by state authorities that are described and analyzed within these studies. These include incidents of police harassment, the imposition of bureaucratic barriers, sanctioning through administrative penalties and fines, public scapegoating, and prosecutions and attempted prosecutions of individuals. In response, we subsume and analyze all the different ways in which civil society aid is targeted and marginalized by state authorities under the term “criminalization” according to the definition stated above. In this way, we recognize that the range of ways in which CSAs have been impeded in their work by state authorities are constitutive of the same phenomenon through which CSAs are, explicitly and implicitly, treated as criminal.

Furthermore, despite the range of methods used to criminalize CSAs, causal narratives within the literature tend to focus on cases involving legal criminal charges, such as in the case of Binder and Mardini. Most of these cases are based on legal provisions from the European Council Facilitation Directive (2002/90/EC), which was created to tackle human smuggling but has facilitated the criminalization of CSAs due to its ambiguous legal formulation (Schack 2020). As a consequence, a dominant narrative within the literature is that the criminalization of CSAs aiding border crossers is caused by the unclear wording of the facilitation directive and the resulting public association between CSAs and human smuggling (Carrera et al. 2018; Fekete et al. 2017). This, however, does not account for the wide range of other methods in which CSAs are targeted, often separate from any accusations of smuggling. Rather, it appears that the ambiguous formulation of the facilitation directive functions as a tool, rather than a cause, of criminalization. Why, then, are state authorities criminalizing CSAs assisting border crossers?

In this chapter, we seek to answer this question and fill the gap in the literature regarding causal explanations of criminalization through the analysis of our qualitative field research findings conducted between June 2017 and July 2019 in Greece. We analyze our findings on the criminalization of CSAs through the lens of Derrida’s writings on hospitality, based on Kant’s writings on cosmopolitanism, and, in particular, his notion of “hostile hospitality” (Derrida 1999). This concept of hostile hospitality has been utilized in a range of literatures to analyze issues such as immigration, ethics, and statehood in a variety of specific contexts. We further appropriate and develop the concept to elaborate a theoretical framework based on Greek thought on hospitality and some of Derrida’s core ideas that appear particularly useful for analyzing the current situation in Greece. We argue that hostile hospitality offers an analytical framework that reconciles apparently contradictory

approaches of state authorities, who both cooperate with and criminalize CSAs, and through which it is possible to formulate explanations for state actions. We identify three key features of (hostile) hospitality that inform the analysis of our research findings and, through this analysis, find that criminalization occurs when CSAs extend a form of hospitality to border crossers that is contrary to the state's or when their activities directly or indirectly challenge state practices of hostile hospitality, which are inextricably connected to notions of sovereignty.

In the next section, we develop our framework of hostile hospitality based on Derrida's writings and subsequent interpretations. In the section entitled "Context: Greek Hostile Hospitality and the Criminalization of Civil Society," we describe the context of the Greek response to the 2015 "refugee crisis" and illustrate how an analysis through the lens of hostile hospitality leads to a more nuanced interpretation of state actions toward border crossers. Finally, in the findings section, we present our fieldwork findings, focusing on two key case studies: the criminalization of solidarity initiatives providing accommodation in squats in Athens and the Pikpa camp on Lesbos; and the criminalization of boat-spotting and search and rescue (SAR) on Lesbos.

Theoretical Framework: Hostile Hospitality

The Greek conception of hospitality—or *filoksenia*, literally meaning love (*filia*) of the stranger (*ksenos*)—is considered an essential element of Greek tradition and "is at the core of how the Greek state represents itself" (Rozakou 2012, 565). As a specific cultural and historical value, it has been the subject of an extensive body of literature focusing on the role played by *filoksenia* in Greek identity and representations thereof as well as in everyday social life, often seen as underscoring a complex web of social rules and relations within and between Greek communities as well as with outsiders and strangers (Daskalaki and Leivaditi, 2018; Du Boulay 1991; Herzfeld 1987). However, rather than understanding hospitality as a "timeless essence" and "local cultural value," and thereby risking a "stereotypical" (Kravva 2014, 251) or mythologizing (Voutira 2016, 94) analysis of hospitality in Greece, we adopt Kravva's (2014, 251) approach of analyzing current modes of hospitality as a "reflecting mirror of the present political, social and economic situation in Greece"—in this case to further our understanding of state actions toward border crossers and civil society.

The notion of "hospitality" is not only relevant to the Greek context, but also underlies public, political, and media discourses of immigration and asylum throughout Europe today, in which the refugee, asylum seeker, and migrant are continuously cast in the

roles of the (worthy or unwelcome) “guest” to be accommodated by the (hospitable or inhospitable) “host” state (Gibson 2003). A growing body of academic literature employs Derrida’s writings on “hospitality” as a theoretical lens to analyze issues relating to migration and asylum in Europe (Derrida 1999; Gibson 2003; Rosello 2001; Rozakou 2012). We engage with these interpretations of Derrida’s writings on hospitality as well as with the Greek literature on *filoksenia* in order to elaborate three core features of (hostile) hospitality that constitute our theoretical framework.

The first feature of this conceptual framework is the demarcation between insider and outsider that lies at the core of notions of hospitality. According to Derrida, “hospitality presupposes, among other things, the possibility of a rigorous delimitation [. . .] between the foreign and the non-foreign, the citizen and the non-citizen” (Derrida and Dufourmantelle 2000, 47-49). This corresponds to the Greek notion of *filoksenia*, which also “sets the boundaries between outsiders and insiders” (Rozakou 2012, 565). Embedded within *filoksenia* are hierarchical “asymmetries and power relations” through which the guest is positioned as inferior to the host (Daskalaki and Leivaditi 2018, 61); “inclusions and exclusions” and restrictions on acceptable behavior (Kravva 2014, 255); and the imposition of social obligations of reciprocity (Voutira 2016, 87). Here also lies the key difference between hospitality and solidarity, both key “mode[s] of engagement with an ‘other’” (Papataxiarchis 2016b, 207): the hierarchies and obligations underlying hospitality make solidarity, which is rooted in anti-hierarchical ideals of equality, their “rival” (Theodossopoulos 2020, 142). The notion of hospitality inevitably maintains within it the unequal differences between the guest and the host, the citizen and the foreigner, the self and the other.

The second feature of our framework refers to the constitutive relationship between hostility and hospitality, which is closely related to notions of sovereignty and is expressed in state policies of, inevitably, hostile hospitality. Similarly, *filoksenia* constitutes a “practice of sovereignty and control over the stranger” (Rozakou 2012, 565) and is cyclically related to hostility (du Boulay 1991, 37). Derrida (1999) distinguishes between an absolute ethics of infinite and unconditional hospitality, based on Kant’s writings on the laws of cosmopolitan hospitality, and a politics of finite and conditional hospitality. For Derrida, “absolute hospitality” is an idealized concept that is “impossible as it undermines the very condition of a nation or state, which is constituted through the erection of frontiers and borders” (Gibson 2003, 374-75). Politically, however, there are “laws of conditional hospitality,” a politics of hospitality that is inscribed into the laws of a nation (ibid.: 374). This politics of hospitality is

inevitably one of hostile hospitality. This is because there can be “no hospitality, in the classic sense, without sovereignty of oneself over one’s home, but since there is also no hospitality without finitude, sovereignty can only be exercised by filtering, choosing, and thus by excluding and doing violence” (Derrida 1999, 55). Just as the notion of hospitality holds within it a hierarchical dichotomy between insider and outsider, the extension of hospitality necessitates the exercise of hostile practices of exclusion. Hostility and hospitality, which share the same roots in Latin, are therefore intrinsically intertwined, and the laws of hospitality practiced by the state are inevitably laws of hostile hospitality due to the fundamental nature of the sovereign nation-state.

If hostile hospitality is the inevitable expression of hospitality extended by the state, what of hospitality extended by individuals and non-state actors? The third feature of our conceptual framework of (hostile) hospitality refers to the subordination of private practices of hospitality to state definitions of hospitality. Rosello (2001) differentiates between “state hospitality” and “private hospitality” in France. She analyzes the case study of Jacqueline Deltombe, who was found guilty in 1997 for hosting an undocumented immigrant, a crime punishable by up to five years in prison and a fine of 200,000 francs (Rosello 2001, 36). The highly publicized sentencing demonstrated that citizens are “implicitly required to abide by the laws of (in)hospitality dictated by the current philosophy of the nation, regardless of whether they correspond to his or her personal set of ethics” (ibid.: 35). Rosello (ibid. 36-7) concludes that the state therefore appears to have “a right to interfere” when “the official laws of hospitality” have been violated; therefore, “private gestures of hospitality are always a subcategory of national hospitality”. According to this interpretation of hospitality, a state’s politics of hostile hospitality subsumes all other forms, and private hospitality can only be offered to the extent that it does not challenge state hospitality. Those who do so become illegal hosts committing crimes of hospitality.

Rosello’s analysis of Jacqueline Deltombe’s case constitutes a precedent in the literature of a causal connection between criminalization and the extension of a form of hospitality that challenges state policies and practices of hostile hospitality. While Rosello’s case focuses on the criminalization of an individual exercising private hospitality, our chapter analyzes the criminalization of collective non-state actors, or CSAs, who, like Deltombe, offer hospitality to irregularized border crossers according to definitions not necessarily in line with that of the state. This includes actors exercising solidarity, thereby rejecting the inherent hierarchies of hospitality, and which most closely resemble Derrida’s idealized concept of unconditional, absolute hospitality. This forms the foundation of the causal

hypothesis that we examine in our case studies: CSAs aiding border crossers in Greece are criminalized because they extend a form of hospitality that interferes with, or challenges, state policies of hostile hospitality. The three key features of Derrida's hostile hospitality that we have elaborated above constitute the theoretical framework that guides the analysis of our research findings.

Context: Greek Hostile Hospitality and the Criminalization of Civil Society

Oikonomakis (2018) divides the Greek "refugee crisis" into two distinct phases. The "first phase"—or the "long summer of migration"—began in 2015 when over 800,000 border crossers entered Greece (UNHCR 2019a). During this period, starting in spring 2015 and ending on March 18, 2016, with the signing of the EU-Turkey Agreement, the border crossers were primarily in transit through Greece—the majority arriving by boat on the Aegean islands and journeying to Northern Europe via the Balkan route (Oikonomakis 2018, 65-6). During this first phase, the Greek government, unprepared for the arrivals and already facing "the largest financial and social crisis in its modern history," appeared to step back and allow the solidarity movement to "take charge" of the response (Ibid., 66). Greek solidarians were further joined by large numbers of international organizations and thousands of volunteers who came to Greece to help border crossers, with reports of over one hundred NGOs operating on Lesbos island alone (Papataxiarchis 2016a; 2016b).

In September 2015, the Balkan route from Greece to Northern Europe began to close through the erection of fences and the deployment of border guards. It was closed completely by March 18, 2016, with the signing of the EU-Turkey Agreement, which determined that border crossers were to remain in Greece to either receive asylum or be deported to Turkey. This definitively marked the beginning of the second phase of the "refugee crisis" (Oikonomakis 2018, 68). The EU-Turkey Agreement and the closing of the Balkan route changed Greece from a country of transit to one of indefinite stay, transforming the nature of hospitality the Greek state was required to extend and trapping border crossers on the islands and mainland (Papataxiarchis 2016c). Previously, due partly to a case at the European Court of Human Rights that proved Greece was unable to offer suitable reception to asylum seekers, and because of geopolitical changes within Europe, many Northern European countries had suspended sending back asylum seekers to Greece, which they were legally eligible to do under the Dublin III Regulation. This, coupled with the large number of border crossers transiting Greece, meant that in 2015, Greece had only been required to temporarily host border crossers in transit. Since the spring of 2016, however, Greece has been obliged to

accommodate long-term residents applying for asylum. Furthermore, the obligation of not only sheltering and providing the basic needs of the border crossers, but also to offer asylum and thereby commit to longer-term hospitality, was one imposed by external actors through the agreement between the EU and Turkey as well as through international laws embodied in human rights and refugee conventions. As the ability to determine who may enter and remain on one's territory lies at the core of notions of national sovereignty, these developments may be understood as limits posed to Greek sovereignty. Greek anxieties over the loss of national and local sovereignty in light of the "refugee crisis" were further compounded through the imposed "regime of supervision by 'institutions'" as well as the role played by foreign NGOs and "solidarians" imposing their presence on local communities (Papataxiarchis 2016b, 6).

This second phase of the "refugee crisis" marked by the transformation of hospitality required of Greece, was also accompanied by an increase in hostile practices implemented against border crossers. We understand this as an attempt to re-exert sovereignty and control, for, as Derrida puts it, while hospitality cannot be extended without sovereignty, "sovereignty can only be exercised by filtering, choosing, and thus by excluding and doing violence" (1999, 55). This constitutes the dual character of hostile hospitality, which, due to the nature of the nation-state, is the inevitable expression of state hospitality. Greek hostile practices toward border crossers have been the subject of a number of reports. Pushbacks, constituting violations of international asylum law, were reported both by Turkey, who accused Greece of illegally deporting about 60,000 migrants to Turkey between 2017 and 2018 (Douglas 2019), and by the Greek Council for Refugees (GCR 2018), who reported that systematic and violent pushbacks were being carried out at the land border with Turkey. Furthermore, unsafe conditions for border crossers in state accommodations have been reported by a number of sources (Council of Europe 2018; Papadimas 2019), exemplifying Greece's politics of hostile hospitality, in which the country accommodates vast numbers of border crossers while simultaneously implementing policies and practices of hostility. Throughout, a bureaucratic asylum and physical reception infrastructure constantly delimitates the distinctions between "guest" and "host."

The second phase also signaled a harsher state approach toward CSAs. While sporadic incidents of criminalization of CSAs had occurred previously, it became increasingly systematic in the immediate lead-up to the EU-Turkey Agreement. For example, in January 2016, five volunteer sea rescuers were arrested and charged with human smuggling and weapon offenses. In February 2016, the government passed the law 4368/16, which facilitated the prosecution of CSAs for offering "food or shelter outside the legal

boundaries” and the eradication of facilities, leading to the destruction of three self-organized shelters in Thessaloniki, whose occupants were prosecuted for property code infringement (Maccanico et al. 2018, 18-21). Since the EU-Turkey Agreement, over fifty-three cases of judicial prosecutions and investigations against CSAs were recorded in Greece, while reports of police harassment of volunteers and the public scapegoating of NGOs have proliferated (Vosyliūtė and Conte 2019, 31).

Analyzing the Greek state’s approach to the “refugee crisis” through the lens of hostile hospitality offers explanations for why the response changed throughout its two principal phases. The framework reconciles the apparently contradictory situation in which Greece has, on the one hand, hosted a vast number of border crossers, far more than many other EU states while, on the other hand, implementing hostile policies and practices. But why are CSAs, who appear to support the state in aiding and providing for the border crossers, being criminalized? In the following section, we analyze data gathered through field research conducted in Greece to examine how our framework of hostile hospitality can help explain the state’s criminalization of CSAs.

Findings

The authors each conducted qualitative and ethnographic research using multiple methods in order to triangulate the data: participant observation, semi-structured and focus group interviews, and in-depth reviews of secondary sources including media reports, public statements, and legislation. Answering Nader’s (2008) call to “study up, down and sideways simultaneously” in order to represent a fuller picture of a phenomenon, interviews were carried out with directors and representatives of CSAs and authorities as well as with volunteers and aid workers on the ground. Both myself and my co-author conducted participant observation by volunteering alongside border crossers and other volunteers on Lesbos. Laura Schack conducted fifty interviews in Lesbos, Athens, and Thessaloniki in the summers of 2018 and 2019, while I conducted prolonged fieldwork between June 2017 and July 2018 and collected seventy interviews in Athens and Lesbos and, later in 2019, via Skype. We both conducted semi-structured interviews between thirty and 120 minutes long, and collectively held hundreds of informal conversations. Interviewees were asked to describe their roles and experiences, relationships with other actors, and the obstacles they face in conducting their work. Each author contributed data to both case studies, and findings were synthesized through shared raw data and joint coding.

My co-author and I obtained ethical clearance through their respective institutions,

employed informed consent forms for interlocutors and, where appropriate, anonymized the data. In the following section, information and citations from interviews are referenced according to the location of the interview and the role of the interviewee, for example: (Lesvos, CSA).

We analyze two case studies: solidarity initiatives providing accommodation in the form of squats in Athens and the Pikpa camp on Lesvos; and search and rescue (SAR) activities on Lesvos. We then present more general findings on the cooperation and tension between state actors and CSAs. In order to evaluate the explanatory strength of our hypothesis—that CSAs aiding border crossers in Greece are criminalized because they extend a form of hospitality that interferes with, or challenges, state policies and practices of hostile hospitality—we analyze our findings through the lens of our theoretical framework of hostile hospitality. We accordingly seek to answer the following questions in our analysis: what are the relationships between CSAs and state authorities, and how has criminalization occurred? How do the CSAs extend hospitality to border crossers? And how do their activities interact, or interfere, with state policies and practices of hostile hospitality?

Case Study I: Solidarity Initiatives Providing Accommodation Spaces in Pikpa Camp and Athens

There are a wide variety of solidarity spaces and squats housing border crossers across Greece. In this chapter, we focus on Pikpa camp on Lesvos and squats, particularly City Plaza squat, in Athens. By providing accommodation, these initiatives are very literally extending hospitality to border crossers and are doing so outside the state reception infrastructure of camps and subsidized formal housing. These solidarity spaces are organized through collective decision-making and the division of roles and tasks between solidarians, international volunteers, and border crossers alike.

Greece has a strong anarchist and anti-government movement, which began squatting abandoned buildings in Athens in the 1980s (Kritidis 2014, 63-94). Many of the squats are now run and operated by CSAs and border crossers. The most well known of these squats, in the building of the former City Plaza hotel, was occupied from April 2016 and, with a capacity of 400, hosted approximately 2,500 border crossers over the course of three and a half years. On Lesvos, Pikpa, with a capacity of 120 persons, is an informal self-organized camp run mainly by international volunteers, which has been hosting thousands of border crossers since 2012, especially the most vulnerable, including families, torture victims, and LGBTQ+ people referred by the UNHCR, the United Nations Refugee Agency. In

emergencies at Moria camp, Pikpa is regularly asked by the authorities, particularly the police, to temporarily take in more residents. As we heard from one organizer: “the police essentially want Pikpa to fill the gap, to act as a pressure valve” (Lesvos, CSA). Pikpa’s organizers emphasize their desire to maintain a good relationship with state authorities.

However, despite this cooperation with the police and the fact that both Pikpa and squats such as City Plaza relieve pressures on the state by providing accommodation to significant numbers of border crossers, both Pikpa camp and the squats in Athens have been criminalized by state actors and have operated under continual tensions with local authorities and the repeated threat of eviction. City Plaza closed on July 10, 2019, three days after the election of the New Democracy party, some of whose high-ranking members had “made daily references to the ‘lawlessness’ of Plaza” (City Plaza 2019). City Plaza made the decision to close on its own, under the belief that the new government would evict the squat within its first ten days in power. However, City Plaza had also been targeted by the previous SYRIZA-ANEL government, which had repeatedly tried to cut the squat’s access to electricity and water, and by the time City Plaza closed, it already had two court orders pending for its clearance. While it managed to avoid being forcefully evicted, in part due to its widespread support throughout Europe, many other less known squats were evicted, by both the New Democracy government since its July 2019 election and the previous SYRIZA-ANEL government (Athens, CSA).

Pikpa camp has similarly faced repeated threats of eviction. In May 2018, violence forced 1,000 Kurdish asylum seekers to flee Moria camp, which at the time was housing roughly 8,000 border crossers with a capacity of only around 2,400. Pikpa took in 350 of the people fleeing Moria, at the request of the police. At exactly that time, the Region of the North Aegean, the regional authority, sent a health inspector to the camp. They discovered a “broken net in the food distribution area, [a] leak in a water tank for the laundry machines and deficiencies [sic] in the common kitchen,” proclaiming Pikpa to be “dangerous to public health and the environment” and calling for its closure within fifteen days (Lesvos Solidarity 2018). The authorities refused to negotiate, even though the problems were fixed the next day. Ultimately, Pikpa was not forced to close. According to another interlocutor, this was because the Ministry of Migration in Athens intervened and “came out in public on TV to support [Pikpa], which helped” (Lesvos, CSA). This demonstrates the conflicting dynamics of cooperation and tension that exist not only between CSAs and the state generally, but also in the fact that a CSA can be in good standing with one state actor and not with others. However, while Pikpa appealed the order of closure, it was never repealed, and Pikpa was

eventually evicted in October 2020. One CSA told us, “it’s not being enforced, but it could be [. . .]. They could chuck us out tomorrow, if they wanted.” The interlocutor understood the “health and safety threat as a political move to try to shut down solidarity; Moria remained open despite diabolical health and safety conditions, while Pikpa, with a broken [food] net and a leaky washing machine, [was] told to close.” This was not the only case on Lesbos around that time; as the interlocutor recalled: “That summer there was a wave of attempts trying to close down solidarity projects, especially kitchens giving free meals to people living in Moria” (Lesvos, CSA).

Why are these solidarity spaces being criminalized through evictions and repeated threats of closure, especially when they appear to be aiding the state by providing necessary services that would otherwise have to be provided and financed by the state? In Pikpa’s case, the police on Lesbos even explicitly rely on its cooperation in crisis situations. We analyzed how these solidarity spaces interact and interfere with the state’s policies of hostile hospitality in order to understand why criminalization is occurring, and we found four key patterns.

First, just as Jacqueline Deltombe in Rosello’s (2001) case study offered hospitality to someone the state wished to exclude, these solidarity projects also extend hospitality beyond the limits of state policies of (hostile) hospitality. The initiatives include those border crossers the state may otherwise have chosen to exclude. The group Solidarity to Economic and Political Refugees, which founded and ran the City Plaza squat, chose its name consciously with the aim “to include everyone, and to show that they are all refugees and have to be protected” (Athens, CSA). City Plaza was open to all, including those who may have been unregistered, at risk of deportation, or had left the islands for the mainland without being officially transferred. As such, it, and other squats throughout Greece, offered hospitality to all border crossers regardless of state preferences and in opposition to state efforts to exert sovereignty through exclusion and filtering practices such as registration and deportation.

Second, these initiatives not only accommodate guests the state may wish to exclude, but they publicly challenge and contest state policies of hostile hospitality. In the statement City Plaza (2019) published following its closure, its representatives wrote:

City Plaza also served as a center for struggle. Aiming to internationally denounce the anti-refugee policies of the SYRIZA-ANEL government and the EU, we brought to the fore topics such as criminal responsibility for shipwrecks and loss of human life, the delay or obstruction of sea rescue, the practice of illegal pushbacks in Evros and the Aegean, the conditions of imprisonment in hotspots. City Plaza

hosted dozens of open discussions on the border regime, racism, the struggle for rights, often featuring contributions by well-known intellectuals from around the world.

From the beginning, City Plaza was conceived as not only a housing space, but as a site of political struggle and resistance that aimed to “politicize help” and “politicize solidarity” (Athens, CSA). City Plaza not only condemned Greek and EU policies of hostile hospitality, but did so before a large audience due to its significant following on social media. In its closing statement, City Plaza claimed that “without exaggeration,” it had become “the pan-European symbol which concentrated resistance to the racist and repressive migration regime of the EU” (ibid.). The solidarity movement and its squats thereby openly and publicly contest state, and EU, policies of hostile hospitality.

Third, by providing accommodation that is not only an alternative but often superior to that provided by the state, albeit for comparably much smaller numbers of border crossers, solidarity spaces highlight the poor conditions of state and local accommodation facilities, understood by interlocutors as a deliberate and hostile practice of deterrence. As one interlocutor at Pikpa camp said: “I think the reason they want to shut us down, is because we’re a bit of an embarrassment to them. We show the absolute poverty of the state’s approach” (Lesvos, CSA). The same interlocutor disclosed that a majority of interview requests they receive at Pikpa are from researchers interested in studying examples of “best practice” in how to run a successful refugee camp. These researchers perceived Pikpa as a model for what a successful camp could look like, in implicit contrast with the state-run camps on Lesvos. Similarly, City Plaza saw itself as an “example”: “so the housing part was much more an example. Much more an alternative against camps, against any kind of way that the state was choosing to do it” (Athens, CSA).

Fourth, and finally, while these solidarity initiatives extend hospitality to the extent that they provide shelter and accommodation to border crossers, the philosophy behind the term “solidarity” challenges the very notion of “hospitality”. “Solidarity” and solidarians emphasize an inclusive non-hierarchical and participative approach through which the initiatives, especially in the case of squats like City Plaza, ultimately cannot be differentiated from the border crossers they host. The divisions between guest and host, between insider and outsider, are continuously rejected, and the solidarity initiatives thereby challenge the very concept of “hospitality” itself, which inherently maintains these binaries, and therefore these solidarity initiatives contest the very boundaries upon which notions of statehood, nation, and sovereignty are based.

Case Study II: Boat-spotting and SAR on Lesbos

After the implementation of the EU-Turkey Agreement in March 2016, the number of border crosser arrivals dropped dramatically, yet there are still, up to the time of writing in 2020, boats arriving. In 2019 alone, the number of people who landed totaled over 69,000, 24,000 of them arriving to Lesbos (UNHCR 2019a). The Turkish Coast Guard polices the Turkish waters, while the Hellenic Coast Guard and the European Border and Coast Guard Agency (Frontex) police the Greek waters. According to international law, migrant boats intercepted on the Turkish side must be returned to Turkey, while those intercepted on the Greek side must be brought to Greece.

In most cases, border crossers make the journey at night in order to evade the Turkish Coast Guard ships. Despite the relatively short distance between Turkey and the Aegean islands—in some places less than five kilometers of sea separates them—border crossers regularly drown attempting the journey. There were seventy-one deaths reported in 2019 and eleven deaths, including eight children, occurring within the first fortnight of 2020 (Winter 2020). Many boats carrying border crossers arrive at Greek shores without detection by Turkish or Greek authorities, and these landings can be very dangerous due to rocks and unsafe waters. For these reasons, many formal and informal SAR and boat-spotting CSAs began operating in 2015. SAR groups actively conduct missions in the sea by boat to rescue dinghies in distress, while boat-spotting groups remain on the mainland and keep a look out for boats attempting to reach Greece. They inform the Hellenic Coast Guard of any boats they spot and meet the boats that arrive at shore with a team who provide dry clothing, food, and water and often including medical professionals who treat shock and hypothermia among border crossers. Interlocutors felt that conducting these activities was necessary in the face of state failure to do so; according to one: “There’s no need of search and rescue from civil society if authorities and Frontex were able to cover their task [. . .] but they miss a lot of boats coming through” (Lesvos, CSA). The number of people and groups providing assistance has decreased since 2015, due to both decreasing numbers of arrivals after the EU-Turkey Agreement and the criminalization of these activities. In June 2019, there were only two civil society groups conducting SAR in the sea, operating in close cooperation with the Hellenic Coast Guard, and a small number of groups conducting boat-spotting operations at night.

SAR and boat-spotting activities have been the target of systematic criminalization. Five volunteers, consisting of two Danish citizens and three Spanish firefighters working with the CSA Proem-Aid, were arrested in January 2016, only hours after rescuing fifty-one

border crossers off the coast of Lesbos. They were accused of facilitating human smuggling by Mytilene's Prosecutor's Office and the Hellenic Coast Guard. This occurred on the same day that the Hellenic Coast Guard was coordinating with Proem-Aid (Carrera et al. 2018). The accused were acquitted over two years later in May 2018. However, such "misguided prosecutions have not stopped with this acquittal" (ibid., 73). In August 2018, two ERCI volunteers, Sarah Mardini and Sean Binder, were arrested and charged with "people smuggling, espionage and membership of a criminal organization" and detained for one hundred days in prison before being released (Smith 2018). ERCI conducted a variety of activities on the island. For example, they conducted SAR in Southern Lesbos, offered medical aid in Moria camp, and worked in the Kara Tepe camp with children and offered washing services (Lesvos, 2019). Following the arrests, ERCI terminated its operations. The case is ongoing and, according to an interview with a lawyer who is representing two other volunteers being investigated in association with the case, involves a total number of thirty-seven individuals: eight being investigated as leaders of a criminal organization, twenty-two as members of the criminal organization, and seven as accomplices (Lesvos, lawyer).

Alongside these criminal investigations, volunteers conducting boat-spotting activities face systematic harassment by Coast Guard and Frontex police officers who also patrol the shoreline at night. This was reported by all boat-spotting volunteers interviewed in 2018 and 2019, suggesting a pattern of systematic harassment. One respondent described her experiences of border monitoring at night.

Quite often [the police] come see what we are doing—they are very confrontational. They try to get our IDs off of us, ask us what we're doing here, who we are, with what organization, et cetera. We have to open the back of the car and show them what we have got. We show them that we're giving people water and socks [. . .]. I don't understand why the police have to be so confrontational and aggressive towards volunteers. (Lesvos, CSA)

Another volunteer said that the police officers treated them like "criminals, or suspected criminals" (Lesvos, CSA), while another interlocutor described the kind of questions they were asked:

[They] shine lights in your face and ask us repeatedly: what are we doing? Do we know anything? When is the boat coming? Trying to catch us with information that we don't have. (Lesvos, CSA)

Several volunteers felt that the officers were trying to trick them into making statements and

giving information that would make it seem like they were cooperating with, or in contact with, the smugglers.

However, unlike squats such as City Plaza, CSAs conducting SAR and boat-spotting activities cooperate extensively with the authorities. Boat-spotting groups immediately contact the Hellenic Coast Guard when they spot a boat, and some even share WhatsApp groups with the Coast Guard in order to inform them of boat sightings and share locations. In an interview, a Coast Guard officer in Mytilene described their relationship with Refugee Rescue, a CSA conducting both SAR and boat-spotting activities:

We actually have very good communication with the captain [. . .]. Refugee Rescue is included in the contingency plan, they are under our instructions when there is a case. (Lesvos, coast guard officer)

One of the features of the ERCI case that particularly confused interlocutors on Lesvos was the fact that ERCI had appeared to have a close relationship with state authorities. According to a former ERCI volunteer:

ERCI always tried to stay on good terms with the authorities [. . .] ERCI was really like “The authorities are always right” [. . .]. It was a heavy cooperation—you didn’t do anything without the Coast Guard’s permission. (Lesvos, CSA)

Considering this systematic cooperation between the authorities and CSAs conducting SAR and boat-spotting activities, what are the reasons behind the criminalization of these activities? One dominant narrative among interlocutors was that SAR teams and boat-spotters surveil the Aegean Sea, Europe’s external border, a contentious space in which state actors may wish to carry out policies and practices of hostility for which they do not want witnesses. A volunteer lawyer saw these dynamics playing out in the Proem-Aid case.

With the Proem-Aid case, the police scared them off with fake charges. We all knew that they would be acquitted [. . .]. The Proem-Aid boat was not able to work here for two years. I look at it in the political meaning. [Proem-Aid] did a great thing, but they were watching what the Coast Guard was doing and reporting about it. So [the authorities] put them under investigation, deport them back to their own country, and charge them with very big crimes. [The authorities] have no evidence but they charge them, scare them off, and don’t allow them to work anymore. Because [they] don’t want anyone to monitor the sea at night. Because we don’t know if the Greek coast guard sends people back to Turkey. (Lesvos, volunteer lawyer)

Several interlocutors involved in boat-spotting mentioned that part of their work involved watching the coast guard and, if necessary, reporting any illegal activity. One interlocutor said that by preventing most civil SAR activities, “it’s like they took away all the witnesses in the sea,” and that boat-spotters check from the shore, to “[make] sure they don’t act in a wrong way, like pushbacks, or [when] they don’t pick up the boats and just follow them to shore” (Lesvos, CSA). In a recent example of such witnessing and reporting, two SAR and boat-spotting CSAs reported a pullback incident in July 2019, in which the Turkish Coast Guard forced a boat back out of Greek waters, while “Dutch and Portuguese Frontex vessels were on scene within visual distance, and stood by without interfering” (Are You Syrious? 2019). One of these NGOs was the human rights monitoring group Mare Liberum, which operates a boat in the Aegean, and aims “to observe, document and draw public attention to the dangerous situation at the European border between Turkey and Greece” (Mare Liberum 2019). In an interview, a crewmember of Mare Liberum also described how they are harassed by police and coast guard officers at every port they dock at in the Aegean islands. One watchdog CSA claims that

illegal returns of refugees under the eyes of Frontex and NATO are more likely to happen in the absence of civil rescue boats who can document human rights violations on the sea. (Alarm Phone 2019)

This idea that state actors do not want people observing and watching the border space of the Aegean Sea—which may in turn hinder the ability of the state to carry out hostile practices of exclusion without public attention—was a widespread explanation for the criminalization of SAR and boat-spotting activities among CSAs on the islands. The ERCI arrests were generally understood as an attempt to scare volunteers and organizations away from these activities, which, to a large extent, appeared to be successful. One interlocutor spoke about how the ERCI arrests affected boat-spotting activities on Lesvos.

One organization pulled out from the night shift, and then the other one did as well, and then ERCI closed. So now it’s only us [. . .]. Individuals get afraid of doing [the night shift] because they don’t want to risk getting into trouble. And some organizations don’t allow their volunteers to do night shifts anymore because of the risks. (Lesvos, CSA)

According to these perspectives, the principal reason for the criminalization of SAR and boat-spotting CSAs appears to be less related to their actual activities with border crossers,

but rather related to their positioning at the border and their ability and willingness to witness and speak out about the activities of border authorities. The border constitutes the site at which key state practices of hostile hospitality—relating to sovereignty and the ability to determine who enters state territory—takes place. The presence of CSAs acting as watchdogs limits the ability of border authorities to act with impunity and exerts pressure on them to adhere to international maritime and asylum law.

Finally, while the civil society initiatives analyzed in the first case study are largely led by the Greek solidarity movement, SAR and boat-spotting CSAs, including Proem-Aid and ERCI, tend to be comprised of mostly international non-Greek volunteers. This adds a further dynamic to this case study in which hospitality is extended by CSAs through the literal welcoming by non-Greek citizens of border crossers at the shores of Greece. If criminalization is a consequence of interference with state practices of hostile hospitality and constitutive attempts to exert national sovereignty, then the interference of foreign non-state actors must compound the matter.

Cooperation or Criminalization?

In order to understand state perspectives, both authors also interviewed representatives of authorities, including Frontex, the Hellenic Coast Guard, UNHCR, and bureaucrats in local, municipal, and national authorities. We found that, to the extent that they were aiding state efforts, CSAs were understood to be welcome in the field. For example, a senior advisor working for the municipality of Mytilene described his perception of CSAs.

There were organizations and NGOs, small NGOs, that were created out of this crisis, that were really helpful, and they did collaborate with the municipality. But also there were organizations with a different agenda, who were people just coming here [...] for the donations. (Lesvos, local authority representative)

The idea that many CSAs are motivated by financial reasons was a popular narrative repeated throughout conversations with state actors as well as local citizens. The same interlocutor also talked about the Proem-Aid case and civil SAR in general.

Again, you have to work within the context of the official state approach [. . .]. So everything has to be under the umbrella of the Ministry of Migration, of the center state, the Hellenic Coast Guard—they know the official [procedures].

According to the interlocutor, cooperation would prevent problems, such as the duplication of efforts on Lesbos. Throughout the interviews with state actors, a dichotomous differentiation was maintained between the “good” CSAs that cooperate with the authorities and the “bad” ones that do not.

However, interviews with CSAs that work closely with authorities revealed that the majority of these interlocutors did not feel that they could speak to us freely about their work or openly criticize the authorities they were working with. The majority of these interlocutors would only be interviewed anonymously or were not willing to be interviewed at all. For example, one CSA working within a refugee camp on the Greek mainland wrote the following in a reply to an interview request:

We work at a government center and cannot compromise our position in any way by providing information that could damage our group; if we were truthful in the interview that would be the case.

Those organizations relying on good relationships with the authorities in order to be able to operate in certain spaces, such as inside camps or conducting SAR, risk being refused access to these spaces and the border crossers within them if they criticize or speak publicly against the authorities or against poor conditions inside the camps. This is enabled through the informal nature of much of the cooperation between state actors and CSAs, which means that cooperation, and access to border crossers in need of aid, can be terminated easily.

Civil society cooperation with the state’s migration management regime of hostile hospitality therefore appears to require both subordination and silence: CSAs are given the freedom to help in the “refugee crisis” to the extent that they are extending hospitality according to the state’s definition. CSAs who challenge or interfere with state policies and practices of hostile hospitality, however, face criminalization—such as through attempted prosecutions, attempts to shut down projects using health and safety regulations, or regular police harassment. As an interlocutor at City Plaza phrased it: “How important is the help that you give, and how problematic is the noise that you are making?” (Athens, CSA).

Conclusion and Discussion

While there have been many empirical reports and studies published about the criminalization of CSAs aiding border crossers in Greece and throughout Europe, there have been fewer explanations offered for why this is occurring. We have filled this gap by analyzing our research findings in Greece through our theoretical framework, which we

derived from Derrida's writings on the nature of (hostile) hospitality. This framework reconciles and helps explain apparently inconsistent state actions toward border crossers as well as the CSAs helping them. We have identified a number of ways in which CSAs aiding border crossers in Greece interfere with, and challenge, state policies and practices of hostile hospitality that support our hypothesis and offer an explanation for why CSAs are being criminalized despite their frequent cooperation with state actors and their contributions to accommodating and aiding the vast number of border crossers entering Greece irregularly since 2015. Through her analysis of Deltombe's case, Rosello concludes that private hospitality is always subordinate to the state's definition of hospitality, and that there is therefore no individual freedom or right to extend hospitality that is not in line with the state's approach. We can extend this conclusion: that civil society's interference with the state's regime of hostile hospitality results in the criminalization of collective actors.

We have found that hostile hospitality constitutes a useful explanatory framework for understanding the criminalization of CSAs aiding border crossers as well as state responses to migration movements. This contributes to a range of complementary literatures that seek to explain the behaviors of states toward border crossers and CSAs. Lopez-Sala and Barbero understand the criminalization of solidarity in Spain as "a new approach to irregular immigration and migration control tactics" and the result of intensified policies and practices of "crimmigration," defined as the criminalization of irregular migration (2019, 2). Through this perspective, CSAs are harassed and criminalized for their alliance with, and defense of, irregular migrants who are increasingly being constituted as criminals. Others have analyzed the responses of European states to the "refugee crisis" by focusing on the securitization of migration in Europe, through which border crossers have come to be framed as threats to security while borders have become increasingly securitized through intensified militarization, the deployment of security technologies, and an ever-growing security industry (Andersson 2015; Bigo 2002; Huysmans 2006; Rodier 2012). Through this perspective, CSAs can be understood as allies and supporters of the border crossers, the latter who constitute perceived threats to national and European security; CSAs thereby become part of the security threat, resulting in their criminalization. Finally, the politicization of migration, defined as the increased salience of migration issues in electoral politics, can also help explain the criminalization of CSAs in Europe: visible policies, such as squat evictions in Athens or widely publicized criminal accusations against SAR actors, may be the result of attempts by state actors to show a strong hand in cracking down on "illegal immigration" (Gattinara 2017; Gibney 2003; Maneri and Quassoli 2016).

Through the development of our hostile hospitality framework, we have provided an explanatory lens that researchers can use to analyze state actions toward border crossers and CSAs, one which reconciles apparent contradictions and is closely tied to notions of sovereignty, exclusionary dichotomies, and normative principles of hospitality and solidarity. Within the context of a global rise in xenophobia, populism, and authoritarian techniques in governance, continued research into the criminalization of CSAs is of vital importance: just as access to asylum is a fundamental human right, the freedom of civil society constitutes a fundamental cornerstone of liberal democracy.