The Appeal of Civil Disobedience in the Central Mediterranean: German Responses to the June 2019 Mission of the *Sea-Watch 3*

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Abstract

The European responses to irregularised migrants in the second decade of the twenty-first century have been qualitatively new not so much because of the often-celebrated cultures of hospitality in countries such as Germany and Sweden, but because of acts of solidarity that have challenged the prerogative of nation-states to control access to their territory. I discuss elements of the public response in Germany to the criminalisation of one such act, the search and rescue (SAR) operation of the *Sea-Watch 3* in the Central Mediterranean in June 2019, which led to the arrest of the ship's captain, Carola Rackete, by Italian authorities. I argue that while the response to Rackete's arrest was unprecedented, it built upon a year-long campaign in support of private SAR missions in the Mediterranean, which drew on the discourse of rights and was therefore not reliant on a short-term outpouring of compassion. Rackete's supporters have also been energised by alternative visions of Europe, and by the vitriol reserved for her by followers of the populist far right.

Keywords: migration, asylum, humanitarianism, civil disobedience, search and rescue, solidarity

In recent years, the arrival of asylum seekers and other irregularised migrants¹ in Europe has prompted both hostility and hospitality. The latter has been evident largely in Europe itself, as individuals and civil society groups have welcomed new arrivals by offering to help them find their feet: for example, by assisting them with language learning, accompanying them on visits to the doctor or providing advice on how to secure accommodation or a job. It has been less common for Europeans to support migrants as they attempt to cross the EU's external or internal borders, or when they are faced with deportation. Such support has nevertheless been significant, because it potentially challenges the right of nation-states to determine who enters their territory and who is allowed to stay, and because it is often primarily prompted by a sense of solidarity, rather than by a sense of compassion towards suffering fellow humans. Those engaged in such acts of solidarity include, for example, French olive farmer Cédric Herrou, who since 2015 has assisted migrants crossing

from Italy to France, and Swedish student Elin Ersson, who in July 2018 boarded a Turkish Airlines flight from Gothenburg to Istanbul to prevent the deportation of a man to Afghanistan.² Arguably, such acts of solidarity are not new. Think, for example, of Lisa Fittko, who in 1940 and 1941 escorted many refugees, among them Walter Benjamin, across the Pyrenees from France to Spain (Fittko, 2000). What is new, however, is the publicity and support these acts are garnering in Europe. In this essay I focus on one particular instance in 2019, in which an act of solidarity with migrants – a search and rescue (SAR) operation in the Central Mediterranean – prompted an outpouring of public support in Germany.

On 12 June 2019, the *Sea-Watch 3*, a fifty-metre long former platform supply vessel belonging to the German non-governmental organisation (NGO) Sea-Watch, rescued fifty-three migrants from an unseaworthy rubber boat in international waters off the Libyan coast. The ship's subsequent attempt to disembark the migrants at a European port developed into a contentious

international incident and generated an extraordinary response, particularly in Italy and Germany. After briefly discussing the context of the private SAR operations in the Mediterranean and the events following the rescue of migrants by the *Sea-Watch 3*, I will try to make sense of the German response to these events.

Although most irregularised migrants do not enter Europe by sea, and in recent years the Central Mediterranean route (from Tunisia and Libya to Italy and Malta) has not always been the most often used sea route, for the past ten years or so, European public attention has focused on the waters between North Africa and Sicily. That is largely because the Central Mediterranean crossing has claimed more lives than other sea routes used by irregularised migrants trying to reach Europe.³ Migrant deaths attracted attention particularly after at least 366 people died on 3 October 2013, when a boat carrying mainly Eritreans sank near Lampedusa. Following these deaths, the Italian government launched a one-year SAR mission, *Mare Nostrum*, during which some 130,000 migrants were rescued in the Central Mediterranean. After the termination of *Mare Nostrum*, the European Union's border control agency FRONTEX coordinated a follow-up mission code-named *Triton*, which, however, did not result in a decrease of drownings in the Mediterranean.

Privately funded NGOs have carried out SAR missions in the Mediterranean since August 2014, when Migration Offshore Aid Station (MOAS), which was founded and largely funded by Maltese-based entrepreneurs Christopher and Regina Catrambone, commenced SAR operations with its rescue vessel *M/Y Phoenix*. MOAS was soon joined by established humanitarian organisations such as Save the Children and NGOs specifically set up to carry out SAR missions. Their approaches varied, with MOAS and others focusing on saving lives, and others, including several German-funded NGOs, trying to hold the European Union to account and, more generally, to effect political change to stop the deaths in the Mediterranean.⁴ At one stage, more than a dozen NGOs operated in the Mediterranean. Most of them were active in the international waters off the Libyan coast. Their activities declined from 2017, after European governments, FRONTEX and individual prosecutors in Italy and elsewhere increasingly accused NGOs of assisting people smugglers, a so-called coast guard trained and funded by Italy and often staffed by Libyan militias began operating off the Libyan coast, and the Italian government required NGOs to sign a code of conduct to bring them under the control of the Italian and Libyan coast guards.⁵ On 1 August 2017, an Italian prosecutor ordered the seizure of the *Iuventa*, an SAR vessel operated by the German NGO Jugend Rettet; this

heralded a period in which both Italy and Malta tried to shut down NGOs carrying out SAR operations. At the same time, several NGOs, including *Sea-Watch*, reported confrontations with Libya's so-called coast guard.

For the *Sea-Watch 3*, the most obvious course of action after it had completed the rescue operation of 12 June 2018 would have been to take its fifty-three passengers to a nearby Italian port.⁶ However, not only did the Italian government prohibit this; on 14 June, it issued a security decree that made it an offence for NGOs to disembark rescued migrants in Italy, and provided for hefty fines for non-compliance. The Italian government expected private SAR vessels like the *Sea-Watch 3* to instead sail to a North African port and disembark rescued migrants there. For most migrants rescued in the Central Mediterranean, the port closest to the point of rescue lies in Libya or Tunisia. However, when Libya offered to let the *Sea-Watch 3* disembark its passengers at a Libyan port, the German ship's captain Carola Rackete rejected that option with the argument that migrants are exposed to torture, rape, forced labour and extortion in Libya.⁷ She also rejected suggestions that she head to Tunisia, because that country has no refugee determination process and, in any case, it had by then also closed its ports to migrants rescued in the Mediterranean. While Italy's interior minister Matteo Salvini allowed the medical evacuation of some of the rescued migrants, he warned the ship against entering Italian waters.

For two weeks, the *Sea-Watch 3* remained in international waters in deference to the Italian government's order, but on 26 June, Rackete declared a 'state of necessity' – a provision in law describing circumstances that preclude the unlawfulness of an otherwise unlawful act – and took the ship to within a couple of miles of the Italian island of Lampedusa. On 29 June, with people on board becoming increasingly restless and the situation threatening to spiral out of control, Rackete decided to dock in Lampedusa. As the *Sea-Watch 3* approached the quay, a much smaller Italian customs vessel tried to block it. A minor collision ensued, with no injuries, and Rackete completed her manoeuvre. When the German captain left her ship, she was arrested by Italian police and later charged with resistance, committing an act of violence against a warship and people smuggling, and placed under house arrest. On 2 July, a judge in Agrigento, Sicily, ordered her release after throwing out two of the charges. The Italian Supreme Court later upheld that decision.

For several days, the stand-off involving the *Sea-Watch 3* and the Italian government, and the subsequent detention of Rackete dominated the news both in Italy and in Germany. In Italy, Salvini took to Twitter to attack Rackete, accusing her and her crew of being the

‘accomplices of traffickers and smugglers’ and running a ‘pirate ship’ (BBC News, 2019). Both *L’Espresso*, Italy’s premier news magazine, and its German equivalent, *Der Spiegel*, put Rackete on their cover.⁸ While in Italy the media’s response was mixed, the German print and electronic media largely rallied behind Rackete, and were often critical not only of the Italian government but also of the European Union. Numerous newspapers published long feature articles about migrant deaths in the Mediterranean and the tussle between Salvini and Sea-Watch. While Salvini tried to make much of the fact that Rackete is German, most of the contributions in the German media avoided portraying the conflict in nationalistic terms.

Even *Bild*, the influential German tabloid with a daily print-run of about 1.5 million, warmed to Rackete. On 1 July, *Bild* had published an article about Rackete that was titled ‘Criminal or Role Model?’ (Weise *et al.*, 2019), in which the paper appeared to be undecided about how to handle the case of the *Sea-Watch 3*. Two weeks later, however, with polls showing that a majority of Germans condoned Rackete’s conduct, the paper published a full-page interview with Rackete (Ronzheimer, 2019), and gave her the opportunity to talk in some detail about forced migration from the global south and European responsibilities. The publication of this interview was significant because *Bild* has often been adept at representing the views of a majority of its readers. The paper had initially hailed the German *Willkommenskultur* (culture of hospitality) and endorsed Angela Merkel’s asylum seeker policies in 2015, when they still enjoyed the support of most Germans, but had turned against Merkel and begun publishing articles highlighting the difficulties of accommodating refugees in early 2016.

German president Frank-Walter Steinmeier and foreign minister Heiko Maas of the Social Democrats both came out strongly in support of Sea-Watch. Even German politicians on the conservative side of politics, who had long been in favour of a more restrictive asylum seeker policy, supported Rackete. On 6 July, interior minister Horst Seehofer, whose hardline stance on issues of asylum had in 2018 almost precipitated the fall of the Merkel government, wrote to Salvini urging him to reopen Italy’s maritime borders. The European Union’s budget and human resources commissioner and prominent Christian Democrat, Günther Oettinger, said that ‘as a European citizen, I fully understand [Rackete], who, I believe, acted courageously’ (Reuther, 2019b). And German development minister Gerd Müller of the Christian Social Union, the Christian Democrats’ deeply conservative Bavarian sister party, observed on 8 July in an interview that ‘the people in the [Libyan] camps of misery have the choice of dying in the camps

through violence or hunger, to die of thirst in the desert on the way back or to drown in the Mediterranean’ (Schmidt, 2019).⁹

The most remarkable aspect of the German reaction to the travails of the *Sea-Watch 3*, however, was the response of civil society. Within twenty-four hours of Rackete’s arrest, a campaign launched by two German television presenters had netted more than €1 million in donations. In fact, in July 2019, Sea-Watch received so much private funding that the organisation was able to share some of it with other NGOs running SAR missions in the Mediterranean. On the weekend of 6 and 7 July, tens of thousands took to the streets to protest against Rackete’s arrest, the criminalisation of rescue missions in the Mediterranean and the German government’s complicity in migrant deaths. In Hamburg, about 4,000 people marched under the slogan ‘Free Carola’, although the organisers had expected a crowd of only 1,500. Altogether, there were about ninety demonstrations in support of the *Sea-Watch 3* and its captain that weekend alone. The level of support for Sea-Watch and the amount of attention devoted to its ship and to Rackete were unprecedented. The fact that the issue of private SAR missions in the Mediterranean remained front-page news for so long, well beyond Rackete’s arrest, was also exceptional.

At a first glance, the extraordinary response in Germany was puzzling. First, this was not the first time that the ship of an NGO had been prevented from disembarking the migrants it had rescued in the Mediterranean. There had been similar incidents involving the governments of Italy and Malta in 2018 and earlier in 2019 that had affected a larger number of migrants but which had not generated as much publicity as the case of the *Sea-Watch 3*. It was not the first time either that Italian or Maltese authorities had laid charges against the captain or crew of a vessel rescuing migrants in the Mediterranean, or that a ship owned by an NGO had been seized by the authorities. The organisations whose ships or crew had been targeted included, among others, four German NGOs – Sea-Watch, Jugend Rettet, Sea-Eye and Lifeline – as well as the French-Italian-Swiss-German NGO, SOS Méditerranée. Second, Carola Rackete seemed an unlikely person to attract support from people across the democratic political spectrum: dreadlock-wearing, barefooted Rackete’s views are comparatively radical. Claus-Peter Reisch, for example, the captain of Mission Lifeline’s *Lifeline*, who was tried in a Maltese court in 2018–19, seemed to be in a much better position to appeal to mainstream Germans, being middle-aged, male and a self-confessed conservative who used to vote for the Christian Social Union; however, his court case had not attracted nearly as much attention as Rackete’s. Third, particularly vulnerable,

innocent and/or deserving victims, whose mediated suffering often prompts an outpouring of public emotion, were never the focus of the narrative about the *Sea-Watch 3*. By the time the boat entered the harbour of Lampedusa, the children among the rescued migrants had already been evacuated. In fact, soon after the migrants had disembarked it transpired that three of them were arrested on people-smuggling charges.

Why, then, did Rackete's actions generate such a positive response in Germany? The support for the *Sea-Watch 3* did not come out of the blue, but built on a movement that had begun in June 2018 in response to other incidents in which Italy, and initially also Malta, had refused to allow NGOs to disembark migrants their crews had rescued in the Central Mediterranean. In fact, both in 2018 and in 2019, European civil society's shows of solidarity with migrants trying to cross the Mediterranean were tied to its support for European rescuers whose acts of solidarity were being criminalised. On 10 June 2018, Salvini had told the *Aquarius*, which was jointly operated by SOS Méditerranée and Médecins Sans Frontières, that it was not allowed to disembark 629 rescued migrants; it was not until seven days later that the ship was eventually able to dock in the Spanish port of Valencia. On 21 June, the *Lifeline* (formerly the *Sea-Watch 2*) captained by Reisch rescued 234 migrants in international waters off the Libyan coast. That same day, the Italian government claimed that the *Lifeline* and the *Seefuchs*, a vessel belonging to the German NGO Sea-Eye, had acted illegally by ignoring instructions of the Italian rescue coordination centre, which had assigned the Libyan coast guard to rescue the migrants in distress.

Following Italy's and Malta's attempts to hinder and criminalise private SAR missions in the Mediterranean, all across Germany demonstrations took place in support of these missions. Activists involved in organising public protests formed a national coalition, Seebrücke (literally: sea bridge). Throughout the summer of 2018, Seebrücke protests were held in most German cities as well as in many smaller towns. The Seebrücke movement prompted several city councils to pass resolutions in support of the rescuers. Some of these councils thereby declared their cities to be safe harbours. In April 2019, they met in Potsdam to discuss forming a network. On 3 June, eight of them¹⁰ signed the Potsdamer Erklärung (Potsdam Declaration) ([Landeshauptstadt Potsdam, 2019](#)). On 14 June 2019, thirteen German cities¹¹ formed the Bündnis Städte Sicherer Hafen (Alliance of Safe Harbour Cities). At the time of writing in early February 2020, the Bündnis comprises 124 members.¹²

The cities did not only condemn the Italian government's attempts to criminalise private SAR missions, they also offered to accommodate migrants rescued in the Mediterranean – over and above those asylum

seekers assigned to them by the federal and state governments.¹³ While European governments took their time to agree on the distribution of the people rescued by the *Sea-Watch 3*, one of the initial signatories of the Potsdam Declaration, Rottenburg, a town of about 40,000 in Baden-Württemberg in Germany's affluent southwest, offered to accommodate all fifty-three rescues.¹⁴ Christian Democrat Stephan Neher, who had been elected Rottenburg's mayor in 2018, explained: 'We want to act globally and take advantage of globalisation. Therefore, we also have to bear its negative consequences. Anyway, accommodating fifty-three refugees in Rottenburg would be a piece of cake' ([Aschenbrenner, 2019](#)). Neher even offered to send a bus to Italy to pick them up. In early July, he told a journalist that when he walks through his town, he is often stopped, because Rottenburg residents want to know when the refugees will arrive and how many of them the town is 'allowed' to host ([Materla, 2019](#)).

The Bündnis Städte Sicherer Häfen is better represented in West Germany than in East Germany, where more people are apprehensive about, if not openly hostile towards, migrants in general and asylum seekers in particular. In West Germany, a disproportionately large number of Bündnis members are located in Schleswig-Holstein and Lower Saxony. Both are coastal states, where the tradition of non-governmental SAR missions goes back more than 150 years. These missions are conducted by the Deutsche Gesellschaft zur Rettung Schiffbrüchiger (German Society for the Saving of Shipwrecked Persons), or DGzRS, which was established in 1865 when several organisations devoted to search and rescue in the North and Baltic Seas off Germany's coasts merged.¹⁵ The establishment of the DGzRS's precursors followed the sinking of the *Johanna*, a three-master with 216 German migrants and 14 crew on board, off the North Sea island of Spiekeroog on 6 November 1854, when 72 migrants died.¹⁶ At the time, most German states were countries of emigration, with 1.5 million Germans migrating to the United States between 1845 and 1855 alone. While there were very few references to the DGzRS in the public discussion over the fate of the *Sea-Watch 3*, it is hardly necessary to remind Germans of its existence, or of the fact that its work is entirely privately funded, because of the ubiquity of small wooden collection boxes in the form of DGzRS boats, which are on display in many businesses, particularly in cafes and bars, in Germany.

Also in the mix was a commitment to Europe – or rather, to a particular idea of Europe. When the *Spiegel* put an image of Carola Rackete on its cover, it did so with the headline 'Captain Europe'. This should be read as more than a reference to the *Captain America* superhero movies. Those yearning for another, better Europe in which solidarity – which is regularly evoked in official

EU rhetoric – is not a hollow notion, focus on what happens at its borders, because it is there that the idea of Europe has been most severely compromised (see Tazzioli and Walter, 2019; see also Bell, 2010).¹⁷ It is no accident that the support for private SAR missions is strongest in three of the core EU countries – France, Italy and Germany – where the discourse of European solidarity and European values goes back to the 1950s.

The support for SAR missions in the Mediterranean can also draw on the discourse about human rights for non-citizens. Over the past decade in particular, the idea that non-German residents of Germany enjoy the same rights as German citizens has slowly taken hold; to use the words of Angela Merkel, who ought to be credited with insisting on this idea even when it was unfashionable, ‘The values and rights of our Basic Law are valid for everyone in this country’ (Merkel, 2019). Once it is accepted that the first line of the German constitution’s Article 1, ‘*Die Würde des Menschen ist unantastbar*’ (‘Human dignity is inviolable’), applies to everyone in Germany, then it makes little sense to deny this right to those outside its borders. An increasing number of Germans recognise that the obligation to rescue migrants in the Mediterranean has nothing to do with their particular motivation for migrating or degree of suffering, but that it is the outcome of their being human. This conviction prompts people to attend rallies, donate money for organisations like Sea-Watch, and demand that local administrations commit to accommodating additional refugees. In their campaigns, Seebücke and NGOs like Sea-Watch have focused on the issue of rights, and tried to avoid the language of compassion. The media has similarly portrayed Rackete as an advocate for the rights of migrants, rather than as a modern-day Florence Nightingale.¹⁸

Support for SAR operations is also seen as a way of symbolically snubbing the far right, which has grown in strength not least because its leaders have blamed refugees and asylum seekers for all ills. The Alternative für Deutschland (Alternative for Germany), or AfD, since the 2017 national elections Germany’s largest opposition party, has long tried to equate private SAR missions with people-smuggling networks. While AfD politicians speak of ‘so-called refugees’ and ‘so-called rescuers’, and label the latter criminals, their supporters sometimes go one step further. At a far-right Pegida protest in Dresden in June 2018, prominent Pegida activist Siegfried Däbritz referred to the local NGO Mission Lifeline, whose ship was at the time trying to find a port to disembark the 234 people it had rescued: ‘You must have heard what’s happened to our beloved Dresden human-smuggling organisation,’ whereupon the crowd chanted: ‘*Absaufen! Absaufen!*’ (Drown!

Drown!). This incident was widely reported and has served to shore up support for the private SAR operations among those who are opposed to Pegida and the AfD.

Supporters of the *Sea-Watch 3* were also energised by the vitriol experienced by Carola Rackete. After her release, Rackete was holed up at a secret location in Italy, because she had reason to fear for her safety. She was subjected to online abuse and received death threats. In Germany, former police officer and serial video blogger Tim Kellner published a YouTube video (Kellner, 2019) attacking Rackete and her family, which was viewed more than 470,000 times in the first five months after it was posted. Most of the more than 4200 comments posted within that time applaud Kellner and are informed by hatred. Some contain threats. For example, ‘Grillgucker’ wrote: ‘A bullet between the eyes would solve the problem.’ Others referred to her as *Assel* (woodlouse) or *Zecke* (tick), or to her and her supporters as *Volksverräter*, the term used in Nazi Germany for traitors.

Carola Rackete may seem to be an unlikely role model for mainstream Germans, but her persona is also a small part of the reason for the traction the issue gained. For a start, she is comparatively young. Since the emergence of Greta Thunberg and the Fridays for Future movement, young women and their concerns are being taken increasingly seriously. In Germany, Rackete is sometimes compared with the German face of Fridays for Future, Luisa Neubauer, a 23-year-old university student.¹⁹ For those who have long campaigned for an about-turn in Europe’s approach to forced migration, Rackete is an activist with the necessary street cred. She is principled and determined and looks every bit like somebody who might otherwise live in a treehouse in the occupied Hambach Forest protesting against open-cut coal mining or demonstrate against the deportation of asylum seekers or disrupt a gathering of neo-Nazis. No doubt her appearance also helps explain the vitriol reserved for her by far right trolls.²⁰

Germans concerned about German, Italian and European asylum seeker policies but who would never join potentially violent protests can also embrace Rackete because she does not come across as a firebrand. In interviews, she is calm and her words are measured. Talking to German television station ZDF (2019), she declined to comment on Salvini’s attacks on her. ‘I find it inappropriate to insult others,’ she explained. ‘I like to work with facts. And anyway, as a captain you shouldn’t get excited. At least not in front of others.’ Yet Rackete stood up to Salvini, and did not let him bully her into submission. In interviews in the months after her arrest, Rackete presented as a captain: as somebody who is responsible for her crew and for the migrants rescued by them, and who takes that responsibility seriously.

Rackete also came across as somebody who is highly articulate and knows what she is talking about: her ship, the international law of the sea, Europeans' moral responsibilities, and conditions faced by migrants in Libya. At the same time, she convincingly claimed that she preferred her actions to do the talking for her.

The role of Rackete has also been important in that it deflected emotions away from the migrants rescued by the NGOs – and thus away from an asymmetrical extension of compassion – towards the rescuers. The deflection of emotions away from the migrants may also have helped to subvert humanitarianism's tendencies to perpetuate 'the neo-colonial image of the "good" Europeans helping the suffering victims of the "bad" smugglers' (Cuttrita, 2018: 644).

After her return from Italy, Rackete assumed a public role as a climate change activist and a member of Extinction Rebellion. She has argued that forced migration is also a result of environmental destruction wrought by countries of the global north in the global south. Her views on ecological issues, however radical they may be, resonate more widely than her views on migration; in fact, the former have to some extent been able to ground and carry the latter. In a book she published in October 2019, she combines an account of her last mission as captain of the *Sea-Watch 3* with an argument for radical change to meet the challenge of global warming. In her conclusion, she advocates civil disobedience to disrupt the existing order, without distinguishing between the two key issues addressed in the book; taken on its own in the context of a discussion on migration, the overwhelming majority of Germans would easily dismiss a call for civil disobedience, but many would agree that the climate emergency requires radical measures. By bringing together the two issues that more than any other mobilise public opinion, Rackete has also drawn attention to the complexity of the situation and to global interdependencies – for example to the fact that there is no 'refugee crisis', but rather a 'crisis of global justice' (Rackete and Weiss, 2019: 35). Furthermore, a call for civil disobedience might imply an elective affinity between rescuers and rescued. Arguably, the latter too practice civil disobedience by attempting to cross borders (Celikates, 2019); while the disobedience of the rescuers results not least from their criminalisation, the disobedience of the rescued migrants is the outcome of their irregularisation.

Commentators in Germany, Italy and beyond have likened Rackete to Sophocles's Antigone: the woman who defies the law of Thebes by deciding to bury her brother Polynices.²¹ When brought before Creon, the King of Thebes, Antigone justifies her action by claiming that divine law trumps state law. Rackete too has claimed that she has obeyed one set of laws (namely the

international law of the sea – although this may be a short-cut for something as basic as the right to life) only to fall foul of another set of laws (Italian domestic law).²² But here the parallels end. For Sophocles, Antigone (rather than Polynices) is the key tragic figure of his play. Rackete would probably point out that the real issue is the drowning of migrants rather than her violation of Italian law.

The comparison is nevertheless useful because it draws attention to the centrality of the idea of civil disobedience and of the notion of a superior law that trumps the laws of the nation-state not only for Rackete, but also for large sections of the movement that supports private SAR missions in the Mediterranean. In my view, the significance of this denial of legitimacy of the nation-state's law should not be underestimated.²³ We may be witnessing the emergence of a movement that contests a key right of the nation-state, namely to decide who may be admitted to its territory and who must leave. This movement is heterogeneous: it comprises civil society activists who support the right of migrants to move – from the crew of the *Sea-Watch 3* and those who are keeping the Alarm Phone lines open, to individuals such as Cédric Herrou – and their supporters.²⁴ But it also comprises local politicians – in places as diverse as Barcelona (Augustín and Jørgensen, 2019) and Rottenburg – who are convinced that their communities ought to be able to practice hospitality irrespective of quotas for the number of asylum seekers assigned to local communities and irrespective of federal or state laws that determine whether or not an undocumented migrant is entitled to receive free medical care.

There is nothing new about the bordering of Europe and its human costs, or the criminalisation of NGOs involved in rescuing migrants. The latter began in the Central Mediterranean no later than the early 2000s with the prosecution of Enrico Tavolata for rescuing 151 migrants in 2002 and the arrest of Elias Bierdel, the captain of the *Cap Anamur*, in 2004 (Klepp, 2011: 261–88; Bierdel, 2006). What may be new is a 'new model of humanitarian engagement' (Fiori, 2019: 62) that cannot be easily coopted by nation-states and international organisations (see also Stierl, 2018: 719–21).²⁵ And what is certainly new, I would like to suggest, is the public support enjoyed by civil society actors like Rackete who challenge the sovereign rights of nation-states.

The private SAR missions, and their criminalisation, have resonated although they are not new, Rackete is no moderate, and the mediatisation of the issue did not have an Alan Kurdi moment. I hope to have shown that there is no paradox: because the issues were not new, it was possible to build on earlier mobilisations and campaigns; Rackete's uncompromising views attracted rather than

repelled prospective supporters; and the privileging of the discourse of rights ensured that public support was not reliant on a short-lived outpouring of emotions.

Many observers have highlighted the hospitality offered to irregularised migrants by European civil society, particularly in 2015. The German *Willkommenskultur* has often been singled out as a prime example of such hospitality. Unlike the *Willkommenskultur*, acts of solidarity towards migrants attempting to enter Europe, or particular European countries, have challenged the prerogative of the nation-state to control which non-citizens are allowed to enter, and which non-citizens must leave, its territory. I suggest that these acts, and the sizeable public support they have sometimes received, rather than gestures of hospitality or acts of hostility, mark the European response to irregularised migration in the past six or so years as qualitatively new.

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Notes

- 1 I am using this term here as a shortcut to refer to migrants whose entry to or residence in a country is officially conceptualised to be outside that country's regulatory framework.
- 2 On Herrou, see, for example, Nossiter (2016); on Ersson, see, for example, Pham and Hakim (2019). For other examples, see Fekete *et al.*, (2017, 2019).
- 3 For the most recent figures, see the online database of the International Organization for Migration's Missing Migrants project: <https://missingmigrants.iom.int/>. However, IOM and UNHCR have estimated that in recent years the number of people who die while trying to reach North Africa by land from countries in sub-Saharan Africa exceeds the number of people who die while trying to cross the Mediterranean.
- 4 See Cuttitta (2018) and Stierl (2018) on the different approaches of MOAS, Médecins Sans Frontières (MSF) and Sea-Watch and del Valle (2016) on discussions within MSF.
- 5 The roles of Italy and the EU are discussed in detail in Heller and Pezzani (2018).
- 6 For the events unfolding on the *Sea-Watch 3*, see, for example, the account of the ship's captain (Rackete and

Weiss, 2019) and a documentary made for German television by two journalists who were on board the ship for the entire duration of its mission (Kailouli and Schreijäg, 2019).

- 7 Human rights abuses suffered by migrants in Libya have been well documented by Human Rights Watch (2019), Global Detention Project (2018) and others.
- 8 On 7 July 2019 (*L'Espresso*) and on 6 July 2019 (*Der Spiegel*).
- 9 Sea-Watch's and Rackete's responses to the rhetorical support they received from the federal government were lukewarm. They pointed out that Germany has also provided funding and logistical support to the Libyan government, and that more than words was needed.
- 10 Flensburg, Greifswald, Hildesheim, Krefeld, Marburg, Potsdam, Rostock and Rottenburg.
- 11 Berlin, Detmold, Freiburg, Flensburg, Greifswald, Hildesheim, Kiel, Krefeld, Marburg, Potsdam, Rostock and Rottenburg.
- 12 For an up-to-date list, see <https://seebruecke.org/startseite/sichere-haefen-in-deutschland/>.
- 13 In Germany, asylum seekers are distributed across the sixteen German states according to a quota system (see Bartl, 2019). Usually, individual states, when distributing asylum seekers within their states, also follow a quota system to avoid that some cities and shires have to accommodate more asylum seekers than others.
- 14 There were other, similar offers, including in Italy. On 24 June, Archbishop Cesare Nosiglia of Torino said that his archdiocese was willing to take care of the migrants from the *Sea-Watch 3* (Longhin, 2019).
- 15 On the history of the DGzRS, see Anders *et al.* (1997) and Claußen (2015).
- 16 On the sinking of the *Johanna*, see Schramm (2009).
- 17 Arguably, the idea of Europe was also challenged by the Eurozone countries' response to the Greek debt crisis, and the German *Willkommenskultur* was also a reaction to the reputational damage perceived by Germans as a result of Germany's role in that response (see Neumann, 2016).
- 18 An article in the online edition of the Bremen daily *Weser-Kurier*, for example, was illustrated by an image of Rackete and a highlighted quote from her: 'There is a right to be rescued. It's all about the principle of human rights' (Reuther, 2019a).
- 19 The prominence of young women in rapidly emerging civil society protests is not a German phenomenon. In the United States, for example, Emma Gonzáles and Megan Rapinoe have been similarly successful.
- 20 In Italy, Rackete was also criticised for not wearing a bra when appearing before the court in Agrigento. The criticism prompted Italian activists to declare 27 July

- 2019 'Free Nipples Day' in solidarity with Rackete (Palazzo, 2019).
- 21 For example, Barenberg (2019); Di Cesare (2019); Joffrin (2019); Müller (2019); Salinari (2019).
- 22 International legal scholars (for example, Gombeer and Fink, 2018) have argued that Italy violates international law when directing NGOs to disembark migrants in Libya or when preventing them from entering Italian territorial waters. Organisations such as Sea-Watch make similar claims, and draw on international legal advice. However, in public discussion, the law that trumps domestic law is usually understood to be the obligation to rescue somebody who is at risk of drowning, and her/his right to life.
- 23 See also Tazzioli (2018) discussing the radical potential of 'crimes of solidarity'.
- 24 On Watch the Med's Alarm Phone, see Stierl (2016) and Schwarz and Stierl (2019).
- 25 I pursue this idea in Neumann (forthcoming).

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