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Mass Migration, Crimmigration and Defiance
The Case of the Humanitarian Corridor

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Abstract

The year 2015 saw an unprecedented number of refugees and migrants arriving to Europe through the "Western Balkans migration route", where the states through which the route passed established the so-called "humanitarian corridor". The operation of this corridor was outside the European normative framework and was treated by those states as a *de facto* undeclared "state of exception". This situation, marked by an exceptionally intensive arrival of refugees and migrants *en masse*, was governed by *ad hoc* rules that were changing on a daily basis, creating an extremely unpredictable and uncertain situation for all stakeholders involved, in particular for the migrants and refugees themselves. This article discusses the crimmigration responses to mass migration management that are prevalent in contemporary law and politics, analyses the corridor within the current crimmigration context and demonstrates how the corridor defied the contemporary crimmigration approach to mass migration.

Keywords

1   Introduction

In the contemporary world, borders are subject to progressive securitisation, surveillance and militarisation (Guild 2009; Franko Aas 2011: 332). Migration and asylum seeking are increasingly perceived as phenomena that cause security concerns, and therefore have to be addressed by way of control and punishment. Migration is not perceived as an element of normality that is as old as humanity itself, but rather as a threat posed by others to "our reality", which is

considered "normal". This notion is used as justification for the criminalisation of migration by the introduction of ever-increasing amounts of punitive elements into administrative migration management systems, which categorise migrants and asylum seekers as inferior. Significant resources and state-of-the-art technologies are invested in the "fight against irregular migrants", which include various "weapons of mass detection" (Broeders, Engbersen 2016: 1593). The European Union (EU) migration law is increasingly adopting penalising elements of criminal law, while simultaneously not applying the criminal law's procedural guarantees (Legomsky in Chacón 2009: 136). This can already be seen in some of the EU migration law sources—e.g., the Return Directive 2008/115/EC and the Reception Conditions Directive 2003/9/EC (Majcher 2013: 3).[1] Behaviours such as irregular migration or irregular stay, that were not considered unlawful in the past, are today considered offences in the majority of EU member states.

Deterrence, preclusion, detention and expulsion have become a prevalent policy response to migration (Broeders, Engbersen 2016: 1601; Leerkes, Broeders 2010: 830; Costello 2012: 288). To serve, among other aims, those of surveillance and expulsion, the EU member states established databases such as the Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac (Broeders 2007: 71; Franko Aas 2011: 332, 334). The lines between administrative law approaches to migration management and crime-control policies are becoming increasingly blurred. As is the case in the US, the scholarly debate on this issue is evolving around three trends: harsh criminal consequences attached to violations of migration law; the use of expulsion following a judicial sentence in cases involving non-citizens; and reliance on law-enforcement actors and mechanisms in civil immigration proceedings (Chacón 2009: 135). The EU is clearly following suit.

This phenomenon, marked by merging the responses of criminal law with those of administrative law, leads to "crimmigration" (Stumpf 2006: 376), a response that has very little regard for the principle of the rule of law and the humanistic tradition of European nations.[2] Such an approach indicates that

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1 An increased use of humanitarian and human rights language in migration management systems (Aas and Gundhus 2015: 5) should not conceal its real goals of deterring, surveillance and penalisation of migrants and protection of external borders. This is also noticeable from the actual work of institutions such as Frontex, since in the documents it produces humanitarianism cannot be found. Frontex does not mention its human rights and humanitarian work in its annual reports, but focuses on securitising borders and counting irregular entries to the EU (Frontex 2016).

2 It is widely accepted that crimmigration has reached its widest scope in the U.S. Even the United Kingdom's polices, in spite of the fact that the U.K.'s deportation procedures are the

we are dealing with a type of a "postmodern" politics that is leaving behind the constitutional guarantees and basic principles of international law, such as non-discrimination. The "crimmigrant" "othering" of migrants and refugees, along with their criminalisation and discrimination against them, has exceeded all constitutional and international law limits and has led to a situation that is legally, socially and politically unbearable.

Amid these policy and legislative trends, in 2015 and 2016, Southeastern European states experienced the transit of large numbers of migrants and asylum seekers through their territories. The phenomenon has been given a variety of different names, including the "Balkan route", "mass migration route", "the great march", "humanitarian corridor" or simply the "corridor".

Faced with extraordinary circumstances and entrenched in the "crimmigrant" approach to migration management, the states on the migration route shaped their responses on the "state of exception" principle, either formally by declaring a state of emergency,[3] or factually by resorting to decrees or various measures that were outside of their legal orders; i.e., outside their normative framework (Šalamon 2016: 44). The corridor, combining a number of measures of deterrence, surveillance and limitation of movement of migrants and asylum seekers, had a clear crimmigration signature. In spite of this, as I will show in the continuation, the corridor's obvious humanitarian purpose should not be overlooked.

In this article I first present the background facts, important in understanding how the corridor was shaped and developed in the context of Southeastern European states, with an emphasis on Slovenia, and then analyse it within the crimmigration context. Finally, I discuss the humanitarian aspects of the corridor, showing that the corridor itself also strongly defied the "crimmigrant" approach to mass migration management in the European Union.

2   Legal Background

Southeastern Europe is a region which includes countries that are EU member states (Slovenia, Croatia, Greece, Romania, and Bulgaria) and candidate or prospective candidate countries for membership (Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Macedonia, Albania, and Turkey). Both groups of

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most effective, are assessed as less crimmigrant than those in the U.S. (Cf. Ashworth and Zedner 2014: 235; Stumpf 2013: 246).

3   Macedonia declared a state of emergency in August 2015 (BBCa 2015), and Hungary declared a state of emergency in September 2015 (BBCb 2015).

countries have harmonised or are in the process of harmonising their national legal systems with the EU rules on border control, asylum and return (Celador and Juncos 2012: 202). In some aspects, this process introduced prospects for obtaining asylum and secured higher procedural standards for persons involved in migration and asylum procedures,[4] yet it simultaneously also facilitated the introduction of a number of crimmigration elements that had not existed in these countries before (setting up of new detention centres, carrying out of return procedures/deportations, penalisation of migrants for irregular entry and stay, etc.).

The impact of harmonisation is therefore twofold: on the one hand, it is bringing opportunities to the citizens of these countries, who are or will be able to enjoy the benefits of EU membership (all these countries are and will continue to be net recipients of EU funds). On the other hand it is making it more difficult for migrants who might be interested in staying in these countries (due to stricter rules on entry and return), or migrants who are interested in transiting through Southeastern Europe in order to reach Northern or Western Europe (due to stricter border control as well as the migrant identification and registration obligations of these countries) to do so.

All Southeastern European countries now contribute to problems such as confinement of irregular migrants (without criminal records) in immigration detention centres, lack of alternatives to detention, penalisation of irregular border crossing, either as a crime or a misdemeanour, and disproportionate representation of migrants in prisons. They all have immigration laws that impose border control, provide for deportations and limit entry of unauthorised individuals. In all these countries, the conditions are similar to those defined in the Schengen Borders Code, which in Article 5.1 defines the requirements to be granted the right to enter, such as possession of a travel document, a valid visa, a residence permit or similar documentation. These countries also have asylum laws, according to which they must receive the asylum applications of persons who express the need for international protection and exempt asylum seekers from punishment for irregular entry (but not, for example, for possession of the forged documents used for entry). None of these laws provide for the right of transit for migrants and asylum seekers.

2.1 *Relevant Provisions of the Schengen Borders Code*

What are the rules governing transit and entry of irregular migrants? In the EU legislation, entry is allowed only for persons who meet certain conditions.

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4 For the role of the EU in the process of establishing asylum institutions in the Western Balkans see Šalamon 2016b.

Transit is only mentioned in the context of airport transit zones (see Article 2.1.3 of Annex VI to the Schengen Borders Code), or in the context of allowing persons who have a residence permit or a visa in one of the EU member states to cross the territories of other member states in order to reach their country of residence permit (Article 5(4)(a) of the Schengen Borders Code). All Southeastern European states have very similar provisions in their legislation.

From these rules themselves, it is apparent that they were created for individuals, small groups or continuous border traffic, but not for large humanitarian situations or extraordinary circumstances that would entail masses of people crossing borders.

In the EU legislation, extraordinary circumstances are addressed twice: first, they are mentioned in Article 5.2(b) of the Schengen Borders Code, which defines the manner of crossing of external borders. According to paragraph 1 of this provision, external borders may be crossed only at border crossing points and during fixed opening hours. There are certain exceptions to the obligation of crossing external borders only at border crossing points and during fixed opening hours. One such exception includes the possibility of exemption from this rule for "individuals or groups of persons in the event of an unforeseen emergency situation" (paragraph 2). But note should be taken that this possibility exists only for exemption from the rule regarding the *place and time* of the crossing, but not from the conditions that have to be met for the crossing to be allowed.

The second example where extraordinary circumstances are mentioned is Article 9 of the Schengen Borders Code, which defines relaxation of border checks. The first part of this article states that border checks at external borders may be relaxed as a result of "exceptional and unforeseen circumstances", caused by "unforeseeable events that lead to traffic of such intensity that the waiting time at the border crossing point becomes excessive", so that all personnel, organisational and facility-related resources of border control authorities are exhausted.

The provision goes on to define the conditions under which border checks have to take place, even when they are relaxed, while the last part of the provision removes any doubt as to what relaxed border control may look like. Namely, "even in the event that checks are relaxed, the border guard shall stamp the travel documents of third-country nationals both on entry and exit" (Article 9.3 of the Schengen Borders Code). This indicates that relaxation does not mean the authorities may disregard the entry conditions that people need to meet; hence, the provision was not meant to apply to irregular mass migration movements.

Lastly, a relevant provision that should not be overlooked is an exemption from the conditions for entry specified in Article 6.5(c) of the 2016 Schengen Borders Code, which enables a member state to authorise entry to third-country nationals who do not fulfil one or more of the conditions for entry in line with the Schengen Borders Code on humanitarian grounds, on grounds of national interest or because of international obligations. The question therefore is whether authorising entry within the corridor has a legal basis in this provision. What should be taken into account is that in order to implement this exemption, the Visa Code foresees issuing humanitarian visas. In the Schengen Borders Code there are no further provisions that would allow entry or transit in the event of mass arrivals of refugees.

2.2   *Determining Responsibility for Examining Asylum Claims*

In a case where a person wishes to apply for international protection, asylum legislation should be applied. The refugee status determination procedures in the EU have to be in line with the Asylum Procedures Directive 2013/32/EU, while the state responsible for the examination of asylum application is determined in accordance with Dublin Regulation 604/2013. Neither of these two legal documents provide for the possibility of transit of persons who enter one EU member state but intend to apply for asylum in another.

On the contrary, according to the law it is required that a person who wishes to apply for asylum do so in the first country where he or she enters the EU, or as evident from practice, in the first country where he or she either reports to or is apprehended by the authorities.

Once they do so, their fingerprints are entered into the Eurodac system, according to Article 9 of the Eurodac Regulation 603/2013. According to Article 14 of the Eurodac Regulation, fingerprints are also taken from persons who do not apply for asylum, but are apprehended at their irregular entry from third countries. Logically, this provision only applies to EU member states and EU external borders, as well as to seaports or airports in all member states. In such cases, the responsibility of the member state to examine the asylum application ceases after twelve months (Article 13.1 of the Dublin Regulation). These provisions are relevant as the countries in the corridor were required to fingerprint people entering irregularly. The data acquired were later relevant for Dublin returns of people who travelled within the corridor.

2.3   *Detention of Migrants on the European Level*

Specific rules apply to detention of migrants on both the European and national level. These rules are relevant in the context of the mass limitation of

movement that took place within the corridor and amounted to detention. At the European level, two legal documents are relevant for the measure of detention. The first is the EU Return Directive 2008/115/EC, which is the only EU document governing detention of irregular migrants who did not apply for asylum. This directive in Article 15(1) allows member states to impose detention, but only for the purposes of carrying out the return (deportation, expulsion) of the person. The purpose of return is therefore a necessary condition for this measure to be valid.

The same is true for Article 5.1.F of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which provides only two sets of circumstances under which detention of irregular migrants is allowed: it must be done either for the purpose of return (the same as in the case of the return directive) or in order to prevent unauthorised entry.

The EU legal basis for detention of those migrants and refugees who applied for asylum is the reception conditions directive, which specifies conditions and circumstances under which an asylum seeker's freedom of movement may be limited. Since, until reaching Austria, almost none of the migrants and refugees applied for asylum and could therefore not be formally considered asylum seekers, this legislation was irrelevant for them.

2.4   *Detention of Migrants on the National Level: The Case of Slovenia*

National legislations also contain strict limitations as to when anyone, including migrants, may be detained. For example, in line with the national law of the Republic of Slovenia, migrants without a regulated legal status may be detained in the Aliens Centre under the conditions specified in the Aliens Act, based on a detention decision issued by the police. This decision may be appealed at the Administrative Court and is subject to judicial review.

Limitation of the movement of migrants is also allowed within the framework of border control, where the police have the right to restrict one's freedom of movement for 48 hours. If the restriction of movement lasts for six hours or longer, the detained person has to be issued a written decision specifying the reasons for this measure (Article 3 of the State Border Control Act of the Republic of Slovenia).

In order to limit one's freedom of movement, the police may also use their power to temporarily restrain freedom of movement of persons in the vicinity of a certain object if it is deemed "necessary in order to protect certain persons, places, buildings or areas" until a police task is completed (Article 5(4)(3) of the Police Tasks and Powers Act). This power is so broad that it can be applied to practically any situation, and should therefore be given a narrow interpretation.

3   Factual Background

3.1   *Formation of the Corridor*

The mass arrival of migrants and refugees that Europe witnessed between July 2015 and April 2016 took place within the described normative framework. The rules did not foresee such events and contained no mechanisms that would provide for an effective crimmigrant or non-crimmigrant response. While the number of arrivals increased steadily throughout the first half of 2015 (Frontex 2015a and 2015b), the breaking moment leading to the establishment of a humanitarian corridor was when, on one end, Hungary prevented refugees and migrants from leaving the Keleti train station in Budapest in September 2015 by cancelling all trains towards Austria and Germany (Guardian 2015), while at the other end, refugees and migrants decided to take the route, encouraged by the large number of refugees who had already managed to reach Europe (Frontex 2015c).

From October 2015 to March 2016, the corridor went through Greece, Macedonia, Serbia, Croatia, Slovenia, Austria and Germany. From there, some people continued their journeys to various destinations, including Sweden, Finland, Norway, France and Switzerland. The point of formation of the corridor was a decision made by Germany on 24 August 2015 to suspend the application of the Dublin Regulation for Syrian refugees (Asylum Information Database 2015). On 17 October 2015, following Hungary's complete closure of its borders first with Serbia and then Croatia, the corridor finally moved south entirely and continued through Slovenia towards Austria and finally Germany, which was the preferred country of destination for a large majority of all migrants and refugees (Ladić and Vučko 2016: 17). From that moment, the states on the migration route one by one began to participate actively in the facilitation of the corridor by provision of transport, basic care and medical assistance (Ladić and Vučko 2016: 17).

Corridor management contained a number of crimmigration elements. People were under constant surveillance. The corridor was managed fully by the police (including special police forces in riot gear) and military (fully armed). The regimes in the *ad hoc* registration centres set up along the route were prison-like—fenced, with meals provided only at certain times and with restricted movement and restricted access by unauthorised persons, including NGOs and the UNHCR. Crowd control mechanisms were used in cases of riots, fights or disruptions (Peace Institute 2016a, 2016b, 2016c).

People travelling within the corridor did not intend to apply for asylum in the first EU member state they entered (e.g., Greece), but in most cases intended to do so in Germany or, for some, in other western or northern EU member

states. Their intention was to enter each country on the route and transit it in order to enter the next one, with an aim to reach their preferred country of destination. Austria was the first country on this migration route that was not only considered a transit country, but also as a final country of destination for some people.

3.2 *Humanitarian Conditions within the Corridor*

For all states on the route (but also for civil society and humanitarian organisations) the facilitation of the corridor required the use of all available staff, facilities and organisational capacities (cf. Ladić and Vučko 2016; Frébutte 2016). Provision of reception conditions was often subject to prior registration, indicating the desire to exercise control over individuals' basic needs. The basic care provided was minimised in order to carry out a punishment of those who entered and deter new arrivals. The numbers of migrants and refugees were at times so high that the situations were on the verge of humanitarian disaster and potentially even violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits torture and inhuman or degrading treatment. Appalling conditions and overcrowding in various *ad hoc* registration and reception centres and the lack of preparedness for mass arrivals on the part of the authorities raised serious concerns as to whether people could withstand the strenuous conditions they faced on the route.

Some countries on the route operated the corridors in such a way that migrants and refugees were free to choose among various means of transportation available to them and move around the country freely (e.g., Macedonia and Serbia), while others required the migrants to use the means of transportation provided for them and, when not on the move, held them in confined camp areas surrounded by fences (e.g. Croatia and Slovenia).[5] This also contributed to surveillance, control and punishment as the main aims of crimmigration.

3.3 *The Effects on EU-Turkey Agreement on the Corridor*

The corridor was in full operation until 8 March 2016, when the EU-Turkey agreement was concluded (EU Turkey Statement). It then began to be scaled down, until a few weeks later, when it completely vanished as the final

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5 For a detailed description of the response of the Republic of Slovenia to mass arrivals and the transit of migrants and refugees and how these responses developed, please see Ladić and Vučko 2016.

groups of migrants and refugees still on the route applied for asylum in one of the countries on the route. While the corridor temporarily neutralised the crimmigrant rules governing migration management, the EU-Turkey agreement reinstated them.

Even while the agreement was being negotiated, the circumstances within the corridor and the nature of the enterprise were changing rapidly on a daily basis. In the period from January 2016 onwards, it was becoming increasingly difficult for certain categories of migrants and refugees to continue their journey to the next country on the route, even though only a few weeks earlier this had been possible for their co-nationals (Peace Institute 2016a, 2016b, 2016c; Centre for Peace Studies 2016).

The reinstitution of the crimmigrant approach first affected only certain groups. Nationals of countries other than Syria, Iraq and Afghanistan (SIA nationals)—for example, Moroccans, Egyptians, Tunisians, Eritreans, etc. (non-SIA nationals)—were increasingly subjected to less favourable treatment and were not allowed to continue their journey within the corridor (Peace Institute 2016a, 2016b, 2016c; Centre for Peace Studies 2016). Those SIA nationals who did not have appropriate papers issued by the states within the corridor were at some points also not allowed to continue their travel (Peace Institute 2016a, 2016b, 2016c; Centre for Peace Studies 2016).

As the corridor narrowed and the open door policy of Germany started to wind down, the countries further south on the migration route, following a "domino effect", also started not only restricting their actual entry policies, returning fully to the restrictive elements of the legal framework, but also limiting access to the asylum procedure for the remaining persons within the corridor.[6] Deterrence and expulsion as the main goals of crimmigration policies prevailed once again. They were accompanied by further militarisation of border control which occurred by, for example, employing military forces to guard the borders in Bulgaria, Serbia, Macedonia and Hungary (Reuters 2016a; 2016b; 2016c). Also, by adopting legislative amendments, Slovenia extended its police force's powers to its army in the area of border control (Republic of Slovenia, Amendments to Defense Act, 21 October 2015).

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6   The trend of closing the doors for asylum seekers was continued by countries further restricting their asylum legislation. Hungary, for example, limited the number of daily arrivals (Republic of Hungary, Amendments to the Asylum Act of 5 July 2016) while Austria and Slovenia passed emergency laws that enabled their authorities to close the borders for asylum seekers unless they fell into extremely narrowly defined groups, e.g. unaccompanied minors (Republic of Austria, amendments to the Aliens Act, 28 April 2016; Republic of Slovenia, amendments to the Aliens Act, 26 January 2017).

4   Applying the Law and the "Crimmigrant" Response

4.1   *Entry and Transit*

The aim of this section is to show if and how the valid legal provisions were applied while the corridor was in place. The described developments first show that the entire state management of the corridor was not in line with immigration, border control and asylum rules and was therefore outside the normal normative framework. Extraordinary circumstances led the governments involved to deploy extraordinary measures, and since these were unforeseen by law, they in fact amounted to a state of exception.

The state of exception situation was shaped by a number of states' unilateral measures, decrees issued by governments and *de facto* practices applied by the authorities, the police, and the army in their daily response to mass arrivals. This was an example of a "disorganised state of exception", far from the permanent state of exception that one can observe, for example, with regards to the Guantánamo detention camp, which continuously and permanently functions outside of the rule of law. Instead, the corridor was a chaotic and unpredictable set of measures and responses that came into existence as a result of improvisation on the part of state authorities in addressing this extraordinary migrant situation.

As we have learned from the described and analysed legal framework, from the formalistic perspective of national and EU law, the entire enterprise surrounding the corridor was unlawful. Namely, in spite of not meeting the conditions for entry, thousands of people were granted entry in all countries on the migration route. It would also be difficult to formally justify their entry on the basis of humanitarian reasons mentioned in the Schengen Borders Code, as humanitarian visas would have to be issued for this purpose in line with the Visa Code. Furthermore, people were allowed transit through countries in order to enter the next country on the route, even though such an option is not provided for in the law, as mentioned above.

By taking such an approach, the governments' response was less crimmigrant than it would have been had the corridor not existed. Complete prohibition of entry and transit as instructed by the legislation were replaced by states facilitating entry and transit of an unprecedented number of migrants and refugees.

4.2   *Limitation of Movement Practices*

In spite of these anti-crimmigrant developments certain important crimmigration elements persisted. In some countries on the route, freedom of movement in and out of the corridor was prohibited, which means that people were

de facto detained. For example, once people reached the Croatian registration camp at Opatovac (later replaced by the camp in Slavonski Brod), they were constantly subject to police supervision (cf. Supreme Court of the Republic of Slovenia 2016) and not allowed to move around freely, as the camps were fenced. Then the authorities provided trains to transport them to the Croatian-Slovenian border. The trains were locked until the decision was made by the authorities to release the migrants and first direct them towards the Slovenian border, or later, after an agreement had been reached with the Slovenian authorities, to deliver them directly to the Slovenian authorities at the Dobova train station (Human Rights Ombudsman 2016).

Slovenia continued this practice, as all registration camps provided for this purpose (Brežice and Dobova near the border with Croatia, or Šentilj near the border with Austria) were fenced and highly guarded. Transport was provided by buses or locked trains. These arrangements made it impossible for people to leave the camps even for a short while or to choose their own means of transportation.

Such limitation of movement undoubtedly interfered with individual personal freedom. To avoid such situations, all interferences of the authorities with this right should be in line with the legal guarantees set forth by the constitution, as well as with international, European and national law. Taking into account the analysis in this paper's section on the legal background of the corridor, I conclude that limitation of movement of persons in the corridor was unlawful. No legal provisions exist that would allow for such mass, indiscriminate and general limitation of movement.

4.3   *Limitation of Movement: The Case of Slovenia*

In Slovenia, individuals whose freedom of movement was limited did not receive any decisions imposing this measure on them within six hours of the beginning of the implementation of the measure, as required by the State Border Control Act, or later as required by the Aliens Act. On the contrary, since Austria expected that each person they received from Slovenia had been duly registered, the Slovenian authorities decided to issue a document called "permission to remain" (Slovenian: *dovoljenje za zadrževanje*) based on Article 73 of the Aliens Act. The permission to remain was an administrative document which served as proof for Austrian police that an individual was duly registered by the Slovenian authorities. It is also one of those administrative elements that characterise crimmigration as a mixture of administrative and crime control mechanisms. As permissions to remain were later also used as a basis for Dublin returns, and since Dublin returns can also been seen as a type of expulsion penalising migrants for continuing their travel within the EU, it

can be argued that such an administrative measure simultaneously served the penalising aim of crimmigration.

This permission to remain, which is usually valid for six months, does not provide for the right to reside in the country, but enables a person to stay and be protected from deportation. The document is intended for individuals whose return cannot be carried out and who do not have a residence permit in Slovenia. It is a type of document that provides for some kind of legalisation, yet not to the extent that it would be considered a residence permit. However, it is clear that the issuing of permissions to remain was not based on the fact that people in the corridor could not be returned, but that these permissions were instead issued because the Slovenian authorities wanted to be sure that these persons would be properly registered and accepted by Austria.[7] Return was not even attempted anymore, as after the first days, when the corridor started going through Slovenia, the Croatian authorities did not respond to return requests issued by the Slovenian police. So the permissions to remain were issued contrary to their legal purpose.

The only provision that could legally justify the limitation of movement is the aforementioned general police power from the Police Tasks and Powers Act, but as already underlined, this authority is so broad that it should have been interpreted and used restrictively. Instead, in the case of the corridor, it was used for hundreds of thousands of people and over the duration of several hours or days in relation to each refugee, and for more than seven months in total.

There was no intent to return the people in the corridor, while the main purpose of limitation of movement was to exercise control and to make sure that refugees and migrants left the country and were received by Austria. Arguably, it is also safe to conclude that the limitation of movement was not in line with the conditions of the Return Directive and the directives of the European Convention on Human Rights, as its main purpose was not to carry out the return or to prevent unauthorised entry, as required by the Convention. The entry of the people into the country was definitely not in accordance with the law, but it was also not unauthorised; the state authorities *de facto* had authorised it by carrying out registration and providing basic care and transport.[8]

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7   It is interesting to note that on 7 January 2016, the Government of Slovenia declared that permissions to remain issued to refugees cannot be regarded as residence permits in line with Article 12 of the Dublin Regulation, thereby trying to disclaim its responsibility for examining asylum applications lodged in other EU member states (Government of the Republic of Slovenia, 2016).

8   It is important to emphasise that the states applied the described treatment only to refugees and migrants who found themselves within the "corridor", while any other foreigner trying

5   Legal Consequences of the Facilitation of the Corridor

5.1   *Reference for Preliminary Ruling to the CJEU: Irregular Entry?*

From the analysis of the compliance of the state practices developed within the corridor with the normative framework, it is evident that the whole situation amounted to a disorganised state of exception, legal chaos from a formalistic point of view, a parallel regime (Šalamon 2016a: 44) established in practice in disregard of the law. This parallel regime now already has consequences in judicial activity, predominantly in Austria and Slovenia.

One of the issues mentioned above that the national courts started to address is the question of whether a person's entry into the country through the corridor was irregular. This issue was raised by the Supreme Court of the Republic of Slovenia in a reference for a preliminary ruling to the Court of Justice of the European Union (CJEU) in line with Article 267 of the Treaty on the Functioning of the European Union.[9]

The case concerns A.S., a national of Syria, who travelled to Slovenia through the corridor by organised means. He exited Serbia and entered Croatia at a designated border crossing, accompanied by Serbian authorities, and was handed over to Croatian authorities, who did not deny his entry to Croatia and did not initiate any procedure for return from Croatia or verify if he met the conditions for lawful entry. Furthermore, the Croatian authorities then also organised his transport to Slovenia (par. 5 from the reference for preliminary ruling). In Slovenia, he applied for asylum.

However, the Slovenian Ministry of the Interior, competent for examining asylum applications, dismissed his application and decided that according to the Dublin Regulation, Croatia was the member state responsible for examining his asylum request. It is difficult to overlook the absurdity of the situation, in which the state authorities had first rushed people through and then tried to use legal ways to return them to where they entered from. Surprisingly, following Slovenia's request, Croatia accepted its responsibility, invoking Article 13(1) from the Dublin Regulation, which specifies the responsibility of the state into which an asylum seeker entered irregularly from a third country.

In its reasoning for the reference for preliminary ruling, the Slovenian Supreme Court expressed doubts as to whether such entry was really irregular if it was in fact authorised; however, the court was not convinced regarding

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to enter irregularly outside the corridor was not allowed to do so. In such cases, the EU rules were strictly applied.

9   Case L-2925, A.S., Request for preliminary reference lodged by the Supreme Court of the Republic of Slovenia, 13 September 2016 (national case number: I Up 220/2016-11).

whether such an autonomous interpretation of Article 13(1) of the Dublin
Regulation is allowed, or whether each national court understands irregular
entry as one not in line with the Schengen Borders Code.[10] In other words, the
Supreme Court was investigating whether the activities of the border authori-
ties who accompanied people across the border and disregarded the entry
rules should be taken into account in a discussion regarding whether a par-
ticular border crossing was irregular.

The Supreme Court also raised the question of the differences in terminol-
ogy in various legal acts. For example, while the Dublin Regulation uses the
term "irregular crossing" (Slovenian: *nepravilen*), the translation of the Slove-
nian text uses the word "illegal" (Slovenian: *nezakonit*). While the EU, as all
other international organisations, started avoiding the use of the term "illegal"
in the context of migration to avoid contributing to crimmigration, the Slo-
venian authorities (and also Slovenian translations of relevant legal acts) still
predominantly use the term "illegal" (Slovenian: *nezakonit*) or "unauthorised"

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10   The full translation of the questions asked by the Supreme Court of the Republic of Slove-
      nia in the reference for preliminary ruling to the CJEU, L-2925 of 13 September 2016, is:

   1. May judicial review in accordance with Article 27 of the Regulation No. 604/2013 be
      requested also with regards to the interpretation of conditions from Article 13(1),
      when the member state decides that it will not examine the application for interna-
      tional protection, while another member state already accepted responsibility for the
      examination of the applicant's request on the same legal basis, when the applicant
      opposes this?

   2. Should the condition of irregular entry from Article 13(1) of the Regulation no.
      604/2013 be interpreted independently and autonomously, or should it be interpreted
      in line with point 2 of Article 3 of Return Directive 2008/115 and with Article 5 of the
      Schengen Borders Code that defines unlawful border crossing, and should such an in-
      terpretation be taken into account in interpreting Article 13(1) of Regulation 604/2013?

   3. Following the response to question No. 2, should the term "irregular crossing" from
      Article 13(1) of Regulation 604/2013 in the circumstances of this case be interpreted in
      such way that this border crossing was not irregular when the member state authori-
      ties organised such crossing with the purpose of transit to another EU Member State?

   4. If the answer to question 3 is affirmative, should consequently Article 13(1) of Regula-
      tion No. 604/2013 be interpreted so as to prevent the return of a third-country national
      to the state where he first entered the EU?

   5. Should Article 27 of the Regulation No. 604/2013 be interpreted so the time limits from
      Articles 13(1) and 29(2) are not being taken into account while the applicant exercises
      his right to judicial review, in particular when this right involves a request for pre-
      liminary ruling or when the national court is waiting for the response of the Court of
      Justice of the EU to the request in another case? Alternatively, would in such a case the
      time limits be taken into account, while the responsible Member State would not have
      the right to reject the acceptance of the case? (translated by the author).

(Slovenian: *nedovoljen*). For the court, this was an additional argument for doubting that the manner in which the crossing took place could be examined only from the perspective of formal entry requirements as specified by law.

As the case for preliminary ruling is pending, one can only speculate as to what the outcome will be. If the CJEU responds to this main question affirmatively—i.e. that the term "irregular" should be interpreted autonomously and that the state authorities' factual activities should also be taken into account in addition to formal legal provisions—this will effectively prevent returns on the basis of the Dublin Regulation for persons who applied for asylum in Austria, Germany or other Western and Northern European member states, even though they entered the EU first in Greece and then in Croatia. According to the official statistics, the number of these persons is at least 650,000 (European Commission 2015).

If the response of the CJEU is negative—i.e. that only formal requirements specified in the Schengen Borders Code should be taken into account when interpreting whether a border crossing was irregular—this would effectively mean that Croatia would be faced with hundreds of thousands of requests to accept responsibility for examining these individuals' asylum requests. This would probably put Croatia in the same position as Greece was before 2011, until Dublin returns were stopped based on the European Court of Human Rights' judgment in the case *M.S.S. v. Belgium and Greece* (ECHR 2011).

5.2   *Austria: Judicial Responses to Arbitrariness within the Corridor*
Other examples of judicial activities on the national level include the recent first instances of judgments issued by Austrian courts in relation to persons who were returned from Austria to Slovenia when the corridor was already closing down, and were consequently not allowed to submit asylum applications in Austria. With the assistance of an Austrian non-governmental organisation named Bordercross Spielfeld, an Austrian attorney initiated 25 cases by filing complaints against such treatment. In seven cases (as of October 2016) the appeals were successful; in four they were unsuccessful, and others are still pending. In the four unsuccessful appeals, further judicial review was sought from the Austrian Supreme Administrative Court.[11]

In one of the successful appeals, the Austrian first instance court confirmed that the applicant, now based in Slovenia, where he had submitted an asylum application (this is the same applicant as in the reference for preliminary

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11   See cases of the Austrian Administrative Court, judgments no. LVwG 20.3-913/2016 and
        LVwG 21.3-914/2016 of 29 August 2016; LVwG 20.3-864/2016 and LVwG 21.3-865/2016 of 29
        August 2016.

ruling lodged by the Slovenian Supreme Court), was not given the chance to apply for asylum in Austria because the interpreter told the Austrian police officer that the applicant is from a region in Syria where there is no war. In several other cases, the Austrian court reached a similar decision.[12] In these cases, the right to re-enter Austria is now being sought by the individuals concerned.

Another case involved an applicant who wanted to transit Austria in order to apply for asylum in Germany, but had his request refused. The conclusion reached by the Austrian first instance court was that such treatment was discriminatory, as such opportunities had been provided for thousands of other individuals. In this case, the re-entry right is questionable because it concerned entry into Germany and not Austria.

The successful cases indicate that when interpreting the lawfulness of the border procedures applied in the corridor, the Austrian Administrative Court took into account the wider context, including the state practices used while managing the corridor, and did not resort to a solely formalistic approach. It therefore interpreted the procedures autonomously, disregarding the definition of irregular entry from the Schengen Borders Code or the Return directive. Only in this way could the court also apply more general constitutional principles of the rule of law and equality, which are equally binding in judicial decision-making.

The Austrian Administrative Court approach can accordingly also be regarded as counter-crimmigrant, by way of its use of an approach that did not punish the asylum seekers for taking the unique opportunity to travel to their country of destination within the corridor.

5.3   *Reference for Preliminary Ruling to the CJEU: Authorised Entry as a Humanitarian Visa?*

Following the appeals that were lodged in the four unsuccessful cases, the Austrian Administrative High Court effectively halted all Dublin procedures (i.e., procedures for return to countries where asylum seekers irregularly first entered EU territory, such as Croatia or possibly Greece) and addressed another reference for preliminary ruling to the CJEU, asking whether authorising entry should be regarded as a visa.[13] It also ordered the lower administrative court to investigate how the entry or transit through Croatia took place and if the

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12   See cases of the Austrian Administrative Court, judgments no. LVwG 20.3-912/2016 of 9 September 2016, LVwG 20.3-918/2016 and 21.3-919/2016 of 9 September 2016, LVwG 20.3-873/2016 and LVwG 21.3-874/2016 of 9 September 2016.

13   Austria, *Verwaltungsgerichtshof* (Administrative High Court), Reference for preliminary ruling to CJEU, C-646/16 *Jafari*, 14 December 2016.

circumstances were identical to those of the case of A.S., in which the Slovenian Supreme Court filed a reference for preliminary ruling to the CJEU.

The decision of the CJEU must be awaited before the responsibility of the state can be determined.[14] Arguably, Austria will apparently not continue with return procedures based on the Dublin Regulation in the cases of persons who entered Austria through the "humanitarian corridor" until the CJEU's decision is reached.

6   The Corridor as Means of Countering Crimmigration

The legal questions raised by these courts all point to a more general issue regarding the legitimacy of the corridor: if the state facilitated the operation of the corridor in a way that was incompatible with national and EU laws, could the corridor still be considered as a legitimate operation from the perspective of human rights law and the principle of human dignity?

Let us imagine for a moment what would have happened if the corridor had not been allowed, and if the EU norms and national rules had been strictly respected by some of the states on the route.

If one of the states, for example Slovenia, had not allowed entry, refugees and migrants would be stranded in Croatia at the border with Slovenia in increasingly crowded conditions. The crowd could grow large enough that police would have to use various forceful methods to prevent entries, which could have led to conflicts similar to those at the Greek and Macedonian border, and thus inevitably to physical injury for both refugees and the police. If the border had been "secured" by a panel fence, this would not bring any significant change as the refugees would try to cross anyway by destroying the fence, as we have observed in Hungary. If the border had been "secured" by a razor-wired fence (as some parts already are), people would be at extremely high risk of physical injury and consequently damage to their physical integrity.

Furthermore, if the refugees did not exercise physical pressure to enter, they would have started camping at the border site, which would have led to difficult humanitarian situations, sanitary problems and hardship due to lack of basic care (food, clothes, shelter and medicine). One needs to remember that thousands of people per day travelled through this corridor and, with all the alternative scenarios at their disposal being less desirable, allowing entry was

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14   Austria, *Verwaltungsgerichtshof* (Administrative High Court), Ra 2016/18/0172 to 0177 of 16 November 2016.

the only thing states could do to respect basic human rights standards. Of particular concern would be situations falling under Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), which prohibits inhuman and degrading treatment.

If people were refused entry while the neighbouring country was refusing to accept them back, those people would be stranded in the territory between the two states. If neither of the two states accepted the responsibility to provide for basic care, they could both be found liable for violating Article 3 of the ECHR.

This shows that mass arrivals change everything. The described scenarios indicate that the alternatives to the corridor are not acceptable ones and would in fact lead to far more difficult humanitarian and human rights situations compared to those observed within the corridor.

Had there been no corridor and had people been left stranded at the border, the main aim of the authorities would have been to encourage them to surrender, leave the site, disperse or return. This was evident from the case of Idomeni, the improvised camp at the Greek-Macedonian border after the closure of the corridor.

7   Conclusions

Clearly, not allowing entry and disregarding basic human rights standards would have been a straightforward crimmigrant approach to "migration management" that would have caused additional dehumanisation, suffering and possibly even loss of human life. In contrast, it is evident that the corridor, with the facilitated entry and transit supported by the states involved, provided for a very different pathway for the people to reach their preferred countries of destination.

The corridor provided for much faster travel. Using the corridor, people needed only a few days rather than the weeks or months or even years that they would have needed if states had not been involved.[15] Furthermore, the corridor provided much cheaper travel for migrants and refugees, since starting

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15   If migrants and refugees run out of savings to cover the expenses of their journey, they need to engage in the grey economy in order to earn money and pay for the continuation of their journey. There are numerous testimonies available online showing that sometimes people live in forests and "jungles" (unofficial border camping sites or abandoned buildings) for years before they manage to continue their journey. During this time, it is clear that they have to find ways to provide for themselves.

at the Greek and Macedonian border they no longer had to pay human smugglers to transfer them from one country to another. The states themselves took over work that before the corridor had been exclusively in the hands of smugglers, and that returned to them after it had closed down. Finally, the corridor provided for a much safer journey for migrants and refugees. The death toll for those using the corridor was practically non-existent (with the exception of boat journeys from Turkey to Greece), which is of immense importance when considering that one out of 23 migrants did not survive their journey through the Central Mediterranean route in 2016. These three elements—speed, costs and safety—also show that the corridor was a preferred option for the migrants, and that with its closure their vulnerability has increased.

The corridor therefore clearly had a strong humanitarian character and, even though a mixture of administrative and criminal law responses and policies were apparent while it was in operation (cf. Stumpf 2015: 240), for those six months it successfully defied the crimmigrant response that is otherwise prevalent in law and official policies. This is a particularly valuable point, as countries that host migrants, even if only for short periods of time, generally adopt tougher measures to address the irregularity of migrants present in their territories (Guia 2013: 21; Mitsilegas 2013: 88).

The competence of the EU in the field of asylum and migration is hampered by the individual interests of member states. While some are reluctant to participate in distribution processes and receive asylum seekers (the Višegrad group), others are passive due to upcoming elections (Germany, France) in which the issue of migration plays a crucial role. The EU-Turkey agreement seems to be functioning as a one-way deal. While the section on return of migrants and refugees from Greece to Turkey is being implemented, very few people have been welcomed to Europe in return based on this agreement. Consequently, mechanisms providing safe pathways such as resettlement, relocation and humanitarian visas have not yet been used to their full potential. Furthermore, by lacking a common EU approach, countries have adopted—and will very likely continue to adopt—unilateral deterring measures for blocking access to their territories to all persons, regardless of their protection needs. It is expected that other countries in Southeastern Europe will follow the examples of Austria, Slovenia, Hungary and Bulgaria in their crimmigrant approach. The EU, with its plans to externalise border control, not only to Turkey but now also to Libya, is not setting an encouraging example for a more protection-centred approach. In this situation the corridor showed how alternatives to crimmigration policies are greatly needed in times of mass displacement when so many people are seeking refuge or opportunities for a better life.

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European Governments' Responses to the 'Refugee Crisis'

The Interdependence of EU Internal and External Controls

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Abstract

In the face of the 'refugee crisis', many European governments, even in traditionally liberal states, unilaterally introduced a number of restrictive and, often, controversial migration, asylum, and border control policies. The author argues that past legal-bureaucratic choices on migration and asylum policies, ongoing developments in international relations at that time, the structural and perceived capacity of receiving states to cope with the refugee influx, and long-standing migration-related security concerns influenced the responses of many European governments amid the mass population movement. However, the author also suggests that the surfacing of particular policies across Europe was related to the newly elected Greek government's attempted U-turn from similar repressive and controversial policies during that time. In this regard, the author maintains that repressive and controversial migration, asylum, and border control policies cannot simply be abolished within the context of the EU common market and interdependence of EU internal and external controls.

Keywords

Introduction

In 2015, Europe experienced an unexpected mass population movement through the Eastern Mediterranean route. Only in August, more than 100,000

people arrived on the Greek islands, a significant increase compared to the 54,000 that had entered the country the previous month. In October, that figure doubled again to more than 200,000 people. By the end of 2015, it is estimated that more than 850,000 people had crossed the Greek-Turkish sea border.[1] Within this context, Greece began overtly ignoring the provisions of the Dublin Regulation, and allowed newcomers to move on unregistered and unimpeded to their preferred destination countries in mainland Europe, mainly Germany and Sweden (Trauner 2016: 319).

At the EU level the response was slow and hesitant, and didn't go deep enough to address and treat the actual dilemma behind the 'refugee crisis' (see Carrera et al 2015).[2] This contributed to the creation of a humanitarian emergency in Greece, particularly on the islands (see Skleparis and Armakolas 2016). In this regard, the establishment of the EU relocation mechanism and the opening of the 'Balkan route' to destination countries in mainland Europe were emergency measures that attempted to relieve some of the tensions created by the refugee influx in Greece. Yet, at the same time, the very opening of the 'Balkan route' was a manifestation of the EU's inability to reach a collective and sustainable response to the mass population movement. Eventually, a 'containment strategy' prevailed, marked by the 'EU-Turkey joint statement' and the closure of the 'Balkan route' in March 2016, which aimed to put an end to the uncontrolled mass population movement through the Eastern Mediterranean route (see Trauner 2016).

At the national level, however, the responses were much bolder. In the face of the refugee influx many European governments on the mainland quickly introduced a number of restrictive and, often, controversial migration, asylum, and border control policies. All in all, the tightening of migration and asylum policies, the reintroduction of temporary internal border controls, the militarisation of internal border controls, the erection of barbed-wire fences, and the establishment of daily caps on asylum applications and border-crossings comprised the responses of many European governments to the refugee influx. In April 2016, the UN Secretary-General, Ban Ki-moon hit out at the 'increasingly restrictive' European asylum policies in his speech to the Austrian parliament,

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1   See UNHCR Mediterranean Refugees/Migrants Data Portal. Available from: http://data2 .unhcr.org/en/s ituations/mediterranean/location/5179.

2   I prefer the use of the term 'refugee crisis' to 'migration crisis', as the vast majority of newcomers along the Eastern Mediterranean route in 2015–2016 came from the top 10 source countries of refugees. I use the term in inverted commas to denote that this was a crisis which was largely caused by the implementation of specific policies, or lack thereof, and not refugees themselves.

which had voted in favour of some of the continent's most stringent laws (The Guardian 2016). He expressed his concern that 'European countries are now adopting increasingly restrictive immigration and refugee policies', and added that 'such policies negatively affect the obligation of member states under international humanitarian law and European law' (ibid). The aim of this paper is to identify and analyse the factors that shaped these repressive and, often, controversial responses from many European governments.

By drawing on migration studies literature and policy analysis, I argue that past legal-bureaucratic choices on migration and asylum policies made by European governments, ongoing developments in international relations at that time, the structural and perceived capacity of receiving countries to cope with the refugee influx, and migration-related security concerns shaped the responses of many European governments in the face of the mass population movement. Moreover, I maintain that within the context of the European single market and the interdependence of internal and external controls, certain migration, asylum, and border control policy choices made by the Greek government in 2015–2016, up until the 'EU-Turkey joint statement', also shaped the respective policies of many mainland European governments. In fact, I suggest that the Greek government's response to the 'refugee crisis' rendered the spread of repressive and controversial policies across Europe unavoidable, since migration to the EU is rendered governable, manageable, and controllable at the expense of those who seek international protection, insofar as some European states rely on controversial and restrictive policies and tactics more than others.

The paper is structured as follows: the next section puts forward a typology of factors that shape government responses to mass population movements. This is followed by an overview of the repressive and controversial responses of many European governments in the face of the 'refugee crisis', and an analysis of the factors that shaped them. The rest of the paper traces the Greek government's response to the mass population movement and analyses the factors that influenced it, in an attempt to add an extra layer of analysis to the policy choices made across Europe.

Government Responses to Mass Population Movements

It has been commonly argued that states' power to control migration has been curtailed by national, international, and supranational norms which push governments towards more liberal migration policies (see Cornelius, Martin, and Hollifield 1994; Soysal 1994; Sassen 1999; Joppke 2001). More specifically,

Cornelius, Martin, and Hollifield (1994) and Joppke (2001) have suggested that policy makers have lost their power to opt for their preferred restrictive migration policies to the judiciary, which limits the leverage of the executive and legislative to ban or expel unwanted migrants. In other words, states' capacity to pursue restrictive migration policies has been curtailed by 'rights-based liberalism' (Cornelius, Martin, and Hollifield 1994). Similarly, Soysal (1994) and Sassen (1999) have emphasised the emergence of international and European human rights regimes and their role in limiting states' power to control migration. For instance, the establishment of the free movement of people within the EU has inevitably transposed state authority over entry and stay of third country nationals to the EU institutions (Sassen 1999).

In the face of mass population movements host governments must make quick decisions across a number of issues. In such circumstances, states' commitment to international justice is fragile, which creates obvious implications for migrants and refugees (Boswell 2007: 87). Where rights provisions coincide with pragmatically grounded commitment to liberal regimes migrants and refugees may benefit from generous provisions (ibid). Where there is lack or absence of pragmatic arguments, 'rights-based liberalism' is not expected to provide very reliable coverage of individual rights (ibid).

Host government responses refer to the actions (or inactions) of governments and other state institutions that include specific asylum policies, unofficial actions, and migration policy implementation (Jacobsen 1996: 657). In the face of a mass population movement host governments are presented with three choices: they can do nothing; they can respond positively; or they can respond negatively to the movement (ibid: 658). Inaction suggests that the host government either is incapable of action, is reluctant to take action, or that it regards the mass population movement as an insignificant issue for its agenda (Gordenker 1987). Any kind of host government action suggests that the numbers of newcomers pose a challenge, and/or are perceived to pose a challenge, to the state's infrastructure and security (Jacobsen 1996: 657). Positive actions are compliant with international rules and recommendations, while negative actions, such as restrictive and/or controversial migration, asylum, and border control policies, are often in stark contrast to the international rule of law.

Since the early 1990s several migration scholars have attempted to explore the effects of international migration and refugee flows on security and stability across different national and regional contexts (see Adamson 2006; Lohrmann 2000; Loescher 1992; Weiner 1992). Their purpose was to facilitate the decision-making process of receiving governments in response to mass population movements by providing a comprehensive and descriptive categorisation of the circumstances under which such movements come to be

perceived as security threats. Influenced by this strand of research, Jacobsen (1996) developed a typology of four broad categories of factors that affect receiving governments' responses to mass population movements: past bureaucratic choices made by governments; international relations developments; the absorption capacity of the host country; and security considerations.

Jacobsen assumes that prior legal-bureaucratic decisions on migration and asylum policies affect subsequent policy decisions, or else, that past policy outputs become future policy inputs. She also suggests that ongoing international relations developments guide receiving governments' interaction with the international migration and refugee regimes and shape their policy responses. Absorption capacity refers to various social, economic, and cultural factors that affect host governments' policy responses in the face of mass population movements. It is understood as both the ability and willingness of a country to absorb an influx of refugees. Structural ability is determined by such factors as economic capacity. Willingness, on the other hand, is affected by the host country's perception of its ability to absorb refugees, beliefs about the motivations of newcomers, the ethnic and/or religious affinity between host and refugee populations, historical experiences of forced displacement among the host population, and the cultural meaning that the host society ascribes to refugees. These factors, according to Jacobsen, influence social receptiveness, or, to put it in another way, the willingness of receiving countries to absorb an influx of refugees. Finally, she identifies security concerns as the fourth factor that can potentially shape a receiving government's response to a mass population movement. These concerns mainly derive from the 'migration-security continuum' rationale – prevalent in policy circles – according to which terrorism, international crime and migration are connected (see Bigo and Tsoukala 2008).

The next section draws on the aforementioned factors in an attempt to explain why many European governments, even in traditionally liberal states, resorted to restrictive and controversial policies in the face of the 'refugee crisis'.

European Governments' Responses to the 'Refugee Crisis'

Past legal-bureaucratic decisions on migration, asylum, and border control policies significantly affected the policy decisions made by a number of European governments in the face of the 'refugee crisis'. European governments had already started to implement tighter migration policies following the 1973 oil price hikes (Cross 2009: 172). In the 1980s and 1990s, asylum-seeking became the main gateway to Western Europe amidst growing fears that the

influx of asylum seekers would undermine the refugee regime and dismantle the welfare state (Hollifield 2004: 897). Subsequently, the ties between migration, asylum, and security were strengthened across EU member-states in the late 1990s and early 2000s (Karyotis 2007). This reinforcement of the 'migration-asylum-security nexus' was accompanied by tighter asylum policies, and increasing reliance of Western governments on practices of policing and social control of migrants and asylum seekers.

After the 9/11 terrorist attacks a shift in the relationship between migration law and security concerns resulted in the 'normalisation' of security issues within migration law (Dauvergne 2007). It is not the case that the 9/11 events marked the beginning of the securitisation of migration. They rather served as a tidal wave clearing away political opposition to the advance of increasingly tight migration control policies, or at least served to silence this opposition (Brouwer 2003: 402). Since the 9/11 attacks, accelerated initiatives to combat terrorism in the EU have resulted in the transgression of human rights norms, particularly in the area of migration (Mitsilegas 2015). In other words, after the 9/11 attacks liberal states have started to rely more explicitly on repressive and controversial migration, asylum, and border control policies. Hence, it can be argued that past policies and decisions after the 9/11 terrorist attacks largely shaped the negative responses of many European states to the 'refugee crisis', particularly as regards the tightening of migration and asylum policies.

It can be also argued that international relations developments influenced European governments' responses. The collective weakness of the EU in its failure to come up with a timely and sustainable solution to the soaring numbers of newcomers, in combination with the anxiety regarding whether and when such a solution would be forthcoming, led a number of European governments to increasingly resort to unilateral repressive and, often, controversial policies. Germany's decision to coordinate the opening of the 'Balkan route' was also perceived by many states as a violation of their sovereignty, which fed into the reinstatement of temporary internal border controls. The November 2015 Paris attacks and the fact that some of the terrorists had used Greece as a transit country to mainland Europe acted as a catalyst to the adoption of these policies.

Constraints in the structural capacity of many European states to process a plethora of asylum applications and provide for hundreds of thousands of asylum seekers arguably also shaped negative policy responses to the mass population movement. More than 1,250,000 people applied for international protection in the EU member-states in 2015, a number more than double that of the previous year (Eurostat 2016). Germany registered the highest number of first-time applicants in the EU (441,800 first-time applicants, or 35% of all

first-time applicants in the EU), followed by Hungary (174,400, or 14%), and Sweden (156,100, or 12%). Within this context, the curtailment of social assistance and access to other social rights for migrants and refugees can be justified as a way of limiting the number of asylum applications (Huysmans 2000: 767). According to this line of thought, welfare provisions act as a magnet pulling migrants and refugees into the EU, increasing in this way the competition over the distribution of social goods, such as housing, healthcare, unemployment benefits, jobs, and other social services (ibid). Scarcity transforms migrants and refugees into competitors with citizens in the labour market and the distribution of social services and goods (ibid), which subsequently affects the willingness of the host society to absorb the newcomers.

In this regard, it can be suggested that limited willingness to absorb the influx of refugees also influenced the negative policy responses of many European governments. According to the spring 2016 Eurobarometer survey, immigration was seen as the major challenge facing the EU (European Commission 2016). Six out of ten Europeans had negative feelings about the immigration of people from outside the EU (ibid). Indeed, the labels of 'migrant', 'refugee', and 'asylum seeker' are politically powerful signifiers in contemporary Europe and have the 'capacity to connect the internal security logic to the big political questions of cultural and racial identity, challenges to the welfare state, and the legitimacy of the post-war political order' (Huysmans 2000: 761). The representation of migration as a cultural challenge to social and political integration has become an important source of justification for employing restrictive migration and asylum policies across Europe (ibid: 762). This was apparent in the 'refugee crisis' as well. Far-right parties and conservative political elites across a number of EU member-states successfully manipulated significant migration-related public fears and anxieties with respect to the protection of national security and the myth of cultural homogeneity, eventually pushing their respective governments to increasingly resort to unilateral repressive policies, which many times were quite controversial.

Finally, common market security concerns arguably largely shaped many European governments' decision to reintroduce temporary internal border controls. The central element of these concerns is the assumption that the establishment of a common market and the subsequent abolition of internal border controls have not only improved transnational flows of goods, capital, services, and people, but that they have also facilitated illegal and criminal activities by terrorists, international criminal networks, asylum seekers, and immigrants (Huysmans 2000). The abolition of internal border controls was based on the premise that the external border controls of the EU were strong enough to guarantee a sufficient level of command over who and what could

legitimately enter the space of free movement (Anderson 1996: 186–187). In this regard, terrorism, drugs, and crime on the one hand, and the rights of migrants, refugees, and asylum seekers on the other, have to be treated together as they constitute a security continuum connecting border controls, terrorism, international crime, and migration (Bigo and Tsoukala 2008).

Tightening Migration and Asylum Policies

Restricting access to work and residence permits, welfare provisions, and social assistance, and hindering access to international protection and related provisions have sometimes proven to be more important tools for curbing the free movement of people than border controls (Huysmans 2000), at the expense of the most vulnerable and those in need of international protection.

In response to the refugee influx, a number of European governments proceeded with the tightening of their national migration and asylum laws, which oftentimes were in sharp contrast to their obligations under European and international law. In September 2015, the Hungarian government changed its migration and criminal law in a way that effectively denied asylum seekers access to protection. Under the new laws, entering Hungary except at official crossing points was made a crime punishable by up to eight years in prison. Serbia was declared a safe third country, and those who were arrested entering through it were made liable to summary return there. Criminal convictions were accompanied by a 1-3-year re-entry ban to Hungary. All asylum claims were determined through an accelerated procedure, while most of them were rejected as inadmissible since they were filed by persons who had entered Hungary through a safe third country. Rejected asylum seekers were held indefinitely in detention pending removal, mainly to Serbia. Under the new laws detention was applied systematically and indiscriminately to all asylum seekers. The new laws resulted in prolonged periods of detention, poor detention conditions, and the further exacerbation of the living conditions and rights of vulnerable groups of people (HRW 2015a).

The German government restricted family reunification for persons granted subsidiary protection. Moreover, in October 2015, it extended the list of safe countries of origin to include Albania, Kosovo, and Montenegro. This entailed that asylum applications from these countries were summarily considered as manifestly unfounded, since German asylum authorities were bound by law to assume that conditions of persecution, inhuman or degrading treatment, or punishment did not exist in these countries. Even before the official extension of the list of safe countries of origin, in September 2015, the Federal State of Bavaria had paved the way for this move by introducing two combined reception and return centres for those asylum seekers with no prospect of remaining

in the country, forcing them to stay in these facilities for the whole duration of their procedures. Human rights NGOs criticised Germany's decision to accelerate procedures for asylum seekers from these countries on the basis that it put too much emphasis on deterrence and exclusion (Euronews 2015).

In November 2015, the Swedish government announced changes in its asylum legislation that aimed to reduce the number of asylum seekers arriving in the country. The law reform restricted the right to family reunification to refugees and their immediate family members only; reduced the duration of residence permits to 3 years for refugees and 1 year for subsidiary protection beneficiaries; rendered permanent residence permits dependent on self-sufficiency in the country; and removed the right to protection under the 'otherwise in need of protection' status, a domestic provision intended for people who did not qualify either for refugee status or subsidiary protection, but still had protection needs. The UNHCR (2016a) criticised Sweden's law reform on the basis that it would undermine the rights of unaccompanied migrant children in the country, and that it would have a 'detrimental effect' on separated families.

Similarly, in November 2015, the Danish government presented a legislative package on asylum with 34 tightening measures intended to stem the influx of asylum seekers to the country by making it a less appealing destination. Measures included shorter residence permits, stricter necessary conditions for the obtainment of permanent residence permits in the country, longer detention periods, and more restrictive family reunification policies. One controversial measure foresaw the confiscation of valuables from asylum seekers by the Danish authorities to help fund the cost of services provided to refugees.[3] The measure meant that the police would be able to seize valuables worth DKK 10,000 or more from asylum seekers. The legislative package attracted heavy criticism by NGOs. The government was accused of violating human rights with its new laws, which encouraged an increased number of arrests of third country nationals, as well as weaker judicial control (The Local 2015). The UNHCR warned that the new bill could violate a number of international conventions, including the global convention on the rights of the child (UNHCR 2016b).

In January 2016, the Austrian government put forward a proposal that included, among other measures, an upper limit of 127,500 refugees that would be allowed to apply for asylum in the country over the course of four years. Other measures included stricter enforcement of entry checks at the borders and tougher return policies for rejected asylum seekers. However, the Austrian

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3   The same policy was later followed by Switzerland and some German Federal States, such as Bavaria and Baden-Württemberg.

government had to backtrack on its proposal for an upper limit of refugees, as it was found incompatible with international and European law. The government eventually returned with a new law, which enabled it to declare a state of emergency in case migrant flows threatened the country's 'national security' and take a series of 'special measures'. Once a state of emergency is activated, a fast-track admissibility procedure for asylum seekers can be implemented at Austrian borders, according to which asylum claims can be deemed inadmissible and asylum seekers can be returned to the countries they transited from, on the assumption that Austria's neighbours are safe for refugees. Only minors and pregnant women, and individuals who face real risk of torture or inhuman or degrading treatment in a neighbouring transit country or who have nuclear family members already in the country would be admitted into Austria. In addition, the detention period of rejected asylum seekers was extended and the duration of the refugee status was limited. The Austrian government moved forward with the new law despite the fact that it attracted strong criticism from the UNHCR and the Commissioner for Human Rights, Nils Muižnieks, who called the measures 'highly problematic' (ORF 2016). HRW (2016) stated that the new law will block access to a fair and efficient asylum procedure, and will violate the right to an effective remedy for the majority of asylum seekers in Austria, while it also 'risks instituting blanket, automatic detention without due attention to particularly vulnerable asylum seekers'.

Tightening Internal Border Controls

As soon as the number of asylum applications started to increase sharply, a number of European governments, such as those in Germany, Austria, Slovenia, Hungary, Sweden, Norway, Denmark, and Belgium, started to reinstate temporary internal border controls in an attempt to hinder large numbers of asylum seekers from seeking refuge in their territories.[4] Governments whose countries were in the middle of the 'Balkan route', such as Austria, Hungary, FYROM, and Slovenia, started building fences along their borders in an attempt to curb and geographically displace the flow of people. These policies were accompanied in some cases by a drastic militarisation of internal border controls, and introduction of daily caps on border crossings and asylum claims, which clearly broke the rules of international protection. These unilateral actions of initially a few European governments were guided by the rationale of

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4   Malta and France also reinstated internal border controls after the November Paris attacks to counter the 'threat of terrorism' under the procedure of Article 27 (former Article 24) of the Schengen Borders Code.

'passing the buck' (see Lavenex 1998) and caused a domino effect of repressive and controversial responses across Europe.

On 20 August 2015, FYROM deployed army forces and riot police, and called for a state of emergency to stop the uncontrolled movement of migrants and refugees crossing from Greece. On 14 September 2015, Germany introduced temporary border controls with Austria to cope with the influx of people. Following Germany, Austria also reinstated temporary border controls with Hungary, and deployed army forces to support border police at the Austrian-Hungarian border. In fear of being inevitably turned into a de facto destination country due to the unilateral actions of its neighbour, Hungary completed on 15 September 2015 a border fence at its border with Serbia. The aim of the 175-km-long fence at the Hungarian-Serbian border was to deter migrants and refugees, and channel the flow to legal border crossing points. Sealing off the Hungarian-Serbian border made Croatia anxious that the flow would be eventually redirected towards the Croatian-Serbian border. Because of this, Croatia temporarily closed its border for a few days to slow down the movement of people, and introduced a daily cap on border crossings, according to which only a certain number of asylum seekers per day was allowed to enter the country.

On 16 October 2015, Hungary completed the construction of a fence at the Hungarian-Croatian border as well, which had already become the main gateway after the closure of the Hungarian-Serbian border. In tandem with the sealing of the Hungarian-Croatian border, Slovenia introduced a daily cap on border crossings, which permitted a maximum of 2,500 arrivals a day. Furthermore, Slovenia deployed the army to help patrol the Slovenian-Croatian border, which had become the main entrance to destination countries after the sealing of Hungary's borders with its Balkan neighbours. On 11 November 2015, Slovenia began erecting a razor-wire fence along parts of the Slovenian-Croatian border to control the flows and redirect them to certain monitored crossing points. Two days later, on 13 November 2015, Austria started constructing a wire fence along the Spielfeld border crossing between Austria and Slovenia. Again, the aim was to hinder the flow of people, and reroute it to specific border crossing points.

Common market security concerns became particularly acute after the November 2015 Paris attacks. Five days after the terrorist attacks, on 18 November 2015, FYROM, Serbia, Croatia, and Slovenia announced in a coordinated manner that they would only allow Syrians, Iraqis, and Afghanis to pass through their borders, considering nationals of all other countries unlikely to be refugees. This clearly constituted a discriminatory border policy in breach of rules of international protection, as under international law it is illegal to reject

asylum seekers based on their nationality and without any possibility of having their individual circumstances taken into consideration (Amnesty International 2015). In turn, this policy resulted in illegal pushbacks of asylum seekers to Greece, and the use of violence by FYROM authorities. On top of that, on 28 November 2015 FYROM started constructing a fence along its southern border with Greece, which signalled the beginning of the end of the 'Balkan route'.

Increased common market security concerns led countries with a long-standing tradition of liberal values, such as Sweden and Denmark, to resort to repressive and controversial border control practices that bent the rules of international protection. On 4 January 2016, Sweden introduced internal border ID controls on all means of transport entering from Denmark. The aim of this policy was to reduce the number of asylum applications in the country by making Sweden a safe place for only a select few, as only a limited number of asylum seekers actually had any form of identification. Sweden's move prompted Denmark, which was concerned about the potential for a bottleneck of asylum seekers transiting through the country, to impose a temporary border control along its German border. Moreover, since January 2016, Austria periodically introduced internal border controls, citing concerns about the influx of asylum seekers. In addition, in mid-February 2016, Austria introduced a daily cap of 80 asylum applications at its borders, a policy which was described by European Migration Commissioner Dimitris Avramopoulos as 'plainly incompatible with Austria's obligations under European and international law' (EurActiv 2016).

The tightening of migration and asylum policies, the reintroduction of temporary internal border controls, the militarisation of internal border controls, the construction of barbed-wire fences, and the introduction of daily caps on asylum applications and border-crossings comprised many European governments' responses to the 'refugee crisis'. These responses were often found to be in stark contrast to the rules of international protection. So far, I have argued that these responses were influenced by previous policy choices made by European governments, international relations developments, the structural and perceived absorption capacity of receiving countries, and security considerations. However, I also argue that these factors alone cannot adequately justify the emergence of such repressive and controversial policies across Europe, particularly in countries with long-held liberal traditions.

The next sections look at the Greek government's response to the mass population movement. I maintain that certain migration, asylum, and border control policy choices made by Greece in 2015–2016, up until the 'EU-Turkey joint statement' in March 2016, significantly shaped the repressive and controversial policies employed by other European governments in response to

the refugee influx. As stated earlier, the establishment of the European single market entails that internal and external controls are interdependent.

The Greek Government's Response to the 'Refugee Crisis'

The issue of migration was securitised in Greece in the early 1990s, that is when the country first became host to mass population movements from the Balkans and Eastern Europe (Karyotis and Patrikios 2010; Karyotis 2012; Karyotis and Skleparis 2013; Skleparis 2016). 'Illegal migration' again became the top issue in the Greek political agenda in 2012, after the far-right extremist party Golden Dawn increased its popularity in opinion polls prior to the 2012 double legislative elections (Lazaridis and Skleparis 2016). The conservative party New Democracy, in fear of losing votes in the upcoming elections, adopted the anti-immigrant and xenophobic rhetoric of its far-right opponent, and made a number of pledges in this direction (ibid). Following Golden Dawn's electoral success in both the May and the June elections of that year, the new unity government[5] led by New Democracy, adhering to its pledges, introduced several repressive policies that aimed to stem 'illegal migration flows', and combat 'illegal stay' of third-country nationals in the country (ibid).

In August 2012, Operations *Aspida* (Shield) and *Xenios Zeus* were introduced simultaneously at the Greek-Turkish land border and in mainland Greece respectively in a coordinated attempt to provide a holistic solution to both 'illegal entry and stay' of third-country nationals. Two months later, in October 2012, the detention period of asylum seekers was extended from six to eighteen months in total. These repressive measures were topped up with the construction of a 12.5-km-long barbed-wire fence along the Greek-Turkish land border in December 2012. Finally, a conservative citizenship law was introduced, which excluded second-generation migrants born and raised in Greece from Greek citizenship. Arguably, Greece had a rich record of repressive, and often controversial legal-bureaucratic decisions on migration, asylum, and border control policies before the 2015–2016 'refugee crisis'.

In 2015, the newly-elected left-wing SYRIZA-led coalition government performed a 180-degree turn from the repressive policies and practices of the previous government (Skleparis 2017). Prior to the elections, SYRIZA had

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5 A unity government is usually formed during a time of national emergency. In June 2012, in the face of an imminent 'GREXIT', the first (New Democracy), third (PASOK), and sixth (DIMAR) parties that emerged from the election agreed to form a unity government in order to prevent Greece from exiting the Eurozone.

pledged to expedite the asylum application process, close down the detention centres and replace them with open hospitality centres, stop the use of systematic and indiscriminate detention, end push-backs at the borders, remove the 12.5-km-long barbed-wire fence from the Greek-Turkish land border, encourage family reunification, remove intra-EU restrictions on the travel of migrants, grant citizenship to second-generation migrants, and reinforce the protection of human rights in general (Katsiaficas 2015). After winning the January 2015 elections, and amid rapidly increasing refugee flows, the SYRIZA-led coalition government attempted to stick to its promises to liberalise the country's migration, asylum, and border control policies. The pledges and policies of the new government were welcomed by human rights agencies (see HRW 2015b; 2015c; CPT 2016). Yet, at the same time, the SYRIZA-led coalition government was heavily criticised for failing to address the needs of newcomers (see Amnesty International 2016; CPT 2016).

Contra the general trend in the rest of Europe, Greece's policies became less restrictive during the same period of time. Presumably the Greek government underestimated the volume of the population movement, and, at the same time, perhaps overestimated the country's structural capacity to cope with the refugee influx. What is more, the new government's decision to liberalise the country's migration, asylum, and border control policies clearly defied past governments' legal-bureaucratic decisions in this realm. This might be related to the government's fear that employment of repressive and controversial policies in response to a mass population movement would attract negative international publicity, which didn't fit its left-wing, progressive profile. Liberal policies in the realm of migration, asylum, and border control policies are particularly appealing to left-wing audiences, and the SYRIZA-led coalition government wanted to leave its left-wing mark there as soon as possible. Within the context of tough bailout negotiations and limited room for manoeuvre regarding the potential implementation of socialist fiscal policies, the government quickly understood that its only opportunity to clearly demarcate itself from the previous governments that followed the path of austerity was in the realm of migration, asylum, and border control policies, where it (falsely) perceived that it possessed more leverage. Finally, one can also argue that the SYRIZA-led coalition government perhaps operationalised the liberalisation of migration, asylum, and border control policies amid the refugee influx in an attempt to gain leverage in the bailout negotiations.

Liberalising Migration and Asylum Policies

The previous conservative government had extended the administrative detention period of asylum seekers in Greece to eighteen months. In addition, it

had reduced from thirty to seven days the period that irregular migrants and rejected asylum seekers could remain in Greece if not held in detention. It had topped up these measures with the introduction of the policy of systematic detention of all irregular migrants, including women, unaccompanied minors, and other vulnerable groups. Commenting on these policies and practices on 16 April 2013 the Commissioner for Human Rights of the Council of Europe (2013), Nils Muižnieks, had expressed serious concerns that the violations of human rights of migrants, asylum seekers, and refugees in Greece rendered them even more vulnerable to racist crimes. The Commissioner had urged the Greek authorities to review certain policies, such as systematic and prolonged detention in substandard conditions (ibid). Despite all criticisms, these policies were never reviewed by the Greek government in the 2012–2014 timeframe.

A few months after its election in 2015, the new government drastically reviewed the country's detention and return policies. In March 2015, the Alternate Minister for Migration Policy made it clear that detention would be used by the new government only as 'an exceptional measure' (Aljazeera 2015). Subsequently, the Alternate Minister reactivated Law 3709/11, which foresaw that refugees would be accommodated in open hospitality centres, while irregular migrants and rejected asylum seekers would be provided with a 30-day period without being detained in order to voluntarily return to their home countries. Only after the expiry of the 30-day period would the authorities have the right to return irregular migrants and rejected asylum seekers to their countries of origin. In those cases where returns were not possible (i.e. the vast majority of cases), the government would provide those individuals with a 6-month temporary residence permit, under the condition that they visit the local police station twice a month.

Along the same lines, the Alternate Minister for Public Order and Civil Protection proclaimed the closure of migrant detention centres, and their gradual transformation into open hospitality centres with improved living conditions. The implementation of this policy started with the Amygdaleza' detention centre in early February 2015, when the Alternate Minister visited the infamous facility after the suicide of a Pakistani detainee and proclaimed its closure (Kathimerini 2015). In the four weeks that followed, thousands of asylum seekers, particularly vulnerable groups who had been detained longer than six months, were gradually released. The authorities transported them by coaches from the detention centres to downtown Athens, and provided them with the addresses of various NGOs and volunteer groups in order for them to be able to fend for themselves, exposing them in this way to increased vulnerability to human trafficking and smuggling networks. Those who were released were also provided with a six-month residence permit. A few months later, in

August 2015, the first open hospitality centre in Elaionas, Athens, welcomed its first guests. In all, these policies practically abolished the strategy of systematic and indiscriminate detention of the previous government, and limited the number of returns.[6]

Finally, the SYRIZA-led coalition government introduced a new Citizenship Bill in summer 2015, which enabled second-generation migrants born and raised in Greece to apply for Greek citizenship. Law 4332/2015 was ratified by the Greek parliament on 9 July 2015 and amended the previous conservative Greek Citizenship Code (Law 4521/2014).

In sum, repressive and controversial migration and asylum policies did not appear for the first time across Europe in response to the 'refugee crisis'. Similar repressive and controversial migration and asylum policies had been extensively utilised by the Greek unity government in the 2012–2014 period in an attempt to deter irregular entry and stay of third-country nationals. The newly-elected Greek government, however, U-turned from these policies in 2015. This liberal turn contributed to the surfacing of similar repressive and controversial migration and asylum policies across Europe in response to the mass population movement. I further elaborate on this argument in the next section, where I document the new government's liberal turn with regard to Greece's border control policies. After all, the establishment of the EU's common market introduced a condition of interdependence in the relationship between internal and external controls, whereby the former can remain lax insofar as the latter hold firm.

Liberalising Border Controls

In August 2012, the unity government simultaneously introduced operations *Aspida* (Shield) and *Xenios Zeus* at the Greek-Turkish land border and in mainland Greece respectively in an orchestrated attempt to provide a holistic solution to both 'illegal entry and stay' of third-country nationals. These policies were complemented with the erection of a barbed-wire fence along the land border between Greece and Turkey. These repressive and controversial policies constituted an attempt by the Greek authorities to 'recuperate' city centres, which had been 'occupied' by 'illegal migrants' and were subjected to 'illegal activities'.[7]

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6 According to the Hellenic Police data, 20,868 third-country nationals were returned in 2015, compared to 27,789 in 2014. Out of a total of 20,868 removal operations, 17,097 were forced returns, and only 3,771 were voluntary. In 2014, the respective numbers were 20,293 and 7,496.

7 Prime Minister's speech to the parliamentary group of New Democracy, 4 November 2012.

Operation *Aspida* aimed at beefing up border controls, surveillance, and patrols at the Greek-Turkish land border, which was one of the main gateways to Europe at that point. Approximately 1,800 additional Hellenic Police officers and advanced technical equipment were deployed in the region. Patrol boats reinforced border controls across the river Evros (Strik 2013: 9). Border guards were equipped with night vision goggles and cameras, and electronic surveillance devices (ibid). Aiming at the further externalisation of border controls, the operation also attempted to improve cooperation between the Greek and Turkish local border authorities through the introduction of modern tactics of border surveillance (Frontex 2013: 23). During the same period, Operation *Xenios Zeus* was initially introduced in Athens, and later in other major cities across the country, in an attempt to crack down on 'illegal stay' of third-country nationals. The detection of migrants 'staying illegally' in urban centres across Greece was followed by their – up to eighteen-month-long – detention until their eventual deportation. The magnitude of the operation was manifested by the fact that only in its first week about 4,500 police officers conducted raids on streets and in run-down buildings, rendering *Xenios Zeus* one of the largest ever 'sweep operations' in the country (The New York Times 2012).

These policies had a devastating impact on the lives and rights of migrants, refugees, and asylum seekers in Greece (Karyotis and Skleparis 2013), while human rights violations in immigration enforcement thrived at both the Greek-Turkish border and in mainland Greece (Skleparis 2016). However, despite all criticisms, these repressive policies were never reviewed by the Greek government within the 2012–2014 timeframe, mainly because they proved to be quite successful in controlling migration flows at the expense of human rights. As Figure 1 indicates, since these policies and practices were first introduced in 2012, the number of apprehended irregular migrants dropped by more than 20,000 compared to the previous year. One year on, in 2013, irregular migration flows were reduced by more than 55,000 compared to 2011. However, in 2014, the number of apprehended irregular migrants returned to its 2012 levels, as irregular migration flows were rerouted from land to sea borders, where Operation *Aspida* had not been introduced. The geographical displacement of the flows, however, was neither a failure nor an unintended consequence of the employed border control policies and practices. Rather, geographical displacement was an underlying goal and desired outcome of the border control operation (see Burridge 2012).

In 2015, the newly-elected coalition government embarked on an orchestrated 180-degree turn from the repressive and controversial border control policies and practices of the previous government. In February 2015, the Alternate Minister for Migration Policy proclaimed the end of Operation
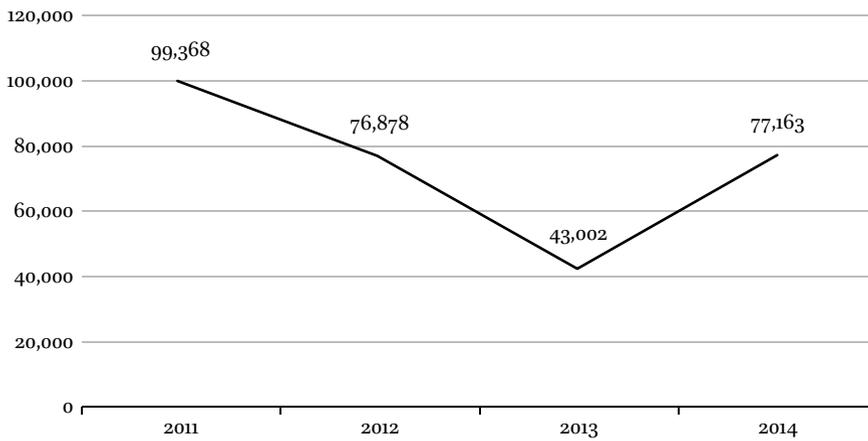
FIGURE 1   *Number of apprehended irregular migrants per year, 2011–2014.*
HELLENIC POLICE.

Xenios Zeus (To Vima 2015). Similarly, Operation *Aspida* was also discontinued on the basis of lack of funds and the significantly reduced migration flows at the Greek-Turkish land border (Bolani, Gemi, and Skleparis 2016: 84). More-over, it was decided that the 12.5-km-long barbed-wire fence in the same area, which had suffered major damage due to floods during the winter, would be left unrepaired due to lack of funds (ibid). In March 2015, an official document (allegedly a ministerial circular) was leaked, which specified that asylum seek-ers who entered the country irregularly would not be detained at the borders. Instead, they would be provided with a document that gave them thirty days to leave the country. This was widely perceived as an unofficial 'travel document' enabling people to transit through Greece (Crawley et al 2016: 14). In July 2015, the Alternate Minister of Migration Policy added a last-minute modification to the proposed Citizenship Bill, which foresaw the abolition of anti-smuggling penalties in cases of transportation of undocumented third-country nationals in need of international protection. This small modification virtually abolished internal controls and enabled the free movement of all newcomers within Greece, legalising, in effect, smuggling, under the cover of transportation for humanitarian purposes (Skleparis 2017).

   In all, the reintroduction of temporary internal border controls, the mili-tarisation of internal border controls, and the construction of barbed-wire fences across mainland Europe in response to the 'refugee crisis' were directly related developments to the Greek government's decision to give up similar repressive and controversial policies at the external borders of the EU amid the mass population movement. The Greek government's liberal turn with

regard to the country's border control policies had no impact at all, other than accelerating the inevitable: it largely contributed to the surfacing of repressive and controversial border control policies across mainland Europe, as in order for internal border controls to be lax, external border controls must remain strong.

Discussion

The paper attempted to provide an explanation as to why many governments across Europe, even in traditionally liberal states, resorted to repressive and controversial migration, asylum, and border control policies in the face of the 'refugee crisis'. I argued that past legal-bureaucratic choices on migration and asylum policies in Europe, ongoing developments in international relations at that time, the structural and perceived capacity of receiving states to cope with the refugee influx, and migration-related security concerns shaped the negative responses of many European governments in the face of the mass population movement.

However, I also argued that the tightening of migration and asylum policies, the reintroduction of temporary internal border controls, the militarisation of internal border controls, the construction of barbed-wire fences, and the establishment of daily caps on asylum applications and border-crossings, which comprised many European governments' responses to the 'refugee crisis', cannot be adequately justified by the aforementioned factors alone. I suggested that within the context of the single market, the type of migration, asylum, and border control policies that are implemented at the external borders of the EU greatly influences policy responses in mainland Europe, particularly in the face of mass population movements. Henceforth, certain policy choices made by the Greek government in 2015–2016, up until the 'EU-Turkey joint statement', shaped the repressive and controversial actions of many mainland European governments in response to the refugee influx. I maintained that the surfacing of particular repressive and controversial policies across Europe was related to the newly-elected Greek government's attempted U-turn from similar repressive and controversial policies amid the mass population movement. In simple terms, many of the policies that emerged across mainland Europe in 2015–2016 had been systematically and effectively implemented, in one form or another, for years at the external borders of the EU at the expense of asylum seekers' hopes, aspirations, and rights prior to their abolition by the newly-elected Greek government. This suggests that repressive and controversial policies of migration government, management, and control

cannot simply be abolished within the context of the single market and the interdependence of internal and external controls. In a time of mass displacement of populations it is doubtful whether Greece's liberal policy shift had any impact at all, other than accelerating the inevitable spillover of repressive and controversial policies of migration government, management, and control to mainland Europe.

Repressive and controversial policies and practices constitute fundamental elements of migration government, management, and control in the EU. Repressive and controversial migration, asylum, and border control policies did not make their first appearance across Europe in response to the 'refugee crisis'. Rather, liberal regimes have long utilised repressive and controversial practices of migration government, policing, and control (Bigo et al 2008), even more after the apparent post-9/11 securitisation of migration in the EU (see Neal 2009). In the words of Bigo and Guittet (2011: 493), '[w]e are indeed still in liberal regimes, dealing with, reproducing and hiding illiberal practices'. According to Balzacq and his colleagues (2010: 9) '[l]iberal forms of governing are based not only on liberal, but also on illiberal practices that are engrained within it'. In this respect, repressive and controversial policies and practices are well embedded in the liberal state, as law can safeguard fundamental rights, while at the same time it can limit the very same (Ewald 1991). By extension, this indicates that unequal access to fundamental rights is a defining characteristic of liberal states, since repressive and controversial policies and practices are incorporated into the technicalities of law and legal government (Lippert and Williams 2012: 55).

The non-exhaustive list of such policies and practices includes systematic, indiscriminate, and/or prolonged detention of third-country nationals; extraordinary rendition and return policies; the use of new practices and technologies of border management and control; extended powers of law enforcement agencies; lack or absence of transparency and accountability mechanisms in border management and control; disproportionate empowerment of executive powers; the denial of due process and access to courts; acceleration of asylum procedures; limitation of access to international protection; restrictions on refugees' and asylum seekers' movement; interception of private communications; conditions of quasi-isolation; inhuman or degrading treatment; and torture (see Ceyhan and Tsoukala 2002; Jabri 2006; Tsoukala 2006; Aradau 2008; Basaran 2008; Bigo and Tsoukala 2008; Ceyhan 2008; Huysmans and Buonfino 2008; Guild, Groenendijk, and Carrera 2009; Bigo, Bonditti, and Olsson 2010; Topak 2014; Skleparis 2016). Hence, repressive and controversial policies and practices that bend or break the rules of international protection did not appear across Europe in the face of the 'refugee crisis'; rather, they are routin-

ised, banal, everyday practices of law and the normal mode of government of liberal regimes (see Bigo et al 2008). Bending or breaking the rules of international protection is what makes migration, asylum, and border control policies effective in keeping migrants out of a country at the expense of the lives and rights of people on the move. Bending or breaking the rules of international protection constitutes an integral element of migration government, management, and control in the EU.

To conclude, the interdependence of the EU internal and external controls, in combination with the fact that bending or breaking the rules of international protection is an integral element of migration government, management, and control in the EU suggests that repressive and controversial policies cannot simply be abolished within the context of the single market. With specific regard to the Eastern Mediterranean route, bending or breaking the rules of international protection has kept (and continues to keep, after the 'EU-Turkey joint statement') migration flows under control for years by curbing and geographically displacing them, and by rendering Greece an unappealing destination for asylum seekers at the expense of those who are in need of international protection. In the absence of effective – and by extension repressive and controversial – external border controls in 2015–2016, states in the mainland were forced to play the role of frontline states by increasingly relying on repressive and controversial migration control tactics and policies, similar to those which had been abolished in Greece, in order to curb the influx of people in their territories.

To be clear: I do not argue that states in mainland Europe had never resorted to practices of bending or breaking the rules of international protection up until the 'refugee crisis' and the subsequent policy shift in Greece. I rather suggest that migration to the EU is rendered governable, manageable, and controllable at the expense of those in need of international protection insofar as some European states rely on controversial and restrictive policies and tactics more than others. Inevitably, this leads to a fundamental question: under what conditions can member-states at the external borders of the EU liberalise their migration, asylum, and border control policies?

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BRILL

Transit Migration and "Valve States"
The Triggering Factors of the 2015 Migratory Wave

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Abstract

This article introduces the concept of a "valve" state as an instrument in the study of transit migration. A "valve" state is defined as a transit state that, due to its geographical position, to a specific regional political and geopolitical configuration and to key changes in its migration control policies, can play a decisive role in significantly shaping regional transit migratory flows. The case study of the 2015 Balkan migratory wave is used to show that this phenomenon was triggered by policy changes in two "valve" states, Greece and Macedonia, that challenged the externalisation and securitisation policies of the European Union. Developments in the first part of 2016 are also taken into consideration in order to show the role of "valve" states in putting an end to the migratory wave. Critically, this was due to the creation of a new "valve" state, Turkey, as part of Brussels' regime of influence.

Keywords

Introduction

This article uses the case study of the 2015 Balkan migratory wave in order to show that this huge migratory flow was triggered by Greek and Macedonian policy changes that challenged the externalisation and securitisation policies of the European Union (EU). Theoretically, this serves to introduce the concept of "valve" state as an instrument in the study of transit migration.

A "valve" state is defined as a transit state that, due to its geographical position, to a specific regional political and geopolitical configuration and to key changes in its migration control policies, can play a decisive role in significantly shaping regional transit migratory flows. The features of the concept are analysed in detail in the last section of this article. However, it is important to show from the very beginning in what way a "valve" state is different from a "normal" transit state and how this new concept can contribute to the study of transit migration. Perhaps the most important aspect of the conceptualisation of the "valve" state is related to the relationship between state policies and migratory flows. By definition, a transit state is characterised by the implementation of restrictive immigration policies. Yet it is widely accepted that in most cases national policies fail to appropriately regulate migratory flows. In fact, such policies very often have completely opposite effects. The "valve" state represents a special case in that its policies do succeed in effectively impacting migratory flows. Moreover, the effects are extremely important for an entire geopolitical region and therefore lead to response actions and policies in a large number of countries. Another key feature of the concept of "valve" state is its particular relationship with a regime of power or influence. Such regimes are created by developed states through externalisation and securitisation policies that target all transit states in their vicinity. Yet only the "valve" states can effectively challenge the regime, suspend its policies – at least temporarily – and reverse their effects in terms of migratory flows. There is also an opposite possibility as illustrated by Turkey in the first part of 2016: a "valve" state can be constructed by the regime in order to restore its ability to stop an otherwise uncontrollable flow. Overall, it can be said that "valve" states represent a sub-category of transit states that play a disproportionately important role in either hampering or enhancing the migratory policies of a regime of power or influence. Accordingly, this concept can be useful in the study of the effects of externalisation and securitisation policies on migratory flows. Because, unlike the more general concept of transit state, the "valve" state is centred on the relationship between state and regime and emphasises the effectiveness of national migratory policies, it allows for a better understanding of the workings of a regime of power or influence that experiences dramatic changes in the flows it is supposed to regulate. This is well illustrated by the analysis of the 2015 migratory wave proposed in this article.

In terms of methodology and data collection, the theoretical aspects developed in this article are supported by statistical data and case studies provided by the UNHCR, Amnesty International, the International Organisation for Migration, Eurostat, a number of research institutes and various newspapers. Given the nature of the 2015 migratory flow, nobody can expect data published

by these sources to represent a sharp and rigorous quantitative assessment of that flow in its entirety. Yet, as illustrated by Table 2, the various data series are consistent and can be considered to provide a reasonable overall picture of the migratory process under scrutiny.

The article is structured as follows: the first section constructs the appropriate theoretical framework. Ensuing sections analyse the 2015 migratory flow, the Greek and Macedonian "valves", the policies of other Balkan countries in their interaction with the EU regimes of power or influence and finally the conversion of Turkey into a new "valve" state. Findings are further discussed in the concluding section.

Politics of Fear, Ethics and "Valve" States: The Theory of Transit Migration

A Problematic Concept

Transit migration emerged as a concept and was adopted by international organisations, European institutions, think tanks and academia during the early 1990s, in the geopolitical context of the end of the Cold War (Collyer et al. 2012: 407; Düvell 2008: 1). While frequently mentioned in relation to Europe, this concept is general and has also been used to analyse large-scale migratory movements through Mexico to the United States or through Indonesia to Australia (Collyer et al. 2012: 410). Its definition, however, remains highly problematic and this is an issue many authors stress (Wissink et al. 2013: 1091; Düvell 2012). In 1993, the United Nations Economic Commission for Europe described transit migration as "migration in one country with the intention of seeking the possibility there to emigrate to another country as the country of final destination" (quoted by Düvell 2012: 417). The problem with this and many other similar definitions (for discussions see Düvell 2008: 3–8; Wissink 2013: 1091–1092) stems from the ambiguity related to intention, length of stay and legal status, which turns transit migration into an "umbrella term embracing various patterns" (Düvell 2008: 7). Indeed, the intention is not necessarily clear at the beginning of the journey and it can change due to policies of and opportunities found in the "transit" country (Mingot and de Arimatéia da Cruz 2013: 181). Migrants might need to wait for years in such a country and, in order to earn an income, enter its labour market, thus becoming irregular labour migrants (Fargues 2009: 566.). One might wonder to what extent a person who initially left for Europe but has spent five years in Turkey is correctly described by the "transit" migrant label. Moreover, present transit-related migratory phenomena include temporary and circular migration, migration to third or

even more countries as well as all sorts of diaspora linkages between countries of origin and destination (Hugo et al. 2014: 5). Overall, it is increasingly clear that transit migration does not necessarily represent a brief pause in a linear pathway. Rather, it is a complex situation that offers a context in which policy interventions and changed social networks lead to new migratory intentions (Wissink et al. 2013: 1102). Accordingly, efforts have been made to turn transit migration into a sub-category of on-migration (Düvell 2012: 424) or to associate it with the concept of secondary movement (Collyer et al. 2012: 410). Yet for the time being the concept remains "problematic" (Wissink et al. 2013: 1091) and, to quote Frank Düvell, "blurred and politicised" (Düvell 2012: 416).

The aforementioned legal status issue refers to the fact that the category of transit migrants consists of or overlaps with a mixture of various legally-defined types of migrants such as legal, illegal and irregular migrants and workers as well as asylum seekers and refugees (Içduygu 2000: 358; Sahin-Mencütek 2012: 142). Even the distinction between political refugees and economic migrants is not clear because the two categories frequently relate to both economic and political factors and involve both coercion and volition elements. All the migrants involved face structural constraints but also retain some agency in making their choices (Mingot and de Arimatéia da Cruz 2013: 178). Consequently, the concept of "mixed migration" has been employed: the UNHCR's preferred term is "mixed flows". The "migration asylum nexus" has also become an increasingly popular term (Collyer et al. 2012: 410; Mingot and de Arimatéia da Cruz 2013: 178). Beyond terminology, the key aspect of this issue is represented by the fact that it is the state that, through its legislation, decides who is an immigrant, a refugee or an illegal migrant (Sahin-Mencütek 2012: 143). Different categories of migration and ensuing migratory paths and flows are therefore constructed and shaped by the "interaction between the policies governing migration, the capabilities of migrants and their aspirations" (Dimitriadi 2015: 5). This is why Aristide Zolberg's call for "bringing the state back in" in international migration studies (Battistella 2014: 10) is rather tautological when applied to transit migration. In fact, the latter has been described as "a strategic response to the constantly changing control regime and part of the complex interaction between migrants' autonomy and states' sovereignty" (Düvell 2012: 422).

Politics of Fear vs. Ethical Response

The "politicised" dimension of transit migration is related to a critical aspect of the domestic politics and foreign policy of Western and especially European Union states. Globalisation is increasingly rendering the migration regimes of nation-states ineffective as they still reflect the state-centric logic of the Cold

War. Individual states can no longer easily control many-layered migration flows. This has led to the progressive perception of migration flows as a potential national and international threat (Içduygu 2000: 359). Two parallel processes can be identified at the discursive, political and legislative levels. One is criminalisation. Transit migration is often put in relation with illegal migration, organised crime, smuggling and trafficking (Quassoli 2001; Düvell 2008: 3; Sahin-Mencütek 2012: 145). The other is securitisation. It has led to the "production of a discourse of fear and proliferation of danger in reference to the potential transit migrants" based on the idea that transit migration leads to a chaotic migratory system (Içduygu and Yükseker 2012: 451) that might jeopardise the sovereignty and integrity of developed countries (Bernardie-Tahir and Schmoll 2014: 89). Securitisation was first studied by the Copenhagen School of security studies. One of its early works, edited back in 1993 by Ole Waever and his colleagues – *Identity, Migration and the New Security Agenda in Europe* (Waever et al. 1993) – included a chapter that specifically explored the relationship between migration and the exacerbation of social insecurity (Heisler and Layton-Henry 1993). Some years later, the Paris School of Security Studies turned the securitisation of migration into one of the main topics of its "Foucaultian sociology of security framing" (Huysmans 2006: 152). Didier Bigo showed how "an unsettled environment is 'manufactured' so as to legitimise the activities of security agencies and frame social changes as manifestations of insecurity and chaos" (Bigo 2001: 121). Western bureaucracies, media and, critically, political actors have included these issues in their "political games" (*Ibid.* 122–137). They started to promote restrictive legislation and the development of control logic as demonstration of efficient governance. The emphasis was placed on "tough" policies and operational efficiency that would restore "lost control" over national and, in the case of the EU, European borders (Vollmer 2011: 316–317). Jef Huysmans showed how the very process of European integration was implicated in the securitisation of migration in the context of the completion of the EU internal market resulting in the free movement of goods, services, capital and people (Huysmans 2000: 758). Domestically, this construction of new "politics of fear" targets the powerless and the marginalized and reinforces power relations in society (Shirlow and Pain quoted by Bernardie-Tahir and Schmoll 2014: 89). Internationally, it turns transit migration into a "sort of a war cry" directed at transit countries that are portrayed as problem countries (Düvell 2008: 3) and compelled to stop migrant flows (see the next sub-section).

However, not everybody in the European Union – and, more generally, in the West – welcomed the securitisation of migration. On the one hand, the issue of effectiveness was raised. The idea that security policy is an effective way of managing migratory flows was contested (Huysmans 2006: 126). On the

other hand and more importantly, the securitisation of migration and the associated "politics of fear" led to "strong feelings of unease and resistance" resulting in sharp criticism and protest. The securitizing of migration started to be questioned on ethical grounds. A process of desecuritization was proposed that would relocate the question of migration to a context of ethico-political judgement which does not reify immigrants and refugees as existential dangers and does not seek to found the political on the basis of existential insecurity (Huysmans 2006: 126, 127; for an analysis of the theoretical dimension of this debate see Cole 2011: 173–231; strategies of desecuritisation were analysed by Huysmans 1995: 67–68 and Aradau 2004: 392). More specifically, the promoters of this ethical approach claim that "immigration restrictions are morally risky" because they can unjustly harm foreigners and restrict their freedom (Hidalgo 2016: 140). Developed states prevent migrants from having access to the legal protection and the asylum process of a liberal state – and thus circumvent domestic and international legal norms – by externalising controls to the transit states. The latter commit major human rights violations against migrants who, remaining on the margins of society and lacking state protection, also are vulnerable to exploitation, crime, injury and death (Kimball 2007: 22). Critical scholars have noted the emergence of regimes of power or influence that address transition migration using regional geopolitical configurations based on cooperating agencies, intersecting sovereign interests and over-arching ideological purposes (this aspect is exemplified in the section of the present article entitled "The Balkan Fashion of Fences"). Within this framework, sovereignty is used as an excuse "to make the matter of humanity increasingly invisible" with respect to transit migrants through securitisation or even militarisation. Moreover, legality itself is reconfigured in order to undo the essence of the protection of human rights: laws now serve securitising and militarising imperatives, thus leading to what has been labelled as "the disappearing human in migration governance" (Giannacopoulos et al. 2013: 569).

In order to put an end to this situation, where borders have "become the site of major ethical challenges", a right to mobility has been advocated that would "reinforce an ethical and rights-based approach to migration" and, through the elaboration of fairer migration policies, would reconcile migration governance with the liberal egalitarian perspective according to which all people should have equal opportunities (Pécoud and de Guchteneire 2006: 73, 75–76, 82). A human rights framework for migration that offers compelling reasons and a powerful rationale for states to afford a legal status to individuals currently perceived as irregular migrants has also been proposed. This humanitarian perspective simply extends the protection logic initially developed in the Geneva Convention relating to the Status of Refugees based on the idea that the

protection of the fundamental rights of individuals is a superior good that justifies the extraordinary award of a legal status (Kraler 2011: 298–299). At first view, the chances of such proposals curbing the present securitisation trend might seem very low. Yet there is little doubt that Chancellor Merkel's welcoming of migrants in early September 2015 was mainly due to ethical reasons. Moreover, this article will show that ethical factors were also at the root of major policy changes that actually triggered the 2015 migratory wave in Macedonia and possibly in Greece. "Utopian" ideas and political programmes in Europe and elsewhere are stronger than they might seem.

Externalisation, Transit States and "Valve" States

Still, for the time being the promoters of securitisation do have the upper hand. This has resulted in two complementary policies adopted by Western nation-states and the European Union: "fencing" (or preventive measures) that prevent irregular migrants from setting foot in the territory and "gate-keeping" (or deterrent measures) that restrict practical legal access to a nation and its institutions (Schmoll 2016: 363; Triandafyllidou and Dimitriadi 2013: 600). In Europe, these strategies led to different mechanisms of externalisation of migration control policies being created within Brussels' regimes of power and influence: those related to southern and eastern peripheral EU members; those concerning candidate states; and those targeting third countries neighbouring the Union's external borders. In the first case, an array of EU structures and mechanisms is involved that includes the Schengen agreements, the Schengen Visa Information System (VIS), the Schengen Information System (SIS), Frontex and the European External Border Surveillance System (EUROSUR). In the second, migration control became an important element of the EU accession processes. In the third case, partnership and readmission agreements were signed bilaterally between the European Union and/or its member states and third countries, while migration control represents a prominent component of the European Neighbourhood Policy, the Europe-Mediterranean Partnership and the Barcelona Process (for details see Triandafyllidou and Dimitriadi 2013: 600–604; Dimitriadi 2016a; Sahin-Mencütek 2012: 146–147). At this point it is worth mentioning the atypical situation of Greece. In its case, in 2011 other EU members became unable to carry out Dublin Regulation transfers due to two judgements of the European Court of Human Rights and the European Court of Justice that identified systemic deficiencies in the Greek asylum system (European Commission 2016). From that point on, the situation of Greece became very similar to that of non-EU transit states, despite its membership in the European Union. Overall, the process of transit migration to Europe has become a mechanism of negotiation with European structures of exclusion

(Papadopoulou 2004: 168) that takes place mainly in peripheral EU states like Greece or in neighbouring ones such as Macedonia. These states have been associated with the development of a European security zone closely related to the aforementioned concept of threat that dominates the European migration discourse (Vollmer 2011: 320).

It is true that, in a certain measure, the transit countries' frequently harsh anti-migrant actions and policies also can be explained as a reconfiguration of their authority in response to the erosion of sovereignty resulting from globalisation and the diffusion of international norms (Sahin-Mencütek 2012: 145) and, in some cases, as an effort to impose or regain their position as a significant regional player (Natter: 2014: 18). However, by far the most important reason is the transformation of migration control into "a strategic method of negotiation toward greater regional integration with northern neighbors" (Kimball 2007: 6) that places the transit state inside a regime of power or influence in exchange for financial assistance and aid (Sahin-Mencütek 2012: 148). Accordingly, since the 1990s externalisation has led to the progressive reconceptualisation of the transit state from "a descriptive idea of geography to becoming a tool of governance" (Dimitriadi 2016b: 342). Today, a transit state is more than a country that migrants cross in their journey to the West. The four characteristics identified by Ann Kimball include (1) the vicinity of a developed country, (2) the presence of high emigration, low immigration and transit migration, (3) their role as a primary staging ground for migrants planning to enter destination countries clandestinely and, critically, (4) the implementation of restrictive immigration policies and activities (Kimball 2007: 12). There are many such states (for lists and a discussion see Sahin-Mencütek 2012: 143), but the 2015 migratory wave showed that some of them play a critical role that needs to be appropriately taken into consideration.

Indeed, the following sections show that policy changes in Greece and Macedonia were the main triggering factors that led to the largest migratory movement in Europe's post-WWII history. These countries are representative for the category of "valve" states, that play a decisive role in significantly shaping regional transit migratory flows. The characteristics of this category are identified and discussed in the following sections.

A Mixed Flow

Lack of space prevents me from analysing the root causes of the 2015 migratory wave. I will only mention that, if older push-pull models are used, an approach such as the dual labour market theory (Piore 1979; Massey et al. 1993: 440;

Battistella 2014: 4) combined with the effects of restrictive policies of other possible destination countries in Western Europe and in the Gulf can be taken into consideration in order to explain migrants' interest in Germany and Sweden. In terms of push factors, the Syrian civil war that started in 2011 and, since 2014, the actions of the so-called Islamic State in Syria and Iraq have resulted in a dramatic flow of internally and externally displaced people. In 2015, no less than 4.3 million Syrian refugees were registered in neighbouring countries (UNHCR 2015a). However, a strong caveat needs to be formulated against the frequently mentioned idea that the 2015 migratory flow should be analysed mainly as a refugee issue. Some of the Syrian refugees spent a long time in neighbouring countries and decided to leave for Europe not because their lives were under threat but "because of unemployment, and a lack of financial assistance", in the words of a migrant (UNHCR 2015b: 11); lack of education and, critically, lack of hope for peace back home can also be added to the list of factors. Moreover, the migratory movement included many Middle Eastern and African migrants trying to reach the prosperous countries of northern Europe mainly for economic reasons, but claiming that they were genuine refugees in order to receive political asylum. Their number increased considerably when Germany stopped returning Middle Eastern asylum seekers to their first port of entry in the EU (*Deutsche Welle* 2015). Consequently, the overall migratory wave clearly falls in the category of "mixed flows" described in the previous section and it would be counterproductive to insist on the predominance of either political or economic root causes.

The Greek "Valve"

In recent years, Greece's porous borders were turned into the main entry gate for irregular migrants trying to reach the European Union. In 2008, 50 percent of them took the Greek route. The percentage increased to 75 in 2009 and to 90 in 2010, a value that remained relatively constant during the following years (Kasimis 2012). In fact, Greece represents the central axis of the Anatolian "geopolitical corridor" that, due to the heavy presence of transnational smuggling networks, has ensured the transit of large numbers of Middle Eastern, Asian and African migrants to the EU via Italy and the Balkans (Michaletos and Deliso 2015). In response, Brussels encouraged and supported a process of enhanced securitisation meant to curb Greek transit flows. Its effects, however, were only visible with respect to the shifting of the routes taken by migrants. Until 2010, most of them crossed the Aegean Sea in small boats. That year, increased surveillance by coastguards supported by the European Union's

TABLE 1   *Land and sea irregular entries in Greece from Turkey, 2013–2015*

	2013	2014	2015
By land	1,109	1,903	4,256*
By sea	11,447	43,518	851,319

* As of 18 December 2015.

SOURCES: AMNESTY INTERNATIONAL 2015: 50; UNHCR 2015E.

border agency Frontex and, on land, the removal of World War II anti-personnel mines shifted the main route to the Greek-Turkish land border in the Evros region. Yet, in mid-August 2012, Greece deployed 1,800 police officers and started to build a 10.5 kilometre fence along that section of the border. In October 2012, when the fence was completed, the number of irregular migrants entering continental Greece was reduced to less than ten per week. Once more, the migratory flow was redirected to the Greek islands. During the first five months of 2013, 3,265 illegal migrants were apprehended on those islands as compared to only 336 in the same period of the previous year (Amnesty International 2013: 7). The sea/land entry ratio continued to increase in 2014 and 2015, as shown in Table 1.

The most striking element in this table is the twentyfold increase in the number of migrants in 2015. Starting at a modest 1,694 in January, monthly arrivals peaked at no less than 211,663 in October 2015, as shown in Table 2. Most were registered on the North Aegean islands of Lesvos, Chios and Samos and in the Dodecanese islands of Kos and Leros (UNHCR 2015b: 13). Lesvos received about 60% of the total number, with an average of 3,500 arrivals per day in the first half of October 2015. Even the small island of Chios was the place of landing of 113,000 migrants; 9,000 arrived on October 9 alone (UNHCR 2015c: 2; Kehayioylou 2015). A different trend was followed by the migratory flow from North Africa to Italy, which diminished from 170,000 in 2014 to around 150,000 in 2015. Overall, undocumented sea crossings to Europe in 2015 reached 1,000,573. Half of the migrants were Syrians, 20 percent Afghans and 7 percent Iraqis (Holland 2015).

For years, the huge majority of the migrants reaching Greece have been in transit to richer countries such as Germany, Sweden or Britain. Still, the difficulty of reaching those states led to a fluctuating number of undocumented migrants living in Greece variously estimated at 400,000–700,000 (Angelos 2012), 1 million (Michaletos and Deliso 2015), and 1–1.3 million (Kasimis 2012). This has been a serious burden for the 10.8 million Greeks who have been facing a

TABLE 2 *Monthly numbers of migrant arrivals in Greece, asylum applications in selected countries, Syrian asylum applications in all Europe and relevant political events, 2015*

2015	All migrant arrivals in Greece (UNHCR)	All asylum applications in Germany (Eurostat)	All asylum applications in Sweden (Eurostat)	All asylum applications in EU (Eurostat)	Syrian asylum applications in all Europe (UNHCR)	Relevant Political Evens
January	1,694	26,885	4,895	67,990	12,746	
February	2,873	27,705	4,050	72,620	9,563	
March	7,874	33,880	4,120	68,530	12,001	2 March – Greece secures a four month Eurozone bailout extension after Prime Minister Alexis Tsipras bows to German-led pressure to stick to the broad terms of the rescue package 11 March – Greece raises the spectre of seizing German assets for war reparations 12 March – German Finance Minister Wolfgang Schäuble denies having insulted Greek Finance Minister Yanis Varoufakis

April	13,556	28,735	3,920	64,755	13,368
May	17,889	27,610	5,375	73,010	17,881
June	31,318	37,045	6,625	95,805	29,469 — *18 June* – Macedonia allows migrants to cross the country legally
July	54,899	39,830	8,070	122,445	51,286
August	107,843	39,490	11,745	147,080	76,390
September	147,123	47,185	24,265	170,745	94,192 — *5 September* – German Chancellor Merkel welcomes migrants
October	211,663	60,360	39,060	170,390	154,280
November	151,249	59,615	36,595	131,535	117,044
December	103,338	48,275	13,840	69,480	–

SOURCES: UNHCR 2015F; UNHCR 2015G; EUROSTAT 2016; *THE GUARDIAN* 20 AUGUST 2015; *VOA* 18 JUNE 2015.

harsh economic crisis. Reactions have included the rise of far-right extremism, with anti-immigrant violence that resulted in beatings and stabbings reaching alarming proportions (Angelos 2012). For their part, Greek think tanks such as the Research Institute for European and American Studies in Athens have attributed the situation to "the complicity or indifference" of neighbouring Turkey. They went as far as stating that "illegal immigration is actually an asymmetrical threat aimed at destabilizing the Greek state" in a number of ways: by exhausting the country's security, police and military forces; by creating large Muslim communities that would play a destabilizing role; by introducing "hygiene issues into the Greek territory"; and by infiltrating "terrorists, criminals, [and] espionage agents" (Research Institute for European and American Studies 2008). It is true that – as shown in more detail below – Turkey did not see the migrant issue as its own problem because migrants mainly wanted to reach Europe, not to stay on its territory; Turkey furthermore instrumentalised the issue in order to get leverage in its relationship with the European Union. An unfriendly observer in Athens easily could have taken this as proof of hostile intentions.

Greek authorities might have not fully shared the views of the far-right, but they understood the need to address the issue. They did it in two somewhat contradictory ways. On the one hand, they simply defied Brussels' externalisation policies by making no effort to prevent migrants already on their soil form crossing illegally into other European countries (Amnesty International 2013: 6). On the other, they joined the European Union's securitisation efforts in a quite brutal way. Ill-treatment of illegal migrants became the norm. This made them try desperately to leave the country and deterred others from coming in. A dysfunctional, backlogged asylum system and the practice of lengthy detention in appalling, inhumane conditions even led to the already mentioned 2011 suspension by the EU of Dublin Regulation transfers to Greece (*Ibid.*, 3; Angelos 2012; European Commission 2016). Furthermore, the government in Athens made frequent use of sweep operations resulting in collective expulsions to Turkey, and of push-back operations (Amnesty International 2013: 6). The latter category of operations especially has been vocally criticised by human rights defenders for putting migrants' lives at risk. Push-backs ("unofficial returns") normally involved small inflatable boats overloaded far beyond capacity with illegal migrants that the Greek coastguard towed to Turkish waters. There, the inflatable boats had their engines disabled and/or their oars removed, after which they were knifed, rammed, or made to nearly capsize while being towed or circled by Greek ships. At the end, the migrants were left at sea on unseaworthy vessels, which seriously threatened their lives (*Ibid.,* 9, 11–12). These unlawful life-endangering practices are well documented and

were used on a regular basis before 2015, with an average of one such incident a week (*Kathimerini* 2013; Amnesty International 2013: 9).

It is clear that Greece has the four characteristics identified by Ann Kimball as defining a transit state (Kimball 2007: 12) and, before 2015, was heavily involved in the EU effort of externalisation and securitisation; still, it also preserved a significant degree of autonomy with respect to Brussels' policies. From a European point of view, the fact that the Greek government allowed or even encouraged migrants on its territory to continue their journey to the North was hardly perceived as a friendly action; yet overall the Balkan country represented a useful "valve" that helped keep the number of illegal migrants entering the European Union at a reasonable level. Because this was mainly the effect of Athens' brutal methods, the latter were seldom criticised. There was no significant external pressure meant to curb their use.

Consequently, because in 2015 there was a twentyfold increase in the number of illegal migrants trying to reach Greek islands in the Aegean (851,319 as compared to 43,518 in 2014), one would have expected an important increase in the number of push-backs during that year, too. Paradoxically, the contrary happened. In August and November 2015, Turkish fishermen and Turkish coastguards did film the Greek coastguard deliberately trying to sink two inflatable boats full of migrants. But an Amnesty International researcher reported only four such incidents during the first eleven months of the year (Squires et al. 2015; Hartley 2015). This means that, roughly, the number of push-backs diminished ten times while the flow of migrants grew twenty times. Moreover, it is possible that the few remaining push-backs were the result of decisions taken at lower echelons. The Greek authorities as a whole clearly decided in 2015 to curb their policy meant to deter the illegal crossing of the Greek-Turkish sea border and this obviously contributed to opening the Greek "valve", which resulted in more than 850,000 migrants transiting the country instead of the 45,000 of the previous year.

This is to say that Greece belongs to a special category of countries that have the ability to fundamentally shape transit migratory flows through changes in their national policies. At this point, it is too early to try to identify the features of such "valve" states beyond what has already been said in the introduction; in order to reach a reasonable level of generalisation, Macedonia and the other Balkan states need to be scrutinised as well. However, even if the introduction of a new concept is not taken into consideration, it is rather surprising that nobody has analysed the reasons for the Greek policy change. Most likely, this is due to the fact that the change was unofficial, just like the previous brutal policy. A state cannot acknowledge having set up practices that violate basic human rights in a democracy even when the decision to terminate them is

taken. One important consequence of this situation is the degree of uncertainty related to the causes of the 2015 Greek change of mind. I want to stress the fact that there is no hard evidence supporting a clear explanation. Yet an issue of this importance cannot be analysed without exploring its possible causes, even if this analysis is little more than an exercise in academic speculation. Consequently, I propose two possible scenarios that might have been at the origin of the policy change in Athens.

The Ethical Hypothesis

The theoretical section has presented the importance of ethics in approaching transit migration in both conceptual and practical terms. As mentioned there, it is widely believed that Chancellor Merkel's unexpected policy change of 5 September 2015 was inspired by a moral purpose that made her address the migrant crisis in terms of non-negotiable principles (*The Economist* 2015a; *The Economist* 2015b). The same might be true with respect to the Greek government. It is important to remember that Athens' policy change was due to the Syriza-led coalition that came to power in January 2015. Syriza (an acronym signifying "Coalition of the Radical Left") stems from a highly diverse leftist umbrella group created in 2004 as a coalition of Eurocommunists, left-Social Democrats, Maoists, Trotskyists, Luxemburgists, feminists and ecologists that promoted libertarian, anti-establishment and anti-capitalist ideas (Mason 2012). Its leaders were young, had no previous governing experience and came to power with views that were very different from those of the old Greek political class. Critically, the reformist agenda adopted at the first congress in July 2013 (Syriza only became a political party in 2012) included an important section concerning international migrants. "Large migration flows" were described as the result of neoliberal globalisation "that uproots people from their hearths". EU externalisation and securitisation of transit migration were explicitly rejected: "the European migration policy has to change immediately", "refugees or immigrants will be free to go to another country if they do not wish to stay here", "it is necessary to humanize the institutional framework for legalization, for asylum granting, and for giving travel documents to immigrants and refugees". In Greece, Syriza would "close down today's inhumane detention centers" (Syriza 2013). On 6 September 2015, after seven months in power and at the height of the migrant crisis, Prime Minister Alexis Tsipras made a "Statement on the Refugees" that once more condemned EU policies and also rejected the actions of the previous ruling party, now in the opposition: "What exactly were they demanding from the Greek government? To use Greek coast guard ships to sink the inflatable boats carrying refugees? And to turn the Aegean into a watery grave for thousands of children?" He emphatically stated

that Greece had the obligation to ensure "humane reception and living conditions" for refugees: "our humanity is being tested"; "the time has come for courageous decisions" (Syriza 2015). This might not be sufficient to prove formally that the policy change in Athens was due to ethical considerations, but it clearly points in that direction.

The Retaliation Hypothesis

The decisions of the Syriza government most likely were due to ethical reasons, but this is not the only possible explanation. To many Europeans, 2015 will remain as the year of the great Balkan migration. To Greece, it certainly will remain as the year of a terrible national humiliation at the hands of Western creditors who threatened to push the country out of the Eurozone. Rightly or wrongly, Greeks mainly blamed Germany for their misfortune. To quote the title of a *Times* article, "Germany Finds Itself Cast as the Villain in Greek Drama", a villain responsible for "a coup that goes directly against any kind of notion of democracy and popular sovereignty" (Shuster 2015). Against this background, the hypothesis that Greek retaliation took the form of opening the gate to the flow of illegal migrants trying to reach Germany (where, until 5 September 2015, they were not welcome) cannot easily be discarded. Table 2 constructs a parallel between the monthly number of migrants allowed to enter Greece and the timeline of the earlier part of the Greek-German crisis (when the "Eurozone" is mentioned, a Greek would think mainly of Berlin). Other factors – such as better weather in summer – certainly influenced the dynamics of the flow, but if the time needed for potential Middle Eastern migrants to progressively find out about the Greek policy change is added to the delay of perhaps two months required in order to move from an Aegean island to northern Europe, a certain parallel between Greek-frustrating events in column 7 and rising figures in columns 2, 3 and 6 can be identified. The migrant flow did represent a serious and unexpected problem for the German government that Chancellor Merkel was only able to address in a coherent way in early September 2015, two weeks after the Federal Minister of the Interior, Thomas de Maizière, stated that more than 360,000 migrants had entered Germany that year (Drury and Hall 2015). Therefore, it is not totally absurd to believe that creating this problem was the real goal of the leaders in Athens or that this line of reasoning was combined with the ethical one in justifying their policy change. Yet, even if Greek decisions were inspired by a retaliatory logic, it should be noted that they were supported by a convincing ethical discourse that nobody could ignore.

Overall, the identification of the actual causes remains difficult, but nobody can deny the existence of a "Greek policy of ceasing to control the influx of

migrants and asylum seekers" (Szpala and Jaroszewicz 2015) that was instrumental in setting in motion people affected by warfare, poverty and dictatorship in the Middle East and Africa. The radical, anti-establishment government in Athens challenged the European Union's regime of influence, its security zone and its politics of fear. The processes of externalisation and securitisation were – at least temporarily – suspended at the Greek-Turkish sea border (while continuing to be implemented elsewhere in the Mediterranean), and this key development triggered the 2015 migratory wave. Critically, such a tremendous consequence was possible because of Greece's special situation as a "valve" state.

The Macedonian "Valve"

Until June 2015, Macedonia represented the second and last barrier regulating the migrant flow through the Balkans from the Aegean to northern Europe. This small and poor state is a candidate to EU accession and therefore has a strong interest in joining Brussels' externalisation projects. Like Greece, it tried to discourage irregular migration through a set of restrictive regulations and by detaining migrants in "degrading and inhumane conditions" that were vocally criticised by human rights groups and by the country's own ombudsman (*VOA* 18 June 2015; Szpala and Jaroszewicz 2015). In order to avoid police arrest, transit migrants took dangerous routes. During the first five months of 2015, there were at least 25 incidents involving migrants killed by trains while walking on railway tracks. Many more were robbed by criminal gangs. The situation worsened considerably during the first weeks of June 2015, when – after the opening of the Greek "valve" – the number of daily illegal entries in Macedonia increased from 200 to over 1,000 (UNHCR 2015b: 16). There was a huge increase in road accidents as well as widespread abuse and violence by smugglers and criminal networks. In this case, there is no doubt that genuinely ethical reasons were at the origin of a policy change similar to the Greek one. To put an end to accidents and abuse, on 18 June 2015 the Parliament in Skopje approved a law allowing migrants to apply for temporary asylum at the border and to travel legally through the country for three days (*VOA* 18 June 2015).

This has frequently been taken as the triggering event marking the beginning of the 2015 migratory wave. In part, this is true because, like Greece, Macedonia is a "valve" state whose specific characteristics allow it to control the Balkan migratory flows. Its opening greatly increased the attractiveness of the Balkan migration route (Szpala and Jaroszewicz 2015) that soon almost completely replaced the one going from Greece to Italy. At the same time, however, the

policy change itself was due to an already massive presence of illegal migrants in Macedonia following the adoption of the new Greek approach: there was a threefold increase in their number with respect to the previous year *before* the policy change (*VOA* 18 June 2015). The government in Skopje did not have the means and the will to fight a large flow of migrants alone. This is illustrated by the failure to stop it on 20 August 2015. That day, under heavy pressure from EU member states, Macedonia declared a state of emergency in its border regions, closed the border with Greece and deployed its army to enforce the closure. Yet this resulted in unrest and clashes. A dozen refugees were injured, which led to heavy criticism from human rights organizations. Facing growing chaos, the government finally gave up its plan and reopened the border (*Ibid.*). This suggests that Macedonian authorities indeed had become very sensible to ethical issues and were unwilling to return to their brutal pre-June 2015 policies. This attitude might have been enhanced by the intense mass media coverage of the migrant crisis, which increased the probability that harsh measures would tarnish the country's image. Skopje benefits highly from international assistance and has little interest in bad publicity.

Yet the fact that all this only happened when the migrant flow became very large due to the policy change in Athens shows that the two "valve" states are quite different. On its own, the Greek government took a historical decision and, for a relatively long period, refused to change it. Macedonia's policy change was an effect of the Greek one and the first concession to the European Union's securitisation approach came after only two months. As shown below, it was soon followed by more effective concessions. Accordingly, one might speak of "strong" and "weak" "valve" states. Due to greater political and economic potential and, possibly, to a more ideologically radical leadership, the former are able to challenge a regime of power or influence more effectively and for longer periods. The "weak" "valve" states, on the contrary, are vulnerable to external pressure due to their lack of resources and dependence on foreign aid. Consequently, their challenge to the regime of power or influence is rather brief. Yet during that short period the effects can be considerable.

The Balkan Fashion of Fences

The special situation of Greece and Macedonia cannot be understood outside the geographical, political and geopolitical context of the region. First of all, the European Union's various political and economic instruments and especially its pre- and post-accession processes have allowed it to take a hegemonic position in the Balkans that led to the creation of a regime that combines

power and influence. The balance between these two means of control is different from one country to another. Turkey, Syriza-led Greece or Serbia only tend to accept Brussels' regime of influence while weak candidate states like Macedonia or Bosnia are fully integrated into the EU regime of power. Yet in both cases those regimes have been used to implement the same European externalisation and securitisation policies targeting regional migratory flows.

Geographically, by far the shortest migrant route between Turkey and the Schengen area is that across Bulgaria. Yet this is the poorest member of the European Union and a good example of a member of the EU regime of power. Accordingly, it was the first Balkan state to successfully seal its border using an anti-migrant fence. In the second half of 2013 there was a sharp increase in the number of irregular migrants trying to cross Bulgaria in order to reach Austria via Serbia and Hungary. There were almost 8,000 illegal border crossings between September and November 2013, resulting in a total of 11,158 in 2013 as compared to only 1,700 in 2012 (Amnesty International 2015: 49). In response, the government in Sofia enhanced the policing of the Bulgarian-Turkish border and in January 2014 started the construction of a 30 kilometre fence that was extended by 130 kilometres in 2015 in order to cover the whole of the border by the end of that year. The number of migrants entering Bulgaria dropped dramatically. In the first half of 2015, there were only 4,734 entries while 43,706 entry attempts were frustrated by joint Bulgarian-Turkish actions (*Ibid.* 50–53). The number of illegal border crossings was higher during the second half of 2015, resulting in a total of 29,959 for 2015 (International Organization for Migration 2015), but this was negligible with respect to the migrant flow that took the Greek route. Because EU pressure and local nationalism currently make all political forces promote an anti-migration discourse, no policy change is in view. Therefore, at the regional level Bulgaria's fenced borders can be considered a structural constraint for migratory flows that turns Greece into Europe's only possible south-eastern gate.

North of Macedonia, Serbia also is a candidate to EU accession; yet, it could not be convinced to hamper the migrants' march. But further north, Hungary, the gateway to the Schengen area, was zealous in following the Bulgarian example because the nationalist (and increasingly undemocratic) government of Prime Minister Viktor Orbán has used the "Muslim threat to Europe's Christian identity" represented by Middle Eastern migrants (Traynor 2015) as well as the danger of immigrants taking "Hungarian jobs" (Amnesty International 2015: 75) in order to enhance its domestic legitimacy and electoral support. In 2014 there were 42,894 illegal migrants, half of them from the Balkans (mainly from Kosovo) (*Ibid.*, 72). The number increased to 391,369 in 2015; 177, 105 of them applied for asylum (UNHCR 2015d). In response, anti-migrant

legislation was adopted and, between June and September 2015, a 175 kilometre fence was built on the border with Serbia. On 6 October 2015, after its completion, only 11 migrants were able to cross the border. But that same day, 5,932 migrants by-passed the fence, entering Hungary after a short voyage through neighbouring Croatia. Another Hungarian fence was built along the Croatian border. At its completion on 17 October 2015, the migrants stopped entering Hungary and travelled to Austria through Slovenia (Amnesty International 2015: 75–76).

The small former Yugoslav states did not feel threatened because they did not share Hungary's interest in ultra-nationalist propaganda and knew that migrants were only in transit to richer northern countries. But they were vulnerable to pressure from the European Union and some of its member states such as Austria and Germany. Therefore, they launched a "fence race" that gave a physical, barbed-wire dimension to the "securitisation" concept. On 19 October 2015, the President of Croatia, Kolinda Grabar-Kitarovic, stated that Zagreb was contemplating the construction of a fence at its border with Serbia (Tan and Chandran 2015). On 11 November 2015, Slovenia actually began to build a fence along its border with Croatia (*The Guardian* 11 November 2015). Two days later, on 13 November, Austria announced the construction of a 3.7 kilometres fence at the border with Slovenia that could be extended to 25 kilometres within 48 hours to face a sudden inflow of immigrants (Lamparski 2015). On 19 November 2015, even Macedonia – which had just built two fences along its border with Greece – decided to reject migrants from countries other than Syria, Iraq and Afghanistan (Hadoulis 2015). For their part, Germany and Sweden reinstated temporary border controls in September and November 2015 respectively. The harshly criticised government of Hungary jubilantly accused the European Union of "hypocrisy". EU President Donald Tusk warned that Schengen was on the brink of collapse (Lamparski 2015).

Yet, the effectiveness of fence-building in stopping the flow of migrants has been frequently denied: "European countries simply push people from one route to another, and in most cases to more dangerous ones" (Amnesty International 2015: 8). Such policies "do not seem to deter, only to redirect or extend one's transit stage" (Dimitriadi 2015: 34). Moreover, it was becoming obvious that the European Union's Balkan securitisation policies were paradoxically leading to the termination of Schengen and to the restoration of heavily-guarded Cold War borders. This would have taken time, was expensive and questioned the very logic of European integration and free movement. Despite the fence fashion, hoping to stop the migratory flow north of Macedonia was unrealistic. The issue needed to be addressed where it had started: in the "valve" states.

The Construction of a New "Valve" State

Weaker Macedonia was vulnerable to EU pressure and easier to convince, but even its aforementioned rejection of migrants from countries other than Syria, Iraq and Afghanistan enforced on 19 November 2015 made Greek authorities repeatedly express their disagreement with what they considered to be an infringement of the principles of the United Nations (Daley 2015). It was only after one month that European pressure and local complaints convinced Athens to take action against the 2,300 migrants camping on its side of the border. On 9 December 2015 they were moved by bus to disused Olympic stadiums in the capital (Hadoulis 2015; Daley 2015), but eventually Skopje further narrowed the access to its territory and accepted only Syrians coming from cities "at war" such as Aleppo or Raqqa. In response, Greece's Interior Minister, Panagiotis Kouroublis, publicly compared the conditions at Idomeni, a camp with over 11,000 migrants unable to cross the border, with those in Nazi concentration camps (*The Independent* 10 April 2016). Overall, the general attitude of the Greek government showed that it had no intention of following Skopje's example. Consequently, unable to close the Greek "valve" and knowing that the Macedonian one was too weak to stop a huge migratory flow, the European Union resorted to an unexpected solution: it constructed a new "valve" state.

All Aegean migrants came through Turkey. Therefore, this key transit country had been for a long time an important target of Brussels' externalisation strategy. In fact, after Turkey was officially accepted as a candidate for full EU membership at the December 1999 Helsinki Summit, the migratory issue became central to the Brussels-Ankara relationship (Gökalp-Aras and Şahin-Mencütek 2016: 126). EU conditionality (see Schimmelfennig and Sedelmeier 2007: 88–101) was used in order to turn Turkey into a fully-fledged member of the European Union's regime of influence. The control of migratory flows represented a key element of the Accession Partnership strategies prepared by the EU for Turkey in 2001, 2003, 2006 and 2008 and of the 2001, 2003 and 2008 versions of the Turkish National Action Plans for the Adoption of Acquis as well as of the 2005 National Action Plan for Asylum and Migration. The most important result of EU pressure was the adoption of the first-ever Turkish comprehensive legal framework concerning migration and asylum, the Law on Foreigners and International Protection (Gökalp-Aras and Şahin-Mencütek 2016: 130, 132). This 2013 legal text was the result of a law-making process initiated back in late 2008 (Kirişçi 2012: 63). It did represent significant progress, but reflected only in part the values and concerns of the European Union. Critically, it did not comply with EU demands to change Turkey's liberal visa policy, to implement readmission agreements and to lift geographical limitation (Turkey

does not grant refugee status to asylum seekers coming from outside Europe) (Gökalp-Aras and Şahin-Mencütek 2016: 116, 142; Kirişçi 2012: 65). These short-comings were mainly due to the fact that the law was completed at a time when "accession negotiations [were] fast approaching a dead end" (Kirişçi 2012: 63). On the one hand, this was the effect of European criticism of increasingly visible authoritarian trends and human rights abuses in the candidate state. On the other, the Turkish elites and public also lost much of their interest in accession in the context of Turkey's macroeconomic success on its own and of foreign policy diversification under the doctrine of "strategic depth" (Freyberg-Inan 2016: 11–31). Without a clear prospect of accession, European conditionality lost its effectiveness. In 2015, Ankara did not make the slightest effort to stop the migratory flow to Europe, placing itself clearly outside the EU regime of influence.

However, the inability to close the Greek "valve" and the need to find an alternative solution led to European and especially German efforts that finally succeeded in negotiating a fundamentally new relationship. Under a deal struck on 18 March 2016, Aegean migrants would be returned to Turkey, now considered a safe country for asylum-seekers. In exchange, Ankara was promised an end to visa restrictions, progress on EU accession talks and €6bn to help Syrian refugees on Turkish soil. Moreover, for each returned Syrian, another Syrian refugee living in a Turkish camp would be accepted in Europe within a limit of 72,000 individuals (*The Guardian* 18 March 2016; *Euronews* 24 March 2016/4 April 2016). This is to say that Turkey was turned into a new "valve" state. It became a full member of the European Union's externalisation mechanisms while the Aegean was once more securitised with the help of Frontex and other EU agencies, of NATO (that contributed to maritime surveillance), of Turkish police (which started to arrest people-smugglers and to intercept migrants still in Turkey) and of the Greek coastguard (*The Economist* 2016). The government in Athens had almost 50,000 migrants on its territory unable to cross to Macedonia and was afraid that their number would increase. It therefore accepted the arrangement and started to send migrants back to Turkey. Of course, this was in no way comparable with the brutality of pre-2015 measures; but it acknowledged Greece's rejoining of the EU securitisation approach, thus confirming the multiple consequences of Turkey's transformation into a "valve" state.

Analysis and Conclusion

As already mentioned in the introduction, a "valve" state can be defined as a transit state that, due to its geographical position, to a specific regional political

and geopolitical configuration and to key changes in its migration control poli-
cies, can play a decisive role in significantly shaping regional transit migratory
flows. Critically, it plays a disproportionately important role in hampering or
enhancing the migratory policies of a regime of power or influence.

Previous sections allow the identification of the main features of such states.
First of all, they are transit states and as such they are characterised by (1) the vi-
cinity of a developed country, (2) the presence of high emigration, low immigra-
tion and transit migration, (3) their role as a primary staging ground for migrants
planning to enter destination countries clandestinely and (4) the implementa-
tion of restrictive immigration policies and activities (Kimball 2007: 12).

Second, "valve" states have a key geographical position that allows them to
control regional migratory flows. Yet, in this case geography should be taken
as political geography: both Greece and Macedonia are "valve" states only be-
cause Bulgaria has a longstanding, highly effective anti-migration policy that
can be considered to represent a structural constraint on migratory flows in
south-eastern Europe.

Third, "valve" states only can exist in a geopolitical context strongly marked
by the existence of a regime of power or influence that in principle is able and
willing to make the "valve" state accept its externalisation and securitisation
policies but is unable to completely suppress the autonomy of such a state in
terms of migratory policy. In the case of Europe, the regime is centred on the
European Union while the "valve" states can be weak peripheral EU member
states (Greece), candidate states (Macedonia) or states with a strong interest
in cooperating with Brussels (Turkey) that, despite their specific weaknesses,
preserve the ability to change their migratory policies at least temporarily ei-
ther towards or against those imposed by the European Union. If, for what-
ever domestic or international reason, a country lacks the ability to act against
Brussels in migratory terms (Bulgaria is a good example), it cannot represent
a "valve" state.

Fourth, "valve" states are very different in terms of their ability to resist polit-
ical pressure exercised by the regime of power or influence. Two aspects need
to be taken into consideration. One is the country's objective political and eco-
nomic situation and potential. Small and poor Macedonia depends on foreign
assistance and hopes to become an EU member; therefore, its autonomy was
short-lived and the EU acted as an effective and compelling regime of power.
Much stronger Turkey could impose its own conditions; in its case, Brussels
only represented a mild regime of influence. The other aspect is more subjec-
tive in nature and concerns the ideological orientation of the government. The
radical Syriza-led ruling coalition in Greece was able to challenge the Euro-
pean Union in ways that would have been unimaginable under previous Greek

governments. All this results in the existence of "strong" and "weak" "valve" states.

Fifth, no "valve" state is completely immune to the migratory pressure itself. In conjunction with the policies of the regime of power or influence, this creates a certain level of interdependence between successive "valve" states. In June 2015, Macedonia changed its transit migration policy because of the opening of the Greek "valve". The latter was closed in March 2016 because of the situation created by the closing of both the Macedonian and Turkish "valves". Accordingly, the concept of a system of "valve" states could be taken into consideration.

Sixth, a "valve" state can be constructed by the regime of power or influence in order to serve its needs. As shown by the Turkish case, this can be a costly action both in material and in "image" terms. The European Union had to make considerable concessions to Ankara and the deal was harshly criticised by pro-democracy activists who emphasise the Turkish president's authoritarian trends. Yet, this action was effective in implementing migration securitisation policies and in enhancing the geopolitical order associated with the regime. This shows that the resilience of a regime of power or influence should not be underestimated. The latter's considerable political and economic potential allows it to deploy impressive efforts in order to preserve or restore the effectiveness of its policies. This is why the success of rebellious "valve" states like Greece or Macedonia is likely to be temporary.

Seventh, it is important to note that EU securitisation policies stemming from the anti-migration "politics of fear" were challenged by "valve" states whose actions were either genuinely inspired by ethical values or at the very least were supported by a vigorous ethical discourse. Ultimately, the 2015 migratory wave was triggered by policy changes in the "valve" states that were, to paraphrase Maria Giannacopoulos and her colleagues, an effort to make the matter of humanity increasingly visible (Giannacopoulos et al. 2013: 569). This effort extended to Germany and other European states and, even if it eventually faded away, succeeded in showing that a more humane approach to international migration is possible.

The last aspect that needs to be addressed is the universality of the concept analysed in this article. Because it is constructed on the basis of the 2015 Balkan migratory wave, the concept of a "valve" state might seem limited to a European context. However, other similar flows allow for its use. A recent example is that of the Cuban migrants travelling from Ecuador through Central America to the United States. In late 2015, Nicaragua blocked their passage, which resulted in eight thousand Cubans being stranded south of the border, in Costa Rica, a situation reminiscent of that in Idomeni (*The New Yorker*

16 January 2016). In the complex geopolitical context of the US-Cuban relationship, Nicaragua can be considered to represent a "valve" state. This suggests that the concept is valid beyond Europe and can be used as an instrument in the study of various transit migration processes.

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Istanbul as a Space of Cultural Affinity for Syrian Refugees

"Istanbul is Safe despite Everything!"

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Abstract

The research question to be answered in this paper is to what extent Istanbul provides Syrian refugees with a feeling of security and safety despite the practical difficulties of everyday life such as working conditions, exclusion, xenophobia and exploitation. The main premise of the paper is that historical, cultural and religious forms of affinity are likely to particularly attach the Sunni Muslim Arab Syrians originating from Aleppo province to Istanbul. This paper is expected to contribute to the discipline of refugee studies by shedding light on the historical elements and agency that are often neglected in such analyses. Based on the findings of a qualitative and quantitative study conducted by the Support to Life Association among Syrian refugees in Istanbul in the last quarter of 2015 and the first quarter of 2016, this article aims to delineate the strong attachment of the Syrian refugees to the city of Istanbul.

Keywords

Syrians – cultural affinity – comfort zones – exploitation – Turkey – Istanbul – Aleppo

Introduction

How do the Syrian refuges cope with the difficulties they come across in everyday life in Istanbul? This is the main research question to be answered in this

article. The main premise of the article is that Syrians living in Istanbul have not only chosen the city as a refuge because of its geographical proximity to Syria, but also because of a cultural affinity stemming from a shared Ottoman past. Referring to the findings of a recent survey conducted in Istanbul in late 2015 and early 2016, the article will display to what extent Istanbul provides Syrian refugees with a comfort zone, or a space of cultural affinity, where they feel safe and secure despite the difficulties of everyday life. The structure of the article will be as follows: firstly, the methodology and the universe of the research will be briefly elaborated upon so that the reader will understand the major districts of the city of Istanbul, where most of the Syrian refugees have taken up residence. Secondly, a short literature survey will be undertaken to depict the state of refugee studies in Turkey, which appear to be missing two elements, namely a historicist perspective and reference to the agency of refugees themselves. Thirdly, the legal status and the ways in which Syrians have been framed by state actors since the early days of their arrival in Turkey will be elaborated upon to explicate the structural constraints which form the ground for their societal exclusion and exploitation on the labour market as well as in other spheres of life. Fourthly, the main part of this article will be dedicated to discussing in detail the historical, cultural, religious and societal links bridging Aleppo and Istanbul, which provide Syrian refugees with a protective shield against the traumatic experiences resulting from war and the act of resettlement. Finally, the social networks followed by Syrian refugees and *the sense of security, safety*, and *comfort*, but also *the risk of exploitation* attached to these networks will be explained along with testimonies from the fieldwork.

Methodology and the Universe of the Research

This work is based on the findings of a recent qualitative and quantitative study conducted in six districts of Istanbul between the last quarter of 2015 and the first quarter of 2016. Both Syrian refugees and Turkish receiving community members and organizations have been interviewed in one-on-one interviews, focus group discussions and via structured questionnaires. Six districts in Istanbul, namely Küçükçekmece, Başakşehir, Bağcılar, Fatih, Sultanbeyli and Ümraniye, have been surveyed to identify the needs and vulnerabilities of the Syrian refugee population in Istanbul. In order to identify a random sampling

Kıraç, Sema Genel, Hanzade Germiyanoğlu and Pınar Yüksel, who contributed to the analysis of the findings gathered during the field research.

of the target population, in line with the requirements of statistical analysis, the districts were chosen taking into account their diverse geographic locations in Istanbul (four are located on the European and two on the Asian side of the city). These districts host the highest number of underserved Syrians in Istanbul, who often live together with other marginalized communities in the city such as Kurds, Alevis and the Roma. The needs assessment study has been carried out by the Support to Life Association (*Hayata Destek Derneği*) under the supervision of the author in order to collect data through a multitude of research techniques: these include in-depth interviews conducted by Syrian-origin researchers as well as senior Turkish researchers in each of the six districts with key local Turkish informants working in the host community such as local teachers, social workers, doctors, experts, and local administrators (*muhtar*s), with a total of 200 individuals participating. These interviews included Focus Group Discussions (FGDs) conducted with both Syrian refuges (male and female) and the local host community members in each district (18 FGDs with Syrian refugees, 6 FGDs with host community members) with a total of 136 individuals participating; and Household (HH) Surveys which were conducted by Arabic-speaking Syrian assessment officers in each district with an estimated average of 6 individuals per household, amounting to a total of 124 surveys and 744 individuals (Kaya and Kirac 2016). The quotations used in this work were taken from the focus group meetings to exemplify some of the most repeated statements and insights shared by the refugees and the local inhabitants.

The surveys and Focus Groups Discussions were conducted by Syrian researchers, who spoke Arabic, Kurdish and Turkish (if necessary). The interviewers who conducted the structured surveys were themselves either ethnically Arabic or Kurdish Syrians, or else Syrian-Palestinians. The survey questions were written in English and then translated by the Syrian staff into Arabic. The interview teams were between 20 and 30 years of age. The field officers worked in teams, generally of one male and one female officer, but if the interlocutor was not comfortable, same-sex teams were assigned on-demand. In particular, if a woman was home alone and did not want a male in her home the field supervisor would send two female officers to conduct the interviews. In-depth interviews with local stakeholders were conducted by Turkish-speaking Support to Life Association team members.

As mentioned, the research was conducted in six districts of Istanbul hosting very sizeable groups of Syrians: Fatih, Küçükçekmece, Başakşehir, Bağcılar, Sultanbeyli and Ümraniye. Fatih is a district located in the European part of Istanbul and is named after *Fatih* Sultan Mehmet, the Conqueror of Constantinople. Fatih contains very cosmopolitan areas like Aksaray, Fındıkzade, Çapa,

and Vatan Avenue. The district hosts not only communities of Muslims from conservative backgrounds, but also many different international migrant communities, ranging from transit migrants from Sub-Saharan Africa to Syrian refugees, Central Asian Turkic migrants, Russian tourists as well as Armenians, Georgians and many other groups. It would not be an exaggeration to say that Fatih may be one of the most cosmopolitan urban spaces in the entire world. Besides its cosmopolitanism, it is also known for its extreme conservative image because of the religious community of the Çarşamba quarter within the district. Fatih also includes the historical peninsula of the city, Sultanahmet, with its historical Byzantine walls and very visible Ottoman heritage. It is this combined conservative, cosmopolitan and Ottoman heritage which seems to be attractive to many Syrian refugees coming from Aleppo, which was the third most cosmopolitan Ottoman state after Istanbul and Izmir until the early 20th century (Watenpaugh, 2005). Fatih has recently become a diasporic space of affinity for Syrian Arabs, where they have constructed a new home away from their original homeland, a "Little Syria".[1]

Küçükçekmece lies on the European shore of the Sea of Marmara, near a lagoon named Lake Küçükçekmece. This district has recently become host to colossal public housing projects around the lake, adjacent to old working-class neighbourhoods inhabited by many internally displaced Kurds originating from eastern and south-eastern parts of Turkey (Kaya and Işık 2008). These local Kurdish elements seem to have pulled Kurdish-speaking Syrian refugees to the district, following already existing ethno-cultural networks.

Başakşehir is situated in the European part of Istanbul between the two sweet water reservoirs of the city, the Büyükçekmece and Küçükçekmece lakes. This district is completely covered with large public housing complexes. Therefore, it offers a rich array of housing opportunities to the newcomers. Middle-class Syrian refugees also find it easier to be accommodated in this district because of the rich housing market. The district has a large service sector, along with the facilities of the construction business.

Bağcılar is also located in the European part of the city, near the Atatürk Airport. This neighbourhood has only been urbanized in the last three decades. Most of the houses in Bağcılar have until recently been illegally built *gecekondu* (shanty towns), which are now being replaced by rows of cramped apartment buildings built with minimal regulation. It is particularly in this district that many public housing constructions can be found. Bağcılar is now populated

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1 It has become very popular recently in the media to represent diasporic spaces like Fatih, where Syrians are trying to reconstruct their new homes after the image of their original homeland. For related media coverage, see, e.g., Benjamin 2016.

by new immigrants from the south-eastern parts of Anatolia, mostly young families, largely poor and internally displaced Kurds (IDPs) (*ibid.*). This district is also home to a vibrant youth culture, including for example rap and graffiti scenes. It is, at the same time, a conservative, Islamist and right-wing stronghold with very strong support for the ruling Justice and Development Party (JDP). Bağcılar is also home to a large amount of industry, particularly textile businesses, printing companies, TV channels, a huge wholesale market for dry goods, a large second-hand car market and many trucking and logistics companies. Like the already-present IDPs of Kurdish origin, Syrian refugees mostly work in the informal labour market, predominantly in textile workshops and the construction business.

Sultanbeyli is a working-class suburb on the Asian side of Istanbul. It is one of the electoral strongholds of Conservative-Islamist political parties, such as the ruling JDP. This district houses several different religious communities, also attracting Syrian refugees.

Finally, Ümraniye is one of the largest working-class districts in Istanbul. Formerly, it was a *gecekondu* district, hosting domestic migrants coming from eastern and south-eastern parts of Turkey until the 1990s. The textile, construction and service sectors are very present in the district, and these sectors attract Syrian refugees looking to find jobs in the informal economy.

The State of Refugee Studies in Turkey

Dawn Chatty and Philip Marfleet explain very eloquently how refugee studies was first born in the 1980s as a state-centric discipline defending, like many other disciplines, the interests of nation-states, and how it has become more critical in due course (Chatty and Marfleet 2013). There are two very essential elements that seem to be missing in refugee studies in Turkey. Firstly, scientific studies conducted in Turkey regarding the situation of Syrian refugees often contribute to their statisticalization rather than to making their social, economic and political expectations visible to the receiving society.[2] Most of the studies in Turkey either statisticalize refugees or concentrate on the host society's perceptions of them. What is missing here is anthropological research allowing the refugees to speak for themselves. As Gadi Benezer and Roger Zetter once stated very accurately, such anthropological research could make it potentially easier for them to occupy a space within the host population as

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2   *Inter alia*: Gümüş and Eroğlu 2015; Kilic and Ustun 2015; Erdoğan 2015; Oytun and Şenyücel 2015.

well as in the public domain (Benezer and Zetter 2014). A point of view can be offered which focuses on, aside from their trauma and sufferings, their active rather than passive stance and the resourcefulness, motivation and commitment that was needed to escape from their homelands and find sanctuary.

Furthermore, also missing in refugee studies in Turkey is a retrospective analysis of refugee experiences in the country dating back to the early ages of the Republic as well as the Ottoman Empire. This is not only the missing link in the Turkish refugee studies field, but also a missing element in refugee studies in the rest of the world. Philip Marfleet relates this problem to the limitations of nation-states: "If the territorial borders of modern states confined some people and excluded some others, nationalized intellectual agendas have largely excluded migration as a legitimate area of study" (Marfleet 2013).

Anatolia has been exposed to several different forms of refugee and migration practices throughout its history. Since the Byzantine era, Anatolia has hosted many different groups of people who found refuge there. Throughout its history, Anatolia gradually became Muslimized with the migration of predominantly Turkish and Muslim-origin populations. The Jewish migration to the Ottoman Empire after the expulsion of the Jews from Spain and Portugal in 1492 was an exception. The Muslimization of Anatolia became even more visible in the late 19th and early 20th centuries, when the boundaries of the Ottoman Empire were shrinking rapidly (Erdoğan and Kaya 2015). The expulsion of Crimean and Circassian Muslims from Russia, who came to the Ottoman Empire to escape from the atrocities of the Russian Empire in the second half of the 19th century, was comparable in terms of size to the migration of Iranians, Turks, Kurds, Bosnians, Kosovars and Syrians escaping the violent conflicts in the Middle East and the Balkans starting in the early 1980s (Kaya 2005).

The first wave of refugees to come to Turkey in modern times was from Iran, following the 1979 Revolution. Other major refugee movements occurred with Kurds escaping from Iraq in 1988, being numbered at almost 60,000; and in 1991, when half a million people from Iraq found safe refuge in Turkey. In 1989, with Bulgaria's "Revival Process", in fact an assimilation campaign against minorities, almost 310,000 ethnic Turks sought refuge in Turkey. In the following years, during the wars in Bosnia and Herzegovina, and in Kosovo, Turkey granted asylum to 25,000 Bosnians and 18,000 Kosovars (Kirişçi and Karaca 2015). Furthermore, Turkey has been positioned on the transit route for irregular migrants from Afghanistan, Bangladesh, Iraq, Iran and Pakistan since the 1990s (İçduygu 2015). Turkey is also a destination for human trafficking in the Black Sea region, with victims usually coming from Moldova, Ukraine, the Russian Federation, Kyrgyzstan and Uzbekistan. At the same time, Turkey has also been a country of destination for immigrants from Eastern Europe and the former Soviet Union, as these new immigrants see Turkey as a gateway to a new

job and a new life and as a stepping stone to employment in the West (İçduygu 2009). Its geographical location has made Turkey a crucial country on irregular migration routes, especially for migrants trying to move to EU countries. Turkey's position in the migration process is a unique one and it is still in the process of becoming an important site, not just for new national settlers, but also for today's international settlers. Turkey, and especially Istanbul, has become a demographically more complicated but not yet very visible site with all these new arrivals, as well as with the arrival of other international migrants, mostly originating from European countries, especially from Germany and Russia.[3] Obviously, Turkish migration and asylum laws and policies were not able to meet the needs of these radical demographic changes resulting from global and regional transformations. Thus, migration and asylum laws and policies had to go through a substantial review process to prepare the country to come to terms with the changing conditions in the region.

Discursive Shift from Temporariness to Permanency: The Unbearable Lightness of Being a Guest

Traditionally known as emigration countries, Turkey, Lebanon and Jordan have also become settlement and transit spaces for economic and forced migrants (De Bel-Air 2006; Pérouse 2013). Syrian refugees have been considered as "guests" by the Turkish, Lebanese and Jordanian states. From the very beginning of the refugees' plight, Syrians have been presented as if they were being "welcomed" by the host states and societies because of deep-rooted values such as "Turkish hospitality", "Muslim fraternity", "Arab hospitality" and "guesthood traditions" (De Bel-Air 2006; Pérouse 2013; Chatty 2013; El Abed 2014; Kirişçi 2014; Erdoğan 2015). The reason why Turkey is trying to define these Syrians as being under a different legal status than that of a refugee is because it continues to be under the geographical limitation clause of the 1951 Geneva Convention on the Protection of Refugees. Accordingly, Turkey only accepts people coming from European countries as refugees. Although geographical limitation was removed by most Convention members in the 1967 Additional Protocol of the Geneva Convention, Turkey decided to keep it, together with the Congo, Madagascar and Monaco.

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3   According to the EUROSTAT figures, there were 175,000 foreign citizens residing in Turkey, and 75,000 of them were EU citizens. The contradiction between national, European and other sources is a matter which is also acknowledged by the staff of the Turkish Statistical Institution (TÜIK). See http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-11072012-AP/ EN/3-11072012-AP-EN.PDF (accessed on 15 September 2016).

Because of this, a more recent metaphor used to qualify the role that the Turkish state and pious Muslim Turks should play for Syrians in Turkey has been that of the "*Ansar* spirit" ("Ansar" being Arabic for "helpers"). Literally, *Ansar* refers to the people of Medina, who supported the Prophet Moham- mad and the accompanying Muslims (*Muhajirun*, or "migrants") who migrated there from Mecca, which was at the time under pagan control. The metaphor of *Ansar* originally points at a temporary situation, as the Muslims later re- turned to Mecca, after their forces recaptured the city from the pagans (*Haber7* 2014).[4] Thus, the Turkish government has used a kind of Islamic symbolism to legitimize its acts regarding the resolution of the Syrian refugee crisis. The government leaders have consistently compared Turkey's role in assisting the Syrian refugees to that of the *Ansar*. Framing the Syrian refugees within the discourse of *Ansar* and *Muhajirun* has elevated public and private efforts to ac- commodate Syrian refugees from a humanitarian responsibility to a religious and charity-based duty (Erdemir 2016), a point to which I shall return shortly.
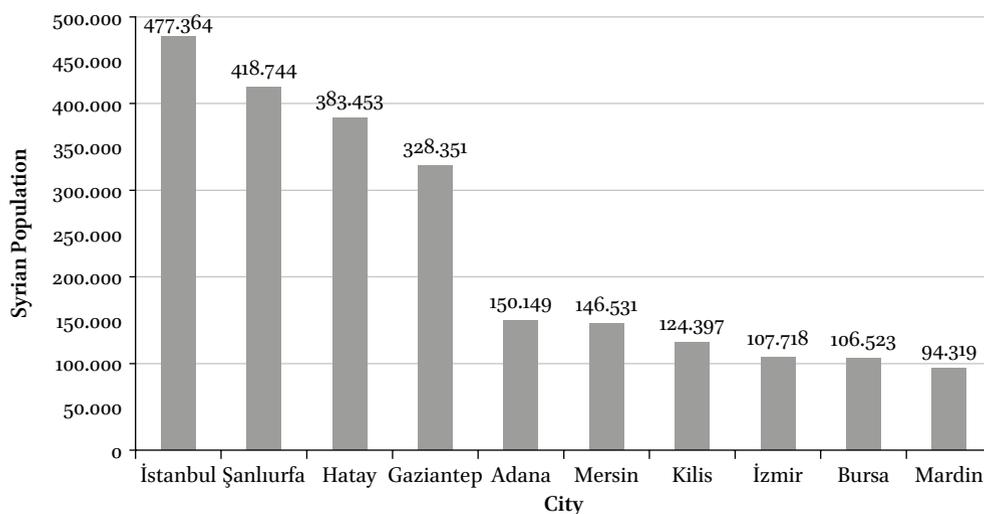
FIGURE 1   *Number of Syrian refugees living in 10 cities (1 March 2017).*
            MINISTRY OF INTERIOR.[5]

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4   For a detailed discussion on this topic see Korkut 2015.
5   DGMM Figures available at http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_ 4748_icerik. The number of people living in the 22 refugee camps around the Turkish-Syrian border is more than 250,000.

The framing of the refugee reality by state actors as an act of benevolence and tolerance has also shaped public opinion in a way which has led to the exposure of some racist and xenophobic attitudes vis-a-vis refugees. Therefore, it is not a surprise that Turkish society has witnessed several lynching attempts, as well as the prevalence of stereotypes, prejudices, communal conflicts and other forms of harassment against Syrians (Gökay 2015). The massive increase in the number of refugees outside camps and the lack of adequate assistance policies toward them has aggravated a range of social problems. Refugees experience problems of adaptation in big cities and the language barrier has seriously complicated their ability to integrate into Turkish society. There are several problems Syrians have been facing in everyday life. There is now a growing concern about underage Syrian girls being forced into marriage as well as fears that a recent constitutional court ruling decriminalizing religious weddings without civil marriage will lead to a spread of polygamy involving Syrian women and girls (Kirişçi and Ferris 2015). The sight of Syrians begging in the streets is causing resentment among local people, especially in the western cities of Turkey. There have also been reports of occasional violence between refugees and the local population. In turn, this reinforces a growing public perception that Syrian refugees are associated with criminality, violence and corruption. These attitudes contrast with the observations of local authorities and security officials that criminality is surprisingly low among refugees and that Syrian community leaders are very effective in preventing crime and defusing tensions between refugees and locals (Kirisçi and Karaca 2015).

It soon became visible that framing the refugees as "guests" was not sustainable in terms of accommodating their urgent needs as well as of coming to terms with the increasing resentment among local populations *vis-à-vis* the refugees. Turkey first introduced a Temporary Protection Directive for the refugees in 2014, based on Articles 61 to 95 of the Law on Foreigners and International Protection, which came into force in April 2014. The directive grants almost all the social and civil rights that refugees enjoy in Western societies.[6] Accordingly, Turkey has provided Syrians with a temporary protection which consists of three elements: an open-door policy for all Syrians; no forced returns to Syria (non-refoulement); and a right to an unlimited duration of stay in Turkey.

Despite the rights granted under the Temporary Protection Directive, dating from 04 April 2014, refugees have encountered huge problems in the spheres of health, education, the labour market and housing in Turkey.[7] Due to the fact

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6   For the text of the Geneva Convention and Protocol relating to the Status of Refugees see http://www.unhcr.org/3b66c2aa10.

7   For the official text of the Temporary Protection Regulation see http://www.goc.gov.tr/files/ _dokuman28.pdf.

that there are no reliable and sufficient official data on the social-economic status of refugees, one cannot correctly make estimations about, for example, the number of refugee children who actually do enjoy the right to primary education, or of refugees who do have access to health care, or of those given the right to work. It is estimated that around 30–35 per cent of Syrian refugees in Turkey are school-aged children. This amounts to around 993,000 children that need to be attending school. While AFAD (the Turkish Disaster and Emergency Management Directorate) is providing education for children in 70 schools inside refugee camps and the Ministry of Education is offering it in approximately 75 locations outside the refugee camps, the number of children receiving education is around 300,000, compared to the half a million who need it. It is simply not feasible to accommodate such a high number of school children in the national education institutions in Turkey (Kilic and Ustun 2015).

Furthermore, even when it is logistically and practically possible, a remarkable number of Syrian refugee families cannot register their children in school as they send them to work in the informal labour market, mainly in the textile, construction and service sectors. Child labour as a coping strategy is a common practice among the Syrian refugees living in Istanbul. For instance, our study in Istanbul revealed that 26,6 per cent of the survey participants sent their school-aged children to work so that they could contribute to family income. 20,3 per cent stated that they could not afford to pay for their education, while 14,1 per cent stated that schools did not accept them because there was no space for the children at the local schools. When the interlocutors were asked about the places where they sent their children to work, half of those sending their children to work (26,6 per cent) stated that their children worked in the textile sector (clothing, shoes, etc.) while other children worked in service sector (small shops, catering, cafes, restaurants), the construction sector and the industrial sector (furniture factories, automobile factories, etc.) (Kaya and Kıraç 2016).

Soon after the implementation of the Temporary Protection regulations, which still frame the refugees as being in a state of temporariness, some discursive shifts were witnessed in the media regarding the state actors' changing position on the permanent character of at least some of the Syrian refugees in Turkey. These discursive shifts have so far mainly emphasised the permanent nature of the issue – introduction of work permits in early 2016, incorporation of pupils into public schools, creating quotas for Syrian students in higher education institutions, granting citizenship to the Syrians and some statements from political figures such as President Erdoğan and

Deputy PM Numan Kurtulmuş.[8] It has become obvious that the Turkish state is now more engaged in integrating refugees into the social, economic and political spheres of Turkish life as well as in trying to engage the local municipalities in taking responsibility for the integration of migrants and refugees.[9]

A Tale of Two Cities: From Aleppo to Istanbul

There were several factors that laid the groundwork for the Syrian Civil War. Socio-political, environmental and economic elements such as unemployment, climate change, drought, water management stress and poverty can be enumerated as some of the elements elevating the risk of a civil war. The unemployment rate in Syria used to be relatively moderate compared to other countries in the Middle East; however, the youth unemployment rate was always high: the unemployment rate among youth aged between 15 and 24 stood at 26 per cent in 2002, close to the Middle Eastern average (Kabbani and Kamel 2007). What distinguished the Syrian case was that unemployment rates among young people were more than six times higher than those among adults, the highest ratio among the countries of the Middle East. This high rate of unemployment among the youth population triggered dissatisfaction against the regime of the Ba'ath Party and caused a brain drain of skilled workforce from the country. Two other important factors, which are often neglected and yet were hugely important, were climate change and droughts (Schwartz and Notini 1994; Zachariah, Mathew and Rajan 2001). Seven significant droughts occurred in Syria between 1900 and 2011, where the average rainfall dropped

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8   For news coverage of President Erdoğan's speech on the Syrians being granted citizenship, or dual nationality, see *Hurriyet Daily News* 2016; for the coverage of Deputy PM Numan Kurtuluş's speech on granting citizenship to the Syrians see *Daily Sabah* (11 July 2016), available at http://www.dailysabah.com/money/2016/07/11/turkish-citizenship-for-syrian -refugees-under-process-deputy-pm-kurtulmus-says.

9   Due to the lack of space in this paper, I will not go into detail about the activities undertaken by state actors, local municipalities and civil society organizations in Turkey for the integration of refugees and migrants. The International Organization of Migration (IOM) has recently been working with a group of scholars on preparing policy recommendations on the integration of migrants in collaboration with the DDGMM. Hence, one could argue that the refugee crisis has also brought about some substantial changes in the mindset of the state actors in order to prepare a solid integration policy in Turkey. Anectodal evidence shows that these attempts have increased in the aftermath of the refugee deal signed between Turkey and the EU on 18 March 2016.

to one-third of the normal level (Gleick 2014). The latest one, which started in 2006, was described as the worst long-term drought and most severe set of crop failures since the beginning agricultural civilization, and caused agricultural failures, economic dislocations and population displacement. These effects are thought by some experts to have played an essential role in spurring violence in the country (Femia and Werrell 2012). During the civil war, access to clean water also deteriorated, threatening the health of the population. In 2013, UNICEF found that water availability in conflict-affected areas decreased to only one-fourth compared to pre-crisis levels (UNICEF 2013).

A vulnerability assessment study of Syrians in Istanbul has found that around 87 per cent of Syrians in Istanbul originated from the province of Aleppo, while only a small minority of 7.2 per cent came from Damascus. Most the interlocutors interviewed (62.5 per cent) entered Turkey through the Syrian border in Kilis, a south-eastern city, while 16.7 per cent entered from Hatay, and 9.2 per cent from Gaziantep. Many of the interlocutors later followed their ethno-cultural and kinship networks, leading them to Istanbul. In conflictual situations threatening the lives of locals, migrants are tempted to flee as far as their economic, social and cultural capital permits them to. The reason why there are so many Syrians residing in the south-eastern cities of Turkey such as Gaziantep, Hatay, Kilis and Şanlıurfa is not only because of their geographical proximity to Syria, but also because of kinship relations dating back to the Ottoman era, when all those cities were administratively linked to the Aleppo province (*vilayet*) of the Ottoman Empire. In the same way, Assyrian Christians, Circassians and Yezidis found refuge in those cities where their kin had settled during the Ottoman Empire, such as Istanbul, Mardin and Şirnak (Korkut 2015). This is a phenomenon that Nicolas van Hear has already described elaborately in his works on diasporas (van Hear 1998). The same inclination can also be found among Kurdish IDPs, who have had to leave their homelands in the south-eastern parts of Turkey to go to different cities in the country, and even abroad if possible, since the mid-1990s (Kaya and Isik 2008).

With the conflict in Syria now entering its sixth year, refugees are increasingly moving inland, beyond the border provinces. The Turkish Directorate-General of Migration Management has reported that 220,000 Syrians (or 12 per cent of the entire Syrian refugee population in Turkey) were registered in Istanbul as of March 2015. By July 2015, the number had increased to over 317,000, an increase of 64 per cent, while figures reached 395,000 by March 2016, particularly as irregular migration into Europe had increased. In the second half of 2016 some estimates for the number of Syrians in Istanbul were even as high as 550,000, and these numbers are still growing as of the writing of this article. There are many reasons for families and individuals to move away from

camps, and according to previous research, many chose to relocate to urban centres due to the freedom of mobility which allows them an opportunity to find networks. Additionally, urban settings potentially allow for better housing, better educational opportunities and more diverse, stable employment opportunities. Of course, the gap between the perception of urban areas and reality, especially in a major metropolitan city, cannot be denied. Nonetheless, Istanbul is the most attractive city, where Syrian refugees of all ethnic backgrounds prefer to settle in.

One of the most striking images from Aleppo relating to the war was seen on 17 August 2016, when the image of a five-year-old boy, Omran Daqneesh, was filmed and circulated by the Aleppo Media Centre, an anti-government activist group which posted a video on YouTube showing him sitting dazed and bloodied in the back of an ambulance after surviving a regime airstrike on the rebel-held Qaterji neighbourhood of Aleppo (Hunt 2016). Like the images of Ailan Kurdi's dead body lying on the Aegean shores of Turkey in the summer of 2015, Omran immediately became another icon symbolizing the devastation and tragedy caused by the war in Syria, like all other wars. Like most Syrians residing in Turkey, Ailan was also from the province of Aleppo (Smith 2015).

Aleppo is one of the fourteen provinces of Syria. It is located in the northern part of the country, between Idlib to the west, Hama to the south and Ar-Raqqah to the east. Before the war, it was the most densely populated province in Syria, with a population of more than 4,868,000 in 2011, almost one-fourth of the total population of Syria. The province of Aleppo is territorially the fifth largest in Syria. Its capital is the city of Aleppo. The city of Aleppo was the second largest city in Syria with a population of more than 1.5 million people. It was the country's most important centre for trade and manufacture and its central market area – *souq* (bazaar) – stretched out for more than 10 km in the middle of the city. The city is in ruins now and its inhabitants have scattered, mostly to Turkey. The reason why almost all the former inhabitants of the province of Aleppo have found refuge in Turkey is more complicated than its geographical proximity: there are strong historical, cultural and religious links between Aleppo and Anatolia dating back to the Ottoman Empire. A more detailed description of the history of the city traced back to the Ottomans follows:

> In the early days following the end of World War I, a secular form of Pan-Arab nationalism made it possible for the inhabitants of Aleppo to live together in peace. A striking feature of Pan-Arab nationalism was that it was mainly constructed as a response to the Pan-Turkist ideology of the Ottoman elite, which had become outspoken and popular among Turkish nationalists in the late 19th century (Çati 2013). Pan-Arab nationalism

was based on the secular idea that "Arab" is a non-sectarian designation and that Muslims, Christians and Jews could be equally Arab and possess the same rights to full citizenship. In this version of Arabism, Islam had no role in governance or in forming the basis of legitimate authority. It should be recalled that Islamism in the Arab world partly emerged as a reaction against the imperialist division of Ottoman Muslims into separate states and the non-sectarian, emancipatory and bourgeois dimensions of interwar liberal Arab nationalism

WATENPAUGH 2005; ZACHARIAH, MATHEW AND RAJAN 2001

Wherever the Social Networks Take You…

Almost half of the interlocutors who were interviewed for the survey had arrived in Istanbul in the previous one or two years (46.4 per cent). On the other hand, 17.6 per cent stated that they had been in Istanbul for the last three to four years. 36 per cent of the interlocutors stated that they had only recently arrived in Istanbul. This finding indicates that there more will arrive through the same networks. There are several theories, such as push and pull theory and rational choice theory, that can be used to define the reasons and motives of migration. The network theory is probably the most applicable to the case of Syrian refugees living in Istanbul. The network theory is one of the theories that try to provide an empirical explanation of migration motives: networks which serve as strong ties between migrants and potential migrants can be regarded as one of the main reasons for migration (King 2012). These connections often become a social formation, which helps potential migrants as well as new migrants find their way in the society where the old migrants have already established their lives. There are three types of networks: *family networks, labour networks* and *illegal migrant networks* (Boyd and Nowak 2012). Labour networks are used widely, and it seems that they are also very explanatory for the Syrian refugees. Labour networks are widely used in the process of migration. Not only do they help potential migrants in obtaining information about the availability of job vacancies, but they also help new migrants settle before starting a job. However, even though appealing to labour networks might be helpful, it should be highlighted that they cannot always be trusted. During the interviews, several interlocutors stated that their jobs had been provided to them via labour networks but then turned out to have poor working conditions as well as low salaries, which were furthermore not paid on time.

Secondly, family networks provide new migrants with the feeling of hospitality, spaces of cultural affinity and a sense of familiarity, and help them

preserve their culture and close ties with their families (Castles, Miller and de Haas 2013). However, according to Charles Tilly, even though networks can be beneficial, on the other hand they may also create problems for the people who do not accomplish their commitment to society (Tilly 2007). Being a member of a network comes with obligations, and if one's obligations are not fulfilled this may cause exclusion of individuals from the networks.

The other type of networks are illegal networks, which include human trafficking and smuggling networks. As noted by Boyd and Nowak, illegal migrants try to have less ties with family or labour networks (Boyd and Nowak 2012). Accordingly, they do not engage in legal networks, but they try to find jobs through illegal connections. In this fieldwork, we have not come across such networks, at least as reported by the interlocutors.

Potential migrants and refugees tend to choose their places of migration according to the countries where they already have friends or family members or people they know, who come from their home countries. In this way, they can easily get information about the city they are planning to migrate to (King 2012). The information reduces anxiety that potential migrants tend to have before they make a decision about their destination. Networks can be regarded as one of the important factors in migrants' location choices. Having networks eases the process of making decisions about the country of migration and renders the process of integration much faster. Therefore, having networks in the country of destination can be one of the main reasons for migration for refugees, as well as for regular migrants (*ibid.*). Once the first wave of migrants has settled in their new places of residence, they assist family members or friends in joining them. Accordingly, the migration process for the second wave is made easier with regard to the costs and risks. Due to having information from previous examples, the migrant has a feeling of security and protection. This is what our research team has come across very often in the field. Most of the refugees try to establish strong ties with people who have previously migrated in order to reduce their own costs and risks.

Even though one of the strongest components of the network theory can be the family networks, weak ties may also play a significant role in the migration process (Tilly 2007). Relations between refugees and potential refugees may be weak, but once they are in a foreign environment these ties become closer as they share the same language, ethnicity, culture and religion. Therefore, they develop a mutual reliance on each other. This is what we have observed in focus group meetings, where we encountered many refugees originating from different cities and neighbourhoods in Syria, and who had established closer links in their places of residence in Istanbul. These relations often turn into close friendships as the migrants try to provide information for each other,

reducing costs and comforting and consoling each other in terms of relieving the pains experienced in the migration process. Most importantly, new refugees are eager to become familiar with the experiences of the people who have migrated before them. It should be highlighted that networks, as one of the significant reasons for migration, have become more evident and useful as the internet has become more accessible to society at large. Networks may also play a significant role before the act of migration. Being aware of existing networks, potential migrants are likely to walk the same path taken by other refugees, rather than taking the risk of migration without any actual information (Massey and García-Espańa 1987). Such networks have the potential of providing refugees with a shield protecting them against the detrimental effects of a difficult journey and everyday life, as well as with a sense of ethno-cultural, religious, musical, visual and linguistic affinity that gives them comfort in a new land. And thanks to the growing visibility of the internet in everyday life, refugees have been utilizing such networks to decide their routes even more (Rebmann. 2016).

Istanbul is Safe despite Everything!

Survey results have shown that the primary rationale behind moving to Istanbul is to find a job (54.8 per cent). The second most expressed reason is to follow existing social networks such as family ties, relational links and other relevant social, ethno-cultural and religious networks. The third reason for refugees to settle in Istanbul seems to be providing security and safety for their families. What is striking here is the very low percentage of Syrians who are willing to live anywhere other than Istanbul. One could argue that Syrians residing in Istanbul are rather satisfied with where they are, and they are not considering going elsewhere, such as for instance EU countries. Marwa, a 28-year-old female living in the Sultanbeyli district on the Asian side of Istanbul, expressed her feelings about Istanbul with the following words:

> I feel safe here in Istanbul, and I don't want to go back to Aleppo where we were moving from house to house due to the war. I want to stay here in Turkey, because it is like our traditions and culture, and my family is here. I don't want to go to Europe either, because I have no one there. And I don't want to go back to Syria at all, because I lost my husband there.
>
> MARWA, female, 28, Sultanbeyli

What attracts her to Istanbul is the cultural affinity that the city offers as well as familial links already existing there. The research, which we have conducted together with the Support to Life Association, was undertaken in districts inhabited mostly by Sunni Arabs. The staff of the Migration Unit of the Şişli Municipality in Istanbul has reported that in some parts of their districts there are several Kurdish-origin and Alevi-origin Syrians who have been searching for comfort and cultural affinity in their own already-existing social networks constructed by the Kurdish and Alevi inhabitants living mostly in Okmeydanı, one of the strongholds of left-wing oppositional groups with a working-class and ethno-class background.[10]

The selection of places of residence by the Syrian refugees is made in accordance with various factors, some of which have been explained earlier. Cultural and ethno-religious affinity are the decisive elements shaping the decision regarding the selection of places of residence. The ways in which the host communities perceive the Syrian refugees is also a very important factor in shaping this decision. It is also revealed in other scientific studies that the host communities living in the border regions form their approach towards Syrians in accordance with their own ethnic, religious and political identities. For instance, there is sympathy towards the Kurds and a dislike against the Arabs in the places where Kurds constitute the majority. Kurds strongly assume that Arabs support radical groups such as al-Qaeda, ISIS, or al-Nusra, who are believed to be fighting against the Kurdish PYD (Democratic Union Party) and YPG (People's Protection Units) forces in Syria. Whereas, Arabs believe that Kurds seek to divide Syria and support the PKK-affiliated parties. A large number of the Turkish citizens sympathize with Turkmens, while most of the Arab Alevis consider the Syrians entering Turkey as traitors to their own country. This is the reason why Syrians tend to move to places in Turkey where people with similar ethnic, religious or sectarian identities live (Erciyes 2016).

It was also revealed that majority of the residents in the six districts where we conducted the research have been supportive of the rhetoric of *Ansar* spirit reified by the government and state actors in general. The *Ansar* spirit has been embraced by the pious Muslim Turkish citizens who perceive the Arabs and the Arabic language they speak as sacred. The fact that the Prophet Mohammad was of Arab origin, and that the language of the Quran is Arabic makes a lot of sense for the pious Muslims in Turkey as well as in other non-Arabic Islamic regions. The members of the local communities in the six districts of

10   Author's interview with the staff of the Migration Unit of Şişli Municipality, Feriköy, Şişli, Istanbul, 28 July 2016.

Istanbul run by the municipalities of the Justice and Development Party have often referred to the cultural and religious affinity which they have practiced in everyday life with the Sunni Arabs coming from Syria. Hence, religious and linguistic similarities are not only instrumentalized by the Sunni Muslim Syrian refugees, but also by the members of the Sunni Muslim local communities who have already reified the language and the ethnicity of the Sunni Arabs (Kaya and Kirac 2016; Deniz, Çağlar, Ekinci and Hülür 2016).

This kind of cultural affinity is not only limited to the religious and linguistic levels, but also includes the gastronomic and musical tastes of both sides. The number of Syrian restaurants is rapidly increasing in Istanbul, not only in those six neighbourhoods where we conducted our research on the vulnerability of the Syrian refugees, but also in the touristic centres of the city such as Beyoğlu and Sultanahmet. These restaurants do not only attract the Arabs who feel a kind of cultural affinity with the food and beverages served there, but also the locals of Istanbul who feel a similar cultural affinity with Arabic cuisine, which has always been an essential part of the cosmopolitan Ottoman cuisine. Similarly, the number of Syrian street music bands is also increasing. Radio stations such as Al-Kol, Muftah and Alwan were established in Istanbul to broadcast not only to the Syrian Diaspora in Turkey but also to the homeland in Syria.[11] The sound of Arabic music echoing in the streets of Istanbul as well as in the Arabic radio stations constructs new bridges between the Syrian refugees and the members of the local communities who find appeal in its resemblance with popular Turkish *Arabesk* (or "arabesque") music.

The history of *Arabesk* music in Turkey starts with the internal migration from rural spaces to urban spaces which began in the early 1960s. It is an epiphenomenon of urbanisation. The tern *Arabesk* is primarily associated with music, but also with film, novels and *foto-roman* (photo dramas with speech bubbles published in newspapers). *Arabesk* music is a style which utilizes Western and Oriental instruments together with an Arabic rhythm. This syncretic form of music has always borrowed some instruments and beats from traditional Turkish folk music. The presence of *Arabesk* music on TV was banned by the state until the early eighties. The conservative-populist government of Turgut Özal set it free in the mid-eighties. The main characteristics of *Arabesk* music are

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11   For the media coverage of the Syrian-origin radio stations founded in Istanbul see some examples such as: http://english.alarabiya.net/en/life-style/art-and-culture/2013/04/07/Syrian-opposition-radio-station-launches-from-Istanbul.html; http://muftah.org/sout-raya-a-syrian-voice-broadcasting-from-istanbul/#.WAdcPuh96oo; http://www.bbc.com/news/world-middle-east-30015656; and http://www.bbc.com/turkce/haberler/2016/04/160418_istanbul_suriye_radyo.

the fatalism, sadness and pessimism of the lyrics and rhythm. Until recently, the lyrics expressed an irrational and pessimistic reaction of people from a rural background to capitalist urban life. Recently, the composition of the lyrics has extensively changed. Instead of expressing pessimism in the urban space, lyrics tend to celebrate the beauty of the pastoral life which has been left behind. In other words, it has become a call to the people to go back to the basics. There is an extensive literature on the sociological dimensions of *Arabesk* music in Turkey. Martin Stokes has also shown how the fortunes of supposedly Arabic musical forms vary with the political winds. Today, arabesque music is likely to create a space of cultural affinity among the Syrians and the Turks living in the suburbs of Istanbul (Stokes 2010).

However, some locals do not seem so at ease with the *Ansar* spirit. Treating the Syrians as "traitors" seems to be a common phenomenon among many Turks. One of the Turkish youngsters we interviewed in the Sultanbeyli district of Istanbul expressed his dislike of the Syrian refugees settled in his neighbourhood with the following words:

> Everyone around me hates the Syrians. People are curious to know why the Syrians came to Turkey. If I were them I wouldn't leave my country. I would stay home and fight back against the enemy to protect my homeland. Syrians are cowards, that is why they left their country. They are traitors. Our country has accepted them as no one else is really accepting them. We are treating them well, but we are not getting anything good in return.
>
> TURKISH YOUNGSTER, male, 20, 16 November 2015, Sultanbeyli

This kind of discourse has also recently become rather popular, especially after a popular conservative pious Muslim poet, İsmet Özel, treated the Syrian refugees in the same way, as "traitors".[12] Defining Arabs as traitors in Turkey is a rather old habit dating back to the dissolution of the Ottoman Empire in the late 19th and early 20th century. Turkish nationalists perceived the Arabs in those days as "traitors" since they believed that the Arab nationalists stabbed the Turks in the back by collaborating with the imperialist Western forces (Pope and Pope 1997). Such a stereotype is still very strong in the collective memory of Turkish citizens.

When refugees were asked about how safe they feel in Istanbul, the majority expressed feelings of safety (91.8 per cent) while only 6.8 per cent stated an

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12   For the speech of Ismet Özel see the following video recorded on 14 December 2015, https://twitter.com/fazzare/status/677191012738011140.

uneasiness regarding safety in the city. Being away from the war zone and the everyday terrors of violence in Aleppo, coupled with cultural affinity and religious familiarity, have been reported as the main determinants of a feeling of safety and comfort for refugees in Istanbul, although women tend to feel slightly more in the extremes in terms of safety and insecurity in the city compared to Syrian men, who are in the more moderate to safe range of the spectrum. Mohammad, a 27-year-old male whom we interviewed in Ümraniye explained his reason for picking Istanbul as a place to live in the following words:

> I came here two years ago, through the Turkish-Syrian border. I had to pay a lot of money to the smugglers. Turkey was my first choice, because there is better treatment here compared to other neighbouring countries in the region. And I feel safe here in Istanbul.
>
> MOHAMMAD, male, 27, Ümraniye

Syrian refugees were also asked to report about the problems that they face in everyday life: 30.4 per cent of the interlocutors complained about unemployment, while others complained about their lack of knowledge of the Turkish language (17.4 per cent), poverty (13 per cent), exploitation (12.2 per cent), discrimination (11.3 per cent) and limited access to social services (7.8 per cent). Poverty, exploitation, exclusion and discrimination are the major problems reported by refugees. The cross-tabulations by gender indicate that women tend to feel more exposed to discrimination and racism in everyday life. Focus Group Discussions reveal that women are in a situation to negotiate more in everyday life with the members of the majority society with respect to handling relations within their neighbourhood. Women are confronted with more problems while carrying out household chores and caring for family members, such as buying groceries, undertaking the schooling of children, seeking health care and finding their way around the city. Abo Bashar, a 55-year-old male residing in Ümraniye, has drawn our attention to the difficulties of living in a city like Istanbul, though he has added that he is happy there:

> I am happier here, although it's hard. Because the treatment here is better than it is in the other countries. I am not planning to travel to any other country, but will go back to Syria one day. We wish that we had a work permit, and that the employers paid us a better salary. We don't want to work under such conditions. We wish people here would treat us better and give us more assistance because we receive nothing. And we wish the

landlords would go easy on us and take from us what the contract says they must take.

ABO BASHAR, male, 55, Ümraniye

The will to return to Syria is still very strong, but of course it all depends on the improvement of the political situation in the homeland.

However, among the Syrians we interviewed there was a very critical group of people who expressed their unwillingness to go back to Syria under any condition. Around 20 per cent of the people interviewed expressed their unwillingness to go back home. It was later found that this group of people largely corresponded to the ones who lost loved ones in their immediate families. Hence, one could argue that at least those who have lost family members in the civil war are not willing to go back, at least for the time being, due to the traumatic experience resulting from their losses.

As far as the exploitation of refugees is concerned, it is seen in the field research that cultural affinity in the form of "the sharing of known and recognizable traits with the ones inside" may also play a negative role in everyday life. It is often revealed in migration studies that refugees and migrants are more likely to be exploited by their own kin, relatives, families as well as by those locals who have a cultural, religious and linguistic affinity with them (Danis 2007; Pessar 1999). For instance, during the research, we encountered Syrian refugees who were employed by textile workshop owners who spoke Arabic. These interlocutors explicitly complained about the exploitation they were exposed to. Healy et al. also found that much of the exploitation taking place among the Syrian refugees living in Turkey, Lebanon, Jordan and Iraq is not carried out by organised transnational groups, but rather involves acquaintances, neighbours and even family members (Healy, Adelby, Aiazzi, Iaria, Memişoğlu and Özden 2015). Hence, one should not forget the fact that cultural affinity has an ambivalent nature as a space of both comfort and danger. There should be more scientific studies concentrating on the correlation between cultural affinity and different patterns of exploitation taking place amongst refugees.

Conclusions

This research, which has been conducted in six different districts of Istanbul (Küçükçekmece, Başakşehir, Bağcılar, Fatih, Sultanbeyli and Ümraniye) run by mayors of the Justice and Development Party has revealed that Syrian refugees residing in these districts predominantly originate from Aleppo, which was the

third most cosmopolitan city of the Ottoman Empire after Istanbul and Izmir. It has been argued that refugees follow already-existing social, ethno-cultural and religious networks, the origins of which can be traced historically. It has been stated by most of the refugees that it is this cultural and religious affinity which has made them feel rather comfortable in Istanbul. It has also been stated by most the interlocutors that the reason why they have chosen Istanbul is the feeling of security and safety that the city provides them with.

However, they also have many complaints. Exploitation on the labour market, the lack of knowledge of the Turkish language, discrimination in everyday life, lack of empathy among the locals toward their sufferings, stereotypes and prejudices generated by the locals, the lack of education facilities for their children, the lack of a proper legal status, the lack of the right to work legally, the lack of the right to health services, the lack of the right to housing, the lack of future prospects in this country, the lack of integration policies at central and local levels, the lack of social and political recognition, respect, and acceptance and the ways in which they are labelled by the central state as "guests" are some of the problems they face in everyday life. It is exactly these problems which, in the end, prompt some refugees to leave Turkey at the cost of risking their lives at the border.

Nevertheless, what came as a surprise was the very low number of refugees among those interviewed who stated their willingness to go to Europe. It was found that only 1.6 per cent of the refugees interviewed were considering leaving Istanbul to travel to EU countries. But this does not mean that the situation is the same for all the Syrians living in Turkey. With more than 500,000 Syrians in its population, Istanbul has recently become the new capital city of Syrians in Turkey, offering its refugee-origin inhabitants opportunities to feel contented with the cultural affinity that the city offers, and to disappear in crowds so that they can enjoy (relatively) accommodation facilities, employment possibilities, schooling, health services, in-kind assistance and several other services without being stigmatized. However, the comfort zones created by cultural affinity are also embedded with potential sources of danger and exploitation operated by acquaintances, neighbours and even family members of the refugees.

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Book Reviews

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Gorana Ognjenović and Jasna Jozelić (eds.)

Politicization of Religion, The Power of Symbolism: The Case of Former Yugoslavia and its Successor States, Palgrave Studies in Religion, Politics, and Policy (New York, USA: Palgrave Macmillan, 2014) ISBN 978-1-137-48412-3.

The interpretation of the role religion and religious communities played in the wars accompanying the disintegration of Yugoslavia has led to confusion and conflicting positions within the scholarly community. On the one hand, influential – if flawed – arguments have been presented that label the conflicts as inherently religiously motivated; on the other hand, the – at least symbolic – importance of the religious factor has been underestimated or even completely ignored. There has been a lack of perceptive contributions that have tried to re-evaluate the facts through a comprehensive and in-depth inquiry. The interdisciplinary volume under review here aims to fill the gap and correct some of the commonly held misperceptions about the ways in which religion was politicized and instrumentalized in the process and how it continues to be an important source for shaping collective identities in the region today.

Politicization of Religion, The Power of Symbolism contains eight chapters, written almost exclusively by authors stemming from the ex-Yugoslav republics, in addition to a foreword by sociologist Keith Tester and preface, introduction and conclusion by the editors Gorana Ognjenović and Jasna Jozelić. Four of the articles focus on Bosnia-Herzegovina, three on Croatia, and one on Serbia, specifically in relation to Kosovo.

The collection of chapters is thematically and methodologically varied. Among the texts focusing on Bosnia-Herzegovina, Marjan Smrke discusses the use of ethno-religious mimicry in the war, arguing that pretense in the form of mimicry was "one of the key facets of behavior in individuals and groups" (p. 27) and contributed to the intensification of violence while also being used as an instrument of defense against it. This pattern of behavior is illustrated throughout with examples from different sides in the Bosnian conflict. Amra Hadžimuhamedović's excellent chapter describes the sacral

architectural war over Bosnian identity since the 1990s, which she claims is contributing to the destruction of the complex tapestry of Bosnian identity and leads to an exclusion of national and religious pluralism, essentially negating the existence of a "transreligious Bosnian heritage" (p. 110). Through the religious cleansing of destroying sacred buildings of other ethnic and religious communities and the symbolism of the triumphalist erecting of buildings that are larger or taller than those of the others, religious communities have been aiming to establish and manipulate political memory. Parallel to these developments, internal homogenization efforts have been aimed at correcting "false beliefs" within each community. The combination of these two developments has made an aggressive impact on the architectural and religious landscape of Bosnia-Herzegovina.

Gender issues also receive attention, most notably from Nena Močnik, who explores the religious symbolism in sexual violence and rape during the Balkan conflicts and from Zilka Spahić Šiljak, who examines the portrayal of the Bosniak Muslim woman in the Muslim women's magazine *Zehra*. Both authors argue that religion in Bosnia-Herzegovina in general has been instrumentalized to perpetuate patriarchal values and systems in society.

The Dominican friar Frano Prcela considers the inherent tensions between the preservation and promotion of faith, between holding on to the past as the primary source of identity vs. looking with openness to the future through the example of the Roman Catholic Church in Croatia. He warns of the uncritical "emphasized remembrance of the past" (p. 67) and criticizes the church's lack of willingness and ability to handle pluralism in society. Through examining the internal and external meta-narratives that provide the framework for the church's public discourse, Prcela contrasts the current accent on heritage with needed content of faith and urges a renewed focus on the religious teaching of individual believers instead of overemphasizing collective ethno-religious identity.

The chapter by Filip Ejdus and Jelena Subotić on Kosovo as Serbia's sacred space is well-written and systematically argued throughout, employing and extending the theoretical framework of governmentality proposed by Foucault in order to provide a comprehensive look at the intentional sacralization of Kosovo, arguing that "Serbia's Kosovo policy is a form of technology of pastoral power exercised not over a territory but over a population" (p. 160).

Overall, the book is characterized by some of the inconsistencies typical of edited volumes. The length of the chapters differs greatly, ranging between twelve and fifty-four pages. Adam Lindhagen's contribution "Political Control and Religious Life at Narona: A Case Study from Antiquity," is interesting but other than territorial coincidence it does not have anything to do with the topic

of the volume and it is therefore not clear why it was selected for inclusion. Inconsistent linguistic editing also takes away from the overall experience: some chapters are written very well and in good English; others are ridden with mistakes, making for a truly cumbersome and at times even confusing read.

In addition to the brief and relatively one-dimensional introduction, the conclusion is strikingly short and disjointed. It refers to two current events from the time of writing: the Eurovision Song Contest in May 2014 and the floods that struck Southeastern Europe shortly afterwards. How they relate to the overall topic of the book remains unclear and in the end the reader is left hanging. Although the editors do make a brief reference to the general focus of the volume, the thoughts and arguments raised by the various chapters are not tied together.

Despite its shortcomings, the overall strength of the volume lies in its attention to the subject matter. Thereby it makes an important contribution to scholarship on the religious-political aspects of the Balkan conflicts of the 1990s and their aftermath. The book can be useful for anyone wishing to better understand the intersection of religion and identity politics in the region. Even those already familiar with the countries and the issues discussed can gain further valuable insight from the articles that present in-depth exploration and case studies.

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Igor Štiks

Nations and Citizens in Yugoslavia and the Post-Yugoslav States: One Hundred Years of Citizenship (London, UK & New York, USA: Bloomsbury, 2015) ISBN 978-1-4742-2152-8.

The first monograph by Igor Štiks, a Sarajevo-born Croatian scholar with a PhD from Sciences Po and Northwestern University, embodies a coming together of his two major research interests – citizenship and postsocialism. With the publication of this book, Štiks, currently a Leverhulme Fellow at the University of Edinburgh, accomplished a culmination of his research activities as part of the Europeanisation of Citizenship in the Successor States of the Former Yugoslavia (CITSEE) project.

This book represents an analysis of various citizenship concepts and practices employed in Yugoslavia and its successor states during the 1914–2014 period. If we bear in mind that Štiks is not just a scholar, but also an author of two critically acclaimed novels, we should not fail to notice that the book's subtitle is a clever and most fitting reference to García Márquez. As a novelist, Štiks deals with multiple identities, love and family relations torn by war, emigration, and betrayal. Thus, his two personas – the literary and the scholarly one – show the same passion for questions of belonging and construction and destruction of identities that are so carefully dealt with in this book. Štiks is also known in Croatia for his civic activism.

Following a contemporary approach to the concept, the author understands citizenship both as status (in terms of civic rights and obligations), as well as quality (in terms of possibilities for political participation). As Štiks rightly notes, citizenship always implies a certain privilege (over non-citizens and not-fully-citizens) and thus creates hierarchical power relations between different groups of inhabitants of a given state. Another key concept in his analysis is citizenship regime, the set of legal acts and accompanying policies that govern a state's approach to citizenship. Štiks highlights the importance of citizenship regimes as reference frameworks that can construct, deconstruct and reconstruct personal and collective identities. In addition, the author supplements his analysis of formal rules governing citizenship with an assessment of informal practices that include contestation of existing norms, as well as systemic unequal treatment of groups of citizens despite formal equal citizenship status.

Štiks points out that the first Yugoslav state was hard-pressed between federalist forces that advocated a multinational understanding of the political community and unitary forces that envisaged a single, ethnic Yugoslav identity.

The Yugoslav monarchy inherited a patchwork of different citizenship practices that it only managed to replace by a single citizenship law at the end of the 1920s, during the dictatorship of King Alexander I.

When discussing the emergence of the Second Yugoslavia and its federalist approach to citizenship through concurrent republican and federal citizenship, the author identifies the intellectual influences of Austro-Marxism as precursors for Yugoslav socialist federalism that constituted an attempt to solve the so-called national question (demands for self-government of different ethnic groups) and represented a turn away from integralist Yugoslavism. Štiks explains how the citizenship law became a tool to exclude ideological foes from the new Yugoslavia, foremost ethnic Germans and Italians. Furthermore, he also shows how the socialist citizenship regime in Yugoslavia developed and transformed parallel to numerous constitutional and institutional experiments and the gradual shift from a centralized federation (1940s to 1960s) to a decentralized federation, almost akin to a confederation (1970s to 1980s).

In his assessment of post-Yugoslav citizenship regimes as part of a wider practice of ethnic engineering and ethnonationalist state building, Štiks detected four distinct categories of citizens – the included, the invited, the excluded and the self-excluded. The included were the holders of republican citizenships that automatically became citizens of the newly established sovereign states. The invited consisted of members of the titular ethnic group residing abroad that were deliberately included in the new political communities through citizen regimes that emphasized ethnic origin as a decisive criterion for granting of citizenship. The excluded were holders of republican citizenships that resided in another republic at the time of the breakup of the Yugoslav state. These citizens had to undergo a naturalization process as if they were immigrants. Finally, the self-excluded were members of ethnic minorities that did not accept the legitimacy of the new sovereign states, but instead sought to either establish self-governing entities or secede and attach themselves to the state where their co-ethnics constituted a majority.

The author concludes his analysis on an optimistic note, with an appraisal of the supranational concept of EU citizenship. He suggests that EU citizenship offers a potential of reconnecting individual destinies fragmented by national post-Yugoslav citizenship regimes and enables an equitable approach to citizenship as both status and quality.

The writing style of the author is very agreeable, which makes the subject matter accessible even to undergraduate students. Yet, although Štiks's work represents an excellent piece of research, he occasionally treats complex topics relating to the history of Yugoslavia and its successor states in a somewhat

superficial way. Readers interested in both citizenship regimes and postsocialism, yet without extensive understanding of Yugoslav history, could have benefitted from the book even more if Štiks had expanded some of the chapters and included more references that would have provided additional context. By skimming over some of the more intricate debates about Yugoslavia, Štiks sometimes just provides a single view on a given issue, without mentioning alternative perspectives.

Nevertheless, this book is a highly recommendable read for students and scholars of citizenship studies. In addition, it should be on the reading list for everyone interested in the rise and fall of the Yugoslav state(s), as well as specific traits of democratic transition and consolidation in post-Yugoslav countries. Besides the plethora of existing research on the causes for the Yugoslav breakup, this book offers a fresh and engaging approach to the complexities of the centennial project of construction of Yugoslavia as a political community. Finally, readers interested in debates on the fundamental questions of politics, such as the questions of constitution of political communities and the subsequent processes of inclusion and exclusion, the role of the citizen in a political community and the interplay of individual and collective identities, shall find Štiks's analysis most compelling and satisfying.

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Dino Abazović and Mitja Velikonja, eds.

> *Post-Yugoslavia. New Cultural and Political Perspectives* (Basingstoke, UK &
> New York, USA: Palgrave Macmillan, 2014) ISBN 978-1-137-34613-1.

Post-Yugoslavia. New Cultural and Political perspectives, co-edited by Dino Abazović and Mitja Velikonja, makes a valuable interdisciplinary contribution to the research of contemporary post-Yugoslav socio-cultural problematics. The book is a collection of six scholarly articles interrogating the processes of symbolical, cultural and political change in the realities of the former Yugoslavia. The authors examine the relationships between the production, transformation, and re-affirmation of narratives and practices in the different spaces of post-Yugoslav identity-creation. While scholarly research widely focused on the political and institutional barriers of coming to terms with the Yugoslav past, this book presents a thematically and methodologically innovative framework for the study of present-day memory and identity politics.

Despite the variety of perspectives and scholarly expertise, the book presents a well-integrated collection of articles investigating several overarching concerns, namely the effectiveness of transitional justice mechanisms, the present-day uses of socialist heritage, and the effects of the re-actualization of identities in the wider, non-regional context.

The inquiry of the effectiveness of transitional justice mechanism figures most prominently in the contributions of Marlies Glasius, Francesco Colona, and Dino Abazović. The authors critically assess the underlying tensions and discrepancies between institutionally professed principles, peoples' expectations and the actual practices in post-conflict societies facing their past. Glasius and Colona question the effectiveness of the International Criminal Tribunal for the former Yugoslavia (ICTY), commonly understood as one of the fundamental components of transitional justice. By critically exploring the changing benchmarks in assessing the Tribunal's success, the authors suggest a rather experimental and "performative" character of the ICTY in terms of its operational development and socio-political effects. Whereas the article proposes the metaphor of the "theater" as a methodological tool in understanding the current ICTY stage, there seems to be little reference on the actual socio-political outcomes of such performances. In a similar vein, Dino Abazović's article questions the mechanisms of transitional justice in relation to post-Dayton Bosnia-Herzegovina. Arguing for the need of political and community reconciliation in opposition to current settings of ethno-national fragmentation and social exclusion, Abazović explores the role of religious communities in social reconstructions. Even though religious actors have remained at best silent in relation to war atrocities, the author envisions religious leaders as

potentially key actors in the process of reconciliation in Bosnia-Herzegovina. Nevertheless, the triggers of such re-definition and auto-reformation remain unclear and the article does not take into consideration the diverse conceptualization of justice and forgiveness within different religious communities.

The second overarching concern of the book, interrogating the present-day uses of socialist heritage and the strategies of re-invention and re-appropriations of Yugoslav cultural identity, is widely explored in the contributions of Mitja Velikonja and Vjekoslav Perica. While Velikonja seeks to understand the representations of "imaginary Yugoslavia" in contemporary popular music in Slovenia, Perica aims at sketching an alternative pantheon of heroes from the socialist era. Velikonja meticulously analyses the pro-Yugoslav music scene in Slovenia exploring whether such "new Yugoslavism" supports or subverts the dominant anti-Yugoslav political discourses. Even though pro-Yugoslav music appears to be no threat to the dominant discourse, the author concludes it still remains an ideological alternative to current Slovene Yugophobic narratives. Similarly, Perica explores the legacies of Socialist Yugoslavia through the peculiarities of the symbolic nation-building processes in the newly independent nation-states. The author proposes the exploitation of several icons of Yugoslav popular culture as a plausible antidote to dominant ethno-nationalistic discourses. While both perspectives certainly present ideological alternatives to current developments in the post-Yugoslav nations, they seem to lack present-day prospects of political action. Moreover, by evoking the emancipative force of yugonostalgia they seem to distance themselves from a critical approach towards the peculiarities of the post-Yugoslav condition.

Whereas the question of the re-actualization of identities is somehow common to all the contributions, Maria Koinova's and Dubravka Žarkov's articles bring to the surface the question of diasporic experiences of post-Yugoslav identity-creation. While Koinova's contribution analyses the role of the Dutch context in the mobilization patterns of migrants of former Yugoslavia, Žarkov's contribution proposes a detailed analysis of the politics of denial in the Dutch TV miniseries on Srebrenica. Similarly to Velikonja, Koinova shows that the "frozen" Yugoslav identity is not influential in transnational politics but represents a positive force for reconciliation. Nevertheless, such an approach seems to neglect the significance of the political component of reconciliation processes. Žarkov, on the other hand, points to the importance of the political, illustrating how the denial of Dutch responsibility in the Srebrenica genocide re-affirmed itself in cinematic representations by purposely blurring the distinctions between victims and perpetrators.

Even though the book proposes to examine current dynamics of identity and history creation within and outside the region, only parts of the former

Yugoslav region are taken into thorough examination and there are no references to other non-regional actors except for the Netherlands. While the editors acknowledge the dominant reference to the Dutch involvement due to the functional role of the Netherlands in transitional justice processes, a comparative framework interrogating forms of transnational "post-Yugoslavism" might have been of greater urgency. Moreover, whereas the individual contributions do effectively manage to present the relationships between old and new myths, the "factual" and the "fictional" in (re)shaping narratives and identities, commentary on the novelty of cultural and political perspectives appears under-expressed. In fact, while appropriations and commemorations of the Yugoslav socialist experience present an important factor in preserving Yugoslav memory and heritage from imposed oblivion it still remains unclear to what extent the post-socialist condition can be regarded as separate from the post-conflict one and to which extent forms of new Yugoslavism present prospects of socio-political action.

Nevertheless, due to its heterogeneity and interdisciplinarity this book is an important read not only for students and scholars working on the peculiarities of the post-Yugoslav condition but also for those interested in broader processes of transitional justice and collective memory redefinitions.

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Stefan Rohdewald

Götter der Nationen: Religiöse Erinnerungsfiguren in Serbien, Bulgarien und Makedonien bis 1944 [*Gods of Nations: Religious Figures of Commemmoration in Serbia, Bulgaria and Macedonia until 1944*] (Cologne & Weimar, Germany & Vienna, Austria: Böhlau Verlag, 2014) ISBN 0978-3-412-22244-4.

This enormous (over 900 pages) but clearly organized and erudite tome is the work of Stefan Rohdewald, professor of history at the Justus Liebig University in Giessen, Germany. The book (which was also the *Habilitationsschrift* of Rohdewald) is centered around the question of the consecutive transformations of sacred religious figures in Southeastern European Slavic Orthodoxy (predominantly Serbian, Bulgarian, and later Macedonian) throughout the medieval and early modern era, the long 19th century, and the interwar period. Firmly established in the genre of "invented traditions," it brings in a usually neglected aspect: the role and entanglement of religion in the nation-building process.

The German *Habilitationsschrift*, corresponding to the French *thèse d'état*, has no exact analogue in English. Loosely translated as a post-doctoral thesis, in Europe it has certain precise criteria. For history this means a voluminous work, the mastery of a long chronological period, demonstrating specialized linguistic (including often palaeographic) knowledge but, at the same time, broad geographical scope and, especially nowadays, a comparative approach and theoretical savviness. This comes with its advantages but also serious drawbacks. As is the case with this work, it is a monument to the undoubted professional skills of the author, his capacity to systematize an enormous corpus of written material and come to convincing conclusions. As a monograph, on the other hand, much of its original authorial contribution is lost in the often redundant and literally repetitious syntheses.

The work is organized in five substantive parts and two technical ones (bibliography and index). It is also furnished with 28 splendid illustrations. The introductory Part I (40 pages) offers the historiographical and theoretical grounding of the work within the latest literature on memory studies and nationalism, and introduces some of its central categories, such as memory sites and memory figures. Part II (160 pages) provides a survey of the religious memory sites and figures until the 18th century. Parts III and IV comprise the heart of the work with over 300 pages each and divided chronologically, the first covering the rise of nationalism, the formation and consolidation of nation states, and the institutionalization of memory culture; the second focusing on the period between the First and Second World Wars with the stark intensification and radicalization of the memory discourse in the direction of militarization

and adjustment to authoritarian ideologies and geopolitical interests. Finally, Part v (50 pages) provides a summation of the main conclusions of the work and offers a comparative European assessment.

As already mentioned, the main analysis of the work is on the ways medieval cults were nationalized and ideologically manipulated in the era of nationalism in the 19th and 20th centuries. Practically all religious figures from the medieval period (and Rohdewald is amazingly meticulous and virtually exhaustive in his survey) were absorbed and re-purposed for modern nationalist use. To use just a few of the myriad examples brought in by the author, Rohdewald convincingly shows how the universalist veneration of the St.St. Cyril and Methodius was "Bulgarianized" after the mid-19th century. Cyril and Methodius had been revered in a universal, anational and supra-ethnic manner since the 9th century by all Slavic peoples, the other Orthodox peoples in the Balkans, and by Rome and Byzantium. It is true that during the Second Bulgarian Empire with its capital in Târnovo (12th–14th centuries) they were already Bulgarianized and used for state-building purposes, but their celebration faded significantly already before the Ottoman conquest and they had to be virtually re-discovered or re-established in the 19th century.

Equally, the synthesis of the rich historiography on the Kosovo myth demonstrates how a broadly known and venerated event across different ethnic groups became by the 19th century the major memory site and central building block of Serb identity. Unlike Bulgaria, where only a few medieval kings were canonized, the Serb tradition of the sanctified Nemanjić dynasty was continuous and served as a legitimation of the Serbian and later Yugoslav monarchy. Even so, the cult of St. Sava, for example, underwent a complex evolution and travel from the Habsburg region to the Ottoman, and from a school patron to the national saint of a sacralized nation. By the interwar period, the formerly venerated figures across ethnic lines were transformed into inflexible markers of separate nations to serve practices of inclusion into a homogeneous nation and separation from neighboring groups. Rohdewald is especially good in showing the complex relationship between state and church negotiating positions and interests over a century to finally fall in line (Rohdewald speaks of amalgamation) in the nation-building process.

Working within (and against) a predominantly nationalist historiography, which still espouses organic nationalism and tends to overstress (if not entirely invent) the ethnic aspect of medieval cults, Rohdewald understandably emphasizes the universalist aspects of the Orthodox saints' veneration. At the same time, the overuse of categories such as transethnic, transregional, multiethnic, transreligious, transimperial, transcultural and so on, satisfies a modish tendency, but somewhat overplays its case. After all, there is plentiful literature

on the late Byzantine Hellenic proto-nationalism to say the least, which would prevent us from minimizing the divisive role of ethnicity among the Orthodox in the medieval and pre-modern period. Our current obsession with the "trans" and "multi" categories, beneficial as it is for breaking the nation-state hegemony in the modern period, flattens the medieval and early modern one. It generates also the corollary problem of agency in that too stark a rupture leaves no space for local developments and continuities, and privileges models of transference and mimicry.

Despite these minor critical remarks, this book is a definite achievement and will stay a definitive work to be consulted by historians of the Balkans, scholars of religion, and broadly by students of nationalism and memory studies.

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