

DOWN BY LAW



CRIMINALIZATION, SOLIDARITY,
AND SURVIVAL IN EUROPE

Edited by
CrimScapes Research Group

Praise for *Down by Law*

“These ethno-graphics unveil the multiple forms of criminalization across Europe, from sex work to abortion practice, from drug use to hate speech, and even from the poor unable to pay their fines to humanitarian workers conducting search and rescue operations at sea. They provide an inquiry into the dark side of contemporary societies.”

—Didier Fassin, author of *Policing the City: An Ethno-Graphic*

“*Down by Law* illustrates graphic stories of the everyday criminalization of sex work, abortion, drug use, poverty, HIV/AIDS, and refugee search and rescue missions, as well as the harmful effects of the regulation of online hate speech. It takes the reader from the prison cell to the streets, to the surveilled seascapes and online landscapes of digital oppression in various places in Europe, and does the work of undoing the criminalization of everyday people, especially racialized and gendered, in our imagination. Abolition speaks to the power of imagining worlds otherwise; this creative-collaborative novel is a great, much-needed, and inspiring contribution to that project.”

—Vanessa E. Thompson, coauthor of *Abolitionism*

“Most of us come to know about crime through stories, whether on news media, in the statements of politicians or police, through television or podcast reenactment, or by word of mouth. Such stories are inherently political because they classify certain actions and people as ‘criminal’—classifications that can be, and often are, contested. This book proposes that we turn to storytelling to open these processes and explore what happens when people and practices become criminalized. Highly recommended.”

—Andrew Gilbert, sociocultural anthropologist specializing in multisensory and multimodal ethnography

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Solidarity, and
Survival in Europe

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In ancient Greek philosophy, *kairos* signifies the right time or the “moment of transition.” We believe that we live in such a transitional period. The most important task of social science in time of transformation is to transform itself into a force of liberation. Kairos, an editorial imprint of the Anthropology and Social Change department housed in the California Institute of Integral Studies, publishes groundbreaking works in critical social sciences, including anthropology, sociology, geography, theory of education, political ecology, political theory, and history.

Series editor: Andrej Grubačić

Down by Law: Criminalization, Solidarity, and Survival in Europe

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DEDICATED TO ALL THOSE WHO ARE THEIR OWN
COMPASS – IN TURBULENT WATERS, ON QUICKSAND,
AND IN BETWEEN APPROACHING WALLS.



Introduction

Criminalization as a Tool of Governance

Criminalization is expanding across Europe—from hate speech to drug use to virus transmission. Behaviors deemed abnormal, immoral, or unwanted are increasingly regulated by criminal law. Criminal justice permeates ever more spheres of our everyday life. We are inclined to believe that criminal law, police, and prisons are effective tools to protect us from all kinds of threats, and criminal justice promises punishment to perpetrators and protection to potential victims. It is tempting as a quick and easy solution to complex social problems.

Down by Law shows, however, that lived reality is not that simple. In some cases, criminalization does foster the protection and empowerment of otherwise marginalized groups. Undoubtedly, anti-rape, anti-hate speech, and other laws have equipped some with powerful tools against violence. But think of helping a friend who needs an abortion, saving the lives of migrants trying to cross the sea, providing sexual services, or riding the bus without a valid ticket—all of these might put you at risk of being prosecuted, fined, or even imprisoned.

Critical research shows that criminalization has unintended consequences, often influencing the lives of an expansive network of people, and rarely brings a sense of resolution or of justice being served. It mostly affects those already discriminated against, the poorest and most vulnerable. It deprives them of the foundations necessary for a livable, stable, and safe life. In the shadow of the promise of protection, the criminal justice system creates a hostile environment of surveillance, control, and suspicion. Law enforcement actors, even when meaning well, can perpetuate hierarchies and oppression in their efforts to police crime.

About the Book

This ethnographic book of short stories depicts attempts to survive in these dark corners of democracy's rule of law. The protagonists are rarely seen as worthy of protection, and at times they are increasingly perceived as a threat to society. They navigate uncertain terrain to wrestle control of their lives from state and institutional authorities.

This collection asks how criminalization shapes their lives and how they respond to such conditions of living. Neither depicted as ruthless law violators nor as passive victims of ruthless laws, the heroines and heroes of these graphic short stories are complex characters who must navigate difficult environments. Confronted with social and legal uncertainty and instability, they get by on an everyday basis; they are made to adapt to, negotiate, maneuver, and sometimes circumvent hostile circumstances in order to survive and build livable lives. The stories are those of solidarity, mutual care, and collective struggle for change.

The Research Behind the Stories

This ethnographic novel is based on the work of the CrimScapes research project: a group of academics researching the social, political, and economic effects of criminalization across Europe. Taking a sociological and anthropological perspective, researchers based in Finland, France, Germany, and Poland investigated how people experience, negotiate, and navigate criminalization: What do criminalized persons and communities do to maintain a life worth living? How do they engage with the institutions of the state and law enforcement? How do they claim their rights and struggle for social justice? Our research focused on eight different fields: abortion, drug use, and sex work policies in Poland, the experiences of women in German prisons, search and rescue missions in the Mediterranean, the regulation of online hate speech, HIV criminalization in Finland, and the struggle against substitute prison sentences in Germany.

The stories in this book are the results of our research. We talked to people, participated in their everyday activities, and engaged in spaces of collective struggle and policymaking. We read documents, tried to understand laws, followed debates in the media, and most importantly conducted interviews with members of criminalized groups. To preserve anonymity, most protagonists and stories are fictionalized, but each is based on fragments of real stories, places, and events. In other words, things could have happened this way. Some stories may be fictional, but we have worked, in general, to construct them to be as close to reality as possible.

Together with artists, our informants, and coauthors, we searched for ways to transform our research into stories and pictures that are sensitive to the complexities of the lives and personal experiences we encountered in our work. These stories have profited enormously from the involvement of the contributing artists. More than just translators from textual to visual depictions, they each brought their unique expertise that proved essential to finalizing the details of each story. Some of them have created graphic novels in the past, some are artists in addition to being community members from the fields we are researching, and often they are activists themselves. At the same time, we want to acknowledge that the stories told in these graphic short stories present *our* interpretations and perspectives on the impacts of criminalization.

Violence and Other Harmful Reads

This collaborative graphic novel might not always be a pleasant read. Criminalization can be a response to violence, but often it causes further harm. A comic about criminalization invariably includes depictions and narratives of structural, psychological, and physical violence. It presents trauma, discrimination, and stigmatization. Through personal experiences, we aim to highlight fundamental structural inequalities and social injustices. However, we hope that they will inspire critical engagement with criminalization and its effects on lives and the possibilities for social justice today.

Shortly before publishing this book, we received the sad news that Florian Krynicki—one of the artists and authors of the story “Swing Low Sweet Cherry”—had passed away. Florian was a passionate artist who used his work to advocate for the rights of people who use drugs, to challenge state violence, and to combat narcophobia. Florian’s death happened amid Poland’s war against drugs. Florian, you are, and will always be, deeply missed!

Thanks

We would like to thank all the people who trusted us with their stories. We hope we have done your experiences justice. Many thanks to the team members who have helped make this project happen with their advice, support, and accompaniment. We would like to thank the artists who worked with us to bring these stories to light.

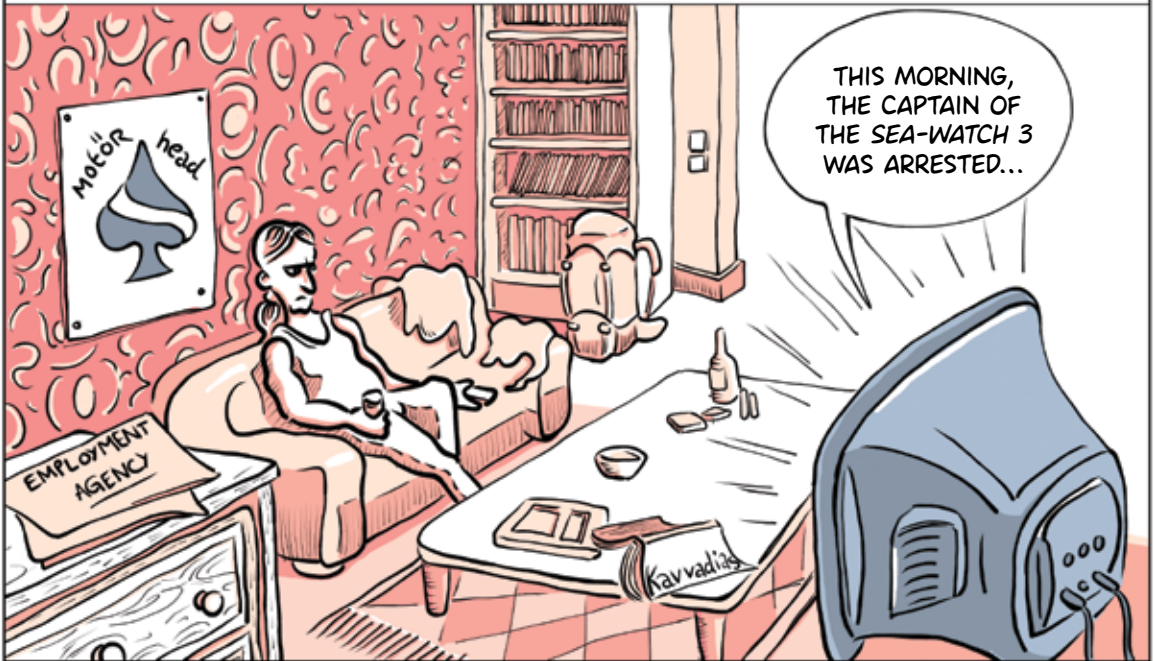
Beate Binder, Agata Chelstowska, Agata Dziuban, Friederike Faust, Jérémy Geeraert, Carmen Grimm, Juulia Kela, Todd Sekuler, and Justyna Struzik

YOU'RE NOT WELCOME!

A SEARCH & RESCUE MISSION
IN THE MEDITERRANEAN SEA

JÉRÉMY GEERAERT
& SYLVAIN ADAM

HI, MY NAME IS THORSTEN.
I'M 45 YEARS OLD AND I'VE BEEN UNEMPLOYED FOR THREE YEARS NOW.
THE ECONOMIC CRISIS...
I HAVE A BOAT CAPTAIN'S LICENSE, BUT LATELY, I'VE BEEN CLEANING TOILETS ON TOURING BOATS.
I SAW A REAL CAPTAIN ON TV THAT DAY.



...CAROLA RACKETE
AT THE PORT OF
LAMPEDUSA.



JUNE 29, 2019

LAW-BREAKING
CAPTAIN ARRESTED.
PIRATE SHIP
SEIZED, MAXIMUM
FINE FOR
FOREIGN NGO.



MATTEO SALVINI

WHEN I ENTERED
THE PORT, I ONLY
DID MY RESCUE
DUTY. THIS IS
NEITHER A CRIME
NOR AN ACT
OF HEROISM!



CAROLA RACKETE

THE INTERNATIONAL
CONVENTION FOR THE
SAFETY OF LIFE AT
SEA, 1974, DICTATES
THAT A SHIP'S MASTER
WHO RECEIVES A
DISTRESS MESSAGE
SHALL RENDER
ASSISTANCE TO THE
ENDANGERED
PERSONS.



LESS THAN A MONTH LATER, I MANAGED TO JOIN MISSION LIFELINE, A GERMAN NGO IN DRESDEN. AFTER BUYING THEIR NEW BOAT, THEY WERE LOOKING FOR VOLUNTEERS FOR A RESCUE MISSION AT SEA. WHY NOT ME? FINALLY, AN OPPORTUNITY TO MAKE MYSELF USEFUL. I HAD NEVER DONE RESCUE WORK BEFORE, BUT DRIVING A BOAT WAS RIGHT UP MY ALLEY. THAT'S HOW I FOUND MY PLACE AMONG THE SMALL CREW.



CLAUS-PETER,
CAPTAIN



MARTIN,
FIRST OFFICER



ME, THORSTEN,
SECOND OFFICER



GERALD,
THIRD OFFICER



CLARA, FIRST
AIDER AND COOK



DOC,
SHIP'S DOCTOR

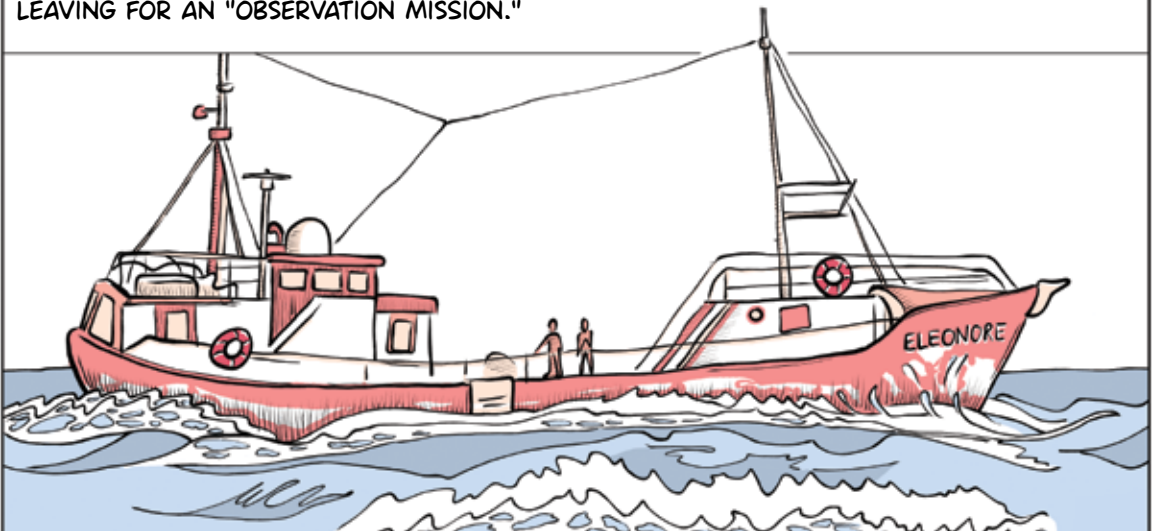


JOHANNES,
REPORTER



JONHATAN,
REPORTER

THE ELEONORE WAS NOT THE SEA-WATCH 3. IT WAS MUCH SMALLER — ONLY 25 METERS LONG — AND WAS AN OLD BOAT USED TO RESEARCH THE MARINE ECOSYSTEM. WE WERE LEAVING FOR AN "OBSERVATION MISSION."



THE BEACHES ARE SAND AND THE SEA IS RATHER WARM IN THE SUMMER, IT'S NICE. BUT I WAS WELL PLACED TO KNOW THAT THE MEDITERRANEAN IS SOMETHING ELSE. A UNIQUE AND VERY RISKY BORDER. A SEA CEMETERY FOR MIGRANTS.

BETWEEN 2014 AND 2024, MORE THAN 31,000 PEOPLE* DROWNED THERE. AND THAT WAS ACCORDING TO OFFICIAL FIGURES; SO IN REALITY, IT WAS MUCH MORE. DESPITE THE FACT THAT INTERNATIONAL CONVENTIONS HAVE BEEN SIGNED PRECISELY TO AVOID THIS.

*SOURCE: IOM

