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Repertoires of sanctuary: Building a network of safety at the French–Italian border

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Abstract

Sanctuary cities have experienced a strong political and theoretical revival in the last decade. However, the focus on cities and their policies restricts the idea of sanctuary to its urban, legal and – to a certain extent – North American enactments, leaving dispersed and rural forms of sanctuary understudied. In this paper, I examine the sanctuary spaces and practices in the Roya Valley, at the border between Italy and France, and more particularly the journey of its most well-known activist, the farmer Cédric Herrou. Although Herrou's first actions could be best described as humanitarian and hospitable help towards migrants, they gradually evolved into more structured solidarity actions. These led to a decision by the Constitutional Council that strengthened the French constitutional value of fraternity to better distinguish disinterested support from human smuggling motivated by profit. I argue that these three concepts of fraternity, hospitality and solidarity identify different repertoires of sanctuary that respectively fulfil functions of signalling, protecting and community-building. These different functions, when articulated together, constitute a sanctuary or network of safety. By reconstructing this series of practices and justifications, I aim to clarify the conceptual vocabulary and normative appeal of sanctuary.

Repertoires of sanctuary: Building a network of safety at the French–Italian border

The concept of sanctuary has recently experienced a strong political and theoretical revival in the context of the Trump presidency in the United States and of the contested accommodation of refugees in Europe (Darling and Bauder 2019; Kagan 2018; Kaufmann et al. 2021). Sanctuary usually refers to municipal policies that aim to shield irregularised migrants from immigration law enforcement agents, provide legal protection or unconstrained access to public services for non-citizens to live in a non-threatening and hospitable environment.

Recent studies have documented the expansion of sanctuary into an array of places and practices introduced at universities and workplaces as well as through social services and informal networks and organisations (Cuisson Villazor and Gulasekaram 2019), building territorial, social and discursive spaces to protect migrants (Mourão Permoser and Bauböck 2023). In this paper, I wish to further specify and substantiate this approach with a discussion of a sanctuary network that emerged in France in response to the ‘borderization’ (Cuttitta 2014) of a rural region and the harsh enforcement of border controls.¹ I argue that such a network should be defined by the repertoires of action it mobilized and the functions these repertoires fulfil. It is not necessarily urban or institutional. When sanctuary is for instance contested at the scale of the city, it may dissolve and reappear on smaller scales. Discrete practices attempt to fill the functions of a sanctuary city, but in a more dispersed way and not necessarily at once.

¹ See Fekete, Webber, Edmond-Pettitt (2017) and Parrot (2019) for a detailed account of the legal abuses of the French state against migrants. To name a few examples of unfair practices of border enforcement in France, I could mention the refusal and criminalisation of food distribution, the pepper-spraying of drinkable water given to migrants, the systematic destruction of shelters and tents, the expulsion from territory without due process, the violations of minor’s rights, or the illegal lengthening of detention time in border zones. Let’s also recall that the European Court of Human Rights has sanctioned France for the ‘inhumane and degrading living conditions of asylum seekers living on the streets’ in 2020 (*N.H. and others v. France*, no. 4619/12, July 2, 2020) and that the Council of State [Supreme administrative court] annulled, on July 8, 2020, the expulsion to Italy of a woman and her child who wanted to seek asylum in France (Conseil d’État, no. 440756, July 8, 2020).

I consider the sanctuary practices undertaken in the Roya Valley, at the border between Italy and France, and more particularly the actions of the most well-known activist there, the farmer Cédric Herrou. One could best describe Herrou's first actions as humanitarian help or spontaneous hospitality, but they gradually evolved into a routinized support for migrants' administrative and legal troubles. Herrou's home became an 'international campground' or a 'real subprefecture, dedicated to asylum requests' as he called it ironically in his recently published book (Herrou 2020, 150). Volunteers there started to provide identification papers to migrants to show to the police and prove that they intended to seek asylum in France (Herrou 2020, 177). These actions were first criminalised, but subsequently led to a decision by the Constitutional Council based on the value of 'fraternity' of the French Constitution to better distinguish disinterested support from human smuggling motivated by profit (Boudou 2018).

In a few months, the initial car rides Herrou gave to migrants found roaming in the mountains evolved into the establishment of a place of rest and transit, and finally the creation of a farming community. There, migrants are allowed to work and earn a stipend without fear of deportation thanks to the affiliation to the organisation *Emmaüs France* (Oberti 2019). This affiliation gives a status ('Organizations of communal welcome and solidarity activities') which guarantees specific exemptions from labour law. People without legal status can work and earn money; after three years, an 'illegal' resident here can ask for exceptional admission (*admission exceptionnelle au séjour*).

This evolution from humanitarian first aid to legal support and integration in a rural community cannot be solely understood as humanitarian relief. In fact, they constitute a loose web of actions, places and people that I analyse as the construction of sanctuary as a safety network. Although I will distinguish more precisely the concepts of fraternity, hospitality and solidarity I have mentioned, I argue for a broader understanding of sanctuary that could

encompass such outlying (non-urban) and evolving actions of humanitarian aid, protection and inclusion.

To tackle these different facets, I identify *repertoires of sanctuary*. I take the concept of repertoires from Charles Tilly's original account: 'a limited set of routines that are learned, shared, and acted out through a relatively deliberate process of choice. Repertoires...emerge from struggle' (Tilly 1993, 264). Used to describe the various dispositions, skills, tools, routines, and strategies of contentious collective actions, the concept of repertoires helps me develop three aspects of sanctuary that have received only scant attention in political theory.

(1) Sanctuary is not simply a protected space; it emerges through time by building on disseminated individual and collective practices and consolidating them gradually into a system of safety-providing functions. (2) Sanctuary relies on a variety of normative principles requiring distinct practices. Based on my case study, I identify fraternity, hospitality and solidarity as three repertoires of sanctuary that involve, respectively, considering the interests and needs of migrants found in dire conditions; welcoming them into a homelike environment; and including them as potential members of a political community. (3) The mobilization of repertoires depends on a specific context. Repertoires are more or less available depending on individual and collective histories of resistance and solidarity. Hence, we need to study the conditions, the actors and their justifications that make sanctuary possible, instead of relying on an a priori conceptualization, more typical of political theory. With my proposal for an understanding of sanctuary as the activation of repertoires fulfilling specific functions I aim to provide a reconstruction of a series of practices and justifications to clarify the conceptual vocabulary and normative appeal of sanctuary.

To pinpoint and articulate these repertoires, I first stress the limits of the current literature on sanctuary, especially those related to its domain, scope and vocabulary (initial section). Then, I move to the empirical context of the borderization of the Roya Valley and

Herrou's actions, evolving from simple assistance into a sanctuary network (second section). In the third section, I analyse the three principles I identified above to discuss actions taken in the valley – fraternity, hospitality and solidarity – and define them as repertoires of action and justification. Fraternity entails humanitarian actions based on basic equal worth; hospitality describes domestic actions of care and protection in a situation of distress; and solidarity points toward inclusion and the construction of a political collective. In the fourth section, I contend that, taken together, these three repertoires form a system that alleviates the limitations of each repertoire taken separately by jointly fulfilling the different functions a sanctuary network should have: a signalling function related to fraternity, a protecting function related to hospitality, and a community-building function rooted in the logic of solidarity. I conclude with a table summarizing my argument and a justification of the conceptual, descriptive and normative value of my approach to sanctuary.

1. Domain, scope and vocabulary: Some conceptual limits of sanctuary

I begin by identifying three problems in the current literature on sanctuary. Firstly, the domain of sanctuary is too limited when restricted to cities and their institutions. Secondly, the scope of sanctuary is undetermined, leading to defences of a global notion of sanctuary that lacks empirical grounding. Thirdly, the conceptual framing of sanctuary appears too vague, oscillating between solidarity and hospitality.

The policies of sanctuary cities aim to shield irregularized migrants from immigration law enforcement agents. The focus on sanctuary cities has been crucial to pinpoint these various policies at a poorly explored scale of governance. It has also reinvigorated the normative literature on the city as a discrete level of membership and democratic participation. 'City-zenship' as equal membership of all a city's inhabitants opens up

conceptual, legal and institutional innovations that are promising for our urban, superdiverse and migratory age (De-Shalit 2018). Finally, the focus on sanctuary cities offers a robust counter-narrative against methodological nationalism (Boudou 2019).

However, cities still lack legal and constitutional autonomy (Hirschl 2020), which has led to a backlash of anti-sanctuary policies enacted by states against their cities (Gulasekaram, Cuison Villazor, and Su 2019). Furthermore, city governments do not always mean well when it comes to migration (Gargiulo 2020) and it is not inherently more democratic to replace national citizenship with potentially exclusionary local ethos and membership rules (Boudou 2020a). Regarding sanctuary in particular, the study of cities restricts the idea of sanctuary to its legal and, to a certain extent, North American enactments. Sanctuary networks, urban *and* non-urban sanctuaries in Europe and in the UK, as well as in South America, Africa or Asia show the relevance of alternate interpretations of the more global phenomenon of sanctuary (Missbach, Adiputera, and Prabandari 2018; International Rescue Committee 2018; Kassa 2019; Darling and Bauder 2019; Délano Alonso 2021). This focus on cities ultimately overlooks outlying, rural sanctuaries (Schmid-Scott et al. 2020) as well as the less policy-oriented solidarity practices (Ataç, Rygiel, and Stierl 2021; Darling 2020; Hung 2019) that are supposedly ‘unrelated to the purpose or the institutional substance of sanctuary cities’ (Hoye 2020, 84). These shortcomings point to the need to reinvestigate the concept of sanctuary through its diverse spaces and practices.

The second problem is that the scope of sanctuary varies too widely, from a minimalist to a maximalist account. According to the former, sanctuary solely means the legal protections enacted by US sanctuary cities; the latter can be found in the ‘Sanctuary Planet’ manifesto, which calls for a global sanctuary collective (Carney et al. 2017; Buff 2019). The problem is that the minimalist account is too context-sensitive and ignores the variety of practices that fill sanctuary functions without being comparable to the idiosyncratic

federal system in the US. The maximalist account ‘extend[s] the scope [of sanctuary] to include all motives and all expressions’ (Carney et al. 2017), which may dilute the concept.

Both accounts furnish crucial input for understanding and arguing about sanctuary: on the one hand, its legal and institutional translations within existing jurisdictions such as cities or states; on the other, its network-quality that connects protesting voices of those who wish to provide safe spaces for displaced people. But I find in sanctuary practices at the border between Italy and France a contextual network, both locale-sensitive and cosmopolitan in scope, that requires adjustments from both accounts.

In addition to these limitations regarding the domain and scope of sanctuary, the conceptual framing of sanctuary appears relatively vague. The relationships of hospitality and solidarity within sanctuary are notably left unspecified. Sanctuary has been deemed a ‘movement of hospitality’ (Carney et al. 2017), a ‘practice of hospitality, shelter, or welcome’ (Délano Alonso 2021, 85), an ‘environment of hospitality’ (Bauder 2017, 180), a ‘politics of hospitality’ (Schmid-Scott et al. 2020, 137), or a ‘specific mode of hospitality’ (Macklin 2021, 31). Sanctuary cities are also sometimes called ‘solidarity cities’ (Bauder and Gonzalez 2018; Kron and Lebuhn 2020) and sanctuary has been defended as a solidarity-building practice (Bagelman 2019). Hospitality and solidarity are either opposed to each other (Tazzioli and Walters 2019; Rozakou 2020) or associated as two more or less equivalent concepts (Glatzer and Carr-Lemke 2016; Macklin 2021).

I aim to clarify the articulation of these different concepts. I argue that they constitute different repertoires filling different functions. My goal is not, however, to arrive at an all-encompassing concept of sanctuary devoid of analytical traction. Instead, I wish to achieve a meso-level conception of sanctuary between its minimalist and maximalist accounts. I follow Cuisson-Villazor and Gulasekaram who talk of ‘multiple points of sanctuary’ (2019, 1215) that, when linked, form a sanctuary network. Among further manifestations of sanctuary

beyond the usual ‘don’t ask don’t tell’ city policies, which Bauböck and Mourão Permoser (2023) regard as characteristic for “firewalls”, they also identify ““welcoming” measures (such as the designation of a site as “inclusive”)', ‘humanitarian acts (such as the provision of shelter and food)’ or ““forewarning” actions (such as notifying undocumented immigrants about a raid)’ (Cuisson Villazor and Gulasekaram 2019, 1227–28). This pointillist approach draws a vivid picture of sanctuary as a web of practices creating a flexible space and time of safety, rather than a solid protected enclave or a city of refuge. Although this image is compatible with the practical and institutional forms sanctuary can take, i.e. territorial, social or discursive (Mourão Permoser and Bauböck 2023), it sheds additional light on the different potential repertoires that constitute a sanctuary network.

I conclude this critical survey with two methodological points. My contribution is not empirical but belongs to a form of ‘grounded political theory’ (Ackerly et al. 2021) based on the considerable fieldwork produced on the French–Italian border region. I mobilize first-hand sociological and ethnological studies, especially Amigoni et al. (2021), Filippi, Giliberti and Queirolo Palmas (2021), Giliberti (2018), Lendaro (2018), Selek and Trucco (2020), Trucco (2018), and Vergnano (Vergnano 2020a; 2020b; 2021). My main source in discussing Herrou’s reasoning and justifications consists of his press releases and textual productions, including his recently published book. I contend that there is epistemic value in a social actor’s own account of his or her normative rationale even when it is retrospective. Such accounts aim at justifying the actor’s specific articulation of means and ends, the reasons for the actions taken with respect to results beyond mere tactical considerations. This does not imply that Herrou is the sole agent of the sanctuary network I discuss or that I discard the agency of migrants themselves, giving in to the biased narrative of the European saviour.² I

² The very concept of ‘repertoire’ implies interdependent collective action: ‘Repertoires belong to sets of contending actors, not to single actors...Like their theatrical counterparts, repertoires of collective action designate not individual performances, but means of *interaction* among pairs or larger sets of actors. A company, not an individual, maintains a repertoire’ (Tilly 1993, 265 and 268).

simply limit my analysis here to the reasons and practices of people engaging in building a sanctuary network in relation (and often in opposition) to their own state and consider Herrou to be a trustworthy informant.

2. The valley of resistance: Building a sanctuary network

The Roya valley, with a population of approximately 5,000 people, is a nodal point where French and Italian territories intersect, and hundreds of migrants who have arrived in Italy – first from Sub-Saharan Africa then from the Middle-East, Afghanistan or Pakistan – try to pursue their migratory route into Europe and ask for asylum. Although the Schengen Area is supposed to be space of free movement, controls at the French–Italian border in the Roya Valley have been reintroduced since 2015 following the terrorist attacks in France, which created a salient threat in the context of the organisation of the COP21 in November. Exceptional measures against terrorism have since been transformed into law in reference to the limitation of secondary movements of asylum seekers (Donadio 2021; Giliberti 2018). At the same time, a border is never closed for everyone. The region is highly touristic, being situated near the French Riviera. Passage points sort tourists from undocumented migrants while the police monitor trains and stations, arresting black and brown people and expelling them back to Italy without due process or after arbitrary detention. Vergnano rightfully talks of a ‘racialized border’ that let ‘skiers and residents [cross] with ease’ while causing ‘risk, distress and deaths for racialized asylum seekers’ (Vergnano 2021, 7). For the latter, a routine has set in:

Departure from the Ventimiglia train station, descent to Menton-Garavan after a *CRS* [Police] check, transfer to the *PAF* [Border police] premises located on the middle cornice, detention for a few hours or for the night in the *Algecos* [prefab, equivalent to Portakabin] located outside the station, return on foot to the centre of Ventimiglia, about ten kilometres away, passing through the Italian police station. (Selek and Trucco 2020, 6)

This quickly forced migrants to take more dangerous mountain routes.

This valley is a place typical of contemporary borderization, in which the border is enforced through a complex apparatus of human patrols, material control, and legal and administrative support to prevent and criminalise crossing (Amigoni et al. 2021). Deterrence and non-entry are carefully and systematically organised by the French state, even excluding minors, who should have unconditional access to social services (Giliberti 2018). The state relies on a typical situation of ‘shifting border’ (Shachar 2020), applying the rules of non-entry over a zone of 10 km that prevents appeal with suspensory effect.³ If a migrant does not enter through a point of passage, a logic of aterritoriality persists so that they can simply be denied entry, even when they have, in fact, already crossed the border.

Consequently, an array of local and transnational, formal and informal organisations with humanitarian, legal, moral or activist purposes – and sometimes all of these at once – flocked to the valley, creating a ‘space of “glocal” solidarity’ (Selek and Trucco 2020, 91). Giving food and water, treating a wound, transporting someone from a city to another, informing migrants about their rights, helping them fill the right forms, intervening or merely bearing witness of the work of border patrols – all these actions form a network of safety within the border region.

These dispersed practices did not appear out of thin air as spontaneous reactions to borderisation. It has been observed that a ‘pattern of resistance’ (Scott 1989, 36) emerges when individuals and collectives, as well as past and present habits, coalesce to face a recurring problem. And for altruistic actions to become political movements, one needs individual dispositions to act (born out of a particular social biography), abilities (collective ad hoc competences, relations of cooperation and material means) and a context (conditions that enable the dispositions and abilities to be mobilized). These different conditions make

³ See art. L213-3-1 of the Code of Entry and Residence of Foreigners and of the Right to Asylum (CESEDA).

repertoires of action more or less available. We have here, on the one hand, organisations – from the Red Cross to No Border groups, from Amnesty International to nationally based human rights and pro-migrant associations like the Cimade⁴ or Anafé – which already had extensive experience of this situation. On the other hand, the valley and its inhabitants have a particular history. As the historian Tombaccini-Villefranque (1999) shows, the Roya Valley knew ‘illegal’ migration as early as 1860 – i.e. from the very moment the border was created. Migrants were deserters then; from the 1920s to the 1940s, they were workers, anarchists or communists fleeing fascist regimes, and then Jews who had moved from Germany to Italy. The Italian police at first helped the ‘undesirable’ population to cross the borders, and refugee committees emerged on the other side. We could find shrewd smugglers, zealous taxi drivers, modest shepherds and communist activists giving a helping hand to comrades. In more recent history, the valley has also been the place of multiple resistances: The organisation *Roya Citoyenne* was originally founded to keep the valley independent from the local ‘agglomeration community’ (an intercity structure) before it was ‘reactivated’ in 2016 in order to promote ‘the defence of citizens of the world.’⁵ In sum, the Roya Valley always consisted of a ‘geography of revolt’ (Le Clézio in Herrou 2020, 9), which made the vast pro-migration mobilisation possible.

⁴ Originally the Inter-movement Committee for Evacuees, now the main NGO providing help and legal support to foreigners.

⁵ See the organization’s website, available at: <https://www.roya-citoyenne.fr/royacitoyenne/>

One of the most visible face of this mobilisation there is Cédric Herrou. Between 2016 and 2018, this French poultry and olive farmer living in the Roya Valley was arrested five times for various reasons – all related to helping, harbouring or transporting migrants across the border between Italy and France. The first time, on August 11, 2016, he had eight persons from Eritrea in his van. He was not prosecuted for his action, which fell under the humanitarian clause adapted in French law from the ‘Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.’

In fact, Herrou never stopped helping, transporting and harbouring migrants and providing them with administrative and legal support, up to and including the creation of a work community. He became a sort of public figure, simultaneously a martyr to the pro-migrant cause and to others, a reviled repeat offender smuggling potential terrorists onto French soil. ‘A local hero to some, a scofflaw to others’, wrote the *New York Times* for Herrou’s profile in 2016, describing him as ‘the de facto leader of a low-key network of citizen smugglers . . . countering police efforts in a quasi-clandestine resistance, angered by what they see as the French government’s inhumane response to the crisis’ (Nossiter 2016). This led to multiple arrests and trials for having facilitated illegal entry and occupied a disused railway station to house migrants, which culminated in 2020 with Herrou’s full acquittal due to the constitutionalisation of the principle of fraternity.⁶ Indeed, not only did this covert network help hundreds of migrants, but it also led to a decision by the Constitutional Council on July 6, 2018, ruling that what was commonly called the ‘crime of solidarity’, which criminalises any person who facilitates the irregular entry or stay of a foreigner in France, is partially unconstitutional.

Despite this crucial constitutional change and the political tensions surrounding Herrou’s arrests, it is striking to realize how moderate his justifications are. He mobilizes a

⁶ For a more general discussion of Herrou’s actions in regard to the law and the criminalisation of solidarity, see Müller (2020) and Vergnano (2020a). For a comparable case in the US context, see Devereaux (2019).

form of mild cosmopolitanism rooted in French republicanism, specific to the Roya Valley, and in continuity with his own upbringing. He declares himself a proud French citizen who simply believes in republican principles: ‘Our legal fight is respectful of the laws of the French Republic. It is a legal and just struggle, in the image of France, the nation of human rights’ (Herrou 2017).

One could argue at this point that these mobilisations are merely humanitarian and do not fall under the more demanding and political concept of sanctuary. As Mourão Permoser and Bauböck (2023) argue, sanctuary is always a space of exception. It challenges the legitimacy of the state’s border policies and has an expressive quality: something is said when sanctuary is practiced that goes beyond the help provided to its beneficiaries. But it appears that this ‘something’ is very well claimed and explained by Cédric Herrou himself in several passages of his book:

The values of our Republic are being abused by those who have been charged with protecting them (Herrou 2020, 51).

We are not demanding the abolition of borders, just respect for the law (Herrou 2020, 111).

I remain a simple citizen. The government and the state, driven by an anti-immigration ideology, prevent citizens from acting according to the national motto (Herrou 2020, 218).

When I ask for the registration of asylum applications and the support of minors, I don’t pretend to upset the established order, just to denounce the failings of the state. Like a whistleblower seeking to improve the system, not to dynamite it (Herrou 2020, 222).

Much like the policies enacted by sanctuary cities, what Herrou and his friends are doing is not illegal per se. Rather, they enforce the law against the abuses of state power and act as ‘solidarity witnesses’ (Russo 2018) to hold the enforcement agents accountable. Doing so, they refuse to embody a merely moral resistance to the government’s practices by practicing aid; instead, they express their loyalty to the law against the wrongdoings of the state, such as denying entry and support to minors, initiating refoulement, putting migrants in

detention, using excessive force and so on.⁷ What Herrou tells us about sanctuary is that it constitutes not only a space of exception, temporarily shielding migrants and citizens standing in solidarity, but also a network of justice where the spirit of the law is guarded against abusive uses of power by the state.

Now, I wish to clarify the articulation of these different actions to identify what a sanctuary network should be made of. From a simple ride to the emergence of a farming community, from squatting at a railway station or harbouring people at home to making political claims of solidarity and justice, I argue in the next two sections that the principles of fraternity, hospitality and solidarity, mobilized in the literature and by social actors, constitute discrete but integrated repertoires of sanctuary.

3. Fraternity, hospitality, solidarity: Mapping the repertoires of sanctuary

I will now briefly define the concepts of fraternity, hospitality and solidarity that, based on my case study, constitute distinct repertoires of sanctuary. In the next section, I will specify which function each repertoire fulfills to constitute a sanctuary network.

Fraternity

What should we learn from the mobilization of fraternity at the constitutional level after Herrou's trials? The constitutional value of *fraternité* – part of the French national motto alongside *liberté* and *égalité* – is judicialized to protect the 'freedom to help others, for a humanitarian purpose, without considering the legality of their residence on the national

⁷ This form of resistance can also relate to a *higher* law, such as international treaties and human right norms or, less literally, moral and religious principles. However, I argue that Herrou merely acts in the name of the law, against what he deems as abuses by the police. I add that the organized messiness and ignorance of the exact terms of the laws and regulations at the border facilitate both police's ambiguous practices and this legal and legalistic activism.

territory⁸. The already existing exemptions, which prevented judicial proceedings in certain circumstances, now protect people helping the circulation of foreigners, whatever their status and the legality of their residence, even if facilitating entry to the territory remains forbidden. Furthermore, whereas helping had been legal only if done in order to protect the dignity and physical integrity of a foreigner, the Council now considers that fraternity ‘could not be interpreted differently as encompassing any act of help done with a humanitarian goal’.

Fraternity as a repertoire appears as the most basic set of actions and duties that require recognition of the humanity in the Other, whatever her nationality or migration status, triggering basic forms of humanitarian aid in cases of immediate danger. Conceptually, fraternity, in both Christian and humanistic understanding, means that all humans should treat one another as friends, brothers or sisters – that is, as equal individuals worthy of an effort to socialize beyond self-interests. Although the concept of fraternity has been criticised as sexist and particularist, it retains a universalist thrust, especially in the French republican tradition.⁹ Either in the eyes of God or as a matter of nature, fellow humans share equal basic dignity (Puyol 2019).

⁸ Decision 2018-717/718 QPC, July 6, 2018, available here: https://www.conseil-constitutionnel.fr/decision/2018/2018717_718QPC.htm.

⁹ Hence, my mention of ‘brothers or sisters’ is necessary considering the gendered conception of the community that fraternity or brotherhood conveys. See Derrida (2005, viii) mentioning the ‘*familial, fraternalist* and thus *androcentric* configuration of politics’ implied by fraternity or friendship between ‘brothers’. Puyol (2019, 32–33) also recalls how Mary Wollstonecraft opposed Rousseau’s sexist political community based on fraternity by advocating friendship between men and women. This further points to the criticism of cosmopolitan hypocrisy raised against fraternity. It is universal in theory and particular in practice. Consider its early politicization among revolutionary French: national borders certainly did not limit brotherhood, but the true brothers were merely those embracing revolutionary ideals. Fraternity was *potentially* universal, in the sense that the traditional boundaries between estates were abolished and the borders between countries were insignificant in regard to the emancipatory ideal of freedom for all peoples. As Alexis de Tocqueville (2011, 19) wrote: ‘The French Revolution had no territory of its own. More than that, its effect was in a sense to wipe the map clean of all existing borders. It united some men and divided others in spite of laws, traditions, characters, and language, at times turning compatriots into enemies and strangers into brothers. Or, rather, it transcended all particular nationalities to create a common intellectual fatherland, which could accommodate men of all nations as citizens.’ On the polarized and identitarian understanding of fraternity, Jennifer Allsopp has shown how *fraternité* kept being mobilized in opposite ways by the right-wing Nicolas Sarkozy and the left-wing Ségolène Royal: when the former explains that ‘we cannot come together’ without *fraternité*, ‘the “we” was the communitarian “we” of nationalism, not the liberal “we” of universalism,’ the latter is ‘equating *Fraternité* with “the will of humanity”’ (Allsopp 2012, 10–11).

Discussing ‘American fraternity’, Richard Rorty (1996) recalls that ‘abolitionist posters showed a kneeling slave asking, “Am I not a man, and a brother?”’ Fraternity is a principle of common humanity best encapsulated by the Roman playwright Terence: ‘I am human, and I think nothing human is alien to me’. Fraternity defines interactions in a basic moral community of fellow humans.

As such, fraternity is the most basic repertoire of sanctuary as it conditions further actions, such as hospitality or solidarity. It names the disposition that triggers a basic duty not to be indifferent to the fate of fellow human beings. As for literal brothers and sisters, fraternity stresses a quasi-natural common bond that endures despite conflicts.¹⁰

Hospitality

The first actions taken by Herrou and others targeted the basic needs of migrants: health, warmth, food and water. ‘Many residents have spontaneously welcomed migrants into their homes, offering them hospitality and care, and trying to help them continue their migratory journey’ writes Luca Giliberti (2018, 150) and he speaks, with Luca Queirolo Palmas, of a ‘clandestine hospitality’ provided by activists and hidden from the state (Giliberti and Queirolo Palmas 2020, 135).

The best way to fulfil these needs was to harbour migrants for some time, usually in a familiar place (a home or a car for instance). I argue that such gestures can be understood as practices of hospitality, which generally means ‘the rendering of comfort to a visitor within one’s own territory’ (Herzfeld 1987, 77). Comfort includes peaceful exchanges in a friendly atmosphere, fulfilment of the needs of the guest and opportunities to learn from and about each other.

Hospitality, in this context, can be singled out as the repertoire of actions occurring in private spaces, where hosts give time and space to accommodate guests and create a non-

¹⁰ I distinguish my dispositive conception of fraternity – a disposition to recognize the common humanity and dignity of fellow human beings – from a more redistributive one, as the ‘contractualist fraternity’ suggested by Munoz-Dardé (1999).

hostile environment. This is a repertoire of care that takes the form of fostering home-like feelings of safety, rest and ease.¹¹

Solidarity

The socio-political concept of solidarity has known more systematic theoretical and political development than the concepts of fraternity and hospitality (Brunkhorst 2005; Forst 2021; Kolers 2016; Scholz 2008). Solidarity is a central repertoire of action and justification for the practices of activists at the border. It is flagged as the main motivation to act, especially in the context of its explicit criminalization. Solidarity, then, becomes a rallying cry against the state. Activists call themselves ‘*citoyens solidaires*’ [citizens in solidarity], and Herrou theorizes that solidarity (in contrast to charity and paternalism) is the ideal that can guide us towards a just world (Herrou 2020, 132, 159, 254). Following the actions in the Roya Valley, Puggioni aptly argues that:

Solidarity requires common projects and a shared vision as well as the building up of relations through which to work together... In this perspective, acts of solidarity are driven by motives that are very different from those underlying acts of humanitarianism. While solidarity emerges from a common struggle and interest, humanitarianism emerges from a politics of compassion. (Puggioni 2021, 4)

Normatively, solidarity is a binding relationship oriented toward a common cause and based on shared interests. It entails a sense of obligation: One shares the consequences of the group’s actions or of actions that affect the group.¹² Hence, solidarity requires helping one another in order for the group to strive and prevent individual harms. For solidarity to occur, some of the individuals’ interests must overlap with some of the group’s. This overlap of

¹¹ Here again, there are more extensive definitions of the concept, but I wish to remain as close to the actual practices of my case study as possible. See Boudou (2021), Chamberlain (2020) or Monforte, Maestri and d’Halluin (2021) for a normative discussion of private hospitality compared to state’s hospitality or to more egalitarian relationships that the host-guest interaction might undermine.

¹² What I describe here is a constructivist process. Developing one’s interests, the group’s interests and perceiving overlaps around a common cause takes time. It also requires specific actors (to raise awareness and construct commonality) and specific actions (to give proof to one another of what they share and of the beneficial results of the solidarity ties). In other words, solidaristic relations are not given; they are deliberately sought after. Hence, solidarity requires the construction (or recognition) of shared perspectives and interests that result in a consenting obligation to uphold and protect the interests of others as you would protect your own. Solidarity is, thus, inherently political and involves reciprocity.

interests induces a process of equalization: if some individual interests are related to collective interests, then the different members of the group share some similar interests. However, while aiming at equalizing the parties and constructing a common cause, solidarity is not inherently egalitarian, at least in its first instantiations. One can stand in solidarity with people who have far less power or fewer resources and far more needs to be sustained by ties of solidarity.

Furthermore, when discussing the meaning of ‘standing in solidarity with refugees,’ Christine Straehle argues that ‘solidarity with refugees... means to focus and address social deprivation and denial of community membership that refugees suffer’ (Straehle 2020, 532). In other words, solidarity appears more demanding than fraternity and hospitality in a context of displacement, requiring not only care and a temporary home but also a sense of membership and opportunities to build meaningful social relationships.

In summary, fraternity defines a moral community based on basic equal worth; hospitality describes domestic practical actions of care and protection in a situation of distress; and solidarity hints toward the construction of a political collective based on mutual recognition of shared interests or purposes aiming at further social inclusion.

4. The functions of a sanctuary network

The repertoires I have briefly presented, while often overlapping, encompass slightly different practices and duties towards migrants: considering them as worthy of support, even in a context of risk and danger; offering time and space; and, finally, constructing commonality and providing means of social inclusion. I contend that these different layers of motives and actions each fulfil necessary functions for building a sanctuary network.

The point of sanctuary is safety. It consists in a time and a place that temporarily shields people from dangers affecting their basic interests.¹³ In the context of greater and harsher criminalisation of migrants and their helpers, sanctuary provides a buffering time and space of exception to guarantee safety for non-citizens and citizens standing in solidarity with them from abusive uses of power. But this does not happen easily or all at once. Herrou's politics, and those of the different organisations around him, evolved from providing good-Samaritan aid to helping migrants occupy a disused railway station; from hiding children in a van to issuing 'identification documents' that constitute evidence the migrants were seeking asylum while in France (Herrou 2020, 177); from offering food and guidance to cross the mountains on foot, to the creation of a rural community in 2019 with *Emmaüs France*, where some migrants can legally work and access social entitlements without fear of deportation (Herrou 2020, 234–38). Before that, in 2017, an informal protocol developed jointly with the police had established Herrou's home as a platform guaranteeing access to asylum procedures: 'We had won the battle for asylum. We were designated as the administrative body to fill in for the state's shortcomings', writes Herrou (2020, 140).

What transpires from the evolution of these practices is that sanctuary gradually materializes when certain functions are activated on a network. What are these functions and how do they relate the repertoires presented above?

(1) A signalling function that is related to fraternity: Sanctuary must be known as such; it is a promise made to those in need that, there, they shall be treated with respect. To signal that *here* is the place of sanctuary means saving the Other from the role of 'supplicant' and setting aside the privilege of the person who is being appealed to.¹⁴ Consider for example the 'micro-gestures' mentioned by Vergnano (2020b, 8), like 'leaving the light on during

¹³ Hence, the vocabulary of sanctuary also applies to homeless people (Bowpitt et al. 2014), LGBTQI oppressed minorities (Ellison 2019) or abandoned and endangered non-human animals (Abrell 2020).

¹⁴ Maurice Blanchot (1969, 134) beautifully wrote about the ancient figure of the supplicant who, by definition, remains the one who 'asks without certainty and without guarantee, never sure of being able to be re-established in this system of respect which is justice,' entrenching a radically asymmetrical relationship.

long winter nights'; these literally signal a disposition to consider any newcomer as worthy of disinterested care, 'no questions asked'. On a broader scale, such as a city or an institution, signalling sanctuary has two dimensions. First, signalling sanctuary requires spreading information, campaigning, advocating and urging others to do the same in order to actively expand one's responsibility and seek persons to protect. Second, signalling echoes the justification of 'don't ask, don't tell' policies. As Patti Lenard explains, 'the justification relies on an assumption about the likely behaviour of individuals who are, or are not, assured that their legal status will, or will not, be questioned. Where residents are assured that they will not be required to provide proof of immigration status, they will choose to access services available to residents of that jurisdiction' (Lenard 2019, 233). In sum, the signalling function of sanctuary makes public a disposition to aid, 'in a spirit of brotherhood', as mentioned by the first article of the Universal Declaration of Human rights.

(2) A protecting function, related to hospitality: There must be a time and a place to be shielded from domineering government's practices, to be helped and to wait without fear of harassment or deportation. When Élise Martin (2020) describes contemporary sanctuary practices for refugees in a small French village, she concludes that these are not spaces to settle but to 'catch one's breath'; I believe she captures this protecting function of sanctuary well. Following Bryan Barry's definition of the 'duty of humanity' as 'the relief of distress' (Barry 1982, 219), we can say that hospitality encompasses domestic practices and spaces that aimed at relieving distress caused by the unfair enforcement of borders (Boudou 2021). They are temporary because they usually happen in emergency situations; something must be done here and now, but this precarious welcome and safety cannot last. The history of hospitality shows that it has been practiced precisely to facilitate contact and provide help without inclusion. Hence, sanctuary as mere hospitality practices may be limited as it keeps already precarious people in a precarious situation – that of waiting and remaining guests or

denizens at the mercy of one's hosts (Boudou 2020b; Lippert 2004). Which is why it must be complemented.

(3) A community-building function rooted in the logic of solidarity: Sanctuary politics must foster a culture of equality where differences in resources or legal status do not lead to exploitation. Solidarity helps overcome hospitality's temporary nature. Against illegitimate or illegal border enforcement practices, sanctuary can be institutionalized and evolve from mere safety from immediate harms to integrative and community-building policies that are deeply linked to democratic ideals. To return to Straehle's argument: she shows that beyond providing care and legal protection, 'standing in solidarity with refugees' should imply social inclusion, which guarantees agency and autonomy. This stands in contrast with treating an asylum-seeker as 'a recipient of charity, or as a burden to the host society, as someone who is under scrutiny as a person, or whose claims of persecution are scrutinized' (Straehle 2020, 535). Expanding Elizabeth Anderson's conception of relational equality beyond national citizens, I argue that solidarity practised in sanctuary spaces (cities, universities, workplaces, and so on) aims at fostering relational equality between citizens and non-citizens, despite differences in legal status. The goal is 'not to ensure that everyone gets what they morally deserve, but to create a community in which people stand in relations of equality to others' (Anderson 2010, 288–89). The solidaristic component of sanctuary that hospitality alone may lack is the realization of a culture of equality within civil society. Enabling the habit and the feeling of seeing one another as equals among inhabitants of a place, or students of a university, is a strongly democratic feature of sanctuary. In contrast, hospitality may remain an emergency humanitarian gesture that has no other purpose beyond providing immediate relief to vulnerable people. Yet, without fraternity or hospitality practices, fundamental needs and interests might remain unmet and material and emotional resources provided by hosting citizens discarded.

Conclusion

Looking at the material practices of solidarity in the Roya Valley, I have sought both to clarify the conceptual space around the idea of sanctuary and to uncover the role of sanctuary beyond its usual instantiations in churches or cities. I have identified three repertoires of sanctuary, based on particular actions, justified by different principles, and filling different functions, that realize a sanctuary network.

As I reconstruct these functions from a particular case, I do not claim these are sufficient to analyse sanctuary, but I contend they should always be at work. I can summarize my argument in the following table, including the repertoires of actions, reasons, examples and functions I have analysed, in the following table:

Sanctuary network

Repertoire	Example	Action	Reason	Function
Fraternity	Offering food, water, first-aid, looking for persons in danger, indicating directions	Humanitarian help	Equal moral worth	Signalling
Hospitality	Harbouring people at home, providing tents or meals on one's property, establishing a squat	Domestic welcome	Care	Protecting
Solidarity	Providing identification documents, bearing witness of border police controls, creating a farming community, legal support for solidarity 'criminals'	Socio-political Inclusion	Common cause and shared interests	Community-building

I believe that this functionalist approach to sanctuary is conceptually, descriptively and normatively helpful.

First, it corrects the intuition found in the literature that these concepts of fraternity, hospitality, solidarity are somehow interchangeable within sanctuary. On the contrary, these concepts cover reasons to act and actual practices that are different even when they rely on a

similar moral intuition or aim to alleviate similar distresses experienced by migrants. They clearly share what Wittgenstein famously called a ‘family resemblance,’ forming ‘a complicated network of similarities overlapping and criss-crossing’ (Wittgenstein 2009, 36), but can be analytically distinguished as discrete repertoires of sanctuary. Taken together, however, they provide a realist network of safety.

Second, understanding sanctuary as a processual network rather than a demarcated space specifies the kind of practices and diffuse structures sanctuary requires in order to emerge. Herrou (2021) has recently described his actions as building a ‘legal corridor’ for migrants to claim legal status and have opportunities to be included in the community. Ataç, Rygiel and Stierl (2021, 12) speak of ‘corridors of solidarity’ that aim at building ‘infrastructures of the freedom of movement,’ while Vergnano (2021) or Xiang and Lindquist (2014) develop the concept of ‘migration infrastructure,’ i.e. the ‘systematically interlinked technologies, institutions, and actors that facilitate and condition mobility’ (Xiang and Lindquist 2014, S124). A sanctuary constitutes the safety-providing network of such migration infrastructures.

Third, it enriches the normative appeal of sanctuary. Beyond the specific context I have presented, there is an ideal-typical quality to my conception of a sanctuary network. Sanctuary becomes more than a descriptive term: it encompasses reasons based on fraternity, hospitality and solidarity to, respectively, consider the interests of migrants; welcome and motivate the creation of a welcoming environment; and include the beneficiaries of sanctuary as potential members of a political community. As such, my approach to sanctuary weaves together three normative qualities that make it desirable: a remedial quality related to the distress against which one is reacting and that one is fleeing from; an empowerment quality through legal security, equal access to resources and services to realize one’s interests; and a prefigurative quality in the egalitarian communities between citizens and non-citizens it

builds beyond the initial humanitarian gestures. A sanctuary city experimenting with urban citizenship for all residents or a work community like the one Herrou has built offers hope and concrete political alternatives to the current national regimes that rely on a strict distinction between nationals and foreigners.

A sanctuary is one among many things that people materially and discursively perform to create space and time for safety in a context that requires it. Normatively, it expresses a desire to shield a local community and its inhabitants from the state's unjust intrusion and to reconstruct a local community along the lines of the republican ideals of freedom, equality and solidarity. Herrou's actions are worth investigating, as they offer a realistic and modest picture of solidarity and sanctuary that forced the state to reconsider its constitutional commitments. It may be an ordinary picture – almost parochially rooted in a singular territory – but this is exactly why it worked so well.

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