

Strategies of control and the silencing of Muslims in Spain

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The entry of Spain in 1986 into the European Union marked a turning point for foreign nationals in Spain. Before this date, non-Spanish citizens could freely move in and throughout the territory, but from 1986, following the 1985 Spanish Law on Aliens (*Ley de Extranjería*) they had to comply with various legal and administrative requirements before being allowed to circulate and, moreover, to remain in the country.

At that time, many inhabitants of the cities of Ceuta and Melilla—located on the North African coast and with a large Muslim population—did not have Spanish nationality, despite having been born in these places, and this became a genuine problem for them after Spain joined the European Union.

In response to the so-called ‘war on terror’ by the United States after the terrorist attacks on New York and Washington DC 2001 and the March 2004 terrorist attacks in Madrid, Spain started to implement a set of ‘securitisation’ mechanisms, based on the regulatory framework on combating terrorism endorsed in 2002 by the European Union (this framework was replaced in 2017 by Directive (EU) 2017/541 of the European Parliament and of the Council).

In his book ‘Securitizing Islam’, scholar Stuart Croft defines ‘securitisation’ as ‘the processes by which a particular group or issue comes to be seen as a threat and consequently subject to perceptions and actions which go with national security’.

These security actions encompass police work more focused on preventing crime than on its persecution, leading to a process called ‘policialisation’, that is, the permeation of police institutions and logic into different fields of the social sphere. This ‘pre-crime’ perspective is inserted in a context of moral panics, that is, the widespread irrational fear that the values and well-being of the community are under threat, creating a securitised sphere, in which Islam and/or Muslims are framed as a menace linked to terrorism.

The laws, protocols, state, regional and local plans implemented in Spain with the stated aim of preventing and prosecuting terrorism, have made Muslims the target population of securitisation. The main examples of government counterterrorism policies are the Agreement for Liberties and against Terrorism (informally known as the ‘Anti-jihadist Pact’); the National Strategic Plan to Combat Violent Radicalization; and, specifically relating to the Catalonia region, the Protocol for the Prevention, Detection, and Intervention of Islamist Radicalization Processes (PRODERAI). Similar to the effects of the counter-terrorism legislation on Muslim populations enacted in France, the United Kingdom, the United States and the Netherlands, also in Spain this specific legislation on securitisation has contributed to the construction, and criminalisation, of Muslims as ‘terrorist suspects’.

Estimates from January 2023 indicate that approximately five percent of the population in the Spanish state is categorised as Muslim, 40 percent of whom are Spanish citizens while 60 percent are resident aliens (almost 70 percent of whom are Moroccan). It should be noted that these figures, annually prepared by one of the largest Muslim federations in Spain, are based on the country of origin of the migrants and their descendants, since no official census on religious adherence is available. The regions with the largest Muslim populations are Catalonia, Andalusia, Madrid, Valencia and Murcia. Historically, the cities of Ceuta and Melilla, situated in the north of the African continent, have proportionally a high number of Muslim inhabitants (approximately 50 percent).

In our research on the impact of the mechanisms used by the Spanish state in its

strategies against so-called ‘new forms of terrorism’, we have tried to analyse how the aforementioned securitised context affects those identified as Muslims. The material on which our analysis is based was produced with eight discussion groups carried out in October 2019 and in January 2020 with Muslims living in different parts of the Spanish territory, including Ceuta and Melilla. Participants in these groups included 57 persons (19 women and 38 men) of different national backgrounds, while most were of Moroccan origin.

We analysed how the participants in our study perceive that they have become objects of control. Firstly, we comment on the main ‘markers of suspicion’ based on which Muslims are constructed as people to be distrusted, often as suspects of ‘radicalisation’. Secondly, we analyse how surveillance policies and control strategies result in the social and spatial marginalisation of racialised populations, specifically those perceived as Muslim.

Keeping Muslims under control

In 2015, after several years of large demonstrations throughout the country against restrictions on social and political rights, similar to the Arab Uprisings and Occupy movements, the Spanish government enacted a new Citizen Security Law (4/2015, of 30 March), also known as *Ley Mordaza* or ‘Gag Law’. This law essentially allows police to conduct identity checks on anyone they like in public spaces. This was regarded by the participants in our research as the main mechanism used to monitor their mobility. They stated that police target specific ‘corporealities’ consisting of several elements (which we discuss below) which the majority society, including the police, identifies with Islam and/or Muslims. Black Muslim participants in our research were particularly targeted by police, mainly due to racial profiling by police based on their skin colour (rather than their religion), but the large majority of participants expressed that being, looking or acting like a Muslim, Moroccan or *Moor* meant it was impossible for them to avoid being subjected to police identity checks.

Keeping Islam and Muslims on the margins

Our findings are consistent with previous studies showing that the presence of Islam in public spaces is not only problematised, but often marginalised. Processes of spatial and social exclusion occur in different ways, at different times and to different degrees, but they always imply an uneven distribution and access to resources. In Spain, measures aimed at removing or avoiding Islamic symbols and thus (visibly) Muslim individuals and communities from city centres are quite common. One example is the refusal to authorise the construction and/or opening of mosques in urban centres. Often, municipalities only allow the construction of an Islamic place of worship (or the dedication of existing premises as a Muslim prayer centre) outside the city, in industrial areas. Other causes that hinder the presence of Muslims and Islam in the public space are, for example, the obstacles to, or impossibility of, carrying out burials according to the Islamic funeral rite. This includes refusals to allow Islamic burials in municipal cemeteries, difficulties relating to opening specifically Muslim cemeteries, the prohibition of or limitation to the ritual itself, as well as the explicit or implicit prohibition of Muslim celebrations and commemorations in central public places.

Based on previous academic findings, our research also led to certain concerns being raised in relation to agricultural areas in the Spanish state territory, where undocumented migrants, often Muslims from Morocco, work piece-rate in intensive agriculture without even minimum labour rights. These kind of practices are allowed by different levels of power: businesspeople, local and state institutions, security forces, a large part of the population, and consumers. The evidence of a profound inequality in these rural areas is not new and continues beyond the securitisation and policing dynamics present in other contexts. The situation of these workers in rural areas makes control by police unnecessary.

Under suspicion: a heavy burden

Even though the participants in our research hardly made any reference to the counterterrorist legislation—certainly never to the ‘Anti-jihadist’ Pact or PRODERAI which specifically target Muslims—the burden of being considered a suspect is recurrent and omnipresent in their daily lives. They feel consumed by the constant dynamics of marginalisation and segregation while continuously forced to act as a ‘good’ person and citizen. Since many of them do not (yet) have Spanish nationality, the legal requirements applicable to foreign nationals to regularly renew work and residence permits to remain in Spain constitute a major control device. Taking all this into account, we can conclude that the construction of Muslim citizens as suspects is not only the result of applying the legislation on securitisation discussed above. However, these laws legitimise many of the dynamics involved in controlling these populations and work as a protection against possible accusations of illegality, assault on human rights or of outright racism. In addition, the idea and consideration that certain ‘corporealities’—ways of being, behaving or living which are widely considered suspicious—fits in with a legal security apparatus that hierarchises populations and which is probably the cause and consequence of the normalisation of Islamophobia. Moreover, the fact that these control devices operate based on the premise that Muslims must be subject to exhaustive control by the State and its security forces, shows that Muslims occupy a subordinate position in society.

Restrictions, racial profiling by police and exclusion from public space do not only limit the physical mobility of Muslims, but also reduce their opportunity to raise their voices. Keeping quiet is, in many cases, necessary to avoid further problems such as fines, detention or non-renewal of work permits. This silence may also include self-imposed adapting of certain attitudes, and ways of dressing and speaking to blur their Muslim appearance. While they are hyper-visible to the police forces in charge of controlling their movements, they are invisible as citizens.

Securitisation and 'pre-crime' as new paradigms of control produce real impacts on the opportunities and daily lives of those who self-identify, or are identified by others, as Muslim and establishes a hierarchy intrinsically connected to inequality and oppression. We wonder about the long-term effects of these policies, particularly on young Muslims in Spain. The continuous attribution of suspicion does not only hinder their participation in society, but also prevents them from acting as legitimate citizens, an essential condition to take part as equals in social interaction.

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Image: A police vehicle in Spain. Credit: Daniel Valles/Flickr.