

Country Profile

Spain

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This Country Profile provides a brief overview of religious diversity and its governance in the above-named state. It is one of 23 such profiles produced by GREASE, an EU-funded research project investigating religious diversity, state-religion relations and religiously inspired radicalisation on four continents. More detailed assessments are available in our multi-part Country Reports and Country Cases.

Countries covered in this series:

Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Egypt, France, Germany, Greece, Italy, Hungary, India, Indonesia, Lebanon, Lithuania, Malaysia, Morocco, Russia, Slovakia, Spain, Tunisia, Turkey and the United Kingdom.

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Total population: 48.4 million

Religious affiliation (percent)

Catholics	67.5
Other religions	2.9
Non-believers/ atheists	26.8
No answer	2.7

Source: Spanish Statistical Office (Instituto Nacional de Estadística, INE), <https://www.ine.es/>; Spanish Centre for Sociological Research (Centro de Investigaciones Sociológicas, CIS), 2019, open database accessed at <http://www.cis.es/cis/opencms/EN>

Role of religion in state and government

The main feature of Spain’s regulatory framework is how the legal system differentiates between different religions in terms of recognition and collaboration.

With Spain’s democratic transition and shift to a governance model with no state religion, the long history of Catholic confessionalism translated into an attempt to reconcile the Catholic Church’s traditional privileges with secular and democratic constitutional principles. This resulted in special treatment that is made explicit at article 16.3 of the 1978 Constitution, which singles out the Catholic Church by requiring the State to cooperate with it. Such cooperation is regulated by four Agreements signed in 1979 between the Spanish State and the Holy See covering (a) legal matters; (b) educational and cultural matters; (c) economic matters; and (d) religious assistance in the armed forces and the military service of the clergy. Constitutional article 16.3 also establishes that “[T]he public authorities shall take the religious beliefs of Spanish society into account and shall consequently maintain appropriate cooperation with the Catholic Church *and the other confessions.*”

The Organic Law on Religious Freedom, introduced 1980, focuses on other religious groups. This law establishes the right to profess any religious belief; take part in religious festivities, marry and be buried according to one’s religion; choose an education according to one’s faith; meet publicly and form associations with a religious scope (art. 2, LOLR, 1992).

In implementing the above-listed rights, the Organic Law established a legal regime and certain privileges for religious organizations. The enjoyment of benefits of this regime, however, are conditional upon religious organizations being entered in the Register of Religious Entities maintained by the General Directorate of Religious Affairs of the Ministry of Justice.

Three cooperation agreements between the Spanish State and other confessions—the Spanish Federation of Religious Evangelical Entities (FEREDE), the Spanish Federation of Jewish Communities (FJCE) and the Spanish Islamic Commission (CIE)—were reached and approved in 1992. These three agreements are treated as ordinary positive law emanating from the Parliament, while the Agreements with the Catholic church were incorporated into Spanish law as international treaties. Beyond specific agreements with individual religious communities, a number of laws apply to all religions: these are the 1980 Organic Law on Religious Freedom; the Royal Decree 932/2013, through which the Commission on Religious Freedom is regulated; and the Royal Decree 593/2015, which regulates the principle of “social rootedness” (*‘notorio arraigo’*) in Spain.

Freedom of religion

Since 1978, when Spain's current Constitution entered into force reinstating democracy, Spain has been a secular (but not secularist) country. This means that even though public authorities are expected to be independent from ecclesiastical structures, they are mandated to ensure that religious freedom is achieved, including the freedom to express and exercise one's faith publicly. The only restrictions that may be adopted with regard to the right to religious freedom have to do with public security and with the principle of doing no harm to others. Even when such limitations are tested, the Spanish system requires public authorities to evaluate each specific case following the principle of proportionality (since only minimal restrictions can be imposed on fundamental freedoms).

The principles of freedom of religion and of a secular state are enshrined in article 16 of the Constitution, which reads:

“16.1: Freedom of ideology, religion and worship is guaranteed to individuals and communities, with no other restriction on their expression than may be necessary to maintain public order as protected by law.

16.2: No one may be compelled to make statements regarding his or her ideology, religion or beliefs.

16.3: There shall be no State religion. The public authorities shall take the religious beliefs of Spanish society into account and shall consequently maintain appropriate cooperation with the Catholic Church and the other confessions.”

The regulations which operationalize such principles are contained in the Spanish Organic Law 7/1980 on Religious Freedom (passed on July 5th 1980) and in the Cooperation Agreements stipulated between the Spanish State and specific confessional institutions (passed on November 12th 1992).

In addition to article 16, article 9.2 of the Spanish Constitution entrusts public authorities with the responsibility to promote conditions “ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life”; and article 14 prohibits discrimination based on ideological or religious grounds.

The legacy of four decades of “National Catholicism” is still noticeable today. While Spain's current legal system provides a relatively strong guarantee of freedom of religion, there are significant limitations and unsatisfied demands with respect to religious minorities who are often perceived as “foreign” or “non-national”. Disentangling national identity from that of Catholicism remains a work in progress.

Religiously inspired radicalisation

Until recently, terrorism and violent extremism in Spain were associated with secessionist and political organizations, rather than religiously inspired ones. This changed on March 11th, 2004, when Spain suffered the deadliest terrorist attack in Europe's recent history. Two coordinated bombings killed 191 people and injured many more. Al Qaeda quickly claimed responsibility with a declaration of intent to reconquer the country, once Muslim. This terrorist attack is particularly relevant not only because of its high death toll and because it shifted the attention of Spain's civil society and government from separatist to jihadist terrorism, but also because it marked the starting point of coordinated efforts to fight terrorism in Europe at a transnational level.

The attack altered the way Spanish authorities perceive religious governance as a public issue. It became part of the public agenda, with institutional church-state arrangements seen as insufficient to manage religious diversity, especially Islam. The most noticeable development that resulted from the Spanish government's attempt to rethink its governance of religious diversity following the attack was the creation of the Pluralism and Coexistence Foundation (Fundación Pluralismo y Convivencia). Nested under the Ministry of Justice, the Foundation was created to promote the integration of religious minorities, particularly by funding religious minority federations and communities to strengthen their cultural, educational and social activities, as well as supporting their institutional coordination.

Beyond the creation of the Observatory of Religious Pluralism on behalf of the Pluralism and Coexistence Foundation in 2011, security measures have also been developed on a national level over the past years. In 2013 a National Strategic Plan to Combat Violent Radicalisation (PEN-LCRV) was developed, acknowledging violent radicalisation as one of the main risks for national security. On January 30th, 2015, the Plan was approved by the Spanish government. The declared objective of the Plan is "to constitute an effective instrument for early detection and neutralization of outbreaks and foci of violent radicalism, acting on those communities, groups or individuals at risk or vulnerability" and it envisions an "integral and coordinated action".

Though these efforts have produced some positive outcomes, they have been unable to prevent the radicalisation of some individuals. Between 2013 and 2016, a total of 178 people who adhered to Salafi-jihadi attitudes and beliefs were arrested in Spain for terrorism-related activities.

On August 17th, 2017, an attack in Barcelona killed 16 people (plus the 8 perpetrators) and injured over 150. Claimed by the Islamic State of Iraq and Syria (ISIS), the attack pushed the government to strengthen the intelligence coordination efforts between the Catalanian police (Mossos D'Esquadra) and the Spanish national police working on countering terrorism.

Religious diversity governance assessment

Since Spain's democratic transition, the institutionalized pattern of Church-State relations in the country has evolved significantly. The first phase of this process comprises the years between the Constitution of 1978 and the political problematisation of Islam, which took centre stage starting in 2004.

In 1980, the Religious Freedom Act was passed, codifying freedom of thought and religion and defining the procedures by which the State might protect the individual and collective rights of religious minorities. After a period of significant expansion, this legal framework has remained untouched over the years.

In Spain, as is the case in many other European countries, the relevance of religion in people's daily lives has declined significantly over the past few decades. Despite two thirds of the Spanish population still identifying as Catholic, the Spanish Centre for Sociological Research (CIS) has estimated that of those who self-identify as Catholic, less than 15% attend mass regularly. Over the past decades Spain has experienced a decline in those who self-identify as Catholics. This decline is inversely proportional to the increase in those who identify as non-believers or atheists. At the same time we observe a slow but steady rise in those who identify with another (non-Catholic) religion. This trend is strongly linked to a shift from Spain being mainly a country of emigration to its status as a country of both emigration and immigration. The increase of Muslim community members in Spain reached approximately 1.9 million as of 2016, according to the Islamic Commission of Spain (CIE).

Traditionally, despite the legal system being fairly inclusive in terms of minorities, the mechanisms adopted for ensuring implementation have been extremely weak. This results in a significant differentiation in the ability of religious communities and individuals to exercise their rights in practice. Therefore, despite the fact that Spain maintains a neutral position in religious matters (as stated in article 16.3 of its Constitution), the official state neutrality is challenged by the practice of a disproportionately privileged treatment in favour of the Catholic Church.

About the GREASE project

Radicalisation, Secularism and the Governance of Religion: Bringing together European and Asian Perspectives (GREASE)

Involving researchers from Europe, North Africa, the Middle East, Asia and Oceania, GREASE is investigating how religious diversity is governed in over 20 countries. Our work focuses on comparing norms, laws and practices that may (or may not) prove useful in preventing religious radicalisation. Our research also sheds light on how different societies cope with the challenge of integrating religious minorities and migrants. The aim is to deepen our understanding of how religious diversity can be governed successfully, with an emphasis on countering radicalisation trends.

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