

Country Report

Spain

Tina Magazzini

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This Country Report offers a detailed assessment of religious diversity and violent religious radicalisation in the above-named state. It is part of a series covering 23 countries (listed below) on four continents. More basic information about religious affiliation and state-religion relations in these states is available in our Country Profiles series. This report was produced by GREASE, an EU-funded research project investigating religious diversity, secularism and religiously inspired radicalisation.

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.

<http://grease.eui.eu>



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The EU-Funded GREASE project looks to Asia for insights on governing religious diversity and preventing radicalisation.

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.

While exploring religious governance models in other parts of the world, GREASE also attempts to unravel the European paradox of religious radicalisation despite growing secularisation. We consider the claim that migrant integration in Europe has failed because second generation youth have become marginalised and radicalised, with some turning to jihadist terrorism networks. The researchers aim to deliver innovative academic thinking on secularisation and radicalisation while offering insights for governance of religious diversity.

The project is being coordinated by Professor Anna Triandafyllidou from The European University Institute (EUI) in Italy. Other consortium members include Professor Tariq Modood from The University of Bristol (UK); Dr. H. A. Hellyer from the Royal United Services Institute (RUSI) (UK); Dr. Mila Mancheva from The Centre for the Study of Democracy (Bulgaria); Dr. Egdunas Raciunas from Vytautas Magnus University (Lithuania); Mr. Terry Martin from the research communications agency SPIA (Germany); Professor Mehdi Lahlou from Mohammed V University of Rabat (Morocco); Professor Haldun Gulalp of The Turkish Economic and Social Studies Foundation (Turkey); Professor Pradana Boy of Universitas Muhammadiyah Malang (Indonesia); Professor Zawawi Ibrahim of The Strategic Information and Research Development Centre (Malaysia); Professor Gurpreet Mahajan of Jawaharlal Nehru University (India); and Professor Michele Grossman of Deakin University (Melbourne, Australia). GREASE is scheduled for completion in 2022.

For further information about the GREASE project please contact:
Professor Anna Triandafyllidou, anna.triandafyllidou@eui.eu

<http://grease.eui.eu/>

GREASE - Radicalisation, Secularism and the Governance of Religion: Bringing Together European and Asian Perspectives

Contents

<u>RELIGIOUS DIVERSITY IN SPAIN: SOCIO-DEMOGRAPHIC CONTEXT, INSTITUTIONAL FRAMEWORK AND RADICALISATION CHALLENGES.....</u>	<u>4</u>
INTRODUCTION	4
SOCIO-DEMOGRAPHIC CONTEXT	4
MAIN TRENDS AND CHALLENGES	9
<u>HISTORY AND CURRENT REGULATORY FRAMEWORK: A MULTI-TIER SYSTEM.....</u>	<u>10</u>
HISTORICAL OVERVIEW AND CURRENT CONSTITUTIONAL FRAMEWORK.....	10
CURRENT REGULATORY FRAMEWORK.....	13
<u>VIOLENT RELIGIOUS RADICALISATION CASES AND RESPONSES</u>	<u>18</u>
TERRORIST ATTACKS, CIVIL SOCIETY AND POLICY RESPONSES	18
THE STRATEGIC PLAN AGAINST VIOLENT RADICALIZATION.....	20
<u>CONCLUDING REMARKS</u>	<u>22</u>
<u>REFERENCES.....</u>	<u>24</u>

Religious diversity in Spain: socio-demographic context, institutional framework and radicalisation challenges

Introduction

In scholarly research on religious diversity governance, the two models that are typically put forward when talking about European approaches to religiosity are France's *laïcité* or radical secularism (characterised by its refusal to acknowledge and accommodate religious diversity in the public space) and Britain's moderate or 'multiculturalised secularism' (Moodod 2018, p. 2).

As this report aims at showing, Spain's model—which sits half-way between these two poles—offers a compelling case study for at least three reasons.

Firstly, Spain constitutes one of Europe's oldest states, yet one that has always been strongly characterized by its multinational, multilingual and multicultural population. It has therefore struggled to reconcile centralization tendencies with the need to recognise and accommodate multiple belongings and overlapping identities and loyalties within one political unit.

Secondly, differently from Britain and France, it is a country of recent immigration, which has seen a rapid growth in its Muslim population over the past few decades. Having been heavily hit by the 2008 economic crisis, Spain can offer some pointers and insights to Eastern European states that are currently struggling both with a weaker economy than their Western neighbours, and with immigration as a new phenomenon to be managed.

Thirdly, despite having witnessed Europe's deadliest terrorist attack in Madrid in 2004 and another attack claimed by ISIS in Barcelona in 2017, anti-Muslim sentiments have not found widespread representation in Spanish political parties. The general elections of 28 April 2019 saw a strong turnout in favour of the socialist party, and while an extreme right-wing party entered parliament for the first time, it did so by focusing on territorial and gender issues more than on religious or ethnic diversity.

Bearing in mind these issues, the report is organised in the following manner: the first section provides a socio-demographic context and an overview of the most pressing challenges regarding religious diversity governance in contemporary Spain.

The second section traces the historical developments of Church-State relations in Spain, in order to understand the current constitutional and institutional framework.

Finally, the third section analyses how the threat of violent radicalisation linked to religious claims has emerged, shifted and been addressed over the past years.

Socio-demographic context

Emerging from 40 years of dictatorship in 1975, Spain developed plural liberal institutions and joined the European Union one decade later. In parallel to the juridical and political changes, over the past decades the country has also seen important sociological changes in terms of the weakening of religion as a widely shared identity marker, new immigration fluxes arriving from outside the country, and the demographic composition of its population.

Regarding the role of religion in society, even though in line with art. 16.2 of the Constitution—which postulates that no individual may be compelled to answer

questions regarding religion or religious beliefs— no religious affiliation indicator has ever been included in the national census, and therefore no official comprehensive data on religiosity exists, the public Spanish Center for Sociological Research (Centro de Investigaciones Sociológicas, henceforth CIS) has been conducting periodic surveys which include a question on religious self-identification¹.

The result of such surveys over the years provide a clear picture of the overall and ongoing process of secularization of Spanish society, even though the question on religiosity was dropped by the CIS for some years during the 1990s (during which one can assume that the trend remained the same, even though we unfortunately have no data).

Table 1. Religious self-identification in Spain (1965-2019)²

Year	Catholics (%)	Other religions (%)	Non-believers/ atheists (%)	No answer (%)
1965	98	0	2	0
1975	88	0,2	2	4
1985	87	1	11	2
2000	83	2,5	13	1,5
2005	79	2	17	2
2006	77,3	1,7	19,4	1,6
2007	76,7	1,5	19,7	2,1
2008	77,4	1,6	19,3	1,7
2009	77,4	1,7	19	1,8
2010	76,4	1,5	20,2	1,9
2011	74,3	2,6	21,7	1,4
2012	72	2,8	23,3	1,9
2013	72,4	2,3	23,8	1,5
2014	71,5	2,4	24,7	1,3
2015	69,3	1,9	26,3	2,5
2016	71,8	2,5	23,8	2,4
2017	69,8	2,6	25,2	2,4
2018	68,5	2,6	26,4	2,6
2019	67,5	2,9	26,8	2,7

What we can observe from this table is that, as is the case in many other European countries, religion has significantly declined in terms of the relevance it holds in

¹ The question asked by the CIS surveys on religious self-identification does not offer respondents the possibility to specify which religious community, if not the Catholic one, one self-identifies with. The question asked has not changed over the years, and remains the following: “How do you define yourself in religious matters: Catholic, believer of another religion (other than Catholicism), non-believer or atheist?” (in Spanish “¿Cómo se define Ud. en materia religiosa: católico/a, creyente de otra religión, no creyente o ateo/a?”)

² Table based on data available at the CIS open database (<http://www.cis.es/cis/opencms/EN/index.html>) and in Urrutia Asua (2016, p. 122).

individuals' daily lives over the past few decades (Eurobarometer Survey 2000, 2005, 2010, 2018). Despite two thirds of the Spanish population still identifying as Catholic (if asked to choose between the above-mentioned options), the same research centre (CIS) has estimated that of those who self-identify as Catholic, less than 15% attend mass regularly (there is however no systematic data collected on this issue, see Urrutia Asua 2016, p.124).

In parallel to the decline in self-identified Catholics—which matches almost perfectly the increase in those who identify as non-believers or atheists—we observe a slow but steady rise, over the past decades, in those who identify with another (non-Catholic) religion. Such trend is strongly linked to a shift from Spain being mainly a country of emigration to its current status as both a country of emigration and of immigration.

Even though significant internal migration (South to North) mostly driven by economic opportunities took place in Spain during the XX century, immigration to Spain from other countries is a comparatively recent phenomenon, with the percentage of immigrants going from under 1% in 1991 to approximately 10% in 2018³. Since immigration was virtually an irrelevant issue previously to the 1990s, the collection of systematic data on foreign residents in Spain is only reliable since then, as it was facilitated by the creation of a “Foreign Resident ID” official document in 1992 (Número de Identificación de Extranjero, N.I.E.).

The increase of Muslim community members reached approximately 1.900.000 Muslims in Spain as of 2016, according to the Islamic Commission of Spain (CIE). Of these, approximately 42% have Spanish nationality, 39% are Moroccan nationals, while the rest are migrants from other African countries (Algeria, Senegal, Nigeria, Mali) and from Pakistan and Bangladesh⁴.

Table 2. Changes in total population and percentage of foreign residents in Spain (1991-2018)⁵

Year	Total population	Foreign residents	%
1991	38.872.268	360.655	0,9
1996	39.878.880	542.314	1,4
1998	40.303.568	637.086	1,6
2000	40.499.790	923.879	2,3
2002	41.837.894	1.977.947	4,73
2004	42.372.689	2.963.838	7,02
2006	43.516.505	4.012.765	9,27
2008	44.723.411	5.063.755	11,4
2010	45.283.064	5.440.232	12,2
2012	47.265.321	5.736.258	12,1
2014	47.171.105	5.023.487	10,7

³ Despite a sharp increase during the 2000s, we can see that the economic crisis has affected the attractiveness of Spain as a destination country, and that the number of migrants has decreased over the past five years.

⁴ These are approximate estimates based on the number of foreign nationals residing in Spain, the number of naturalisation of foreign nationals from predominantly Muslim countries over the past 20 years. See <http://observatorio.hispanomuslim.es/estademograf.pdf>

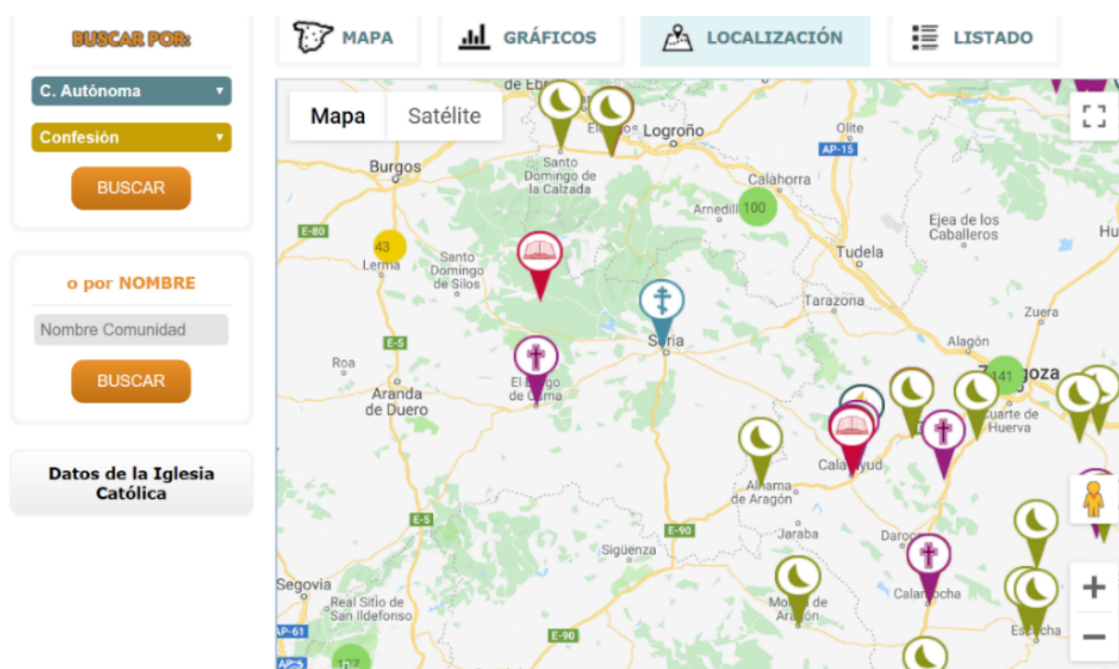
⁵ Data based on the Spanish Statistical Office (Instituto Nacional de Estadística, INE), available at <https://www.ine.es/>

2016	46.347.576	4.618.581	9,9
2017	46.354.321	4.572.807	9,8
2018	46.397.452	4.734.691	9,9

While no disaggregated data exists with regards to the differences in religious affiliation between nationals and non-nationals, some cues can be taken by looking at the main countries of origin of immigrants and by looking at the distribution and development of places of worship in the Spanish territory over the past years⁶.

In the 'Worship places directory' compiled by the Observatory of Religious Pluralism⁷, 7.248 places of worship are included⁸, most of which are situated in large urban settings (Barcelona, Madrid, Valencia).

Graph 1. The Worship places directory compiled by the Observatory of Religious Pluralism



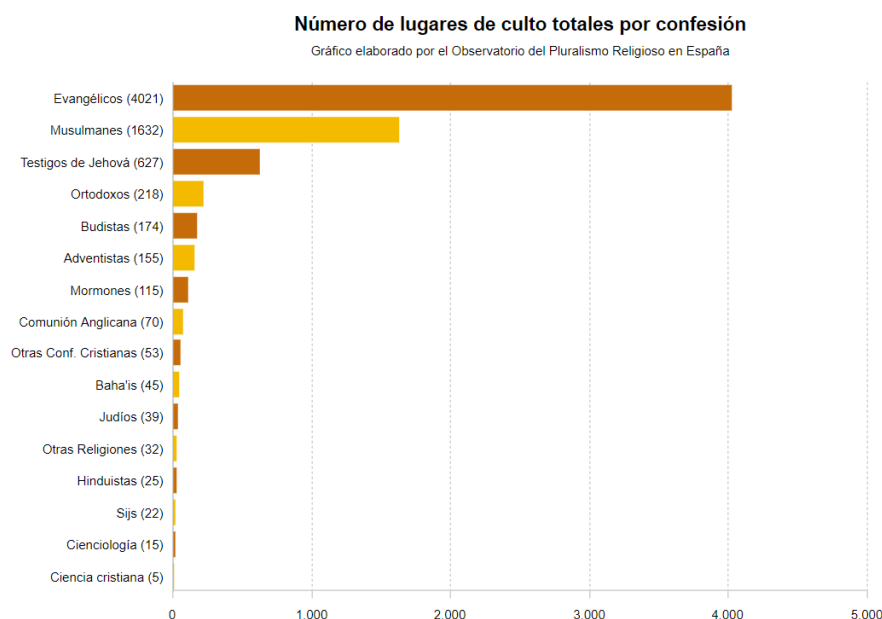
It is interesting to note how the number of places of worship present on the territory does not necessarily reflect the legal status nor recognition of the confession in the Spanish system: for instance, while very few Synagogues (39) are registered, the Spanish Federation of Jewish Communities is among the few to have a legal agreement with the Spanish State (Law 25/1992, more on this below).

⁶ The Observatory of Religious Pluralism, a research institute and knowledge transfer tool for the public management of religious diversity created in 2011 by a public foundation called Pluralism and Coexistence (*Pluralismo y Convivencia*), has developed a 'Worship place directory' where it is possible to map all existing and registered worship places by confession and by region in the country. The directory is available at <http://www.observatorioreligion.es/directorio-lugares-de-culto/>

⁷ The dataset combines three sources of information: the Registry of Religious Entities of the Ministry of Justice (last update: 01-12-2018), the research promoted by the Pluralism and Coexistence Foundation, and the applications for registration, cancellation or modification of the data communicated by the representatives of the religious communities.

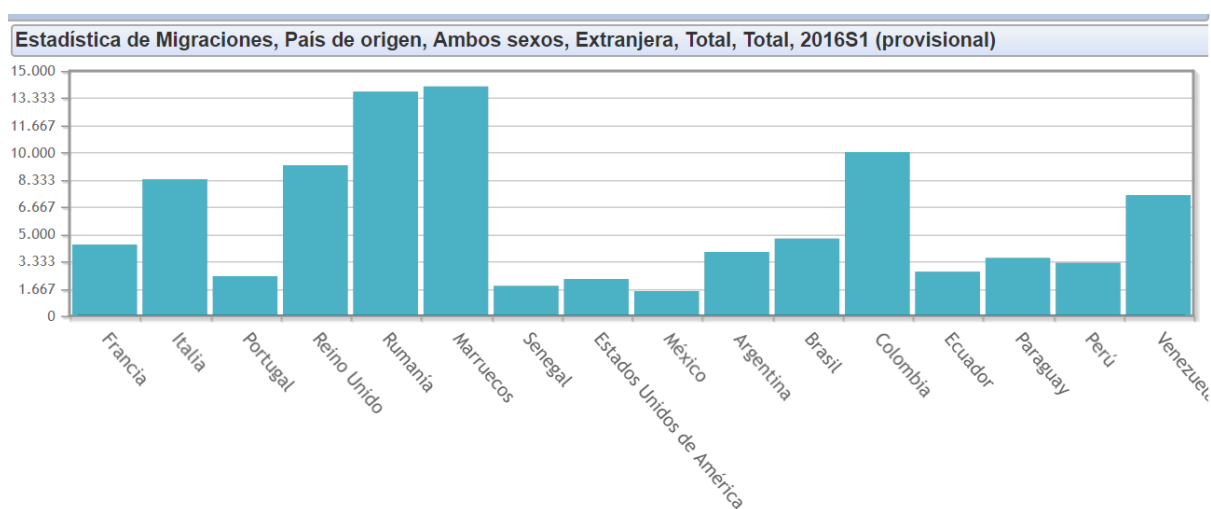
⁸ Catholic Churches are not included in the map, as there are so many of them that it would render the rest of the data impossible to read.

Graph 2. List of worship places by confession (excluded Catholic churches) in Spain in 2019:



Regarding the main countries of origin of migrant communities residing in Spain, most newcomers have arrived from other European member states, North Africa, and Latin America. It should be however noted that migrants from former Spanish colonies can access Spanish citizenship after two years of continuous residence (while naturalisation otherwise takes ten years), and once they naturalise, they disappear from the statistics on migration. Therefore, while according to the Spanish Statistical Office the main countries of origin of immigrants to Spain over the past years have been Morocco and Romania, followed by Colombia, the UK and Italy, Latin American communities are significantly underrepresented in the statistics, and Colombia would lead the statistics if it weren't for the naturalisation rate.

Graph 3. Number of foreign citizens residing in Spain grouped by country of origin in 2016:



Main trends and challenges

Regardless of the specific numbers, which are difficult to capture given the lack of religious indicators in the census, the diversification of the Spanish population as the result of immigration has brought with it both a revival of Catholicism from Latin American migrants (Garcia 2005, pp. 232-237) and the need to recognize and accommodate ‘new’ religious practices and beliefs, particularly Islam, practiced by migrants coming from North Africa, in an increasingly secularized society. Although it can be said that, in general terms, Spain allows anyone to freely exercise any religion, the main challenges in terms of respect for religious freedom existing in the country nowadays have to do with the practice of religion by—generally migrant—minority groups. These consist, in practical terms, of obstacles in accessing public spaces faced by minority groups and in the unequal application of legal rights: as a number of scholars and stakeholders have noted, there are significant incoherencies and regional variations in the allocation of places of worship, of public lots for religious cemeteries, in the recognition of religious public demonstrations, and in the accommodation of religious claims in hospitals and prisons (Ruiz Vieytez, 2017; Grier and Martinez-Arino, 2017; interview, Religious Pluralism Observatory, April 2019). For instance, despite the above-mentioned equality principle enshrined at article 14 of the Constitution, a number of Spanish cities have witnessed, over the past years, conflicts over the construction of mosques. In many instances local politicians have struggled to manage and appease the hostility of part of their constituencies against the construction of non-Catholic places of worship, resulting in controversies and discriminatory practices, and the difficulties encountered for the opening or maintenance of their centres or places of worship figures currently as the most widespread complaint from minority religious communities in terms of exercising their right to religious freedom in Spain. On top of the issues of gaining access to real estate in an expensive and often hostile market, many religious communities have denounced administrative regulations and practices that have had the effect of significantly hindering the right to establish places of worship for members of any religious community⁹.

Regulations on this matter have somewhat improved after the reform of Law 27/2013 on the Streamlining and Sustainability of Local Administration, which, in line with the Services Directive (2006/123/EC), eliminated the need to obtain a licence in order to establish a new centre of worship. Despite this improvement, administrative practices at the municipal level in this area continue to change between cities and regions, with different (and at times contradictory) interpretations being put forward, generating legal insecurity.

⁹ For instance, the 2012 urban planning for the city of Bilbao (Plan General de Ordenación Urbana) forbade the establishment of any new non-Catholic worship site in residential buildings to avoid conflicts with residents who had complained about mosques generating noise or disturbance. Such Plan was revoked in November 2014 as the result of an appeal to the Court of Justice but is far from being an isolated case. The regional autonomy which to date has seen both the most progressive implementation of religious accommodation but also the most legal cases being brought against the establishment of mosques is Catalunya (Relano Pastor, 2016; interview, Religious Pluralism Observatory, April 2019).

Another serious issue is that of discriminatory treatment by the Spanish State towards clerics of confessions other than the Catholic Church with respect to the access to social security and to retirement benefits. In practice, priests and clerics of the Catholic Church are ensured retirement benefits and access to social security, which is paid for by the government, but the same is not true for other confessions. The European Court of Human Rights established that this amounts to discriminatory treatment by the Spanish State to clerics of confessions other than the Catholic Church, since it is not objectively or reasonably justified¹⁰. (Moreras 2017, Ruiz Vieytez 2012).

Moreover, due to the lack of institutional and social norms and practices properly adapted from the Catholic Church model to other religious institutions and communities, people belonging to minority religious groups often lack information and access to procedures such as regional ombudsman and the Spanish judicial system. For this reason, the relatively low number of complaints or judicial cases regarding discrimination based on religious grounds should not be interpreted as a sign that there are no problems in the implementation of the right to religious liberty (interview, Office of the Spanish Ombudsman, April 2019).

Regarding wearing religious symbols in public spaces (such as the *hijab* or the *kippah*), an issue which has been highly visible and contentious in some other European countries, in Spain the educational institutions have the authority to decide over dress code. This is due to the legal vacuum on the issue, and because of this the matter has so far been subject to the arbitrariness of each institute (UCIDE, 2013; Ruiz Vieytez 2019, p. 19). However, in cases in which female students dropped out of school because of the school's ban on wearing the headscarf, the authorities have demanded their readmission based on the reasoning that the constitutional right to education overcomes the internal school regulations (interview, Office of the Spanish Ombudsman, April 2019).

History and current regulatory framework: a multi-tier system

Historical overview and current Constitutional framework

The developments in Spain's constitutional history and in Spanish society more broadly are strongly intertwined with the history of the relationship between the Catholic Church and the State. It is therefore important to provide a birds-eye view of how such relationship has unravelled over the centuries, and how it continues to determine Spain's current legal and constitutional framework.

Since its state-building process (usually considered as completed with the end of the Reconquista, marked by the fall of Granada in 1492) until recently, Spain has been a confessional state with Catholicism as the state religion. Born out of religious struggles mainly between Catholicism and Islam, the first written mention of the "Spanish nation" is to be found in Alonso de Santa Cruz's *Crónica de los Reyes Católicos* (1491-1516). In

¹⁰ See ECHR, Judgement of 3 April 2013, *Manzanas Marin vs. Spain*, Application no. 17966/10.

the effort to unify the reigns of Castilla and of Aragon under the rule of the Catholic Monarchs, this period was marked by persecutions that targeted Jews (with the 1492 edict of expulsion), the establishment of the Spanish Inquisition (1478) and the edicts outlawing Islam, the forced conversion of Muslims and the decrees on the expulsion of the Moriscos (1609).

As part of the Counterreformation (1563-1648)—the period of Catholic resurgence that was initiated in response to the Protestant Reformation—the persecution and expulsion of non-Catholics played a central role, even though such hostility was not exclusively directed at religious groups¹¹. The Reapers', the Napoleonic and the Carlist wars of the 17th, 18th and 19th centuries all had strong regional and religious components: under the motto "God, Country and King", the followers of Carlos V fought to maintain region-specific law arrangements as much as they fought against liberalism and republicanism. In 1868, following the triumph of the Glorious Revolution of 1868 that ended the autocratic reign of Isabel II of Spain, a constitutional monarchy recognizing the right of freedom of religion was established for the first time in 1869. Emilio Castelar, President of the First Spanish Republic in 1873, drafted a Constitution inspired by the United States and that contemplated the separation between the State and the Catholic Church. This Constitution however never entered into force, since freedom of religion was abolished in 1874 with the Bourbon restoration that brought back the monarchy. The Spanish Inquisition, under direct control of the Spanish monarchy¹², was voted down by the Cortes of Cadiz in 1812, and only completely abolished in 1834. The 1812 "Constitution of Cadiz" was the first Spanish legislature which issued a fairly liberal Constitution but asserted Roman Catholicism as the only official legal religion in Spain (and outlawed all the others).

Subsequent Constitutions (1837, 1845, 1876) followed in the same footsteps, maintaining no separation between State and Catholic Church, and in 1851 the Spanish government signed a Concordat with the Holy See through which Catholicism was asserted as the state religion. The Concordat—which committed Spain to pay the salaries of the clergy as well as other expenses of the Catholic Church—was renounced in 1931 by the Second Spanish Republic with the secular Constitution. This was the first measure to ever establish a strict separation between religious and government affairs in Spain, and the political polarization of the thirties and the Civil War that ensued became strongly entrenched along religious lines, with the Catholic Church supporting the uprising of Francisco Franco in 1936 (Urrutia Asua 2016). Even though the 1931 Constitution accorded broad civil liberties, it was criticized as anticlerical and oppressive by the Catholic Church. The 1936 military coup and the ensuing Civil War were presented on behalf of the putschists as necessary to preserve the role of the Catholic Church and to fight the anticlerical sectors of society (Perez Diaz, 1993, pp. 162-168; Suarez Pertierra, 2006, pp. 18-22; Urrutia Asua, 2016, p. 118), and the Republican

¹¹ Romani minorities were also targeted by a 1499 Spanish royal decree (Vega Cortés 1997).

¹² While Catholicism represented a main pillar of Spain's colonial empire during its so-called 'Golden Age', the Spanish monarchy insisted on its independence from the Pope. Bishops in the Spanish domains were forbidden to report to the Pope except through the Spanish crown, and in 1767 Carlos III expelled the Jesuits from their Spanish empire, accusing the congregation of having promoted the Esquilache Riots of 1766.

Constitution of 1931 was abolished by the Nationalists and widely disregarded in the Republican zone during the Civil War.

Under Franco's dictatorship (1939-1975), "National Catholicism" (Nacional-catolicismo) represented one of the main tenets of the government's ideological identity. This meant not only that the Catholic Church's privileges (state subsidies, tax exemptions, censorship of materials deemed as offensive) were restored and that Catholicism was re-established yet again as the only religion with legal status, but also that the role of the church in both private and public life reached its peak, with compulsory Catholic instruction in public schools, restriction of sexual rights, etc., sanctioned by the 1953 new Concordat¹³.

Francoist Spain National Catholicism has been described in these terms:

"A Catholic state is the same as a confessional state. A confessional state does not mean that the instruments of government should be absorbed by religion, or that the state will be run by the clergy and the positions of the civil servants taken by priests. It basically means that the state as such, its codes, laws and institutions abide by God's commandments and the laws of the Church, so that she can dedicate to spread the reign of God on Earth. A confessional state means having the cross and receiving religious education at school; it means recognizing the sacred nature of marriage between Catholics, and the religious status of the cemeteries." (Colom Gonzalez, 2017, p. 84).

The 1960s saw some slight openings with the Second Vatican Council of 1965, in which the Holy See attempted to engage with modernity, at least to some extent. It was however not until Franco's death in 1975 and the transition to democracy that a gradual separation between the Catholic Church and the Spanish State could be agreed upon in a new treaty.

Since 1978, with the current Constitution—which entered into force with the reinstatement of democracy—Spain is a secular (but not secularist) State, meaning that while public authorities are expected to be independent from ecclesiastical structures, they however 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 no harm to others. Even when such limitations are called into cause, 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 the Constitution at article 16, which reads:

¹³ Based on the 1953 Concordat, Franco secured the right to appoint bishops in Spain.

“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), which will be detailed below.

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.

To date, the legacy of four decades of “National Catholicism” is still noticeable. The contemporary Spanish legal system provides a relatively strong guarantee of freedom of religion; yet, the main limitations and unsatisfied demands regard religious minorities, often perceived as ‘foreign’ or ‘non-national’: disentangling national identity from that of Catholicism is still a work in progress (Ruiz Vieytez 2010).

Current regulatory framework

The main feature of the current regulatory framework has to do with the fact that the Spanish legal system provides different types of recognition and of collaboration agreements with different religions.

With Spain’s democratic transition and its 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 a 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, and which replaced the 1953 Concordat. The agreements, which cover (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, were incorporated into Spanish law as international treaties¹⁴.

¹⁴ The agreements that currently regulate the relationship of the Spanish state with the Catholic Church are, in addition to the Agreements of 1979, the Agreement of 1976 between the Holy See and the Spanish State and the

The same 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*.” It has been argued that, by grouping all “other confessions”, the very system which was established to govern religious diversity and to allow for a plurality of beliefs in the public sphere is at the basis of inequality between religious groups (Ruiz Vieytez, 2019).

In regulatory terms, given that the Catholic Church had already signed the Agreements with the Spanish State as a privileged interlocutor in 1979, the 1980 Organic Law on Religious Freedom—that implements the constitutional provision for freedom of religion—focused on other religious groups. Such law basically establishes the right to (a) Profess any religious belief; (b) Take part in the liturgy in one’s own faith; celebrate religious festivities; hold marriage ceremonies; receive decent burial, with no discrimination for reasons of religion; (c) Choose religious and moral education in keeping with one’s own convictions, in and outside the academic domain; (d) Meet or assemble publicly for religious purposes and form associations to undertake religious activities (article 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 (based on article 7) upon religious organizations being entered in the Register of Religious Entities maintained by the General Directorate of Religious Affairs of the Ministry of Justice¹⁵.

In addition to being included in the General Directorate of Religious Affairs, cooperation agreements with the State require that a confession be deemed as being “socially rooted” or “clearly established” in the Spanish territory (“notorio arraigo” in Spanish)¹⁶, which is defined as having “influence in Spanish society, due to their domain or number of followers” (art. 7 Organic Law 7/1980).

Based on such principle, three cooperation agreements between the Spanish State and other confessions—namely 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 one decade later. They were

Agreement of 1994 between the Holy See and the Kingdom of Spain on matters of common interest in the Holy Land (see <https://www.religlaw.org/content/religlaw/documents/agrsphs1976.htm> and http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19941221_s-sede-spagna_sp.html).

¹⁵ The register, established in 1981, is updated regularly, and the norm that regulates its entries was updated in 2015 with Law 594 of July 3rd, 2015 (available here: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-8643).

¹⁶ Being considered “socially rooted” in Spanish society is a indispensable pre-requisite for any religious group to reach an agreement of cooperation with the State. The definition of the requirements and the procedure for the obtaining of the ‘notorious arraigo’ is regulated by the Royal Decree 593/2015, of July 3. The requirements that the confession must meet are:

- (a) To be registered in the Registry of Religious Entities for thirty years;
- (b) Demonstrate a presence in at least ten Autonomous Communities or the Cities of Ceuta and Melilla;
- (c) One hundred entities and/or places of worship registered in the Registry of Religious Entities;
- (d) Possess an adequate structure and representation;
- (e) Presence and active participation in Spanish society.

codified in laws 24/1992 (Evangelical federation), 25/1992 (Jewish federation) and 26/1992 (Muslim federation) respectively, all passed on November 10th, 1992.

These three agreements are treated as ordinary positive law emanating from the Parliament, and entail a wide-range series of religious accommodation practices: being allowed to establish places of worship and being allocated public land for specific burial practices (art. 2 of all above-mentioned laws); worship ministers qualify for legal status within the Social Security Service (art. 3, 4, 5 and 6); recognizing the civil effects of a religious marriage (art. 9); allowing religious assistance in military facilities (art. 8 and 9); allowing religious education in schools (art. 10); providing a special tax regime, including exemptions from taxation for religious activities (art. 11); exemption from attending class for religious holidays (art. 12); and in the case of the Jewish Communities and Islamic Commission, provision for preservation of their heritage/ dietary requirements and the permission to label slaughtered animals for food as Kosher or Halal (art. 13 and 14).

While still not having the same privileges granted to the Catholic Church (which does not need to be registered in the General Directorate of Religious Affairs of the Ministry of Justice; enjoys a more favourable economic regime and benefits from long-established institutions)¹⁷ these provisions marked a significant improvement for members of Evangelical, Muslim and Jewish communities in 1992.

It should however be noted that the fact that the three Agreements present uniform standards (they are, as a matter of fact, almost identical) in their scope, content and wording constitutes a limitation and shows that the degree of participation on behalf of the religious minorities in shaping such agreements was, in fact, restricted. While all religious groups share certain necessities with respect to the freedom to practice their belief in the public space, different religious beliefs face different problems and require different solutions. The standardised approach to different non-Catholic religious communities suggests therefore that the government opted for granting generic and fairly abstract rights, rather than seriously engaging in negotiation processes that would have led to different bilateral agreements. Such an interpretation is coherent with the fact that in the early nineties, when the State concluded the three above-mentioned Cooperation Agreements, there was significant institutional pressure to avoid signing multiple and different legal commitments specific to each religious community (Relano Pastor, 2016). The Spanish government therefore opted to engage in fewer agreements with broader federations of denominations rather than a larger number of agreements with individual religious groups. This has the advantage, from the point of view of the state, of reducing the number of interlocutors and therefore the amount of administrative, legal and political issues to accommodate. It however means that large

¹⁷ For instance, the government income tax form includes a box that allows taxpayers to assign 0.5 percent of their taxes to the Catholic Church. A taxpayer who chooses not to assign a share of his or her taxes to the Catholic Church, can only choose 'social associations' as an alternative destination for that share of taxes.

federations are comprised of diverse groups which legally comprise one denomination, but might have different needs and agendas¹⁸.

Beyond the Jewish, Muslim and Evangelical communities, another four religious groups have been acknowledged to date as “clearly established” in the country, which allows them to take part to the Advisory Commission on Religious Freedom¹⁹. These are the Church of Jesus Christ of Latter-day Saints (2003), Christian Jehovah’s Witnesses (2006), the Federation of Buddhist Entities of Spain (2007) and the Orthodox Church (2010). Such recognition does not entitle them automatically to enter an agreement with the Spanish State, that in turn would afford them similar rights, economic or otherwise, to those the confessions who already have one; but it is a step in that direction.

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; the Royal Decree 593/2015, which regulates the principle of “social rootedness” (‘notorio arraigo’) in Spain.

The recognition of the various religious groups by the State, and the positionality in five different levels of the various religious communities within the current Spanish system can be defined as a multi-tiered system and is summarized in the table below²⁰.

Table 3. Spain’s multi-tier system of legal recognition for different confessions:

LEVEL OF RECOGNITION	LEGAL BASIS FOR DIFFERENT TREATMENT	CONFESSION	LEGAL STATUS OF THE RELATIONSHIP	CHURCH / BODY ENGAGING IN DIALOGUE
1	Constitution, Art. 16.3: specific reference	Catholics	international treaties	Roman Catholic Church
2	Clearly well-established (socially rooted) + Agreement with the State	Muslims Jews Evangelicals	Agreements + Laws	CIE (Muslim) FJCE (Jewish) FEREDE (Evangelical)
3	Clearly well-established (socially rooted) (without Agreement)	Mormons Jehova’s witnesses Buddhists Orthodox	Recognition of being well-established /socially rooted	Respective federations

¹⁸ The Islamic Commission of Spain (CIE) is made up of two federations of Muslim communities, both of which have fifty percent representation. Because the CIE is the organ that interacts with the State, the lack of understanding between the two federations that made up the CIE has resulted in significant obstacles to the creation and implementation of the 1992 agreement.

¹⁹ The Organic Law of Religious Freedom established in its Article 8 the creation within the Ministry of Justice of the Religious Freedom Advisory Commission, which has the powers to study, report and propose on any issue related to the application of the Organic Law 7/1980. It has competence over the preparation of cooperation agreements with other religious Confessions, on which it can express a binding opinion. It can also, at the request of the Ministry of Justice, requests for the registration of Religious Entities in the official State Registry.

²⁰ Table in Ruiz Vieytez, E. (2019), ‘The Spanish Observatory of Religious Pluralism: the challenge of fostering accommodation through information, dissemination and research activities’ in Foblets, (Re)designing Justice for Plural Societies: Accommodative Practices Put to the Test (Max Planck, 2019), p. 12.

4	Official Registration	Many	Register of Religious Entities ²¹	Each registered community
5	No registration	Rest of communities	-	-

With respect to religious diversity in the policy agenda and to issues of religious presence and assistance in the armed forces, hospitals and prisons, the transformations of the legal system have often not been accompanied by corresponding changes in public policies (Griera and Martinez-Arino, 2017, p. 256-257). In practical terms, despite the legal recognition of the right to of religious minorities to religious assistance in public institutions, no policy measure was taken to operationalize such right until very recently.

A positive change in this direction was marked by the creation, in 2004, of the Pluralism and Coexistence Foundation (*Fundacion Pluralismo y Convivencia*) under the Ministry of Justice, with the goal to promote religious freedom and the inclusion of religious practices in the agenda of diversity management. Beyond offering economic and logistical support to officially recognized denominations, one of the main actions of the Foundation has been to set up the Observatory of Religious Pluralism (2011) to promote the studying and sharing of best practices in religious accommodation. Through information, research, development of guidelines and technical advice, the Foundation provides guidance to public administrations in the implementation of management models, consistent with the constitutional principles and regulatory framework that govern the exercise of the right to religious freedom in Spain. Yet, as pointed by the Vice-Director of the Foundation (who is also Technical Director of the Observatory of Religious Pluralism):

“[D]espite this legal system being fairly inclusive with minorities, the mechanisms adopted for ensuring its implementation were extremely weak. The Spanish legal framework was originally designed in a top-down manner and left little room for the participation of other actors, making its implementation quite difficult. One of the biggest difficulties is that, ultimately, it is the local and municipal administrations who are charged with the responsibility of accommodating minorities; and yet, they are provided no budget by the government for it.” (Interview, Pluralism and Coexistence Foundation, April 2019).

²¹ The registration of a Religious Entity into the Directory of Religious Entities maintained by the Spanish Ministry of Justice carries no legal consequence, in that it affords the registered religion no preferential treatment nor access to those rights afforded to those religions that are deemed ‘well-established’. Registration into the government’s Directory is however a prerequisite to access the status of ‘well-established’, together with the need to prove the religion’s ‘rootedness’ in the territory (by number of followers over the years).

Violent religious radicalisation cases and responses

Terrorist attacks, civil society and policy responses

Until recently, terrorism and violent extremism in Spain were associated to secessionist and political organizations, rather than religiously-inspired ones. In particular, Euskadi Ta Askatasuna (ETA, 'Basque Country and Freedom') was a separatist group engaged in a violent campaign of bombings, kidnappings and assassinations throughout Spain that dominated much of the political, mediatic and counter-terrorist efforts for half a century. Founded in 1959 (under Franco's dictatorship) initially by a group of students frustrated by the moderate positions of the Basque Nationalist Party, it became the most prominent group within the Basque National Liberation Movement and the main actor in the Basque conflict, killing 829 people (among which 340 civilians) and injuring thousands between 1968 and 2010. After a series of cease-fire declarations in the 1990s, the announcement of the cessation of its armed activity in 2011, and the turning in of all its weapons in 2017, on May 2nd, 2018, ETA published a letter in which it declared that it had completely dissolved all its structures and ended its political initiative.

Given this premise, it is therefore not surprising that when, on March 11th, 2004, Spain suffered the deadliest terrorist attack in Europe's recent history, some media outlets immediately pointed the finger at ETA²². The two coordinated bombings that killed 191 people, injuring many more, were however quickly claimed by Al Qaeda, in a declaration claiming to reconquer the country, once Muslim²³. This terrorist attack is particularly relevant not only because of its high deadly toll and because it caused a shift of attention in 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 level²⁴.

At a domestic level, the 2004 attacks played an important role in raising Spanish policymakers' awareness of the country's increased and increasing Muslim population, and generated an increase in interest towards religious minorities more broadly and in their demands for real equality. Spanish authorities' perception of religious governance as a public issue shifted and it was included in the public agenda, as the institutional church-state arrangements became perceived as insufficient to manage religious diversity, especially Islam (Starr-Deelen, D. and Pazos, 2018, p. 16). As a result, while the terrorist attacks triggered rapid security transformations and religion became problematized in the public sphere, the response was not limited to one of securitization politics.

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 (*Fundacion Pluralismo y Convivencia*). Nested

²² See the editorial of El Mundo, 11 March 2004, Acebes atribuye la autoria de los atentados a ETA'. Available at <https://www.elmundo.es/elmundo/2004/03/11/espana/1079003714.html>

²³ Most of the territory comprising modern Spain was under Muslim control between 711 and 1492.

²⁴ Add references.

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 coordination²⁵.

Beyond the violent events that triggered such an initiative, this relatively new institution serves as a good illustration of the Spanish shift in religious governance, for it has been the main driver behind the changes in the modes of regulation of religious diversity, playing an important role in engaging administrations at the local level. The four fundamental traits that over the past fifteen years have marked a new approach toward religious diversity governance (driven by the Pluralism and Coexistence Foundation) can be summarized as: (1) The acknowledgement of the need to overcome a political top-down approach to religious diversity accommodation to avoid the bureaucratic and rigid procedures of the public administration and to be able to react faster and in a more precise and flexible manner”; (2) Increased efforts in strengthening relations between state institutions and the recognised federations of religious minorities, which has been referred to as “soft-power strategies” (as opposed to the previous hierarchical system); (3) The widening of the target groups of the policies developed and (4) The move from framing religious governance along the lines of the historical clericalism-anticlericalism antagonism towards an approach centred on Spain’ religious pluralism (Griera et al., 2008).

This overall attempt at promoting a more ‘inclusive’ approach to religious diversity governance, if it has seen some positive outcomes in terms of intercultural and interreligious dialogue, has been however unable to prevent the radicalization of a minority of individuals. Between 2013 and 2016, a total of 178 individuals who adhered to salafi-jihadi attitudes and beliefs were arrested in Spain for terrorism-related activities.

TABLE 1: Individuals arrested in Spain between 2013 and 2016 for activities related to jihadi terrorism, by their environment of radicalization (in %)

<i>Environment of radicalization</i>	<i>Total</i>
<i>Offline and online</i>	<i>40.3</i>
<i>Only online</i>	<i>35.3</i>
<i>Only offline</i>	<i>24.4</i>
<i>Total</i>	<i>(119)</i>
<i>Missing Data: 59</i>	

Source: EDBJS

On August 17th, 2017, 16 people (plus the 8 perpetrators) were killed and over 150 injured by an attack claimed by the Islamic State of Iraq and Syria (ISIS) in Barcelona, and which pushed the government to strengthen the intelligence coordination efforts

²⁵ Other activities involve the training of religious leaders and the promotion and dissemination of research investigating religious diversity issues.

between the Catalanian police (Mossos D'Escuadra) and the Spanish national police working on countering terrorism.

Despite this second terrorist attack claiming a jihadist motive on Spanish territory, the impression of professionals working at the Pluralism and Coexistence Foundation as well as with the Spanish Ombudsman is that Spanish society has overall responded very well to terrorist threat. While in the aftermath of some attacks in other European countries (such as the 2005 London bombings) indiscriminate attacks and cases of harassment towards Muslims were recorded, there is no evidence of an increased discrimination towards Muslims in Spain following either the 2004 Madrid bombings or of the 2017 Barcelona attacks. In terms of public narrative and politicians' response, the official discourse around such events has also been less polarized and not as exploited for political gains as similar terrorist attacks elsewhere (in France in 2015 or Germany in 2016, for instance). Ada Colau, Barcelona's mayor, speaking in the aftermath of the attack, stated: "Barcelona is a city of peace. Terror will not stop us from being who we are: a city open to the world, courageous and supportive" (Barcelona Municipality, 2017).

However, despite several other mayors echoing Colau's call to promote a culture of peace and dialogue via community engagement in order to prevent violent extremism, the extreme right-wing party Vox²⁶, founded in 2013, saw a sharp increase right after the Barcelona attack, and has continued to gain traction since then.

The Strategic Plan Against Violent Radicalization

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 Radicalization (PEN-LCRV) was developed, acknowledging violent radicalization 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". With the goal to provide a framework for the different public authorities to detect and take action against potential cases of violent radicalisation, "avoiding the emergence and development of violent and extremist radicalisation processes and their potential evolution towards terrorism, through early detection and subsequent neutralisation"²⁷, the Plan established a national structure. It is coordinated by a specific unit: the National Group to Combat Violent Radicalisation, housed by the Ministry of the Interior but comprising numerous other Ministries, the National Intelligence Centre, the Spanish Federation of Municipalities and Provinces, as well as the Pluralism

²⁶ Vox party leaders have labeled themselves as "right-wing and Christian democratic", but they have also engaged in explicit apology of Franco's dictatorship and selected Holocaust-deniers as candidates.

²⁷ See the full Plan and an overview of it inception available via the website of the Ministry of Interior: <http://www.interior.gob.es/web/servicios-al-ciudadano/plan-estrategico-nacional-de-lucha-contra-la-radicalizacion-violenta/plan-estrategico-nacional/necesidad-del-plan>.

and Coexistence Foundation, fundamentally because religion was identified as an issue. According to the Technical Secretary of the Pluralism and Coexistence Foundation:

“As I see it, the biggest threat is that we’ve been so far unable to consolidate religious management, to understand it, and therefore one can end up mixing elements that should be kept separate, conflating religiosity and perceptions of threat. I believe it is important to be a part of this unit; remaining out of it would have been a mistake. It is necessary to be inside and work with it to push for clarity, and our main objective as a Foundation is to separate two things: we obviously have a security problem, which is not only tied to terrorism, but increasingly to violent actions based in ideological claims of various types. But insecurity cannot lead us to lower the bar in religious liberty protection. What we seek is therefore the maximum of security, but also the maximum freedom to exercise ones’ religion. We worked closely with the centre that coordinates the Plan to make sure that the two dimensions [security and religious diversity] were not conflated.” (Interview, Pluralism and Coexistence Foundation, April 2019).

In terms of actions and threats, the Plan distinguishes between internal, external and cyberspace. Since radicalisation processes seem to increasingly take place over the Internet, the Ministry of Interior set up a ‘surveillance’ web page called ‘Stop Radicalisms’ (Stop Radicalismos)²⁸. Devised as a tool to make it easier for citizens to denounce/ alert the authorities regarding suspicious behaviours, it has however had the effect of fostering suspicions toward Muslims citizens (Relano Pastor, 2016, p.19).

Additional existing obstacles lay in the coordination between regional and national security forces, particularly with respect to those regions that have stronger autonomic or independence claims (Catalunya and the Basque Country) and in which the local police force is seen with suspicion by the central government. The National Plan is as of June 2019 being revised, and a few regions—namely the Basque Country and Catalunya—have meanwhile developed their own Plans against violent radicalization.

According to the Vice-director of the Pluralism and Coexistence Foundation, the main positive aspect of this Plan is that it does not point the finger at one specific violent radicalization motive: despite the fact that it came about largely as a response to religiously-motivated violent radicalisation²⁹, the Plan itself speaks about “any and all ideological extremism that leads to violence”, without singling out religious motives nor Islam.

“Of course, implementation of such a Plan is not easy. But it is important that there is no dog-whistling about specific religious minorities. The way I see it, what frames and what gives sense to this plan is *the use of violence*. Radicalism per se is not a problem: being a radical can be a positive thing,

²⁸ <https://stop-radicalismos.ses.mir.es/>

²⁹ Periodical threat assessments are carried out and updated.

in many instances. The difference is in the use of violence to claim a stance.” (Interview, Pluralism and Coexistence Foundation, April 2019)

As a pilot for the implementation of the Spanish national strategy against violent extremism, in May 2016 the city of Málaga joined the Strong Cities Network, an institution launched by the United Nations in September 2015 to build community resilience and cohesion in order to counter violent extremism. The network aims to support cities and other local to enhance local approaches to preventing violent extremism by facilitating information sharing, mutual learning, and the creation of new and innovative local practices (add references).

On November 15th 2017, Barcelona hosted a summit organized by the Alliance of European Cities Against Violent Extremism, during which preventive measures to tackle violent extremism were presented to mayors and representatives from 40 European cities and 18 countries.

Concluding Remarks

Since the democratic transition, the institutionalized pattern of Church-State relations in Spain has evolved significantly. The first phase of this process comprises the years between the Constitution of 1978 and the political problematization of Islam, which took central stage from 2004.

In 1980, the Religious Freedom Act was passed, codifying the 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. There have been several attempts to modify it, but none has succeeded³⁰. It is also worth noting that despite this legal system being fairly inclusive with minorities, the mechanisms adopted for ensuring its implementation have been traditionally extremely weak. This results in a significant differentiation in the right the religious communities and individuals can exercise in practice. Such differences between religions are rooted in historical legacies and well as in current demographic disparities that see the Catholic Church still occupying a powerful position as the majority religion. 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:

“This operates at several levels that affect the recognition of the various religious denominations and their funding. But it also poses some problems in the exercise of freedom of conscience by non-believers when their public processions or demonstrations are unreasonably and disproportionately banned in comparison with those of the Catholic tradition. The same can be said about the symbols that still persist in many

³⁰ An example of this is the failure to change the Religious Freedom Act or the Agreements between the Catholic Church and the State, put forward in 2008 by the Socialist Party (PSOE).

public institutions in various spheres. [...] [T]he question of discrimination based on religious parameters remains open and becomes more substantial as Spanish society is also increasingly diverse in this area. It seems clear that the conditions for the exercise of this fundamental right are substantially different by virtue of this unequal public treatment which does not always appear to be entirely based on sociological or legal grounds" (Ruiz Vieytez 2019, p. 13-14).

As noted by Ruiz Vieytez, the rise of religious diversity as a result of migration flows make the issue of a fair religious diversity governance increasingly salient. In addition to socio-demographic changes in Spanish society, the 2004 metro bombings in Madrid (revendicated by Al Qaeda) and the 2017 Barcelona attacks (claimed by ISIS) have in recent years fostered policymakers' perception of the need to "do something" in order to reinforce Muslim newcomers' loyalty to the host country.

As part of the attempt to address social disaggregation and the potential violent extremist threats that might result from it, the two major policy actions taken at governmental level have been (a) the creation of the Pluralism and Coexistence Foundation in 2004 and (b) a Strategic Plan to Counter Violent Radicalisation.

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Contact: anna.triandafyllidou@eui.eu

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