On Neoliberal Exceptionalism in Spain: A State Plan to Prevent Radicalization

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Abstract

This article offers a critical review of the Spanish *Plan Estratégico Nacional de Lucha Contra la Radicalización Violenta* (National Strategic Plan to Fight Violent Radicalization or "PEN-LCRV"), focusing on its most controversial discursive elements. While it is not possible to perform a complete empirical examination of its impact after five years, we can highlight some if its achievements, effects and shortcomings. Through a review of the key concepts and logic underlying the PEN-LCRV, this article considers how the notion of *security* can enable the design and implementation of public policies, as well as the current trends regarding the relationship between social protection and punitive control.

Introduction

There is a long history in the relationship between European states and certain individuals or organizations that has involved or resulted in "different forms and types of unauthorized violence" (Ruggiero 2006: 6). The state strategy has evolved over the years, and it is currently marked by the declared purpose of preventing terrorism. As shown by most decisions taken by the United Nations Security Council and the Council of Europe, the aforementioned purpose of preventing terrorism has enabled those European states to make the so-called "war on Islamist radicalization" one of their main goals.

Over the last decade in Spain, a remarkable number of police operations have been conducted in order to detain individuals who have been allegedly connected to jihadi terrorism. According to data provided by the Spanish *Secretario de Estado de Seguridad* (State Secretary for Security), between January 1, 2017, and August 7, 2017—just before the Barcelona-Cambrils attacks—fifty-one people were arrested and accused for being involved in jihadi terrorism (Gálvez et al. 2017). This figure can be added to the 124 people arrested in

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Spain for activities allegedly linked to the Islamic State between June 2013 and May 2016 (Reinares and García-Calvo 2016). From 2012 to 2018, 123 individuals who were arrested for activities related to jihadi terrorism were eventually convicted (Reinares and García-Calvo 2019).

Islamist radicalization has also gained academic attention. As shown by the biographies of purportedly "radicalized" individuals, a number of authors (e.g., Horgan 2005; Kimhi and Even 2006; McCauley and Moskalenko 2008; Trip et al. 2019) have identified a range of paths towards the legitimization of violent acts. King and Taylor (2011) state that the relationship between *social structures* and *individuals' subjective views of the world* is one of the main challenges when addressing radicalization processes. Thus, some authors also link Islamist radicalization to feelings of injustice and to identity crises (Borum 2003; King and Taylor 2011; Moghaddam 2005; Silber and Bhatt 2007; Sageman 2008; Trip et al 2019). In turn, other authors draw connections between Islamist radicalization and objective social structures and political conflicts (Brennan-Galvin 2002; Court and Jordan 2007; Horgan 2005; Jordan 2009).

As Foucault (1999: 221) pointed out, however, historically, "human sciences" have enabled forms of knowledge and governance techniques which function as "modalities of exercise of power and modalities of acquisition and transmission of knowledge." These forms of knowledge have given rise to social practices and power relations which are not only imposed on subjects, but also create "new subjects and new objects of knowledge." Islamic radicalization can be addressed as one of these objects of knowledge—that is, as a social problem built, framed, and managed by the state. This is the perspective through which we undertake a critical analysis of the Spanish *Plan Estratégico Nacional de Lucha Contra la Radicalización Violenta* (National Strategic Plan to Fight Violent Radicalization or "PEN-LCRV"). Consequently, our objective, here, is not to examine Islamic radicalization, itself, but to observe how the hegemonic narrative and the discourse of PEN-LCRV reflect war-securitarian logics under the umbrella of "preventing terrorism."

The first part of this article considers the difficulty of defining "radicalization," before turning to the discourse on terrorism in Spanish criminal law, and then to a discussion of the notions of prevention and preventionism. The second part focuses on the PEN-LCRV and its European policy framework. In the third part, we explore the projected development of the PEN-LCRV with respect to the internal security of Spain, paying particular attention to three specific features: the use of surveillance as a prevention strategy; the radicalization of "vulnerable groups" as a threat to homeland security; and the subsequent development of a structure to monitor certain "vulnerable" groups.

The Difficulty of Defining "Radicalization"

As pointed out by Antón-Mellón and Parra (2014), among others (see, e.g., Kundnani 2012; Mandel 2009; Schmid 2013; Sedgwick 2010), the different ways in which academia and other institutions define "radicalization" has created confusion. This, Antón-Mellón and Parra (2014: 79–80) assert, has impacted the design of public policies:

> Since the definition given by Peter Neumann, who described radicalization as "what happens before the bomb explodes," to the conceptual framework of the European Commission, which merely points to "a phenomenon of people embracing radical ideology that could lead to the commitment of terrorist acts," . . . the attempts to define [radicalization] in absolute terms reveal disagreements over both the relation

between radicalism and violence and the relation between thought and action, which risks multiple points of confusion that prevent the establishment of successful functional and risk-free policies.

The questions that arise, then, reflect the tensions between the declared goals and underlying ends of security policies or, to put it another way, they reflect the gap between policies' explicit functions and their real effects. What approaches and analyses determine policy objectives? What discourses justify punitive control and its material, political, socio-economic, or symbolic effects?

As Fernández de Mosteyrín and Limón (2017: 813) argue in their critique of the conceptual foundations of PEN-LCRV, "radicalization" is a "new, poor, vaguely defined, and very elastic term." The main framework to categorize and to punish people who have been profiled as "radicals" is based on four ideological pillars of Western democracy: *rule of law*, *human rights*, *political pluralism*, and *separation of powers* (Antón-Mellón and Parra 2014). Although the English word, "radical," derives from the Latin word, *rādix, rādīcis*, meaning "root," it is used to refer to "strands contrary to the status quo that seek to subvert it or change certain social aspects (which some authors have associated with activism)" (Antón-Mellón and Parra 2014: 80). Presently, the defining element of "radicalization" has become its "commitment for the use of violent strategies or methods in political conflicts" (Antón-Mellón and Parra 2014: 79).

Although we face a lack of clarity with respect to terminology, one would expect law enforcement and security personnel to apply a technical definition compatible with the protective principles of penal control under the rule of law. As an example, the Framework Decision (FD) 2008/919/JHA of the European Council (EC), transposed into Spanish law as *Ley Orgánica 5/2010 para la Reforma del Código Penal* ("Organic Law 5/2010"), addresses the need to "criminalize public provocation to commit a terrorist offence and recruitment and training for terrorism":

> Attention must focus on different aspects of prevention, preparedness and response to further enhance, and where necessary complement, Member States' capabilities to fight terrorism, concentrating particularly on recruitment, financing, risk analysis, protection of critical infrastructures and consequence management.

Although the FD document speaks of *training terrorists*, the prologue to Organic Law 5/2010 adds the term *indoctrination*. Article 575 of the Penal Code (PC) refers to *indoctrination* and *passive training*[1] as punishable offenses and defines the sub-category of *self-indoctrination* as "whosoever, with the same end of self-training to commit some of those offences, may carry out himself any of the activities foreseen in the preceding section." Article 576 expands the concept of *collaboration with a terrorist organization or group* to include interactions with "cells," or even individual behaviors, with the aim of *recruiting, indoctrinating, instructing,* and *training* terrorists. *When* and *how* an individual becomes a terrorist is unclear, however. In the same vein, Article 579 refers to "the public distribution or dissemination of messages and slogans that, without constituting explicit

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[1] In 2015, the Minister of Home Affairs, Jorge Fernández Díaz, proposed "a new definition of terrorist crime that contemplates passive training" (Gabinete de Prensa Ministerio del Interior 2015), although the most generous definition had been provided by the same minister after a European Summit on January 23, 2014: "It is a reality that there are no trainers without disciples. … in worship places, in training camps where they gather, in the web, inside the prisons.... This person is logically being trained to, at the time it is considered appropriate, he/she can commit attacks" (El Faro de Ceuta 2014).

criminal statements (conspiracy, provocation, or suggestions to commit criminal actions), can be considered as undeniably appropriate acts contributing to the decision to commit a crime." As required by the FD and the Council of Europe Convention on the Prevention of Terrorism, however, such behavior must generate or increase a certain risk of committing a terrorist offense.[2] That said, the criteria and possibilities to identify and evaluate those risks remain uncertain. Although criminal law is supposed to prohibit certain *acts* and not *thoughts*, successive reforms have distorted this dividing line. This has made defining *radicalization* more challenging.

In 2002, the European Commission (2002) defined "radicalization" as the "phenomenon of people embracing radical ideology that could lead to the commitment of terrorist acts." Pursuant to decisions of the United Nations General Assembly (UNGA) and the United Nations Security Council (SC), the Counter Terrorism Committee [S/RES/1373] was launched in 2001 and the United Nations Global Counter-Terrorism Strategy [A/RES/60/288] was approved in 2006. The latter speaks of "preventing and combating terrorism," with explicit reference to "extremism": "success in this area [social inclusion], especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that leads to extremism and the recruitment of terrorists." But "radicalization" did not appear until Resolution 1963/2010 of the SC:

> Recognizing that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone, and underlining the need to address the conditions conducive to the spread of terrorism, as outlined in Pillar I of the UN Global Counter-Terrorism Strategy (A/RES/60/288) including, but not limited to, the need to strengthen efforts for the successful prevention and peaceful resolution of prolonged conflict, and the need to promote the rule of law, the protection of human rights and fundamental freedoms, good governance, tolerance, inclusiveness to offer a viable alternative to those who could be susceptible to terrorist recruitment and to radicalization leading to violence.

RES/2129/2013 proposes a "peripheral or complementary" (Manzanos 2011) alternative within the same "legal epistemology of security," while "violent extremism" and "radicalization" appear in RES/68/276/2014 and RES/2170/2014 of the UNGA. RES/2178/2014 provides the foundation for Organic Law 5/2010: "Addressing underlying factors, including by preventing radicalization to terrorism" and apprehending "persons that, after their radicalization and indoctrination seek to perpetrate attacks against the objectives on the list."

This ongoing and ambiguous re-definition of criminal types is the outcome of a process that addresses the concept of terrorism as a "motor of jurisprudential change" (Rodríguez-Yagüe 2013: 15), which generalizes certain practices of "penal exception." The following statement from the Spanish Supreme Court (STS 21.05.2002) takes this into account:

> Terrorism is not the only form of organized crime in existence, but it is the one that represents a strong ideological cohesion as a specific sign of identity that unites all the members that integrate the terrorist group, a clearly pathogenic ideological cohesion given the ends to which their activity is oriented, which first of all lights up the path to action and then makes sense of and justifies the criminal activity.

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[2] Some controversial aspects have been discussed by Núñez Castaño and colleagues (2013), Cancio-Meliá (2014), and Aguerri (2019), among others.

"Penal exception" emerged in the 1980s, was reinforced in the PC of 1995, and attained its maximum expression, so to speak, with the reforms of 2003 and the so-called "Code of Security." Its leitmotif is the notion of terrorism: OL 7/2003 introduced some requirements, along with the condition of renouncing the means and ends of terrorist activity. The PC of 2015 has expanded this "offender-based" tradition along three main axes: neoliberalism,[3] colonialism, and securitarianism (Mendiola 2014).

The Discourse on Terrorism in the Spanish Criminal Law

Radicalization is intimately linked to "terrorism"—another concept lacking a precise definition since its inclusion in the criminal law. Until 1997, "terrorism" was not defined in Spanish law, although some references could be found in the PC, the *Ley de Enjuiciamiento Criminal* (Law of Criminal Procedure) and the Constitution of 1978. The PC of 1995 included a description of "what terrorist acts are" (Serrano-Gómez et al. 2019: 883), and the first definition in the Spanish legal framework is found in Judgment 2/1997 of the Supreme Court:

> Planned activity that individually or under the cover of an organization, repeatedly or on a single occasion, using resources or perpetrating acts aiming to provoke a situation of serious insecurity, social disturbance, and altercation of the social order, has the end-purpose of totally or partially subverting the constituted political order.

This definition can be read as a relevant example of how a teleological argument —*the purpose of behaviors*— can coexist with a structural element regarding the existence of some kind of "organization." The weighing of these two elements has been a feature of doctrinal and jurisprudential interpretations of the concept of "terrorism" (Cancio-Meliá 2010). Judges and legislators alike, however, through penal reforms in 2000 and 2010, moved away from any comprehensive approach, thus defining "terrorism" as ideological activities intended to "subvert the constitutional order" or to "disrupt public peace" (Gómez-Martín 2010: 25; Núñez-Castaño 2013: 287).

Organic Law 2/2015 on the Reform of the Penal Code ("Organic Law 2/2015"), which modified OL 10/1995 of the PC, and which concerned acts of terrorism, followed this trend,[4] thus allowing for a more subjective dimension to "terrorism" and thus diverging from the requirement of "collaborating with or belonging to" an organization (Cano-Paños 2015; Galán-Muñoz 2016). The prologue to Organic Law 2/2015 includes expressions such as "indoctrination in hate," "extremist and violent ideas," "totalitarian fanaticism," and "charismatic leaders and messages of extreme cruelty." It also states the need to update the regulations "in order to make room for the phenomenon of individual terrorism and the behaviours that constitute the principal concerns

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[3] "Neoliberalism is precisely the deployment of the logic of the market as the widespread normative logic, from the state until the intimacy of subjectivity" (Laval and Dardot 2009). In this sense, our perspective assumes the description of the "centaur state" exposed by Wacquant (2012: 207)—namely, a re-engineering of the state focused on "promoting and responding to economic and socio-moral conditions that join under hegemonic neoliberalism"— which in turn depicts the poor as "problems" or "threats" in order to govern "through fear of crime and not crime itself" (Simon 2007: 37).

[4] Organic Law 2/2015 included this definition of "terrorism" in article 573 of the Penal Code (see Aguerri 2019)—inspired by FD 2002/475/JHA of the EU on the fight against terrorism, and modified by FD 2008/919/JHA.

of the international community, in line with RES/2178/2014 of the UN Security Council." In other words, "the rigour of the criminal response to such serious crimes contemplates modalities of terrorism that arise from new as well as previously known threats." Consequently, what used to determine the difference between "terrorism" and other forms of crime in the Spanish legal system was that "terrorist crimes were committed with a clearly political nature" (Galán-Muñoz 2016: 98).

Until 2010, authorities attempted to fight terrorism by bringing charges of "belonging to" and "collaborating with" an armed group (Gil-Gil 2014) in order to punish those who had some contact with terrorism and, presumably, to prevent others from becoming involved in terrorist activities. In this context, Cancio-Meliá (2003: 102) stated that "successive enlargements led us to the point where somehow being there, being part, or being one of them, even if only in spirit, is enough." More recently, Galán-Muñoz (2016) has observed that crimes of membership and collaboration with terrorist organizations, along with "extolling terrorism," were introduced by LO 7/2000 in order to expand the chances for criminal prosecutions and convictions. This goal of advancing the chances for criminal interventions has also guided the legislature's last two reforms—Organic Law 5/2010 and Organic Law 2/2015.

Cano-Paños (2017) has pointed out that this range of reforms has been aimed at criminalizing actions prior to criminal *attempt* and *preparation* —hence, the serious expansion of criminal law, which has been justified by successive legislatures through their alleged need to "prevent terrorism." Three of those measures allow for the prosecution of individuals who (without being in contact with any terrorist organization or other individual involved in terrorist activities) circulate or access any statements or discourses (Aguerri 2019) "extolling terrorism" (art. 578 CP), "disseminating information about terrorism" (art. 579 CP), and "encouraging self-indoctrination"(art. 575.2 CP).

> [*International terrorism - Jihad style*] is characterized by its objective of international expansion, through charismatic leaders who share messages and slogans over the internet and, especially, through the use of social networks, making public a message of extreme cruelty intended to cause terror in the population or in part of it and making a call to their acolytes through the world for them to commit attacks. The recipients of these messages can be individuals who, following their radicalization and indoctrination, seek to perpetrate attacks against known objectives, including suicide attacks [Prologue to OL 2/2015].

Moreover, and as has been noted in writing on criminal law (see, e.g., Cancio-Meliá 2002, 2010, 2019; Cano-Paños 2015; Galán-Muñoz 2016; Ramos-Vázquez 2008), the common element in these crimes is their subjective element—the *purpose*—which, in theory, makes certain behaviours *dangerous*. Essentially—and as noted above—the proscription of these three types of activities ("extolling terrorism," "disseminating information about terrorism," and "encouraging self-indoctrination") punish individual conduct as terrorist offenses based solely on the subjective determination of law enforcement personnel. According to Cano-Paños (2015), the single link between typical punishable conduct and any other terrorist offense lies only in one's "inner self." In this vein, the requirement for an intentional or finalistic element leads the courts to evaluate every individual's ideology as a precondition to detecting some kind of "eventual subjective danger" (Llobet-Anglí 2017: 90) and, consequently, to punishing an allegedly intentional act or behavior.

Prevention and "Preventionism"

The security apparatus is thus updated around "new threats." Punitive power is organized within the framework of policies that remove the dualities *interior-exterior*, *protection-security*, *idea-act*, *virtual-material*, and *prevention-punishment.*

The alleged goal of protecting "the pillars that uphold the Rule of Law and the framework of coexistence in the democracies of the whole world"[5] (Prologue to Organic Law 2/2015) raises some questions: *Whom* or *what* to protect? *How* to undertake such protection? *How* to prevent terrorism? *What specific kinds of terrorism* present the greatest threats?

In Spain and elsewhere, *prevention* has come to entail the imposition of actuarial methods of calculation, risk prediction and management that intensify the bond between the social and penal spheres (Harcourt 2007). Likewise, the processes of privatization and the expansion of punitive logics have contributed to the intensification of that link. We use the term *preventionism* (Jiménez-Franco 2015: 34) to emphasize the paradoxical coexistence between preventive rhetoric and punitive practices, along with the goals of promoting political consensus and managing the "post-fordist social surplus" (De Giorgi 2002). Under a governmental regime that fails to provide material protection and produces "social harm" (Hillyard and Tombs 2007), *preventionism* reinforces anticipatory and external control.

On the one hand, the prevention of social problems through social policies tends to occupy a marginal space in political discourses and practices. When human rights are ignored, arguments and concerns regarding security tend to shift from social protection to fear of crime, and welfare structures lose ground to the penal system as the major legitimizing mechanism of the "market-state" (Jiménez-Franco2016: 192–3). On the other hand, *preventionism* also promotes a permanent state of exception—one that employs surveillance technologies and situational crime control measures (Brandariz 2014) and that minimizes or curtails a variety of social welfare programs (Brandariz 2007; De Giorgi 2002; Garland 2001). The focus shifts to "securing against future acts, not sanctioning acts which have already been committed" (Jakobs 2003: 40).[6]

As we attempt to demonstrate, it is necessary to consider the broad context in which the PEN-LCRV was designed and developed. As mentioned in the Introduction, our analysis will point to the goal of the PEN-LCRV to incorporate a series of "cooperative actors" —with priority given to the sectors of social integration and assistance. Different socioeducational institutions and operators have been and continue to be called on to participate in a strategy that is alien to their methods and principles. We turn to these in the next part.

The National Strategic Plan to Fight Violent Radicalization

As part of a global trend, the Spanish state manages so-called "Islamic radicalization" through a two-pronged approach involving both penal and social measures. The PEN-LCRV employs the principles of the National Security Strategy (ESN-2013), which

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[5] Original in Spanish: *los pilares en los que se sustenta el Estado de Derecho y el marco de convivencia de las democracias del mundo entero.*

[6] In 2014, Judge Javier Gómez Bermúdez (Spanish National Court) stated to the defense lawyers of the anarchist collectives apprehended in the "Pandora operation": "I do not investigate eventual attacks; I investigate the organization and what can be a future danger" (Salellas 2014).

replaced the Integral Strategy against International Terrorism and Radicalization (EIC-TIR). Given the poor implementation of the PEN-LCRV,[7] one cannot evaluate its effects at this time. Nevertheless, the PEN-LCRV and its reference documents can be analyzed in accordance with the underlying logic of the measures proposed.

As noted above, ESN-2013 updated the National Security Strategy 2011 and its concept of "security" in light of some priority threats and challenges. "Terrorism" was included among these threats, and the ESN-2013 mentioned explicitly the "possible radicalization of both first and second-generation migrants" (Presidencia de Gobierno 2013: 33). Its most significant contribution was an "integrated institutional model," called for earlier in the ESN-2011, which included the National Security Council and the Specialized Committees (Presidencia de Gobierno 2013). On the basis of this strategy, the Intelligence Centre against Terrorism and Organized Crime (CITCO) was established in order to draft the PEN-LCRV.

For its part, the EICTIR was meant to "provide a specific and integrated response in order to neutralize the threat posed by international terrorism, to reduce the vulnerability of society against terrorist attacks, and to confront the processes of radicalization that can precede or sustain them." The PEN-LCRV is thus a tool of the EICTIR to articulate state politics with regard to radicalization, as stated in its preamble:

> PEN-LCRV assumes that violent radicalization is one of the principal risks for national security and articulates State policy in this field through an integral and national structure, which prevents the culmination of radicalization processes reaching violent extremism and/or terrorism.

The EICTIR transposes the EU Counter-Terrorism Strategy and the EU Strategy for Combating Radicalisation and Recruitment to Terrorism into the Spanish context. Both documents apply the EU's Internal Security Strategy: Towards a European Security Model (ISSEU), approved during the period (in 2010) in which Spain served as President of the Council of the European Union, in order to meet all signatories' obligations under the Treaty of Lisbon—the international agreement that amended the two treaties that form the constitutional basis of the European Union.

The ISSEU includes terrorism—"in any form"—as one of the "greatest challenges for the internal security of the European Union," with an explicit mention of "its ability to recruit through radicalization" (EU 2010: 14). It also defines "internal security" on the basis of the prevention of potential threats linked to terrorism, one of which would be radicalization; thus, this strategy requires intelligence services to gather sufficient information to "anticipate crime" (EU 2010: 22). This task is entrusted not only to law enforcement agencies, but also to "institutions and professionals at both national and local levels" (EU 2010: 23).

A key feature in the ESN-2013 is the concept of "security." In a sort of patchwork of principles, the same bureaucratic structure is supposed to coordinate the management of identified threats and performance targets: armed conflict; cybercrime; economic and

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7 Almost three years after the PEN-LCRV had been approved, only thirteen of the 8000 Spanish municipalities were working on implementing it and only the city council of Malaga had reported that it had implemented the plan. Catalonia and Basque Country set up programs against radicalization "without any coordination," according to anti-terrorism sources: "they [Catalonia and Basque Country] prefer not to appear on paper, because it implies recognition that they have problems with some collective and they want to prevent any criticism of xenophobia or criminalization. 'Everyone is busy with their own affairs and nothing is collectively made available', an officer in the fight against terrorism reported" (Ortega 2017).

financial instability; emergencies and catastrophes; energy shortages; irregular migratory flows; organized crime; spying; terrorism; threats to coastal waters, critical infrastructures or essential services; and weapons of mass destruction (Presidencia de Gobierno 2013). In the ESN-2013, "Islamic radicalization" is linked mainly to "terrorism" and "irregular migratory flows," while "security" is depicted as "broad and dynamic" because it covers "all areas concerning the security of both the state and its citizens"—"from defending the territory toward economic and financial stability, to the protection of critical infrastructures"(Presidencia de Gobierno 2013: 9). As stated by Mariano Rajoy, who served as Prime Minister of Spain from 2011 to 2018, in his preamble to the ESN-2013, the focus on security underlines its importance "as a guarantee of the well-being of citizens and the stability of the state" and that "guaranteeing security is a responsibility of the government, but also a task for everybody" (Presidencia del Gobierno 2013: 9).

A certain "pacifying" spirit is contained herein. As Neocleous (2016: (10) puts it, "[u]npacking the logic of pacification is a way of combating a concept that is central to contemporary social and political language, to wit, security.... Security is fundamental for pacification." Hence, Neocleous' approach is also helpful in illuminating the meaning of "national security" as defined by the ESN-2013:

> The actions of the State aiming to protect the freedom and the wellbeing of its citizens, to guarantee the defence of Spain and its constitutional principles and values, as well as to contribute together with our partners and allies to international security in compliance with the commitments it has assumed.

When we consider the ESN-2013's definition, we see a distinction that is made between an internal component—"defence of Spain and protection of its citizens"—and an external one—"international security." But the ESN-2013 also makes clear that "the security and wellbeing of Spain and its citizens are determined and begin within and outside our borders. It is no longer possible to distinguish between external and internal security" (Presidencia de Gobierno 2013).

This apparent contradiction evokes what Balibar (1998: 83) has identified as a double "assimilation-exclusion" movement: "the heritage of colonialism is actually a fluctuating combination of continuous exteriorization and interior exclusion." Such dynamics reveal the intertwined nature of "security" and "defence": "defence has been integrated into the very concept of security and the politics of security has overshadowed defence policies" (Moliner 2015: 2). This, in turn, leads us to question the politicization of the military and militarization of the police. Again, Neocleous (2016: 20) is instructive:

> The concept of pacification allows us to understand the *convergent* powers of war and policing and to understand that those powers *have always been convergent*. The implications of this argument are that the thought of the *politicization of the military* and the *militarization of the police* are based on a liberal dichotomy between *the police* and *the military*. But from the perspective of critical theory this dichotomy makes no sense. From the perspective of critical theory, military and police powers have always functioned in tandem, as one and the same, in so far as social order is constituted by them alone [emphasis in the original].

The ESN-2013 refers to "national defence," the goal of which is "to confront armed conflicts that can be produced as a consequence of both the protection of exclusively national interests and values..., and the defence of shared interests and values due to our membership of international organizations" (Presidencia de Gobierno 2013: 40). Citizenship status serves to associate "security" with "values," thereby reducing the constitutional

responsibilities of the state for protecting certain human rights. Citizenship status also determines who deserves the benefits of the state's security protections. While security policies turn into defense policies, the well-being of Spanish citizens is allegedly sustained through increased repression and humiliation of *others*.[8]

Although the PEN-LCRV is a relatively detailed document, one can expect it to undergo changes and it may even never be implemented in full. This is also why our analysis focuses on the internal scope of the PEN-LCRV, which is limited to "the sovereign territory of the state."[9] The PEN-LCRV was approved on January 30, 2015, and presented to the public by the Minister of Home Affairs, Jorge Fernández Díaz: "the Plan distinguishes three fields of action along the radicalization process: internal (in Spain), external (outside of Spain), and cyberspace (on Internet); as well as three intervention lines: before (Prevention), during (Surveillance), and afterwards (Action)" (Ministerio del Interior 2015). In discussing how "prevention" posed a serious risk of racist profiling, the minister also stressed that "although the Plan is focused on all types of violent radicalization, there is at present no doubt that the main threat comes from Jihadist terrorism" (Ministerio del Interior 2015).

The design of the PEN-LCRV was coordinated by the Intelligence Centre against Terrorism and Organized Crime (CITCO). It involves twelve ministries, the National Centre for Intelligence (CNI), the Foundation for Pluralism and Coexistence (institution attached to the Ministry of Justice), and the Spanish Federation of Municipalities and Provinces (FEMP). According to its authors, the PEN-LCRV is "an effective instrument for early detection and neutralization of outbreaks and focal points of violent radicalism, acting upon those communities, collectives and individuals at-risk and in vulnerable situations" (CITCO 2015). As such, it was presented as "an effective instrument for campaigns that foresee and prevent the emergence and development of violent radicalization processes" (Ministerio del Interior 2015). Its ruling principles are "Values of an open society; Transparency; Unity and Coordination; Availability of resources; Evaluation, auditing and control," and three areas of action are supposed to meet these functions. "Prevention" aims to "generate trust and social legitimization, and to prevent the propagation of radical and violent ideologies against democratic principles and values." "Surveillance" is "designed to exert functions of observation, monitoring and treatment, within the territorial locality, over incipient processes of violent radicalization or in the first stages of their development, and to obstruct and cut that development." And finally, "action" is "focused on tracking and investigating groups and/or individuals who legitimize violence, generate violent activities, justify and/or collaborate with them, particularly those of a terrorist nature, in order to neutralize them and/or to minimize their effects" (CITCO 2015: 8).

In addition, the PEN-LCRV includes a list of public and private actors who are expected to collaborate in carrying out the plan: administration, at-risk and vulnerable groups, and civil society as a whole. Public administration is the main entity responsible for the implementation of the PEN-LCRV, and its partners are recruited among social sectors directly affected by the development of the plan, whose participation will be facilitated by qualified

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[8] For example, in 2015, the Spanish army fought against alleged "jihadist threats" in sixteen different missions around the world (Moliner 2015: 13).

[9] The PEN-LCRV points to coordination between the ministries of *Defensa* and *Interior* to ascertain the international dimension of Islamist radicalization and to assess the application of international treaties on that matter, along with intervention in conflict zones. The PEN-LCRV also requires monitoring "propaganda" on the internet, designing counter-narratives, and supporting judicial actions aimed at shutting down some websites.

individuals and/or members of the representative bodies. The principal entities of so-called "civil society" are assigned the role of cooperative actors, and "sectors of greater incidence regarding problems of integration and social assistance" will be given priority. "Academic and university sectors are also included, along with social entities and mass media" (CITCO 2015: 9).

The Development of the PEN-LCRV for the Internal Security of Spain

The ESN-2013 depicts "illegal immigration" as a threat to national security on account of the following "especially worrying conditions": (a) an increase in the processes of inadaptability and lack of identification with Spanish society due to the weakening of social cohesion; b) an increase in social conflicts arising from deteriorating living conditions and worsening experiences of exclusion processes; c) the creation of urban ghettos and their effects on coexistence, integration of immigrants, and social cohesion; and d) growing vulnerability of immigrants as targets by organized criminal groups linked to human trafficking or drug trafficking. According to the authors of ESN-2013, such conditions can mean that immigrants may be "used by extremist and violent or terrorist organizations" or they may be tempted by an "identity-mediated withdrawal that complicates their social integration" (CITCO 2015: 33). Thus, some structural and socioeconomic conditions come to be naturalized as contextual, permanent, and invariable elements. This depoliticizes the framework of analysis and breaks the link between a genuine definition of "security" and the constitutional guarantee of fundamental rights.

Under the PEN-LCRV, "national security" is a "shared" and "national" objective, within or outside a bordered *nomos*, where the immigrant becomes an expansive "threat" rather than a subject of rights. Paradoxically, the ESN-2013 also refers to the need to promote a positive vision of immigration to prevent "the emergence of minorities that creates a negative perception" (CITCO 2015: 33). The dual way in which immigration is viewed functions to affirms a strategic line of action—one that is meant to promote social integration of responsible immigrant communities with the declared end of confronting the threat of violent radicalization of certain sectors of the population by "preventing, controlling, and ordering the migratory flows at our borders" (CITCO 2015: 47).

The PEN-LCRV "structures an integral system of action that enables the observation, assessment, and treatment of those situations leading up to possible focal points of violent radicalization" (CITCO 2015: 6). Accordingly, "action is taken by detecting all social or political incidents that can lead to violence or terrorism, to avoid recruitment and involvement in terrorist activities, and to hinder the development of violent extremist processes and to minimize their consequences." At the same time, "more participation is required to develop a concerted and coordinated policy with other countries concerning the fight against violent radicalization, preferably through common action within the EU, and cooperating to address violent extremism at its origin." In the area of cyberspace, efforts will be made so that "the systems of information will not constitute a means for violent radicalization, neither for the training and indoctrination of terrorists, nor for the propagation and achievement of their ends" (CITCO 2015: 7). Subsequently, in each of these areas, and as noted above, the PEN-LCRV states that different alleged activities will be carried out: prevention, surveillance, and action.

The main goal expressed in the EU's Internal Security Strategy (ISSEU) is to prevent radicalization through surveillance. A key principle in the ESN-2013 is the construction

of the risk of radicalization of certain groups as a threat. Hence, the PEN-LCRV designs a bureaucratic structure of surveillance of those groups, directed by the Ministry of Home Affairs, and carried out by social services professionals.

All these *actions* reflect the response given by the state to some basic questions. The prevention of radicalization through surveillance responds to the question of *what do these documents* (ESN and PEN-LCRV) *propose*. The construction of some vulnerable social groups as a threat to national security responds to the question of *who must be monitored*. Finally, the development of a bureaucratic structure of surveillance responds to the issue of *how is this surveillance supposed to be carried out*. If we observe the underlying *logic* of those actions, each response should help us understand why these measures have been proposed and not others.

Surveillance as a Prevention Strategy

We have already noted that the ISSEU pursues the declared goal of "preventing and anticipating crime" (EU 2010). Security policies seek to obtain information for the efficient prosecution of the crimes (CITCO 2015: 22), thus linking prevention to the criminal process. It should not be forgotten, however, that "security can take two opposite directions: it can be either guided by the right to security or driven by the security of rights" (Baratta 2001: 19). The "right to security" suggests "employ[ing] criminal law to offer solutions to different tensions in society" (Pérez-Neto 2009: 221), thus ignoring the fact that liberty and security are two indissociable principles necessary for a peaceful coexistence. Moreover, although "any talk of balancing liberty and security merely disguises a more fundamental commitment to the latter rather than the former" (Neocleous 2007: 145), we face an ever more serious situation: "The essential right to be able to enjoy any other fundamental right [read the radical meaning of security embodied in the second model] is not only threatened but also being suspended" (Manzanos 2011: 33). In fact, the notion of "securitarian neoliberalism could somehow be taken as a pleonasm, since this 'encouraging an essentially liberal mode of thought [the myth of a 'balance' between security and liberty] opens the (back-)door to an acceptance of all sorts of authoritarian security measures; measures which are then justified on liberal grounds" (Neocleous 2007: 133). As Neocleous (2007: 145) reminds us, "liberty is the original myth of liberal ideology. And it is this myth that is used to legitimate the gross and thoroughly reactionary concessions made by contemporary liberals to the security practices of contemporary states."

The ISSEU proves that the "liberal myth," to which Neocleous (2007) speaks, has long been the dominant one in our societies. It will therefore come as no surprise that this strategic document makes no mention of the possibility of "preventing" through social policies of "assuring rights" (Manzanos 2011: 19). Instead, "prevention" is based on data collection and surveillance. The fact that those tasks are not only delegated to intelligence agencies but also to social workers and educators is important because it means that punitive control is being expanded and legitimized through an ambiguous notion of *prevention* that clashes with the *security of rights* model.

This securitarian conception illustrates the disciplinary logic within the ISSEU (and also adopted by PEN-LCRV), whereby surveillance is undertaken in order to obtain knowledge about monitored individuals. Such knowledge does not seek to determine whether something happened or not, but "to verify if individuals behave as they should, if they follow the rules, if they make progress, and so on" (Foucault [1973] 2017: 99).

On the basis of this knowledge, any sign of "acceptance, legitimization and/or involvement in violence" by individuals or groups under surveillance will activate the third level (*action*) of the PEN-LCRV. When panoptic knowledge determines that an individual or group "is not acting as it should" (Foucault [1975] 1995 1975: 177), law enforcement intervenes to confirm that the individual or group has come to accept violence. Surveillance and punishment, then, are two sides of the same preventionist coin—one that is always "ideologically flipped" by the "right to security" model.

The Radicalization of "Vulnerable Groups" as a Threat

Consistent with what we have described above, another key element in both the PEN-LCRV and the ESN-2013 is the link between radicalization and certain social groups. Having established that the language in both strategic documents points to prevention based on surveillance, we can now consider who will be the targets of this surveillance effort.

The ESN-2013 suggests the possible radicalization of people of immigrant origin or descent as one of the reasons why the flow of "illegal" immigrants is threatening national security. Radicalization is often associated with certain ethnic communities; hence, problems of ghettoization, lack of integration, and organized crime are invoked to label "irregular immigration" as a threat to security.

It is not difficult to find a clearly stigmatizing logic behind this discourse (Fernández de Mosteyrín and Limón 2017). Immigrants—mostly those who are poor—are often thought to be the cause of drug trafficking, and they are often assumed to be dangerous, ghettoized groups committed to Islamist radicalization. Hence, a "solid association" between immigration, illegality and criminality (Alonso 2012: 208) converts immigrants and their children into "suitable enemies" (Wacquant 1999: 219). The stereotyping of poor, ethnic communities as sites of Islamic radicalization has been analyzed by Mauger (2016) in the French context, and the same logic seems to unfold in case of Spain—the *Report on Islamophobia* by the Spanish Union of Islamic Communities (*Unión de Comunidades Islámicas de España*) (Observatorio Andalusí 2016; Prado coord. 2009).

Given this image of "the immigrants" as a suspect or dangerous group, immigration control and the prevention of radicalization are the two main actions proposed by the ESN-2013. This strategy, however, makes no distinction between security and defense or between internal and external threats. In the absence of such distinctions, the "logic of war" impregnates the discourse of domestic order, reinforces stigmatization, and creates a dangerous "other" who must be fought both outside and within "our" borders. As Sabir (2017) notes, this approach to radicalization also exceeds all counter-terrorist theories and practices and moves into the military field of counter-insurgency because its targets are not just those who use violence, but any individual who belongs to a certain group and who "may even support in the back of their minds" an insurgency against the state and its interests.

The PEN-LCRV goes further than the ESN-2013 and proposes a series of measures for a much wider target group: "the vulnerable groups or at risk of radicalization." In other words, as a security policy to prevent terrorist-related acts, the PEN-LCRV's actions are not focused on individuals or groups, but on large groups not related to the alleged risk—those who "*might* come to support" such activities (emphasis added).

Nevertheless, despite the idea of surveillance as a prime form of prevention, the PEN-LCRV also proposes training and socio-educational activities in the fields of education and social intervention. According to the PEN-LCRV, the "area of prevention" is focused on

"promoting social integration" and "favouring ideological-political plurality and democratic diversity" (CITCO 2015: 9), as one of the programmatic prospects of the "welfare state." According to this conception of the role of the state, expanding access to social policy programs is one of the main tools for achieving full integration of immigrant groups (Uitemark 2014). What we find here, however, is the seeming paradox of a proposal for social integration through securitarian strategies, whereby securitarian discourses take a further step to colonize the so-called "social sphere" of state accountability. As described below, in Spain, this increasing assumption of securitarian perspectives and discourses in the realm of social policies is one of the main factors in what could be depicted as "neoliberal exceptionalism."

The PEN-LCRV provides for the development of training projects—especially for socioeducational intervention—and for social awareness campaigns that shall involve communication by both public administrations and the mass media. These programs and campaigns are intended as a resource to convince all participants of the key points and purposes of the PEN-LCRV, but the training and communication activities are actually broader in scope with the goal of reaching all "vulnerable" groups in society. In fact, the PEN-LCRV claims to want to integrate these groups into democratic institutions, to promote the knowledge of their own traditions and identities, and to guarantee the development and the expression of their own cultural ideas, "whilst respecting the values and legal framework of the Spanish Constitution." Mobilizing the symbolic resources of the state comes to be a fundamental way to manage social exclusion: to promote a particular representation of reality among certain "vulnerable groups" strengthens the same economic, social and symbolic order from which those groups are being excluded. Successive steps in the PEN-LCRV would then be implemented if this step could not generate the adequate consensus around this representation.

As we shall see, however, the goals of social integration and surveillance coexist in the same structure. Apart from assuming an active role in the prevention of radicalization, social professionals who work with "vulnerable" groups at any level of the administration must provide information to "prevent" radicalization through surveillance.

The Construction of a Monitoring Structure of Certain Groups

Given the presumed risk of radicalization within an immigrant group, the PEN-LCRV sets forth a bureaucratic structure to coordinate and oversee the management of social exclusion through the security apparatus—what Bourdieu (1993) refers to as the "right hand of the state." The Ministry of Home Affairs—responsible for both law enforcement and corrections—defers to the PEN-LCRV regarding the integration of "vulnerable groups or communities at risk of radicalization." Thus, no clear or actual sign of radicalization needs to be detected; all the while, social policies continue to be colonized by securitarian rationales. In other words, labeling a group as "vulnerable or at risk of radicalization"—an ambiguous concept for which no concrete definition has ever been given—seems to be more than enough for the punitive hand of the state to intervene within the social sphere.

As described above, the supervisory area of the PEN-LCRV involves two components: one "for observation and surveillance"—in order to evaluate the measures for prevention and for detection of new focal points of radicalization—and another "for control"—to oversee the interventions on every process of radicalization. Both are focused on ensuring vertical synchronization—supplying "bottom-up" information on local groups to the Ministry

of Home Affairs (the body that coordinates the groups)—and linking the two areas (social assistance and security) together.

In order to achieve this synchronization, local intersectoral groups are coordinated by civil officers from the Ministry of Home Affairs—the *state security sector*. The area of security is also meant to control the activity of local groups and to select its members. This is how the punitive turn of the bureaucratic field takes shape which, according to Wacquant (2009, 2012), defines the neoliberal restructuring of the state: the left hand is colonized by the right hand. In other words, the political axis or governmental ethos turns towards the neoliberal-colonial-security triangle (Mendiola 2014).

The PEN-LCRV lays the groundwork for a further punitive step in public policies. The PEN-LCRV reproduces the aggressive, disciplinary, and stigmatizing logic of the documents underpinning it. This securitarian rationale shapes the notion of Islamic radicalization and prescribes the actions for its management. Based on these logics, the PEN-LCRV sets out the mechanisms for the state to exercise punitive control through the inclusion of a bureaucratic structure supervised and controlled by the Ministry of Home Affairs. In addition to their professional tasks, social workers and educators must now be vigilant for instances of or opportunities for possible radicalization. Thus, they become the "examiners" (Foucault 1975[1995]), so to speak, of those members of "vulnerable groups" who might deviate from the norm. Considering that radicalization has been defined as a criminal problem, the "fusion between penal and social policies" (Wacquant 2011: 227) is upheld: step-by-step, the "social hand" of the state is integrated into the security complex. The same logic and mechanisms of control and surveillance turn "social intervention" into a weak link in the punitive chain of action, which is supposed to "combat" certain risks through waging war against those who were previously tagged as potential carriers of such risks.

Conclusion

According to Neocleous (2007:147),

> the constant securitizing of social and political issues . . . helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most minimal liberal democratic procedures. Perhaps the way forward, then, is . . . to eschew the idea of security altogether, as a concept so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it.

This premise would thus help us clarify the questions on *what* to prevent and *how* to do it—the two broad questions behind the development of this article. It is also essential to insist on a necessary reexamination of the genealogy and the expressions of so-called "social problems" because all phenomena that can be or are described as "social problems" tend to refer to problems that affect those social sectors under the selective lens of the penal system.

As we have tried to show in our analysis of the neoliberal-colonial-securitarian discursive foundations of the PEN-LCRV, the social expressions and individual symptoms arising from those "problems" are being labeled as targets of intervention in the context of exceptionalist policy-making. A serious and effective effort regarding state compliance with fundamental rights is needed.

Our broad conclusion, therefore, is that only a truly *radical* policy approach can deal with the root of social conflicts and help us avoid the risk of *racist radicalization* underlying so many analyses, geopolitical approaches, securitarian and military interventions, the rhetoric of "national security," and "pacifying strategies" (Neocleous 2016) developed on the ground. The situation in Spain appears to be no exception, and the measures, discourses, and ethos that make up the PEN-LCRV offer a sad but relevant example.

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