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ABSTRACT

A study of how clashing cultures and religion, the principle of human rights, and the politics of citizenship, identity, and place-making define the boundaries that delineate notions of legality and illegality. This comparative analysis of the immigration laws and policies of Spain and the Netherlands reveals that in spite of historical, social and political disparities between the two countries, which might indicate differences in the way the law treats the immigrant population, both Spanish and Dutch law construct and reconstruct immigrant difference and marginality and thereby reproduce inequalities even as they purport to facilitate the integration of immigrants. At the heart of this issue is the contradiction between the economic incentive for the host governments to maintain a ready source of cheap labor and their need to appease Dutch and Spanish societies' widespread fear of an established, permanent immigrant settlement. The central paradox is that, in order to achieve these dueling goals, Dutch and Spanish immigration law and public policy ultimately protect those who are already citizens.

The Role of Law in Othering Moroccan Immigrants and Preventing Their Integration into Host Societies:
The Contradictions of Immigration Law and Policy in the Netherlands and Spain

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Introduction[1]

Both Spain and the Netherlands have experienced a recent, large-scale immigration of Moroccans seeking to escape the economic and social malaise of their home country. Although the Moroccan economy has been improving overall[2], it has been unable to keep up with recent growth in population, a trend that will likely continue for some time.[3] Worldwide economic crises and globalization have resulted in soaring unemployment, especially for young people.[4] Among Moroccan youth, the unemployment rate is 16 percent.[5] This is particularly problematic given that that 36 percent of Morocco's population is between the ages of 15 and 34.[6] These circumstances have prompted many young Moroccans to seek job opportunities outside their country.[7]

Spain's situation—its proximity to Morocco, and its reputation as a "brand-new country of mass immigration" within the European context[8] —contrasts with that of the Netherlands, which has for decades been characterized as a "culturally pluralist" society[9] receptive to immigration. In the Netherlands, however, this openness was to change after the murder of a prominent Dutch filmmaker by a

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[2] Fatima Sadiqi and Moha Ennaji, "The Impact of Male Migration from Morocco to Europe on Women: A Gender Approach," *Finisterra* 39, no. 77 (2004): 62.

[3] Isabel Rodríguez-Melguizo and Russell King, "Recent Immigration to Spain: The Case of Moroccans in Catalonia," in *Into the margins: migration and exclusion in Southern Europe*, eds. F. Anthias and G. Lazaridis (Brookfield: Ashgate Publishing Company, 1999), 69.

[4] Sadiqi and Ennaji, 62.

[5] The World Bank, "The place of young Moroccans in the economy and civic life," March 2008, http://go.worldbank.org/UGFTU7W4F0 (accessed April 1, 2008).

[6] Ibid.

[7] According to the ministry responsible for Moroccans residing in Europe, in 1992, 77.5 percent of Moroccans migrated Europe, a figure which does not include illegal migrants (Sadiqui and Ennaji).

[8] Kitty Calavita, *Immigrants at the margins: law, race, and exclusion in Southern Europe*. Cambridge studies in law and society (Cambridge: University Press, 2005), 6.

[9] Grete Brochmann, "The Mechanisms of Control," in *Mechanisms of immigration control*. eds. G. Brochmann and T. Hammar (New York: Berg, 1999), 24.

Moroccan man. Consequently, Moroccan immigrants in both countries have been a source and a target of media fodder, popular fear, and governmental concern. Today, newspaper headlines warn the masses of "Europe's angry young Muslims"[10] and portray the anger and resentment of the host societies towards these outsiders over recent violence that has changed the social disposition of their communities.[11]

It is against this backdrop that I analyze the struggle that young male Moroccan immigrants face in navigating the legal labyrinths erected by the governments of Spain and the Netherlands.[12] I argue here that both countries enact immigration laws that purposely hinder the integration of this demographic into their societies. Despite their stated effort to integrate Moroccans immigrants, Dutch and Spanish immigration law and policy have paradoxically served to create a greater level of social, political and economic stratification and segregation in Dutch and Spanish society. Consequently Moroccan immigrants remain trapped in a vicious cycle of social and political exclusion for generations.

Initially, Dutch and Spanish immigration law and policy developed with divergent stated intentions. From the 1960s to the 1990s, Dutch immigration policy emphasized multiculturalism, which purported the support of an equal standing among cohesive, distinct ethnicities. Only recently has the Netherlands promoted an integrationist agenda. Conversely, the official Spanish integrationist policy has been consistent since its inception in 1985.[13] In spite of these differences, immigration law and policy in both countries consistently serves to Other the Moroccan immigrant demographic, distancing them from any notion of sameness or belonging and thereby relegating them to the status of non-citizens. Rather than facilitating their integration, the law paradoxically reproduces the inequalities that prevent immigrants from gaining recognition as citizens of their host society.[14]

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[10] Roger Hardy, "Europe's angry young Muslims 2," *BBC News*, March 14, 2006, http://news.bbc.co.uk/2/hi/europe/4802388.stm, (Accessed November 20, 2007).

[11] Jason Burke, "The murder that shattered Holland's liberal dream," *The Observer*, November 7, 2004, http://www.guardian.co.uk/world/2004/nov/07/terrorism.religion, (accessed October 15, 2007).

[12] While Moroccan immigration is a world-wide phenomenon, it is the most diffuse throughout Europe, following Turkish migration (Sadiqi and Ennaji).

[13] In both countries, however, there was an (incorrect) assumption by both government officials and the immigrants themselves that the immigrants would eventually return to their country of origin. This prompted the subsequent social backlash in both host countries, which will be elaborated on below.

[14] Calavita, *Immigrants at the margins*, 117. Calavita states that "Marginalized work, inadequate healthcare, and substandard housing expose immigrants' exclusion and amplify their Otherness."

Moreover, there is a notable distinction to be made between the way the law treats immigrants from the developed and developing regions of the world. In essence, immigration law "sort[s] people according to their suitability for inclusion in the national territory"[15] based on factors such as age, economic activity and qualifications for work. What makes this especially problematic for Moroccan immigrants is that their attributes make them suitable for menial jobs (i.e. jobs that members of those host societies refuse to do) at wages comparably lower than those received by local workers.[16] In fact, since the 1980s, the average Moroccan immigrant has been characteristically young (60 percent are less than 25 years old), male, single, poor and unemployed.[17]

Because Moroccan immigrants tend to work "in sectors where irregular contracts and the underground economy are the norm,"[18] even those who manage to obtain legal status have a difficult time maintaining it. The legalization process is purposely rife with obstacles[19] which ensure that the quality of immigrant Otherness remains ingrained in the public perception, and contributes to their marginality. In many ways then, "there is no clear dichotomy between the illegal and temporarily legal populations."[20] Not only do their jobs relegate them to the periphery of their host societies, but their contingent and often illusory legal status reinforces the perception that these immigrants have no tangible ties to society.

While immigration to Europe has traditionally been characterized as a source of cheap labor, more recently it has been associated as a security risk, especially when those immigrants have been from developing countries.[21] The fall of the Soviet Union and the rise of Islamic fundamentalism in Europe and the Maghreb[22] both increased migration and prompted these concerns in the 1980s.[23] More recently, the terrorist attacks in New York City[24] on September 11, 2001,

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[15] Ibid., 12.

[16] Ibid., 68.

[17] Sadiqi and Ennaji, 63.

[18] Calavita, *Immigrants at the margins*, 39.

[19] Ibid. "Those who are legalized…are given only temporary legal status and have to demonstrate continued formal employment and navigate a maze of government bureaucracies to renew their permits" (5).

[20] Ibid., 101.

[21] Hein de Haas, "Morocco: From Emigration Country to Africa's Migration Passage to Europe," Migration Policy Institute, October 2005, http://www.migrationinformation.org/Profiles /display.cfm?ID=339, (accessed January 3, 2008).

[22] An Arabic term meaning "place of sunset" or "west". In common use *Maghreb* refers to the NW African nations of Morocco, Algeria, and Tunisia.

[23] Sadiqi and Ennaji, 63.

[24] Ambrose Evan-Pritchard writes that "The Dutch intelligence service, AIVD, has warned that the al-Qa'eda network is 'stealthily taking root in Dutch society' by preying on disaffected Muslim youth with

and those on the commuter trains in Madrid in March 2004, have compounded these societies' fear of outsiders, in particular Moroccans—several of whom were responsible for the latter attacks. Consequently, Moroccans are today associated with Islamic fundamentalism and "negative stereotypes of dishonesty, untrustworthiness, and criminality."[25]

Recent violence between Moroccan immigrants and locals has only fueled this negative perception and reinforced the government's tough stance on immigration. Moroccans who leave their home country in search of a better quality of life in a developed Europe have only found that their outsider status is created and perpetuated by these laws, which construct and reconstruct their difference as black, Muslim Others. As a result, social and political integration remains elusive generation after generation for Moroccan immigrants. In spite of these obstacles, the rate at which Moroccans have been migrating has never stopped increasing.[26]

The following questions guide my research. First, how does the law[27] construct and protect identity in a society? How does it not do this? Does it construct and protect the identity of non-citizens? Should the law seek to protect the identity of non-citizens? How are immigrants expected to negotiate a space within their host society if the law does not protect their identity? Additionally, law is often a reflection of the tensions within society, even though it is supposed to triumph over them. What does it say about the law if it is not carrying out its intended role to provide equal protection? Lastly, why do Moroccan immigrants continue to come to these countries in large numbers in the face of these inherent obstacles?

This comparative study seeks to shed some light on the contradictory nature of the law. To answer these questions, I draw upon newspaper accounts that document the conflict between Moroccan immigrants and citizens of Dutch and Spanish society. I am also using the work of a number of Dutch, Spanish and Moroccan authors and human rights organizations that detail the ways in which the law has criminalized Moroccan immigrants and racialized the larger issue of immigration policy.

Jihad video cassettes circulating in mosques, cafes and prisons." See "Dutch race policy 'a 30-year failure'," *Telegraph*, January 19, 2004, http://www.telegraph.co.uk/news/worldnews/europe/netherlands/1452163/Dutch-race-policy-a-30-year-failure.html, (accessed October 25, 2007).

[25] Rodríguez-Melguizo and King, 63.

[26] Sadiqi and Ennaji, 62.

[27] Law here is defined as the set of regulations which govern who has power (i.e. access to rule and resources) within a system, and perhaps more importantly, who does not. Often, the law is a reflection of the dominant culture and institutions of a distinct group that comprise a society.

Spain: A Purported Integrationist Policy Leads Paradoxically to a Segregationist Society

The Strait of Gibraltar separates Morocco from the Spanish coast by a mere nine miles, making Spain the main entrance to Europe for Africans attempting to cross over, and Morocco the "single most important country of origin" for immigrants trying to make their way to Spain.[28] However, no formal policy on immigration or legislation concerning the treatment of foreign residents existed in Spain until 1985,[29] when a law known popularly as *ley extranjería*, or "Foreigners' Law," was adopted.[30] The measures of this aptly named law reflect society's explicit averseness toward both immigrants and immigrants' status as outsiders. One of the law's main objectives was "to guarantee acceptable working conditions for foreigners, as well as to assist them to integrate, *avoiding illegality and marginalization.*"[31]

While the policy's stated intention is integrationist, recent events have shown that it is not based on a definition of social integration which encourages:

> the indigenous population and a minority group settled in the same place [to] gradually intermingle and move towards equality on the socio-economic, cultural and political levels.[32]

On the contrary, Spanish immigration policy is more consistent with the model of differential exclusion. According to this model, migrants are provided access to and participation in certain sectors of society, such as the labor market, but are barred from areas such as welfare and education systems, citizenship and the political arena. Furthermore, their exclusion is reinforced by legal mechanisms, which further entrenches their status as Others and makes it more difficult to overcome. Strict naturalization laws and the stark differences between the rights bestowed upon citizens, as opposed to non-citizens, are just two examples of this exclusion. Informal practices, such as discrimination and racism, are bred in Spanish society as these legal mechanisms come to shape daily interactions, and thereby further contribute to migrant exclusion.

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[28] Calavita, *Immigrants at the margins,* 137.

[29] In the 1970s, when the economic levels of the two countries were the same, Moroccans did not emigrate to Spain. However, poverty and unemployment prompted an exodus in the next decade (Abend and Pingree [see note 36]).

[30] Joanna Apap, *The rights of immigrant workers in the European Union: an evaluation of the EU public policy process and the legal status of labour immigrants from the Maghreb countries in the new receiving states* (The Hague: Kluwer Law International, 2002), 190.

[31] Rodriguez-Melguizo and King, 66. Emphasis added.

[32] Ibid., 74.

These marginalizing factors tend to define some immigrant groups more adversely than others, as evidenced by the law's disparate treatment of different groups of immigrants depending on their social and economic utility within Spanish society. Based on this criterion for desirability, immigrants fall into two basic categories: 'elite' and 'marginal.'[33] The 'elite' category consists of Europeans, Americans, and a smaller percentage of Latin Americans who have high levels of qualification. They tend to be older than the 'marginal' immigrants (i.e. the undesirable migrants), who are mainly from less developed countries. Moroccans fall into this latter category, which is made up of immigrants whose primary motive for immigrating is to find employment and better the quality of their lives. They also happen to be young; the average age of a Moroccan immigrant is 28.5 years old and an overwhelming 75 percent of Moroccan immigrants are between the ages of 20 and 39 years,[34] which makes them suitable for hard labor. Furthermore, a few years ago, Spain adopted a policy whereby all apprehended minor immigrants are permitted to stay in the country.[35] As a result, the number of Moroccan immigrant minors in Spain has increased dramatically. [36]

Moreover, because they lack many qualifications needed for skilled work, Moroccan immigrants occupy positions "at the very bottom of the labor hierarchy,"[37] such as jobs in construction, agriculture, industry and personal services that Spanish citizens don't want. These qualities only perpetuate their already marginal status within their host society, as does the government's stance that "the admission of migrants is only a temporary phenomenon." This is another key aspect of the differential exclusion model. The need for unskilled labor has thus opened up the contradictions in immigration law and policy. By placing restrictions on residence rights and preventing family reunion, the law prevents immigrants from establishing ties with society. The fleeting nature of their existence and their provisional membership in Spanish society contribute to the quality of their Otherness. Over time, the perception of immigrants as

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[33] Apap, 173.

[34] Sadiqi and Ennaji, 64.

[35] The agreement between the two countries was that all apprehended adult immigrants would be returned to Morocco within 24 hours, but Spanish law requires that the parents of minors be located first before they are sent back. However, oftentimes, parents try to evade authorities so that they are not located and their children can remain in Spain. Interestingly, many Moroccan parents will call the absorption centers in Spain to make sure their children arrived safely (Socolovsky).

[36] Lisa Abend and Geoff Pingree, "Morocco's Biggest European Export: People," *Christian Science Monitor*, September 29, 2005, http://www.csmonitor.com/2005/0929/p07s01woeu.html (accessed October 20, 2007).

[37] Rodriguez-Melguizo and King, 73.

transients, which is created by these laws, becomes deeply ingrained into the fabric of this host society.

What's notable is that in a fundamental sense, the law constructs legality and, conversely, the concept of illegality. Along this line of thinking, if the boundary-making tenets of the law did not exist, neither would the notion of "outlaws,"[38] or in this case, "illegal" immigrants. This is aptly illustrated by a study of pre-1985 Moroccan immigrants (i.e. before the inception of a formal Spanish immigration policy), which found that, compared to those who came later, they were better integrated into Spanish society, more likely to be self-employed, and often had their families with them.[39] Due to this "legislative void," immigrants existed in a "benign legal limbo" where they were able to live in their host society "without a consciousness of being illegal" or feeling like they somehow existed outside the Spanish social realm.[40] Interestingly enough, Moroccans' high level of illegality (and thus their tendency to have to work in the underground economy)[41] is one of the main reasons why this group of migrants, more than any other, experiences social exclusion.

While there are less 'marginal' immigrants than 'elite' ones (only taking into account legally situated immigrants), new data indicates 'elite' immigration in Spain is declining while 'marginal' immigration is increasing at a very rapid rate.[42] This trend can be traced from 1980, when about 66 percent of foreign residents in Spain were Western Europeans and North Americans, often looking for a place to retire. By the 1990s, this group had fallen to a little over 50 percent, with the other half consisting of developing world migrants seeking work.[43] The figures used to track what the Spanish government considers this unsavory trend don't even take into account the burgeoning number of illegal immigrants, whose marginality is even more pronounced. The permanent settlement of 'marginal' immigrants, both legal and illegal, is considered a threat to the host society, a perception which the government justifies by pointing to the social costs they claim will accrue as a result of encouraging immigrants to stay. These costs include the demand on social services and the danger of the emergence of what they deem the 'underclass.'

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[38] Kitty Calavita, "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain," *Law & Society Review* 32, no. 3 (1998): 2.

[39] Calavita, *Immigrants at the margins*, 27.

[40] Ibid., 27.

[41] Rodriguez-Melguizo and King, 63.

[42] Apap, 190.

[43] Calavita, *Immigrants at the margins*, 27.

The Foreigners' Law seemingly targeted non-EU immigrants and was intended to stave off these "undesirables," as is indicated by measures taken to tighten Spanish border controls[44] and strengthen the powers of the police to deal with illegal immigrants already in the country.[45] In fact, the law required these 'marginal' migrants to overcome a number of administrative hurdles, such as providing authorities with a contract from an employer, proof of earnings and a passport from their country of origin, before being granted an official work permit and a temporary residence permit.[46] However, fulfilling all these requirements often takes years, which means that in the meantime, large numbers of migrants remain in an illegal state, working in the informal economy. During both the 1985 and 1991 regularizations, even though Moroccans represented the largest proportion of illegal immigrants who were granted amnesty,[47] the influx of illegal Moroccan immigrants never ceased. The dangerous journey across the Strait of Gibraltar has also apparently not been a deterrent for Moroccans looking to escape economic hardship; bodies continue to wash up on the Spanish shore every week.[48]

Furthermore, while the flow of illegal Moroccan immigration continues at an increasing rate, many (temporarily) legal migrants are also forced to assume a clandestine lifestyle. Oftentimes, Spanish immigration law systematically "irregularizes people by making it all but impossible to retain legal status over time."[49] For example, the law stipulates that whenever an immigrant changes his job, he must re-apply for both a residence and work permit. The contradiction therein is that if a 'legal' migrant becomes unemployed, he loses his resident's status and must thus leave the country. Therefore there is more incentive for immigrants (and their employers) to participate in the underground economy and go undocumented, rather than to attempt to acquire a legality that is purposely precarious. These "lapses into illegality," which are built into Spanish

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[44] Rodrigez-Melguizo and King, 58.

[45] Ibid. The *ley corcuera* granted police the power to stop migrants on the street and demand documents, which gave a lot of discretion to officers. Because they were easy to differentiate from most people, the implication is that Moroccans and black Africans were the main targets of the law.

[46] Rodriguez-Melguizo and King, 64.

[47] Ibid. In 1985, out of 58,000 illegal immigrants to be legalized, 18.1 percent were Moroccan. In 1991, Moroccans accounted for an overwhelming 44.5 percent of the total. The latter regularization significantly changed the demographic and social composition of the migrant population in Spain to more accurately reflect the young male Moroccan presence in the country.

[48] P. Ejime, "Africa's shame in Spanish enclaves immigration saga," This Tuesday: Logs on migration, labor, transnational organizing, October 13, 2005, http://thistuesday.org/node/112, (accessed January 13, 2008).

[49] Calavita, "Immigration, Law, and Marginalization", 5.

immigration law,[50] make the boundary between a legal status and an illegal status a blurry one.

The Foreigners' Law was followed in January 2000 with another piece of legislation titled "Law on the Rights and Liberties of Foreigners in Spain and Their Social Integration,"[51] and then again by LO 8/2000, also known as the "Counter-Reformation,"[52] so named because it constituted a conservative backlash against the more liberal LO 4/2000 law that expanded the rights of immigrants and their access to social services and education. Along with a new legalization program, LO 4/2000 provided the right to public education to all immigrant children (regardless of their legal status), the right to access the national health care system, public housing services and social security protections.[53] It was passed amidst fierce opposition from Prime Minister Anznar's center-right government, which repealed many of its most generous provisions only months later with LO 8/2000.

Aznar's party won the national elections and came to power on a wave of popular resentment that occurred following the violent events in El Ejido,[54] which Aznar claimed transpired because the lax nature of LO 4/2000 "implicitly encourage[ed] immigration."[55] LO 8/2000 currently denies illegal immigrants the rights of assembly, collective bargaining, striking, and joining labor unions. It also eliminates most of their rights to social services. In addition, in a blatant shift toward a more "policing orientation"[56] and the criminalization of immigration itself, the law has provided the Department of Interior with more responsibility for immigration issues.

In spite of the differences between LO 4/2000 and LO 8/2000, both retained integration as the stated intention. Paradoxically however, the effect of LO 8/2000 has been essentially to reduce the rights of both legal and illegal immigrants.[57] In addition, Spanish immigration policy has increasingly adopted a

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[50] Ibid., 5.

[51] This law is also known as LO 4/2000 (Calavita, *Immigrants at the margins*).

[52] Calavita, *Immigrants at the margins*, 30.

[53] Ibid., 30.

[54] El Ejido is a small town in Andalusia, Spain's southernmost province. In February 2000, several thousand local men and women went on a four-day rampage, destroying businesses owned by Moroccans. The violence erupted at the funeral of a 26 year-old Spanish woman who had been murdered by a Moroccan. Her death had been preceded two weeks earlier by the murder of two Spanish farmers, also at the hands of a Moroccan (Webster - see note 141).

[55] Calavita, *Immigrants at the margins,* 33.

[56] Ibid., 34.

[57] Ibid., 34.

police function that endeavors more to control inflows than it does to ensure the welfare of immigrants who already reside there. It has become increasingly evident that the Spanish government's attempt at a proper integration policy has not only been ineffective, but it has gone so far as to promote the marginalization of migrants.[58] This exclusion of developing world immigrants is so pervasive that it is socially and culturally entrenched in Spanish society.

The distinction between the 'marginal' and 'elite' immigrants discussed earlier is portrayed by popular parlance, in which:

> a distinction is made between 'extranjeros' [foreigners] and 'inmigrantes' [immigrants], with the latter reserved for people who come from less developed countries seeking work.[59]

This popular attitude towards immigrants is reflected in survey results from the mid-nineties, which indicate a lack of faith on the part of Spanish society in the ability of Black Africans to effectively integrate. According to a 1994 survey conducted by the Centro de Investigaciones sobre la Realidad Social (CIRES), the perception of Spanish citizens regarding North Africans and Black Africans is that "integration would be problematic for the Africans…due basically to linguistic and cultural factors."[60] What this indicates is that Spanish society's perception of integration is an assimilationist one which demands that migrants forgo their "distinctive linguistic, religious and other socio-cultural characteristics" in order to conform to those of the host population.[61]

Therein lies the contradiction that these policies pose. The laws not only create but foster an atmosphere of exclusion so that Moroccan immigrants are never made to feel like citizens of their host society. As a result, they tend to cling to their own traditions and fraternize in their own Muslim circles and communities. This then validates the claims of Spanish society that the Moroccan immigrants are not making an effort to integrate themselves, even though Spanish society claims that this is what these laws strive to accomplish. Thus there is a dual assumption that the Moroccans need to integrate but that they are unwilling to.[62] In a sense then, Spanish society feels justified in assuming its discriminatory stance.

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[58] Rodriguez-Melguizo and King, 66.

[59] Calavita, *Immigrants at the margins,* 57.

[60] This was in contrast to their assessment of Latin American immigrants, whom survey respondents said could integrate easier than Africans, and were thus more accepted (Rodriguez–Melguizo and King).

[61] Rodriguez-Melguizo and King, 74.

[62] Ibid., 62.

However, the tendency of Moroccan immigrants to keep to their own circles feeds on Spanish society's deep-rooted negative image of Islam and fears of a "Muslim menace."[63] The large numbers of young, male Moroccans also contributes to these apprehensions. In 2007, the imam of Madrid's largest mosque described the heavy presence of African Muslims as a "time bomb."[64] His characterization was upsetting to many native Spanish people because it seemingly alluded to the bombing of the commuter trains that occurred in 2004, allegedly by young Moroccans who touted Al Qaeda's ideology. However, he was only affirming the concerns that many Muslim leaders have expressed over Spain's increasingly stringent immigration policies, which encourage the deportation of the young immigrants.[65] Their belief is that these policies of control will only increase the likelihood of radicalization among young Moroccans,[66] who feel slighted by their host society's unwillingness to integrate them.

For these reasons, Moroccan immigration is perceived by Spanish society as the least desirable and the most problematic, challenging and 'threatening', both for Spanish society in general, and the authorities. In fact, what the Spanish survey data presented by the CIRES strongly indicates is that "there is a significant and worrying level of apprehension and scorn towards illegal migrants without employment and stable housing, and towards Moroccans in particular."[67] Ironically, by nature, Spanish immigration policy deprives immigrants of the very things, such as housing and employment, which make them citizens in the eyes of the society. The perverse effect here is to reinforce the perception that this group has no connection to the host society and that it is unwilling to integrate. This thereby justifies the host government's defensive immigration policies, all as part of a vicious cycle.

What the approach of Spanish immigration policy lacks is a sound consideration of the fact that integration is a process and a constant negotiation between the host society and the immigrants. It is not merely an end. Integration is a result of "a path of…cultural understanding" and requires "tolerance for difference among

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[63] Rodriguez-Melguizo and King, 68.

[64] Jerome Socolovsky, "Numbers Unaccompanied Under-aged Migrants from Africa on Rise in Spain," *Network Europe*, September 14, 2007, http://www.networkeurope.org/feature/numbers -unaccompanied-nderaged-migrants-from-africa-on-rise-in-spain, (accessed November 20, 2007).

[65] Ibid.

[66] Muslim leaders have suggested that Spanish officials should focus their efforts on integrating them into society and helping them find jobs, something which current immigration policies fail to do (Socolovsky).

[67] Rodriguez-Melguizo and King, 63.

the native population."[68] However, according to the Minister of Immigration in 2002, "at most, Spain might be a 'multi-ethnic' society—presumably comprised of those who have *shed* their foreign 'cultures.'"[69] The head of the Forum for Social Integration of Immigrants has gone so far as to publicly characterize multiculturalism as "unacceptable," a "gangrene"[70] that plagues Spanish society, as if multiculturalism will somehow cause its decay. What this suggests is unwillingness on the part of government officials to create laws which protect the identity of outsiders, perhaps out of a fear that such laws, which encourage the preservation of national culture and language, would change the social disposition of their communities. This is the reality that officials in the Netherlands are now faced with in their society; after three decades of having in place an immigration policy that emphasized multiculturalism, the Dutch government is scrambling to deal with the paradoxically divisive effect the policy has had on its society.

The Netherlands: A Policy of Multiculturalism Leads to Social and Political Backlash

For many groups of immigrants, the lure of the Netherlands has long been the country's reputation for tolerance and acceptance of people based in difference. Thus, the reception of Dutch society to the presence of Moroccan migrants in their country was markedly different from that of Spanish society—at least initially. Indeed, for decades the Netherlands has been perceived as "a glowing example of multi-ethnic tolerance, making huge efforts to make immigrants feel at home."[71] In the 1960s, the government imported tens of thousands of young males from Islamic countries to work temporarily in Holland's burgeoning industries. Among these were migrants from the Rif Mountains of Morocco, most of who were illiterate and had a very basic understanding of spoken Dutch.[72]

Although the demand for this unskilled labor, and thus the need for more migrants, declined in the 1980s and 1990s, this surplus of "guest workers" did not return to Morocco[73] due to poor labor market conditions in that source

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[68] Calavita, *Immigrants at the margins*, 77.

[69] Ibid., 95. Emphasis added.

[70] Ibid., 77.

[71] Evans-Pritchard.

[72] Leon de Winter, "The Netherlands: Tolerating a time bomb," *International Herald Tribune*, July 18, 2005, http://www.iht.com/articles/2005/07/17/opinion/edwinter.php, (accessed November 23, 2007).

[73] Statistics Netherlands, "Two in every three Moroccans from Morocco are still living in the Netherlands," July 19, 2004, http://www.cbs.nl/en-GB/menu/themas/bevolking/publicaties/ artikelen/archief/2004/2004-1498-wm.htm, (accessed October 18, 2007).

country and to the Netherlands' relatively lax immigration policy. As part of the Dutch government's adherence to a multicultural tradition, the migrants were not only permitted to stay but were also encouraged to maintain their linguistic and cultural identities.[74] Furthermore, they were provided with extensive social benefits and the opportunity to have their family in Morocco come up and reunite with them.[75] As a result, Moroccan immigration to the Netherlands increased dramatically during that period of time and "seemed to run out of control."[76] This brought forth new concerns on the part of the government regarding the place of immigrants and their offspring within Dutch society.[77] The unease stemmed from the fact that functioning of the Netherlands as a highly developed welfare state "depends on a…system of 'pluralistic integration,'"[78] to which multiculturalism's segregating effect poses an obstacle. The existence of ethnic minorities, or Others, is completely contrary to the notion of a welfare state, and is in fact considered a threat to it since "permanently marginalized groups are likely to form sources of conflict and tension."[79]

What a system of pluralistic integration emphasizes is a common Dutch culture to which all individuals within the society have access, but it also insists on "sustaining minorities' efforts to preserve and enhance their integrity."[80] Thus value is attributed to the "ethnic nuclei" of immigrant groups, but their boundaries remain permeable, an approach which acknowledges that "members of most groups identify with their ethnic groups with varying degrees of intensity while also pursuing some aspects of integration into the host society."[81] This becomes more ingrained with each succeeding generation. Thus there's recognition of the need for a national cultural community, and, in that sense, a notion of solidarity and unification, but it does not undermine the existence of ethnic sub-cultures. According to pluralistic integration, immigrant organizations and their leadership have the potential to play an important role in social and

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[74] Mark Baker, "Netherlands: Dutch Immigration (Part 1)—The Death of Multiculturalism," *RadioFreeEurope: RadioLiberty*, November 23, 2004, http://www.rferl.org/featuresarticle/2004/11/922941ab-4df5-47ef-87da1d726d9f1db0.html (accessed October 15, 2007).

[75] de Winter.

[76] Hans van Amersfoort, H. "Migration Control and Minority Policy: The Case of the Netherlands," in *Mechanisms of immigration control*, eds. G. Brochmann and T. Hammar, (New York: Berg, 1999), 136.

[77] Ibid. These concerns were initially brought up in a White Paper published by the government in 1983.

[78] Ibid., 136: "The Dutch government guarantees every inhabitant a certain level of income, a certain standard of housing, access to health care and has a system of compulsory education for all inhabitants between five and sixteen years of age."

[79] Ibid., 156.

[80] Tariq Modood, Anna Triandafyllidou, and Ricard Zapata-Barrero, *Multiculturalism, Muslims, and citizenship: a European approach* (New York: Routledge, 1999), 174.

[81] Ibid., 173.

political integration. The Dutch government's implementation of the Minorities Policy in the 1980s attempted to take advantage of this but was unsuccessful due to society's misperception of the role of these organizations.

In contrast to pluralistic integration, the implementation of the Minorities Policy in the 1980s aptly portrays how inherently isolationist multiculturalism tends to be, despite its intention to increase the participation of immigrants. The creators of the policy "saw the Netherlands as a multi-ethnic society[82] with the expression of ethnic differences by immigrants an important part of their social identity, which should be protected."[83] However, this policy was not directed at the immigrant population in general. At this point in time, Dutch government officials were becoming aware that the position and participation of some groups of immigrants in the areas of education, employment and housing were "far weaker" than those of native Dutch people.[84] Thus, the Minorities Policy was intended for those immigrant groups who:

> do not participate on an equal base in Dutch society and whose low participation tends to be continued over the generations. The general aim of this policy is to enhance the participation in society of these immigrant groups.[85]

In this sense, the same distinction that is made by Spanish society between 'marginal' and 'elite' immigrants within its borders is also evident in the Netherlands, where the attitude towards migration from the developed world is positive but, conversely, "at least reserved if not outright negative for migration from the less-developed world."[86] While in neither society were immigrants outright accepted into mainstream society, the distinction between the treatment of developing world immigrants in the two countries is that in Spain, the cultural differences between immigrants and locals were actively discouraged, whereas for a period of time in the Netherlands, they were essentially promoted.

In the spirit of multiculturalism, the Minorities Policy sought to use immigrant organizations and leadership as conduits through which to lower the high unemployment and improve young immigrants' access to education. In Amsterdam, for example, the local government published a Framework Paper

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[82] Recall that the Spanish government was completely opposed to a multi-ethnic society.

[83] Andrew Geddes, *The politics of migration and immigration in Europe* (London: Sage, 2003), 114.

[84] Thijl Sunier, "Post-Migration Islam: Negotiating Space in Dutch Society," in *Identity and integration: migrants in Western Europe*, eds. R. Sackmann, B. Peters, and T. Faist (Burlington: Ashgate, 2003), 136.

[85] van Amersfoort, 155.

[86] Ibid., 136.

on Municipal Minorities Policy in 1989, which argued that migrant organizations should "play a key role in the formation and implementation of minorities policies."[87] The paper reasoned that these organizations could act as liaisons for groups and communities that are difficult to reach by government and could thus serve to facilitate a better working relationship between these two parties. Furthermore, migrant organizations were to play a more active role in implementing policies by working more closely with mainstream organizations.[88]

However, this endeavor ultimately backfired due to native Dutch citizens' shortsighted view of the role of these organizations in their society. To them, the persistence of Muslim organizations in particular was a testament to the fact that the integration of Moroccan immigrants was not happening. Moroccan immigrants' affiliation with these organizations suggested to Dutch society that they carried some sort of "cultural baggage from the country of origin."[89] The Dutch perception that these organizations constituted some sort of "source of cultural continuity"[90] fueled society's opinion that Moroccans were not making an effort to participate in Dutch society.

Furthermore, the secular Dutch society was becoming increasingly intolerant of religious expression,[91] which exacerbated the situation, creating more tension between them and the Moroccan immigrant minority. The Muslim organizations were seen as a breeding ground for Islamic fundamentalists, and Moroccans' affiliation with them was viewed by Dutch society with fear. Islam thus became disconnected from the social context in which it was embedded, i.e. as an intermediary between the migrant 'community' and the host society.[92] To native Dutch people, it became the defining aspect of Moroccan social identity, some-thing that clearly set them apart from native Dutch citizens. In this way, the Minorities Policy was very divisive and supported flawed assumptions of native Dutch people about the inability and unwillingness of Moroccan immigrants to partake in Dutch society. However, these assumptions failed to account for the fact that "Islamic organizations increasingly perform[ed] duties and services which

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[87] Meindert Fennema and Jean Tillie, "Do immigrant policies matter? Ethnic civic communities and immigrant policies in Amsterdam, Liege and Zurich,"in *Citizenship in European cities: immigrants, local politics, and integration policies*, Research in migration and ethnic relations series, eds. R. Penninx, et al (Aldershot: Ashgate, 2004), 92.

[88] Ibid., 92.

[89] Sunier, 129.

[90] Ibid., 129.

[91] Charles M. Sennott, "Killing fuels Dutch clash of cultures," *The Boston Globe*, November 20, 2004, http://www.boston.com/news/world/europe/articles/2004/11/20/killing_fuels_dutch_clash_of_cultures/ (accessed November 23, 2007).

[92] Sunier, 128.

[went] beyond strictly religious matters,"[93] namely those that Dutch society was not providing the immigrants.

In this way, the introduction of the Minorities Policy actually created the perception that immigration was producing social problems. No longer were Moroccans merely a group of non-integrated migrants; instead, they came to be seen as a fifth column in Dutch society.[94] Thus when the objectives of the Minorities Policy were not easily attained, those involved in implementing the policy became convinced that strict regulation of the flow of developing world migrants into the Netherlands was a prerequisite for an effective integration policy.[95] In this sense, Dutch immigration policy developed during the mid-1990s along the same lines that Spain's did—that is, towards a policy of control. Ironically, the pursuit for more control over migration contradicted with the purported objective of the Minorities Policy "to include the immigrant populations as soon as possible in the social fabric of society."[96]

These control mechanisms included the use of both internal and external regulation. The purpose of external controls was to prevent unwanted, i.e. undesirable, immigrants from entering the country. In Rotterdam, for example, measures were taken to deter more poor immigrants. The city also closed itself off to new asylum seekers for four years starting in 2004.[97] The work permit, which was originally a means to protect the indigenous worker on the labor market, is now used to control migration to the Netherlands.[98] In spite of these external control mechanisms, many immigrants still managed to make their way into the Netherlands, where the government's strategy was to exclude them from society and the labor market through sanctions against employers, identification obligations and a more selective approach to deciding recipients of welfare benefits.[99] These internal control mechanisms were intended to make illegal residency more challenging but were implemented under the guise of discouraging fraud and tax evasion.[100]

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[93] Ibid., 129.

[94] Ibid., 137.

[95] van Amersfoort, 157.

[96] Ibid., 165.

[97] Evans-Pritchard.

[98] The use of the work permit as a tool of control is not exclusive to the Netherlands and was also used extensively in Spain to control who was allowed into the country.

[99] van Amersfoort, 164.

[100] Ibid., 164.

Conversely, if immigrants wanted to obtain legal residency, they were made to undergo rigorous and often lengthy examination procedures,[101] which precluded them from entering the labor market unless they were granted stay by the government. For those who were refused, a small portion returned to their country of origin, but as much as 70 percent disappeared to the peripheries of Dutch society, adding to the number of illegal residents.[102] Thus, the objective of controlling immigrant flows also had the perverse and paradoxical effect of creating more illegality rather than reducing it, which was the same problem created by the Spanish immigration policy. Moreover, the ineffective control mechanisms resulted in an unanticipated and far more serious problem: the creation of a marginalized subpopulation of nearly one million Muslims in a country with a population of 16 million people.[103] Thus the effect of thirty years of multiculturalism and the implementation of the Minorities Policy had been essentially to create a group of disaffected and disillusioned Muslims, who lived their lives in "their own parallel society…alienated from the Dutch mainstream."[104] Ironically, the formation of groups of 'ethnic minorities' was precisely what Dutch society had feared and policymakers had tried to prevent from happening all along.

During the mid to late 1990s, the Dutch government's doubts regarding multiculturalism's tangibility and desirability were replaced altogether by a growing aversion to the policy. Society was questioning the definition and purpose of multiculturalism, i.e. "whether it meant there was one society of many cultures, or effectively multiple societies that would ultimately clash."[105] The situation became more worrisome as the Dutch population increased. The Muslim subculture was also growing quickly in large cities, with between 70 and 80 percent of Dutch-born members of immigrant families importing their spouse from their home country.[106] In response, where integration was lacking from previous policies,[107] it became central at this period of time. In 1994, new legislation replaced the Minorities Policy with integration policy, whereby

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[101] Ibid., 164.

[102] Ibid., 164.

[103] Baker.

[104] Jennifer Hamm, "Purse-snatching Death Fans Dutch Debate on Intolerance," *The Berkely Daily Planet*, April 1, 2005, http://www.berkeleydailyplanet.com/issue/2005-04 01/article/21072?headline=Purse-Snatching-Death-Fans-Dutch-Debate-on-Intolerance-By-JENNIFER-HAMM&status=301, (accessed November 20, 2007).

[105] Joanne van Selm, "The Netherlands: Death of a Filmmaker Shakes a Nation," Migration Policy Institute, October 2005, http://www.migrationinformation.org/Profiles/display.cfm?ID=341, (accessed January 3, 2008).

[106] Evans-Pritchard, *UK Daily Telegraph*.

[107] "'Integration' was explicitly not chosen as a policy objective, as it was not considered a viable notion for implementing [immigration] policy" (Fennema and Tillie 92).

integration was redefined as "a process leading to the full and equal participation of individuals and groups in society, for which mutual respect for identity is seen as a necessary condition."[108]

Andre Krouwel, a political scientist at the Free University in Amsterdam, characterized the new approach to immigration policy in the following way:

> No longer is the model that ethnic minorities should basically organize themselves, have separate organizations, cultural organizations, sports organizations, political organization in terms of unions, and all kinds of representational organizations. That is no longer the case. They now have to participate in the Dutch mainstream organizations.[109]

In Amsterdam, for example, the policy focus shifted abruptly away from migrant organizations and focused more on individuals, as a result of a fear that "an inward-looking attitude" on the part of these organizations would be detrimental to the "emancipation process"[110] This was reflected in a new policy paper, titled *De Kracht van een Diverse Stad* ('The Strength of a Diverse City'), which was meant to replace the outdated Minorities Policy paper published ten years earlier.[111] Furthermore, the integration policy emphasized the need for more participation in Dutch society by immigrants, implying that some identification with and commitment to Dutch society was expected from newcomers.[112] In stark contrast to earlier Dutch immigration policies, new ones were "phrased in such a way as if a preservation of one's culture would inhibit a full-fledged participation in the central institutions of society."[113]

The ultimate demise of multiculturalism, accompanied by the return of the citizen, came about as a result of the rise in 2001 of the populist Pim Fortuyn, who rigorously defended the Dutch identity against what he characterized as the "Islamification of Dutch culture."[114] Fortuyn deemed Islam a "backwards religion" and blamed it for the deterioration of the Dutch quality of life. His political success was attributed to his ability to voice the resentment and fear of native Dutch citizens in urban neighborhoods, who felt threatened by the "unrelenting

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[108] Geddes, 116.

[109] Baker.

[110] Fennema and Tillie, 93.

[111] Ibid., 93.

[112] Geddes, 116.

[113] Sunier, 136-137.

[114] Peter Maarten Vink, *Limits of European citizenship: European integration and domestic immigration policies,* Migration, minorities, and citizenship (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2005), 166.

influx of immigrants."[115] Ironically, they felt marginalized within their own society by what once were ethnic minorities but were now ethnic majorities. Fortuyn's party was able to harness this discontentment and win the election in 2001, one week after his assassination at the hands of an animal rights activist. This victory dramatically altered the policy approach of the Dutch political system with regard to immigration.

Fortuyn's influence was pervasive and far-reaching, even posthumously. In 2004, the Dutch Parliament produced a 2500 all-party report in response to his critique of Dutch immigration policy, which he claimed was breeding militant Islam and facilitating over-crowding. The root of the problem was found to be cultural and was attributed to the failure of first-generation immigrants to integrate when they first arrived to the Netherlands in the 1960s and 1970s.[116] Fortuyn's concern was that the "fast-growing Muslim sub-culture" was threatening Holland's way of life.[117] Among the mistakes the report claims the government made was encouraging children to speak their native language, rather than Dutch, in primary schools. In many Moroccan-Dutch households, the children are raised speaking Berber or Arabic and are thus at a great disadvantage when they start school with their Dutch-speaking peers. Their inability to communicate in the host society's language is an Othering label, as is their dark skin color. As a result, Moroccan youth are deemed society's "poor black sheep" well into the second and third generation.[118] The report's conclusion was that "Holland's 850,000 Muslims must become Dutch if the country was to hold together."[119]

Today, in spite of the barriers put into place by the Dutch government and the hostility they face from Dutch society, Moroccan immigrants continue to make their way to the Netherlands. In fact, the settled immigrant population has become the most important factor in the further development of legal Moroccan immigration into the Netherlands.[120] They are highly concentrated in urban areas where they have formed their own communities, with their own religious and cultural institutions. Moreover, these communities of settled immigrants offer a

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[115] H. Priemus, "The Dutch Approach to Planning for Multiculturalism post Fortuyn," *Migration and Cultural Inclusion in the European City*, Eds W.J.V. Neill and H. Schwedler. (Basingstoke [England]: Palgrave Macmillan, 2007), 103.

[116] Jason Burke, "The murder that shattered Holland's liberal dream," *The Observer*, November 7, 2004, http://www.guardian.co.uk/world/2004/nov/07/terrorism.religion, (accessed October 12, 2007).

[117] Evans-Pritchard.

[118] Priemus, 111.

[119] Evans-Pritchard.

[120] van Amersfoort, 149.

stepping-stone for 'overstaying visitors' and other forms of illegal immigration.[121] Multiculturalism has paradoxically served as a "policy of cultural segregation,"[122] forcing Moroccan immigrants to the peripheries of society, where they naturally congregate together. The large gatherings of Muslims have only increased the fear of Islamic radicalism in Dutch society and reinforced the defensive immigration policies already in place, which attempt to control their movement into the country.

These policies of control have in turn increased the amount of illegal immigration to the country by providing immigrants the opportunity to participate in the underground economy and live their whole lives as undocumented workers. As a result, their children never get to experience the benefits of citizenship and belonging that they expected to. Instead, generation after generation, Dutch-born Moroccan youth experience the same alienation and Othering as their first generation predecessors did. These youth are more sensitive to this exclusion than their parents, and are thus more prone to expressing their frustration through violence against the society which never accepts them. These acts of violence only justify more defensive immigration policies of the Dutch government and seemingly substantiate the opinion of society that Moroccans are unable and unwilling to integrate. Similar to Moroccans' experience in Spain, these immigrants are caught up in an unbreakable cycle of Othering and exclusion.

Identity Politics vs. the Politics of Belonging Create the Inevitable Culture Clash Between Citizen and Non-Citizen

There are striking similarities between the treatment of Moroccan immigrants by the immigration law and polices of Spain and the Netherlands. In spite of their differing policy histories and traditions, both countries have implemented laws which have effectively served to stigmatize the genre of "immigrant," to demonize and criminalize it. Ultimately, neither policy has protected the identities of these non-citizens, nor has it helped immigrants achieve the status of citizen. In fact, in many ways, both policies have only hindered immigrant efforts to integrate.

In Spain, "the lack of consistent integration policies, and a (real or perceived) stagnation of integration processes" has created a predominantly negative perception of migration and of immigrants, thereby strengthening the

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[121] Ibid., 149.
[122] Ibid., 111.

government's case for more defensive policies.[123] Moreover, this rhetoric of control and integration has had the effect of controlling the immigrant rather than controlling immigration by "defin[ing] the parameters of foreigners' inclusion or exclusion in the national community and the corresponding limitations on their rights and freedoms."[124] Their selective exclusion from sectors of society such as the labor market, housing and education has been completely contrary to any notion of integration that these polices may have purported to achieve, and suggests that these laws intended to keep immigrants in their temporary state because that was a category which made them most useful to Spanish society, not merely for economic purposes, but for a sense of national security as well. It was convenient to have the category of "Other" in order to define and legitimate the category of "citizen":

> Legal decision systems of place making within a society require the establishment of boundaries between what something is and what it is not…Such a binary, 'Eurocentric' view…is imperialist [and] self-legitimating rather than self-reflexive…[125]

The dichotomies of immigrant/citizen or stranger/ member,[126] which these laws have inculcated into Spanish and Dutch society, have served to displace Other minority ethnic identities. Indeed, this has become increasingly evident in the Netherlands as well. Whether proponents of a policy of multiculturalism realize it or not, multiculturalism is inherently difference-centered and was used as a divisive tool in Dutch society. It set up barriers under the guise of protecting social and cultural identity, but was in reality:

> merely a tokenistic gift of the powerful to the weak which simply serves to confront the weak with a double bind, in which to refuse the gift is to lose; to accept the gift is to lose.[127]

In other words, a policy of multiculturalism became an excuse for the government to ignore the feelings and perceptions of ethnic and native people within Dutch society. Tolerance has been confused with a blatant denial of the

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[123] Rinus Penninx and Marco Martiniello, "Integration Processes and Policies: State of the Art and Lessons,"in *Citizenship in European cities: immigrants, local politics and integration policies,* eds. R. Penninx, et al (Burlington: Ashgate Publishing Company, 2004), 157.

[124] Calavita, "Immigration, Law, and Marginalization", 23.

[125] J. Hillier, "Multiethnicity and the Negotiation of Place," in *Migration and cultural inclusion in the European city*, eds W. J. V. Neill and H. Schwedler (Basingstoke: Palgrave Macmillan, 2007), 83

[126] Calavita, "Immigration, Law, and Marginalization", 22.

[127] Hillier, 83.

problems created by this policy.[128] Simply encouraging the existence of multiple cultures or ethnicities is not sufficient; instead "the ontologies of other peoples need to be understood and engaged with in active partnerships,"[129] such as those promoted between migrant organizations and mainstream ones by the system of pluralistic integration. The Netherlands' tradition of tolerance is well-intentioned but it is also flawed because it inevitably creates an us/them dichotomy. If the Netherlands wants to move towards a truly integrated but multi-ethnic society, place-making must be negotiated and inclusive, which requires that the transformation to citizen must not only "be concerned with 'them,' the 'Others,'" but rather, "it must also dislocate the position and rupture the prerogative of 'us.'"[130]

The demographic of young, often Dutch or Spanish-born, mostly Muslim Moroccan immigrants is a particularly subversive category. Today, resentment is brewing among children of disappointed Islamic immigrants[131] and Moroccan youth in general, whose dreams of a better life in Dutch and Spanish society are yet to be fulfilled. For many first generation immigrants, the option of returning to Morocco serves as a sort of survival strategy, which makes them "more or less immune to stigmatization and discrimination."[132] However, this alienation remains poignant for their offspring, for whom the psychological function of the option of returning to their country of origin does not serve the same purpose. Because of this weaker connection with their homeland, the orientation of second and third generation Moroccans towards their host society is stronger and their expectation of what it will provide them in socio-economic terms is thus naturally higher than that of first generation immigrants.[133] As a result, young Moroccan immigrants are often "more sensitive to mechanisms of real or perceived exclusion" by the law, and they are more disposed to resist this.[134] Their resistance, however, is often portrayed by the media as radicalism, and perceived by Dutch society as an unnecessarily aggressive and violent reaction towards their society and its values. One popular newspaper characterized the situation in the Netherlands in the following way:

> In the longer term, we must somehow stimulate young Muslims to identify
> with the Calvinist values of the majority. The radicalization among small groups

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[128] Priemus, 107.
[129] Hillier, 83.
[130] Ibid., 84.
[131] de Winter.
[132] Sunier, 141.
[133] Ibid., 141.
[134] Ibid., 139.

of young Muslims, a threat that cannot be fought within Holland's borders alone, is a time bomb.[135]

This account, however, does not discuss the law's role in Othering this group over generations or their frustration and alienation and their subsequent disillusionment with Dutch society. There is an inherent unawareness, in both Spain and the Netherlands, of what Islam signifies for young Moroccan immigrants in their new society; there is only fear. For young second and third generation Moroccan immigrants, Islam is a system of ethics in which "fragmented life experiences are symbolically linked together in a new discourse."[136] The notion of "religious community" is constantly being reproduced and renegotiated within the context of their changing circumstances.[137] However, host societies seem unable or perhaps unwilling to separate Moroccans from their context of Otherness, a reflection of the exclusivity expressed by immigration policies and something which is quite contrary to the notion of citizenship altogether.[138] Clashes occur when young Moroccans with expectations of socio-economic success encounter a closed society, where there is no room for further integration, cooperation or compromise between their Islamic principles and the principles of the host society. Thus, this resistance is emblematic of more egregious social problems which have been essentially overlooked or even worse, ignored, by the government and have come to beleaguer both Spanish and Dutch society. In those cases, it should not be surprising that a radical discourse is produced.

Recent violent events in both Spain and the Netherlands suggest that this is exactly what is happening. In Amsterdam, Theodore van Gogh, a popular documentary filmmaker and great grand nephew to Vincent van Gogh, was murdered by a 26 year-old Dutch-born Moroccan immigrant, who sought to quell van Gogh's insults against the prophet Mohamed. When this shocking incident occurred in 2004, it confirmed what many native Dutch people already perceived to be true about Islam, i.e. that it is a very dangerous, violent religion and that those who practice it do not belong as part of their society.[139] Many felt that van Gogh was simply practicing his freedom of expression, as was apt in such a tolerant society. What's ironic is that this society, which was so proud of its

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[135] de Winter.

[136] Sunier, 140.

[137] Ibid., 140.

[138] Vink, 9.

[139] Jeroen Doomernik, "*The state of multiculturalism in the Netherlands*," Amsterdam University, 2006 http://www2.fmg.uva.nl/imes/publications/documents/ 1583_JDoomerni1.pdf, (accessed November 20, 2007).

tradition of tolerance, could not see that it was not applying this same tradition in its treatment of Moroccan immigrants.

Similarly, in the Spanish town of El Ejido, the murder of a 26 year-old Spanish woman in 2000, again by a young Dutch-born Moroccan male, sparked a rampage[140] by locals, who took to the streets destroying Moroccan-owned businesses and beating up Moroccans. In this town alone, there is anywhere between 5,000 and 12,000 unregistered immigrants who have helped turn El Ejido from one of the poorest towns in Andalusia into the wealthiest in per capita income, all in a single generation.[141] When these riots occurred, the Moroccans, who make up most of the workforce in the town, went on strike, causing £15 million in lost production. When asked about the more liberal immigration laws going into effect at the national level, Juan Enciso, the mayor of El Ejido at the time, stated that:

> [The immigrants] can't stay here. We don't want camps here…We have got to organize it so we can import workers, temporarily, and then they can go back to their own countries. My party has understood perfectly what the people of this town want.[142]

His words are widely representative of the views of native Spanish people and their government, as well as the views of the anti-immigrant mood in both his native Spain and in the Netherlands. It is also indicative of the fact that immigration policies in modern states are often a "a statement of communal self-determination because they are about a group of people committed to dividing, exchanging, and sharing social goods, first of all among themselves."[143] It is no wonder then, that following these violent events in both Spain and the Netherlands, the government response was to create more stringent policies of control, which, as elaborated on previously, have only had the effect of increasing illegality and creating more problems.

The attempt to control immigration seems to confirm that "citizenship in liberal democracy is after all a protection of relative privilege rather than a bundle of rights that appeal to universalistic values."[144] In other words, the notion of

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[140] It went on for four days and was the worst racial violence in recent Spanish history (Webster, see below).

[141] Justin Webster, "Racism rears its head in Andalucia," *New Statesman*, March 20, 2000, http://www.newstatesman.com/200003200017, (accessed November 15, 2007).

[142] Ibid.

[143] Vink, 9.

[144] Ibid., 9.

citizenship is often very exclusionary. It is intended to protect a certain group of people (i.e. citizens) and simultaneously to keep out those who don't belong. That's what is paradoxical about the Dutch and Spanish immigration policies—they ultimately only protect those who are citizens. Thus, neither law nor citizenship is a neutral category and both are inextricably linked.

However, in spite of the obstacles that Moroccan immigrants face, as long as the economy of their home country is suffering and as long as they are searching for a job, they will find a way to make the journey to Spain and the Netherlands in search of a better quality of life. Even during the strike in El Ejido, small boats filled with illegal immigrants were showing up on the beaches a few miles away. What is not so certain are the implications for Spanish and Dutch societies if their governments don't start meeting some of these expectations, or at least drastically altering their approach to immigration policy to break the cycle of exclusion and Othering. The aforementioned bouts of violence, and others that have occurred since then, suggest that tensions are reaching a head and many young Moroccan immigrants are no longer going to tolerate the treatment they have been receiving by their host society and the immigration laws they largely support.

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