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Order Versus Justice in Migration Policy: A Case Study of the Moroccan Immigrant Crisis in Ceuta, Spain

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Abstract
This study aims to analyze Spain's policy response to the Ceuta migration crisis in July-August 2026. This study also examines the role and influence of the European Union in managing crisis using the theoretical framework of the English School of International Relations. Through the concepts of the international society and the dilemma of order and justice, this study explicitly seeks to understand how the tension between Spain's national sovereignty and the collective norms of the European international society is negotiated through shared institutions. This research shows that Spain's policies emphasize border security and bilateral cooperation with Morocco as efforts to maintain regional order, while the European Union's involvement reflect the role of international institutions in mediating national interests and collective norms. Data of this research were collected through a literature review, analysis of news reports, official statements, and policy reports related to the crisis. The research concludes that the response to Ceuta crisis reflects Grotian logic, whereby cooperation among states in International society continues through shared institutions even when national interests and humanitarian norms are in tension with one another.

Abstrak

Penelitian ini bertujuan untuk menganalisis respons kebijakan Spanyol terhadap krisis migrasi Ceuta pada Juli–Agustus 2026. Penelitian ini juga mengkaji peran dan pengaruh Uni Eropa dalam mengelola krisis dengan menggunakan kerangka teoritis Mazhab Inggris dalam Hubungan Internasional. Melalui konsep masyarakat internasional serta dilema antara ketertiban dan keadilan, penelitian ini secara eksplisit berupaya

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memahami bagaimana ketegangan antara kedaulatan nasional Spanyol dan norma-norma kolektif masyarakat internasional Eropa dinegosiasikan melalui lembaga-lembaga bersama. Penelitian ini menunjukkan bahwa kebijakan Spanyol menekankan keamanan perbatasan dan kerja sama bilateral dengan Maroko sebagai upaya untuk menjaga ketertiban regional, sementara keterlibatan Uni Eropa mencerminkan peran lembaga-lembaga internasional dalam memediasi kepentingan nasional dan norma-norma kolektif. Data penelitian ini dikumpulkan melalui tinjauan pustaka, analisis laporan berita, pernyataan resmi, dan laporan kebijakan yang berkaitan dengan krisis tersebut. Penelitian ini menyimpulkan bahwa respons terhadap krisis Ceuta mencerminkan logika Grotius, di mana kerja sama antar-negara dalam masyarakat internasional tetap berlanjut melalui lembaga-lembaga bersama meskipun kepentingan nasional dan norma-norma kemanusiaan saling bertentangan.

Keywords: Ceuta Migration Crisis, English School, International Society, Spain Policy, European Union

Introduction

The political dynamics unfolding in Morocco triggered a surge in migration to Spain in July 2026. This is by no means the first such phenomenon in Spain-Morocco relations, these two countries share a long history and a strategic yet complex geopolitical relationship. Ceuta is a Spanish enclave located on the northern coast of Africa, directly bordering Morocco. The territory is separated by only a few kilometers by the Strait of Gibraltar, a narrow body of water that divides the continents of Europe and Africa. Additionally, this strait connects the Atlantic Ocean and the Mediterranean Sea.

Throughout its long history, Ceuta has been an autonomous city that has undergone various changes in political rule, ranging from Roman, Vandal, and Byzantine rule to Muslim rule following its conquest in the 8th century. After the Reconquista, Spain took control of Ceuta in 1580, and Ceuta chose to remain under Spanish rule, which was subsequently recognized and legally ratified through the Treaty of Lisbon in 1668.[1] However, the tension between Spain and Morocco over the border which occurs frequently stems from Morocco's claim that the enclave on the northern coast of Africa is geographically within Moroccan sovereignty. This strategic location has drawn attention and become a point of entry for undocumented immigrants heading to Europe due to its status as the European Union's only land border with the African continent. The first major migration crisis occurred in October 2005, when hundreds of migrants simultaneously attempted to breach the border fence, triggering clashes that left at least 13 people dead.[2] In 2015, the European Union's tightening of controls along the Libyan and Turkish routes once again triggered a migrant crisis, with migrants returning via land routes to Ceuta and Melilla. This made Ceuta one of the main entry points for migrants into the European Union; in 2018, a record 64.298 asylum-seeking migrants reached Spain via this route.[3]

In May 2021, a wave of asylum seekers, mostly Moroccans, including young people and children, once again stormed the Spanish enclaves in North Africa en masse. The incident was triggered by diplomatic rifts and tensions between Spain and Morocco, which allegedly arose after Spain provided medical care and protection at a Spanish hospital for Brahim Ghali, the leader of the Sahrawi Arab Democratic Republic, the independence movement for the Western Sahara region (*Front Polisario*) currently under Moroccan control. As a result, Morocco reportedly facilitated the migrants' entry and loosened security measures along the North African border as a form of indirect protest against Spain's actions.[4]

It was like déjà vu, the largest migration crisis in Ceuta's history occurred in late July 2026, when more than 70,000 people from Morocco arrived within a matter of hours, and at least 88 people were reported to have drowned while attempting to swim past the breakwater.[5] The Spanish government responded decisively to the situation by deploying the military to assist the Ceuta police. Local police and the Civil Guard also worked to direct thousands of illegal immigrants to the local immigration reception center. However, the 2026 incident set a record as the largest in history and occurred after Spain and Morocco strengthened their bilateral cooperation to curb illegal immigration, particularly following a Spanish Supreme Court ruling that prohibited the automatic return of asylum seekers arriving by sea. This ruling is believed to have been exploited by human smuggling networks to encourage more migrants to come to the Ceuta region. On the other hand, human rights organizations attribute the wave of migrants to economic factors such as high poverty rates and substandard living conditions.

Based on the background described above, this study seeks to answer fundamental questions regarding Spain's policies, whether those established internally as an exercise of sovereign state autonomy or bilateral policies agreed upon with Morocco to address the border crisis. Additionally, this study will examine the role and influence of the European Union as an international institution in addressing cross border issues occurring in Ceuta, Spain. This study is important because the 2026 Ceuta migration incident requires academic analysis to explain the emerging new dynamics, including changes in the landscape of Spain's deportation policies resulting from recent legal rulings and the European Union's collective response. Furthermore, this study aims to strengthen theoretical debate through the English School of thought, specifically the order-justice dialectic, examining the tension between efforts to maintain order which in this case, border security and stability and the demands of justice, namely the protection of the rights of migrants and asylum seekers.

Theoretical Framework

English School Theory

The English School is a theory in International Relations that positions itself as a middle ground between realism which views the world as an anarchic, unregulated system and cosmopolitanism or idealism which views the world as a unified global society. This theory emerged from the ideas of the Dutch thinker Hugo Grotius, who was involved in international law. He believed that moral standards of behavior are inherent in human nature and emphasized that social order is a natural law because, fundamentally, all humans desire a peaceful and organized society based on mutual agreement.[6] Simply put, Grotius believed that relations between states are determined not only by power and national interests, but also by laws, norms, and rules that bind states.[7] The English School subsequently used this line of thought to explain that an anarchic international system can still possess order because states can establish shared norms, rules, and institutions. In addition, Hedley Bull was a prominent figure in the English School for proposing the idea that states are the central actors shaping world order, yet they do not act independently without direction; rather, they are bound by international social norms. According to him, an anarchic society can endure because it is supported by five key institutions: the balance of power, international law, diplomacy, war, and the role of great powers.[8]

In case of Ceuta Crisis, this theory applied to see how far does Spain balance its national interest to protect their land with shared values, and to what extent is Spain willing to share norms and institutions and this is captured through a spectrum ranging from pluralism which emphasized sovereignty to solidarism which emphasized collective action. This theory also adhered to explain the crisis management through shared institutions and reflected the unfinished tension between order and justice.

International Society Concept

The international society is a concept put forward by the British School of Thought. Over time, this concept has come to refer to the idea that, although states lack a binding central authority to form a "society" their shared awareness of common interests and values has led to the creation of shared rules and institutions.[9] This is important because the members of the international society are sovereign states that are directly responsible for creating rules and ensuring that those rules function effectively. Thus, the level of solidarity among sovereign states can determine whether the social order is good or bad. Jack Robert Mellish[10] reinforces this concept by directly citing Bull's assertion that the international society is composed of three elements: common interests, rules, and institutions.

This framework is used to analyze the interactions between Spain, Morocco, and the European Union as part of the international society. Rather than acting independently, addressing and facing the crisis through open conflict or unilateral action, Ceuta migration crisis addressed through cooperation and shared rules. Spain did not act alone because it is bounded by domestic law, EU law, and court rulings, ensuring that every action remained strictly within the established legal framework. In this international society concept, beside Spain, Morocco also hold a role in maintaining the order. Even though Morocco is not a part of European countries, yet the security of Ceuta land also depends on Morocco control. It shows that international society is beyond European border. Moreover, in Ceuta crisis, European Union has a limit access to intervene this crisis due to Ceuta lies outside Schengen area. It means the action that EU took in this case can only provide upon Spain's request. This limit of EU's role portrayed that international society is not a supranational authority, but demonstrating a society of states.

The Dialectics of Order and Justice

From the perspective of the English School, the debate between order and justice is one of its most central theoretical pillars. Hedley Bull made significant contributions to the theory of international order. He argued that "order" would emerge if all parties were willing to abide by the rules governing their behavior. Bull defined international order as a pattern of activity that protects the fundamental and primary objectives of states within the international society.[11] Furthermore, "justice" is also a primary goal in the international society, however in practice, order and justice are often at odds with one another. The English school of thought emphasizes that justice and order are often distinct but equally valuable goals.[12] This contradiction has given rise to two perspectives within the English school of thought. The first perspective stems from a pluralistic international society that prioritizes order and advocates for state sovereignty and non-intervention. The second perspective stems from a solidarity-based international society that prioritizes justice over order and emphasizes collective action. Drawing on Bull's ideas, Harris argues that justice can in fact be viewed as an integral part of the very constitution of order itself.[13] This concept explains why Spain policy appears to be caught in a tug of war between maintaining firm control and adhering to legal obligations and the dialectic accounts for the divergence in stance within the EU. Some member states, such as Italy prioritize order and demand for Spain to be responsible for the crisis. Meanwhile, EU Commission seeks to balance supports border control while simultaneously insisting on law compliance and children protection.

Method

This study employs a descriptive-analytical qualitative approach a method aimed at providing description and interpretation of a sociopolitical

phenomenon, rather than measuring it statistically.[14] This approach was chosen because this study does not aim to quantitatively test cause-and-effect relationships but rather seeks to understand the meaning and dynamics behind Spain's policies and the European Union's role in responding to the crisis that occurred in Ceuta in 2026. Specifically, this study employs a case study strategy following the framework developed by Robert K. Yin[15] in Case Study Research and Applications: Design and Methods. Robert explains that case studies can be used when researchers wish to gain a deeper understanding of how and why a contemporary event one that is not entirely clear occurs, such as the phenomenon in Ceuta, which involved complex interactions between Spain's domestic policies, bilateral political dynamics with Morocco, and the European Union's collective governance.

The units of analysis in this study are the policies and actions of the two main actors: the Spanish government, as the state directly experiencing the crisis within its territory specifically, Ceuta, a territory located on the North African coast; and the European Union, including the European Commission and Frontex, as representatives of the regional international community involved in managing the crisis. This study uses secondary data, collected through document analysis in accordance with the principles outlined by Bowen(Bowen 2009) that document analysis is a valid method for qualitative research because it allows researchers to examine policies, official statements, and public discourse without having to be directly involved with the research subject. The data sources for this study include official documents and institutional statements, such as European Commission press releases and policy documents from the EU Pact on Migration and Asylum. Other sources consist of academic literature in the form of relevant journals and books, as well as credible media reports. Data were collected through document review and literature review by examining official documents, news archives, and academic literature relevant to the actors serving as units of analysis. These were then selected based on relevance, source credibility, and the recency of the information, following the criteria of authenticity, credibility, representativeness, and meaning in the document analysis method for social research.[16]

Result and Discussion

Spain Migration Policy

The issue of national borders is a highly sensitive and complex one, as it not only involves the states as the key actors but also touches on national stability and the security of the people themselves. The migrant crisis in Ceuta, Spain which, by status, remains part of the European Union has caused concern not only within Spain but also among other EU member states, leading to a divided and asymmetrical response from the EU that has sparked diplomatic tensions with Spain.[17]

This is not the first time Spain has faced a border and migration crisis. Spain has, in essence, had laws governing the rights and freedoms of foreign nationals within its territory under the framework of Spain's modern immigration law, which is rooted in *Ley Organica* 4/2000. It has been argued that this law has contained two conflicting principles for more than two decades, as seen in Articles 5 and 22, which guarantee migrants' rights to freedom of movement and legal assistance during deportation proceedings, while Article 25 grants the state broad authority to deny entry to and deport foreign nationals who do not meet administrative requirements.[18] From the perspective of the English legal tradition, the tension between the guarantee of rights and state control in Spanish law already reveals a conflict between justice and order.

When hundreds of migrants began storming the border, killing approximately 13 people in 2005, Spain began shifting its policy, not merely through written administrative regulations, but also toward multi-layered physical fortifications, including the addition of layers and the raising of border fences, the installation of barbed wire, motion sensors, thermal cameras, and an integrated surveillance system (SIVE) to monitor the border routes.[19] In addition to physical reinforcement, Spain has also begun to institutionalize the practice of *devoluciones en caliente* or hot returns high aims to immediately deport immigrants who cross the border without going through formal legal procedures. However, in practice, this has drawn significant criticism because it substantially contradicts the legal guarantees enshrined in *Ley Organica* 4/2000 and Amnesty International itself has assessed this practice as highly prone to human rights violations.[20] The practice of "hot returns" was subsequently attempted to be legalized under national law through the Citizen Security Act (*Ley de seguridad Ciudadana*) which was introduced to justify immediate deportations in Ceuta and Melilla. However, in 2017, Spain faced a lawsuit before the European Court of Human Rights (ECHR) regarding these direct deportations.[21]

Spain faced significant challenges regarding migration policy during the crisis in May 2021, which Morocco immediately exploited as a tool for diplomatic pressure following allegations of Spain's involvement in the medical care of the Polisario Front leader.[22] From this, it is clear that bilateral cooperation between Spain and Morocco is crucial and depends on Morocco's political will, particularly regarding border control. When Morocco eased border controls, thousands of asylum seekers entered Ceuta within 24 hours.[23] Subsequently, Spanish policy underwent a process of politicization and securitization and came to focus on two main frameworks: human rights and security.[24]

The cause of the wave of immigrants arriving in Ceuta in July 2026 has also sparked much speculation. With the total number of asylum seekers reaching tens of thousands in just two days, and a significant number of fatalities, this has

naturally elicited a variety of responses from many parties. Juan Jesus Vives, Ceuta's conservative leader, suspects that this influx of immigrants was encouraged and permitted by Rabat, as the wave of immigrants flooded the city of 84,000 residents.[25] Human rights organizations such as Human Rights Watch have stated that this influx is due to the economic pressures faced by immigrants in Morocco, causing them to flock to Spain in the hope of finding work and a better life.[26]

However, just before this crisis occurred, Spain implemented two domestic policy changes: a mass regularization program, a policy initiated by Prime Minister Pedro Sánchez, aimed at granting legal status to 500,000 undocumented immigrants by early 2026, and Supreme Court Ruling No. 814/2026, issued on June 29, to ban the practice of "hot returns" against immigrants intercepted at sea while attempting to reach Ceuta.[27] It has also been highlighted that disinformation regarding the Supreme Court's ruling may be circulating in the digital sphere and being exploited by some to encourage the arrival of immigrants. Regardless of the speculation circulating about the causes of this crisis, Pedro Sánchez views this as an attack on Spain's territorial sovereignty, consequently, the deployment of military and police forces to control the immigrants represents Spain's first step toward repatriating them.

Both the mass regularization policy and the Supreme Court's ruling on the abolition of "hot returns" mark a significant philosophical shift. From the perspective of the English legal tradition, Spain is, for the first time, prioritizing adherence to legal guarantees (justice) over the strict control policies (order) that have long dominated.

The Role and Influence of the European Union

The migration crisis in the European Union poses a major challenge caused by a surge in refugees arriving from outside the EU, particularly from the Middle East and Africa who cross borders, whether by land or sea, without official government authorization. The European Union has become a destination for many refugees worldwide, the majority of whom choose to migrate due to war, political oppression, terrorism, armed conflict in their home regions, or economic factors. In response to this issue, the European Union established a legal framework that defines and regulates migration and asylum, known as the Treaty on the Functioning of the European Union – TFEU.[28] The TFEU is part of the Treaty of Lisbon, which was adopted in 2007 and serves as the constitution and foundation of the European Union.[29] In the TFEU, the rules regarding border control, asylum, and migration are specifically set forth in Chapter 2, Articles 67, 77, 78, 79, and 80, which tend to be open-ended and ensure fairness regarding migrants' rights. In addition, there is a legislative framework for asylum and subsidiary protection, which provides for additional protection to be granted to

migrants who do not qualify for refugee status but have compelling reasons not to return to their country of origin.[30]

As the surge in refugees intensified in 2015, the European Union's migration and asylum policies shifted from an open system to stricter regulations focused on border security and expedited deportations. Some of the policies issued by the European Union include the European Agenda on Migration, the New Operational Plan for Operation Triton, the New Hotspot Concept, the Relocation Plan, the Dublin Regulation, which culminated in major reforms enacted in June 2026 as part of the New Pact on Migration and Asylum.[31] This pact offers a comprehensive approach to integrating the European Union's key solidarity policies while still giving EU member states the freedom to address the challenges they face and provide protection for those in need.[32]

In the case of Ceuta, this latest pact marks the first test since its official implementation. The solidarity promoted in this latest pact has not yet fully materialized as intended. The slow response from the European Commission and the Council of the European Union also tends to prioritize rapid mass repatriation over carrying out asylum relocation procedures.[33] Instead of sharing the burden, some countries have singled out Spain for criticism and taken unilateral action in response to the migration crisis. Several European Union countries, such as Italy, Finland, Denmark, and the Czech Republic, have urged the European Union to suspend the Schengen visa-free policy with Spain in order to prevent secondary migrant movements into their territories. Germany too, has become wary and has begun to extend its internal border controls.[34]

The European Union, through European Commission President Ursula von der Leyen, reaffirmed the Commission's support for Spain, calling for an immediate halt to illegal crossings and ensuring that the identification, asylum, and return processes proceed swiftly, while continuing to respect EU law and providing special protection for children.[35] This statement reflects the tension between order and justice, as the European Union supports strict border controls in the interest of Spain's sovereignty, while still requiring compliance with migrant protection standards. In her official letter to Spanish Prime Minister Pedro Sánchez, Ursula von der Leyen also emphasized that securing the European Union's external borders is a shared responsibility and praised Spain's efforts in successfully repatriating approximately 50,000 migrants back to Morocco. This demonstrates that Spain has successfully maintained its national order as a sovereign state.

Furthermore, the European Union took actions by convening an emergency video conference of EU ministers to discuss the Ceuta migration crisis. The meeting concluded that the crossings at Ceuta pose a challenge to external

border security and are fueling disinformation, making it crucial to build and strengthen cooperation with the key third country, Morocco. Meanwhile, at a subsequent meeting, the EU urged member states to implement the new Migration and Asylum Pact, and Spain requested assistance in the form of Frontex deployment, EUAA support, and Europol assistance, as well as funding and other emergency aid[36] which, if granted, would shift the European Union's position from its initial stance that the EU's authority at the Ceuta border is structurally limited (ad hoc) toward a more permanent institutional presence.

The 2026 Ceuta Crisis demonstrated that the European Union acts not as a supranational authority that usurps Spain's sovereignty, but rather as an institution of the international community in Bull's sense that mediates and bridges conflicting national interests.

Order versus Justice and Grotius's Logic in the 2026 Ceuta Crisis

During the crisis, Spain consistently prioritized "order" in its policies as a value to be upheld a stance that aligns with Hedley Bull's[37] argument that order is the minimum standard that must be achieved before justice can be meaningfully upheld. The deployment of the military and special police forces, as well as the refusal to declare a national state of emergency, demonstrate that Spain sought to maintain order within a controlled legal framework. The Spanish government also pointed out that Ceuta lies outside the Schengen Area, which means, in essence, that Spain has the right to determine its own level of control without full institutional interference from the European Union.

On the other hand, however, as argued by Ian Harris,[38] a legitimate order is never entirely detached from the demands of justice. Thus, the two are mutually constitutive, not contradictory. This is evident in the Spanish Supreme Court's ruling prohibiting the practice of "hot returns" against immigrants arriving by sea and the European Union's insistence that Spain continue to respect EU law and the protection of children. This reflects that justice can serve as a structural constraint capable of reshaping the Spanish legal order.

It was this dialectic between order and justice, which continued to play out throughout the Ceuta crisis that ultimately demonstrated the relevance of Grotius's logic as an appropriate explanatory framework. Rather than descending into open (Hobbesian) conflict due to the sharp accusations leveled against Spain by EU member states, or conversely, completely surrendering Spain's sovereignty to the collective authority of the EU in the name of universal justice (Kantian), what actually occurred was sustained negotiation through shared institutions. This also illustrates that the success of crisis management is not measured by the resolution of tensions between order and justice, but by the maintenance of international cohesion even as Spain's national interests, the demands for solidarity from some EU member states, and international humanitarian norms remain in constant tension with one another.

Concluding Remarks

The Ceuta migration crisis that occurred in July 2026 demonstrated that Spain's policies and the European Union's response cannot be understood as a clear-cut choice between order and justice, but rather as an ongoing negotiation between the two, amid Morocco's role as a key actor that helps determine the course of the crisis: Spain prioritizes order through the deployment of security forces and border controls, as well as bilateral cooperation with Morocco to expedite the repatriation of migrants, yet remains bound by demands for justice through legal rulings that protect migrants' rights; Morocco itself, through its control over migrant movements in the border region, demonstrates that the stability of Spain's order actually depends on the political will of a neighboring country that is not a member of the European Union. Meanwhile, the European Union constrained by Ceuta's special status outside the Schengen Area and divergent stances among member states regarding the extent to which Spain should be assisted or left to handle the crisis on its own is only able to offer supportive assistance without taking over Spain's sovereignty, while simultaneously strengthening its diplomatic partnership with Morocco as part of its long-term strategy. These dynamics demonstrate the relevance of the English School of thought, particularly Grotian logic, which shows that countries including Morocco as a non-EU member can remain bound within the same international society through diplomacy and cooperation, even though the interests of order and the demands of justice are in constant tension without ever being truly resolved a theoretical lesson that the stability of interstate relations does not always stem from uniformity of values, but rather from the ability of shared institutions to peacefully accommodate those differences.

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