

WHAT WAS BEHIND ESCALATED FORCE IN CRISIS-DRIVEN SPAIN? EXPLAINING THE POLICING OF THE INDIGNADOS' PROTESTS¹

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ABSTRACT: This article delves analytically into the nature and sources of public relationships between police officers and protesters in crisis-driven Spain. By drawing on intertextual qualitative source analysis, it locates the policing of the Indignados' protests on the continuum determined by the antinomic ideal types of escalated force and negotiated management very close to the former. It aims to explain what was behind the use of escalated force by the Spanish law enforcement agencies against the 15-M Movement. Although the Indignados' goals were not undemocratic, they were treated and fought by the law enforcement agencies precisely as criminals threatening democracy, Spain, and Spaniards. The major argument is that treating the protest movement as the enemy that had to be suppressed might have been a defense mechanism of militant democracy. Transforming the Indignados into the enemy might have resulted from fears of threatening the existing *status quo* and losing political elites' own state positions.

KEY WORDS Protest policing – freedom of peaceful assembly – repression – political violence – militant democracy – contentious politics – contention

¹ This research paper is a result of the research project *Contentious Politics and Neo-Militant Democracy*. It was financially supported by the National Science Centre, Poland [grant number 2018/31/B/HS5/01410].

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¿QUÉ HABÍA DETRÁS DEL USO CRECIENTE DE LA FUERZA EN LA ESPAÑA DE LA CRISIS? EXPLICANDO LA GESTIÓN POLICIAL DE LAS PROTESTAS DE LOS INDIGNADOS

RESUMEN: Este artículo profundiza analíticamente en la naturaleza y las fuentes de las relaciones públicas entre policías y manifestantes en la España impulsada por la crisis. Basándose en el análisis de fuentes cualitativas intertextuales, ubica la vigilancia de las protestas de los Indignados en el continuo determinado por los tipos ideales antinómicos de fuerza escalada y gestión negociada muy cercana a la primera. Su objetivo es explicar qué hubo detrás del uso de la fuerza intensificada por parte de las fuerzas del orden españolas contra el Movimiento 15-M. Aunque los objetivos de los Indignados no eran antidemocráticos, los organismos encargados de hacer cumplir la ley los trataron y combatieron precisamente como criminales que amenazaban la democracia, España y los españoles. El argumento principal es que tratar al movimiento de protesta como el enemigo que tenía que ser reprimido podría haber sido un mecanismo de defensa de la democracia militante. Transformar a los indignados en enemigos podría haber resultado de los temores de amenazar el statu quo existente y perder las posiciones estatales de las élites políticas.

PALABRAS CLAVE: Vigilancia de la protesta – libertad de reunión pacífica – represión – violencia política – democracia militante – política polémica – disputa

INTRODUCTION

A large amount of historical and political sciences scholarship has advanced explanatory frameworks to account for variations across protest policing styles. The changes in crowd control during the second half of the 20th century have been most thoroughly analyzed through nation-level case studies. Researchers point to the evolution of the police-protester coordination model, which consists in a transition from a confrontational to a non-confrontational approach². In Spain, the evolution of the police's responses to social protest took the same direction but was more complex. From Francisco Franco's victory in the civil war (1936–1939) until the austerity-driven wave of social mobilization, it is possible to distinguish four phases. According to Oscar Jaime-Jiménez and Fernando Reinares, the first one commenced with the end of the war in 1939 and continued until 1960. This period was marked by the regime's extreme hosti-

² Mike KING, "Disruption is Not Permitted: The Policing and Social Control of Occupy Oakland", *Critical Criminology*, 21 (4/2013), p. 105; John D. MCCARTHY, Clark MCPHAIL, "The Institutionalization of Protest in the United States" in David S. MEYER, Sidney G. TARROW (ed.), *The Social Movement Society: Contentious Politics for a New Century*, Lanham, Maryland: Rowman and Littlefield, 1998, p. 96.

lity to political dissent and no significant social unrest. Generalissimo Franco developed security forces, including the *Policía Armada (Cuerpo de Policía Armada y de Tráfico, Fuerzas de Policía Armada)* in urban areas, whose task was to protect the system. For some time also the Civil Guard (*Guardia Civil*) fought against the political opposition, but then it operated mainly in rural areas. Noteworthy, this paramilitary force also took up the role of a surveillance agency whose aim was to maintain public order. Confrontational actions drew upon repression and were indiscriminate³.

As Jaime-Jiménez and Reinares indicated, the second phase continued from 1960 until Franco died in 1975 and was shaped by the weakening Francoist dictatorship. The progressive fall resulted from, among others, the appearance of significant social groups that started opposing the political values underlying the system. Unexpectedly to the government, contention and protest intensity grew until the regime decline. It triggered changes in law enforcement's repressive strategies and tactics. The number of the *Policía Armada* and the *Guardia Civil* members considerably increased. Besides training some units of the *Policía Armada* in antiriot tactics in urban areas, the special antiriot force units, the General Reserve Companies (*Compañías de Reserva General*), were created. This new force's structure, administration, discipline, and values were the same as in the army. The rate of injuries and deaths caused by military officers during protests was very high and resulted from excessive brutality and improper use of new equipment⁴.

Importantly, Franco's death started a phase of significant changes in the model of securing public gatherings. During the transition period (1976–1982) and the subsequent democratic consolidation, there was the shift from a style determined by the law enforcement's and security forces' primary task of protecting the interests of an authoritarian state controlled by a narrow range of elites toward the policing that is subjected to a considerably broader range of political elites dependent on a more significant number of diverse interests⁵.

In 1976, the third phase began with the Spanish transition to democracy (*a Transición española*). It was a time of fierce clashes between actors striving for gradual political change and representatives of the previous system. Both the outcome of the clashes and the near future was uncertain. Despite the lesser involvement of military officers in controlling the protest, the use of antiriot units did not change, and the death rate among protesters remained

3 Oscar JAIME-JIMÉNEZ, Fernando REINARES, "The Policing of Social Protest in Spain: From Dictatorship to Democracy" in Donatella DELLA PORTA, Herbert REITER (ed.), *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, Minneapolis, London: University of Minnesota Press, 1998, p. 167–169.

4 *Ibidem*, p. 167–171.

5 *Ibidem*, p. 167–168.

very high⁶. The change of the Policía Armada's name into the Policía Nacional was not followed by any shift in protest policing⁷. Only the victory of the Spanish Socialist Workers' Party (*Partido Socialista Obrero Español*) (PSOE) in the 1982 general election ended the transition-determined phase. Before, the police structure and personnel remained unchanged. Accordingly, the fourth phase, starting with the peaceful transfer of executive power, is considered the moment when democracy has become consolidated. The threat of political regression ceased, the level of social unrest decreased, and the security forces became involved in progressive adaptation to the new political and social structure. The modernization of police methods took place with the changes in police consciousness. Officers became reluctant to overuse and misuse force. As a result of the generational change, the young starting their professional career joined the law enforcement agencies. Police officers began perceiving social protests as a democratic society's legitimate tool of making political claims. In the drift towards non-confrontational protest policing, the structure of the antiriot forces altered. On the one hand, the repression and brutality of antiriot forces decreased⁸. On the other, protests became less disruptive. The Basque terrorist organization ETA (*Basque Euskadi Ta Askatasuna*) changed its action pattern, i.e., violence surged in Madrid and Barcelona and dropped in the Basque country. The antiriot force facilitated surveillance in the new location of terrorists. The new Basque autonomous police force (*Ertzaintza*) took over the task of riot control in the Basque country. In 1989, the new units, *Las Unidades de Intervención Policial* (police riot squads) were formally created⁹. Repressive legacy has been seen in the 2000s when the United Nations Human Rights Committee and civil rights activists complained about police impunity when dealing with the socially excluded communities (e.g., Gypsies, migrants, refugees) and some social movements (e.g., squatters, anarchists, nationalist radicals)¹⁰. Jaime-Jiménez's and Reinares's analysis uncovers that the Spanish police have been

6 *Ibidem*, p. 167–174.

7 Robert C. HUDSON, "Democracy and the Spanish Police Forces since 1975", *The Police Journal*, 61 (1/1988), p. 56.

8 Oscar JAIME-JIMÉNEZ, *The Policing of Mass Demonstration in Contemporary Democracies, The Policing of Social Protest in Spain: From Dictatorship to Democracy*, Florence: European University Institute, 1997, p. 8.

9 Oscar JAIME-JIMÉNEZ, Fernando REINARES, "The Policing of Social Protest...", *op. cit.*, p. 167–174, 185.

10 Diego Palacios CEREZALES, "Repressive Legacies and the Democratisation of Iberian Police Systems", *South European Society and Politics*, 15 (3/2010), p. 429–448; Judith BESSANT, Maria GRASSO, "La seguridad y el estado democrático liberal. Criminalizando la política de los jóvenes", *Revista Internacional de Sociología*, 77 (4/2019), p. 1–12; Thomas Jeffrey MILEY, "Represión y resistencia en Cataluña", *Revista Internacional de Sociología*, 77 (4/2019), p. 1–11.

formed on a military ethos in which the maintenance of public order took precedence over other police tasks¹¹.

The financial crisis of 2007-2008 mobilized people across the world to take to the streets and express dissatisfaction with government policies¹². The main cause of social discontent was the impoverishment of society and the resulting deepening socio-economic relative deprivation. In Spain, a large wave of mass mobilization started in May 2011, although anti-austerity protests were held since 2010. This contention was the first great challenge to the law enforcement in democratic Spain called “an escalation of violence never seen before”¹³, and the largest anti-riot operation since anti-Franco demonstrations¹⁴. Spaniards’ discontent was fueled by frustration, indignation, and helplessness in the face of the upcoming local and regional elections of 2011 and 2012. Many citizens felt unrepresented and saw no real alternative economic and social policies in candidates’ programs¹⁵. They established a grassroots initiative known as the outraged movement in Spain, also called the 15-M Movement (Spanish: *Movimiento 15-M*) and the Indignados Movement to call for basic rights of home and work¹⁶. The movement used a broad repertoire of contentious performances that ranged from demonstrations, rallies, and general strike actions to occupation. Those disruptive techniques served protesters to oppose the consequences of growing unemployment, mainly the diminished ability of families to maintain previous consumption patterns, living conditions and deal with financial duties. Apart from welfare cuts, the movement was resistant to government cutbacks in health care and education, the two-party system in Spain, quality of democracy, corrupt and clumsy politicians, banks, and capitalism¹⁷.

11 Oscar JAIME-JIMÉNEZ, Fernando REINARES, “The Policing of Social Protest...”, *op. cit.*, p. 186.

12 Kamila REZMER-PŁOTKA, “The Effects of Crises in the European Union as a Manifestation of the Militant Democracy Rule Implementation”, *Przegląd Prawa Konstytucyjnego*, 58 (6/2020), p. 615–621.

13 Ashifa KASSAM, “Spain Restricting People’s Right to Protest, Amnesty Report Finds”, *The Guardian* (24 April 2004), <https://www.theguardian.com/world/2014/apr/24/spain-restricting-protest-fines-harassment-excessive-force> [2 June 2021]; Pablo LA PARRA-PÉREZ, “Revueltas lógicas: el ciclo de movilización del 15M y la práctica de la democracia radical”, *Journal of Spanish Cultural Studies*, 15 (1–2/2014), p. 39–57.

14 Sergio RODRÍGUEZ TEJADA, “The Anti-Franco Student Movement’s Contribution to the Return of Democracy in Spain”, *Espacio, Tiempo y Educación*, 2 (2/2015), p. 86.

15 Ernesto CASTAÑEDA, “The Indignados of Spain: A Precedent to Occupy Wall Street”, *Social Movement Studies*, 11 (3–4/2012), p. 309–319.

16 José Luis ORELLA MARTÍNEZ, “Podemos and the Conquest of the Skies”, *Przegląd Europejski*, 2019 (4/2019), p. 124.

17 Eva ANDUIZA, Camilo CRISTANCHO, José M. SABUCEDO, “Mobilization through Online Social Networks: The Political Protest of the Indignados in Spain” *Information, Communication & Society*, 17 (6/2014), p. 751–752; Mark PURCELL, “Space and the Desire for Democracy in the 15M”, *Transactions of the Institute of British Geographers*, 46 (1/2021), p. 223.

The initially peaceful protests promptly turned into brutal clashes between protesters and the police. The response of the Spanish government to the wave of violent protests was to maintain, protect, and restore public safety and order¹⁸. Nonetheless, on some occasions, police and riot police excessively used physical force and “less-lethal” weapons to contain demonstrations. The picture of the situation was complemented by the subsequent lack of effective investigations into those incidents. Importantly, the police repressed the groups that made peaceful demands and enjoyed significant public support¹⁹. For instance, police officers charged with batons and firing rubber bullets repeatedly at protest participants who did not pose an apparent threat to law enforcement officials or the public. According to Amnesty International, the policing of the Indignados’ protest failed to meet international obligations and standards of human rights. The restriction of the freedom of peaceful assembly was considered unlawful and unjustified. The organization argued that international law allows the limitation of the right to freedom of peaceful assembly if it is imposed to fulfill a legitimate aim, such as protecting public safety, order, health, public morals, or the fundamental rights and freedoms of others. At the same time, the limitations ought to be proportionate and necessary to achieve those objectives²⁰.

Considering the anti-system and anti-current political elites demands made by the 15-M Movement, ruling politicians could feel threatened²¹. A new style of policing protest developed during the Indignados’ mobilization, called “the strategic incapacitation model”, was set in a political context where the government created enemies to erode the civil rights of most the Spanish. Consequently, it fueled fear and attempted to dismantle and wear down current and potential protest participants²². On the one hand, treating the social movement as an enemy that had to be fought might have been a defense mechanism of militant democracy²³. As long as the restriction of freedom of assembly serves

18 María Luisa Maqueda ABREU, “La criminalización del espacio público. El imparable ascenso de las clases peligrosas”, *Revista Electrónica de Ciencia Penal y Criminología*, 17 (12/2015), p. 1–56.

19 Oscar José Martín GARCÍA, “Soft Repression and the Current Wave of Social Mobilisations in Spain”, *Social Movement Studies*, 13 (2/2014), p. 303–304.

20 Amnesty International, “Policing Demonstrations in the European Union”, *Amnesty International Report* October 1, 2012. <https://www.amnesty.org/download/Documents/20000/eur010222012en.pdf> [May 12, 2021].

21 Jan-Werner MÜLLER, “Protecting Popular Self-government from the People? New Normative Perspectives on Militant Democracy”, *Annual Review of Political Science*, 19 (2016), p. 249–265.

22 Clara Camps CALVET, Núria Vergés BOSCH, “De la superación del miedo a protestar al miedo como estrategia represiva del 15M”, *Athenea Digital*, 15 (4/2015), p. 129–154.

23 Giovanni CAPOCCIA, “Militant Democracy: The Institutional Bases of Democratic Self-preservation”, *Annual Review of Law and Social Science*, 9 (2013), p. 207–226. See also: Laura M. Medina FERRERAS, “La deriva punitiva del Estado español: la criminalización de la protesta”, *OXÍMORA Revista Internacional de Ética y Política*, 12 (2018), p. 224–241.

to protect democracy from those who aim to overthrow it from within or undermine it, it is a means of militant democracy²⁴. On the other hand, the active transforming of a social group into an enemy might have been used by the government to maintain power competencies²⁵. If the restriction does not serve to safeguard democracy but only to keep positions, it is the non-democratic use of political power.

This article aims to uncover and explain what was behind the use of escalated force by the Spanish law enforcement agencies against the 15-M Movement. It addresses a research question that allows me to delve analytically into the nature and sources of public relationships between police officers and protesters in crisis-driven Spain. It is as follows: Where was the model of the policing of the Indignados' protests developed by the Spanish police on the continuum determined by the antinomic ideal types of escalated force and negotiated management? It is critical to discover and evaluate the mechanisms of crowd control and provides a basis for their theory-grounded explanation.

The remainder of the article is organized into four sections. The first section offers a critical review of the literature on exploratory and explanatory frameworks of protest policing. It introduces a theoretical tool for measuring protest policing, namely the model that consists of the two extreme antinomic ideal types of escalated force and negotiated management. Besides the tool for meeting the exploratory goal of the study, a set of explanatory frameworks treating a strategy of protest policing as a dependent variable is determined. Those frameworks provide a theoretical grounding for research assumptions, discussion, and conclusions. The second section presents methodological assumptions for the study. They include research methods, theory-grounded assumptions, source selection criteria, and source corpus. The third section is empirical and devoted to addressing the research question. In this section, by drawing upon the essential features of the policing of the Indignados' protests developed by the Spanish police, I locate the model on the continuum determined by the antinomic ideal types of escalated force and negotiated management. The fourth section offers conclusions and attempts to account for why the model took on a particular value.

24 Przemysław OSIEWICZ, Maciej SKRZYPEK, "Is Spain Becoming a Militant Democracy? Empirical Evidence from Freedom House Reports", *Aportes. Revista de Historia Contemporánea*, 35 (103/2020), p. 14.

25 Clara Camps CALVET, Dino DI NELLA, "Contrahegemonías antirrepresivas. Un estudio de caso de la protesta en Barcelona (2011-2015)", *Política y Sociedad*, 57 (1/2020), p. 143-173; Laura Fernández DE MOSTEYRÍN, "Rodea el Congreso: un caso para explorar las bases del Estado securitario", *Anuario Del Conflicto Social*, 57 (2/2013), p. 1129-1152.

LITERATURE REVIEW: EXPLORATORY AND EXPLANATORY FRAMEWORKS OF PROTEST POLICING

A classic definition of protest policing formulated by Donatella della Porta covers “the police handling of protest events”²⁶. The introduction of this definition into crowd control studies was a breakthrough. It has broken up with reducing protest control to repression and begun modern studies of crowd control’s impact on comprehending democracy and civil rights. Della Porta has contributed to the field also by going beyond an oversimplified, dual classification of policing styles as either “tough repressive” or “tolerant control”²⁷. She formulated a classification framework containing the following dimensions: (1) “repressive” versus “tolerant” (a diversification criterion: the range of prohibited behaviors); (2) “selective” versus “diffuse” (the range of groups subject to repression); (3) “preventive” versus “reactive” (the timing of police intervention); (4) “hard” versus “soft” (the degree of force involved); (5) “dirty” versus “lawful” (the degree to which respect for legal and democratic procedures is emphasized)²⁸. The antinomic extreme values grouped into two ideal types generate the five-dimensional hard and soft protest policing models. This analytical tool can be used to identify and compare the actual protest control examples. The five dimensions are variables defining the styles of protest policing (a latent variable). They allow the researcher to distinguish different aspects of establishing relations by police with protest participants. The indicated factors are entirely disjoint and have extreme values assigned to them. In addition, the values of the factors are distinguished on the basis of one and uniform criterion each. However, in practice, the application of this tool may cause difficulties due to the lack of definition of individual categories and the resulting restriction of the operationalization possibilities. Moreover, the set of dimensions is not sufficient to analyze all the essential features of protest control. Among other things, there is no model of communication between police and protesters. With the development of new technologies and new media, it becomes an increasingly important factor.

In collaboration with Herbert Reiter, della Porta developed her research tool by modifying the previously established dimensions, adding new ones, and calling the extreme strategies of protest policing the models of escalated force and negotiated management. The new set of nine dimensions includes (1) “brutal” versus “soft” (a diversification criterion: the degree of force used by police); (2) “repressive” versus “tolerant” (the number of prohibited behaviors);

²⁶ Donatella DELLA PORTA, *Social Movements and the State: Thoughts on the Policing of Protest*, Florence: European University Institute, 1995, p. 3.

²⁷ *Ibidem*, p. 6.

²⁸ *Ibidem*, p. 7–8.

(3) “diffused” versus “selective” (the number of repressed groups); (4) “illegal” versus “legal” (police respect of the law); (5) “reactive” versus “preventive” (the moment when police act); (6) “confrontational” versus “consensual” (the degree of communication with demonstrators), (7) “rigid” versus “flexible” (the degree of “adaptability”); (8) “formal” versus “informal” (the degree of formalization of the rules of the game); (9) professional versus artisanal (the degree of “preparation”). Here, the antinomic extreme values grouped into two ideal types formulate the models of escalated force and negotiated management²⁹. Just like the previous model, Reiter’s and della Porta’s framework lacks definitions of individual categories, which limits the operationalization possibilities.

The subsequent critical remarks concern the selection of variables and their values. In the first dimension, it is difficult to see what lies behind the extreme values of the degree of force used by police officers. It is unclear how to classify the threat of force. The second indicator relates to the number of prohibited behavior but does not indicate the severity of restriction. It is possible to imagine a situation where there are few restrictions, but they severely limit or breach human rights and civil liberties. In such situations, the hallmarks of escalated force would be misclassified as negotiated management. Della Porta and Reiter justify the third dimension based on the criterion of the number of repressed groups by stating that “police who repress a large number of protest groups, prohibit a wide range of protest activities”³⁰. Nevertheless, the number is just one aspect of potential selectiveness. At the same time, a bias resulting from a political orientation and in political repression is uncovered by this criterion. Here there is also the problem of accidental but not mass detentions. Although indiscriminate detentions are peculiar to the escalated force model, they are categorized as negotiated management because they are few in the line of the model, which may be misleading.

The experience of securing public assemblies during the coronavirus pandemic, rapid changes in the law to legitimize police actions, and in particular in some states, the need to act on the basis of double legal standards weaken the importance of the distinction between legal and illegal activities made under the fourth dimension. The same concern results from the eighth dimension’s evaluation. The timing of police action is also a questionable variable because, on the one hand, it may take the form of limiting the resources of potential protesters, e.g., detaining activists before protests begin or seizing banners. On the other hand, proper preventive action can help prevent an escalation of violence in a public gathering. Not only the detention of potential offenders but

29 Donatella DELLA PORTA, Herbert REITER, “The Policing of Protest in Western Democracies” in Donatella DELLA PORTA, Herbert REITER (ed.), *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, Minneapolis and London: University of Minnesota Press, 1998, p. 4.

30 *Ibidem*, p. 3.

also an accurate diagnosis is essential, as it reduces the likelihood of disproportionately high involvement of police forces in securing the protest, including the use of riot police that may escalate the conflict.

Reducing the level of communication to confrontation and consensus results in oversimplification. The quality of messages about the actions of police, the dynamics of the use of communication channels with protesters during, before, and after public gatherings, communication when issuing orders in specific situations, negotiating scopes of rights and mutual obligations, or establishing relations in the media discourse co-created by protest participants, e.g., on Twitter, Facebook, or Snapchat, remain outside the semantic scope of the sixth dimension.

Difficulties are also caused by the degree of “adaptability” since it is not determined to what police adapt. The values “rigid” and “flexible” may suggest that a capacity to adjust to emerging situations is meant. However, there is a caveat concerning the relevance of predictability of police actions in defining adaptability. Flexibility may result in actions unpredictable to protesters and provoke violent defensive reactions among protesters. In turn, the rigid mode may preclude an appropriate response to the changing situation. This seventh dimension is linked with the last one, i.e., the degree of “preparation”. The level of preparation may define the scope for changing activities when securing a public gathering. Since the extreme ideal type of professionalism is unprofessionalism, a criterion for the original distinction is unclear (“professional” and “artisanal”), which hinders using it as an analytical tool. Furthermore, the level of professionalism is considered a factor explaining the quality of police’s work style rather than an indicator of repressiveness³¹.

Clark McPhail, David Schweingruber, and John D. McCarthy advanced a competing set of indicators that allow researchers to differentiate between escalated force and negotiated management. It covers the following five dimensions (1) police obligations to respect and protect freedom of assembly (the extent of police concerns with the First Amendment rights of protesters), (2) the extent of police tolerance for community disruption, (3) the nature of communication between police and demonstrators, (4) the extent and manner of arrests as a method of managing demonstrators, and (5) the extent and manner of using force in lieu of or in conjunction with arrests in order to control demonstrators³².

31 Jennifer EARL, *The Banner Versus the Baton: Explaining Protest Policing in the United States, 1960-1975*, Ph.D. thesis, Arizona: University of Arizona, 2002, p. 85.

32 Clark MCPHAIL, David SCHWEINGRUBER, John D. MCCARTHY, “Policing Protest in the United States: 1960–1995” in Donatella DELLA PORTA, Herbert REITER (ed.), *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, Minneapolis, London: University of Minnesota Press, 1998, p. 51.

Under McPhail, Schweingruber, and McCarthy's model, the escalated force style of policing occurs when police ignore, deny, or disregard freedom of assembly as a "cover" for demonstrators and permits are not issued. The police fail to respect freedoms of speech, religion, press, assembly, and the right to petition the government. Officers tolerate only familiar and peaceful forms of political protest. They do not accept the disruption caused by demonstrations that involved unfamiliar forms of protest, disruptive tactics, violation of social norms and regular routines in the community, and illegal activities. Communication between law enforcement and demonstrators is minimal. Police avoid conferring and negotiating with protest organizers before and during assemblies. No control is ceded to protesters. The exceptions of this communication rule include the undercover police infiltration to obtain information to discomfit protesters' efforts and acting as agents provocateurs to entrap assembly participants. In addition, arrests occur when no law is broken and quickly follow any breach of the law. Law enforcement officers use forceful arrests strategically to target and remove the most active protesters. Besides arrests, physical punishment is utilized. Force is a standard way of dealing with assemblies. Riot control techniques such as tear gas, batons, fire hoses, electric cattle prods, horses, and dogs are in use. Police confront protesters, which is followed with a progressively escalated force if protesters do not observe instructions to limit or stop their activities³³.

The antinomic ideal type of escalated force is negotiated management in McPhail, Schweingruber, and McCarthy's model. Accordingly, under the latter, the protection of freedoms of speech, religion, press, assembly, and the right to petition the government is the police's principal objective, equal in importance to protecting human lives and property. Moreover, even the most provocative assembly participants are permitted and protected, and the menace of counterdemonstrator violence is not a legal reason for withholding a permit. Spontaneous protests do not require authorization. Negotiated management draws on the definition of disruption as an inevitable by-product of collective action to make social change. Instead of preventing demonstrations, police try to reduce the amount of disruption they cause. Police cooperate with protesters to control disruption. They treat communication as necessary to protect the right of assembly and maintain disruption on an acceptable level. All conflicts over restrictions are negotiated. Moreover, law enforcement officers initiate and sustain extensive interaction with assembly participants before and during the permit application, negotiation, granting, and protection process. Even the most disruptive forms of protests might be planned by police and protesters. Protest organizers are informed about time, place, types of restrictions and

³³ *Ibidem*, p. 51–54.

helped in assembly preparation. The help involves consultation of transportation, restroom facilities, and first aid. Some control is ceded to protesters that have trained marshals or coordinators who comprehend an assembly's aims and police responsibilities, negotiate plans and procedures. Those co-protesters facilitate internal control of assemblies and thus support external protest policing. Arrests are not an indispensable element of protest policing. Instead, they are used as a last resort and selectively only against lawbreakers. Here, it is worth making a reservation that selectivity is based solely on the legality criterion and legal standards in the state that are coherent with international law. Selectivity cannot be based on double legal standards, political orientation, or result from social and cultural prejudices (e.g., gender-biased violence, ethnic prejudices). Arrests are carried out with proper documentation, orderly, and in a way that allows officers to avoid injuring protesters. Arrests do not occur after protesters have breached the law immediately but follow numerous warnings. Protesters are repeatedly informed that they are violating the law, and they are provided with an opportunity to cease and desist. Police use only the minimum necessary force to perform their duties, including protection of people, property, public order, and arresting transgressors. However, they attempt to avoid violent clashes by negotiating with protesters and cordoning off an assembly area³⁴.

McPhail, Schweingruber, and McCarthy's theoretical framework is free from the weaknesses of the preceding exploratory models. It covers the distinctive features of protest policing styles differentiated with a set of homogenous criteria. The values of the antinomic ideal types of escalated force and negotiated management comprehensively characterize the phenomena they cover. Therefore, this five-dimensional exploratory model of police-protester coordination provides theoretical grounding of the part of the analysis that aims to locate the policing of the Indignados' protests developed by the Spanish police on the continuum determined by escalated force and negotiated management. The model underlies the thematic analysis of data discussed in the next section, along with research methods and materials.

The application of the exploratory model is limited to the differentiation between the characteristics of policing styles. Nonetheless, researchers offer a wide range of explanatory frameworks to account for the variation. Della Porta, Reiter, McPhail, Schweingruber, and McCarthy argue that in Western democracies, the mode of crowd control evolved from escalated force to negotiated management due to a political opportunity structure³⁵. The

³⁴ *Ibidem*.

³⁵ Donatella DELLA PORTA, Herbert REITER, *Policing Protest...*, *op. cit.*; John D. MCCARTHY, Clark MCPHAIL, "The Institutionalization of Protest...", *op. cit.*; Clark MCPHAIL, David SCHWEINGRUBER, John D. MCCARTHY, "Policing Protest...", *op. cit.*

turning point is considered the worldwide wave of protests against, among others, the military and the bureaucracy in 1968. The increasing social legitimacy of disruptive political participation resulted in the rise in the police legitimacy of protests. Since the 1970s, the styles of protest policing became more tolerant, the level of harsh repression of even minor violations during demonstrations characteristic of escalated force dropped, and the strategy of negotiated management has been developed. However, along with the Global Justice Movement emergence in 1999 in Seattle and the following transnational protests, researchers started posing questions about the re-emergence of escalated force or the emergence of a new escalated force model³⁶. Although those studies considerably enrich our knowledge of how protest policing changed over time, they tell little about why the styles of police-protester coordination differ during the particular phases of negotiated management and escalated force dominance³⁷. They also do not explain the return to escalated force.

Other researchers seek to explain the variation by defining factors affecting the probability of a different protest policing at various protests³⁸. By drawing on data concerning media coverage in four Swiss cities from 1965 to 1994, Dominique Wisler and Marco Giugni argue that media attention explains the extent of police repression. When the mass media focuses on protests, the police are less likely to use escalated force. In contrast, when they become a blind stop, the likelihood of using this policing style grows³⁹. However, this model does not explain the differentiation in the worldwide austerity-driven wave of social mobilization. Media coverage of violent clashes was not a deterrent for law enforcement agencies to restrain from repression.

Jennifer Earl and Sarah A. Soule differentiate between two major types of explanatory fireworks, namely the threat and the weakness approaches. According to the former, the greater the threat to political elites, the closer the policing protest to escalated force. In this approach, hazards include groups that use noninstitutional and aggressive tactics, have multiple targets or goals, pursue revolutionary or radical goals, countercultural groups, large protest si-

36 Donatella DELLA PORTA, Abby PETERSON, Herbert REITER, "Policing Transnational Protest: An Introduction" in Donatella DELLA PORTA, Abby PETERSON, Herbert REITER (ed.), *The Policing of Transnational Protest*, Hampshire, Burlington: Ashgate, 2006, p. 3–4; 8.

37 Jennifer EARL, Sarah A. SOULE, John D. MCCARTHY, "Protest Under Fire? Explaining the Policing of Protest", *American Sociological Review*, 68 (4/2003), p. 583.

38 *Ibidem*; Patrick RAFAIL, "Asymmetry in Protest Control? Comparing Protest Policing Patterns in Montreal, Toronto, and Vancouver, 1998-2004", *Mobilization: An International Quarterly*, 15 (4/2010), p. 489–509.

39 Dominique WISLER, Marco GIUGNI, "Under the Spotlight: The Impact of Media Attention on Protest Policing", *Mobilization: An International Quarterly*, 4 (2/1999), p. 184.

zes, and high levels of movement mobilization. In turn, the weakness approach rests upon the assumption that escalated force is used to police groups that are considered possible to be defeated because states are reluctant to risk public embarrassment⁴⁰. Nevertheless, recent studies on crowd control during the phases of repression, i.e., the 1968–1973 protests in New York⁴¹ and anti-austerity mobilization⁴², do not provide empirical support for the weakness approach.

By drawing upon the existing case studies and ethnographic works on the 1968–1973 protests in New York, Earl and Soule developed a police-centered approach (also called “a blue approach to protest policing”). They argue that protesters pose situational threats to police officers that control protests and those threats are critical predictors of police presence and action. A situation threat emerges when the police may lose or already begin losing control of a crowd (possible and actual loss). Accordingly, the presence of counterdemonstrators increases the likelihood of police presence because police seek to ensure control. Moreover, it increases the likelihood of police action because police aim to maintain control over demonstrators and counterdemonstrators. Contrary to this police-centered approach, in the elite-centered approach, counterdemonstrations are not an explaining factor since political elites should opt for their presence that makes demonstrators’ arguments ambiguous and shows that they are not universally shared. Besides the presence of counterdemonstration, provocative actions such as “missile” throwing (e.g., bottles, stones, brick) shape police-protester coordination. Police will recognize that the crowd is no longer under control and puts them in jeopardy when protesters damage property or use physical violence. Empirical evidence collected by Earl and Soule shows that officers do not react automatically to unlawful behavior. Instead, a condition of the perceived loss of control has to be met⁴³.

In conclusion, researchers refer not only to the historical legacy of law enforcement agencies, state history, and emerging political opportunities to explain changes in protest control mechanisms. Equally influential and equipped with explanatory power are the elite-centered and police-centered approaches. While these explanatory views are competitive, they are not mutually exclusive and require individual empirical verification.

40 Jennifer EARL, Sarah A. SOULE, “Seeing Blue: A Police-centered Explanation of Protest Policing”, *Mobilization*, 11 (2/2006), p. 145–164.

41 *Ibidem*, p. 159.

42 Joanna RAK, “Policing Protest in the Austerity-driven Slovenia”, *Przegląd Politologiczny*, 1 (2019), p. 159–171.

43 Jennifer EARL, Sarah A. SOULE, “Seeing Blue...”, *op. cit.*, p. 145, 149–150. See also: Sarah A. SOULE, Christian DAVENPORT, “Velvet Glove, Iron Fist, or Even Hand? Protest Policing in the United States, 1960-1990”, *Mobilization: An International Quarterly*, 14 (1/2009), p. 1–22.

METHODS AND MATERIALS

Embedded in the exploratory and explanatory theoretical frameworks and drawing on intertextual qualitative source analysis, the study addresses the following research question: Where is the model of the policing of the Indignados' protests developed by the Spanish law enforcement agencies on the continuum determined by the antinomic ideal types of escalated force and negotiated management? Validation, convergence, corroboration, and representativeness for protest policing are provided as a result of source triangulation. Sources are news released during the wave of contention, the Spanish police's reports, and Amnesty International's reports on securing public gatherings. In addition, those three types of sources are treated as equivalent in terms of providing insight into crowd control. They provide data sufficient and necessary to determine the characteristics of protest policing.

The analysis covers the whole wave of the Indignados' social mobilization, namely protests held from May 15, 2011, to December 31, 2015, in Spain. The news comes from the datasets of the Global Database of Events, Language, and Tone Project database (GDELT Project), namely, GDELT Event Exporter and the GDELT Event Database, based on PERL, R, and Google BigQuery. The GDELT Project is a real-time, open-source, large-scale repository of news available for open research. By monitoring broadcast, print, and web news from across the world in sixty-five languages, it generates a platform for searching and analyzing the entire globe's media⁴⁴. The records are translated into a computable format, and the data set is automatically updated. The GDELT Event collection contains records on the details of political events from 1979, to the present⁴⁵.

The search criteria that served to generate the dataset from GDELT EVENT Record Exporter and Database were: Start Date = 15/05/2011; End Date = 31/12/2015 (the period covers the wave of the Indignados' social mobilization); Actor1 Country: Spain (location of the event: Spain); Event Code: 14 (the type of event: protest); Event Country: Spain (type and state affiliation of the initiator of the action: Spain); Weighting: NUMEVENTS (an aggregation of the CAMEOevent codes into four categories ranging from Verbal Cooperation to Material Cooperation, Verbal Conflict, and Material Conflict).

The police's report about the law enforcement agencies' engagement in the policing of the Indignados' protests was also included in the corpus of sour-

44 Sergio CONSOLI, Luca Tiozzo PEZZOLI, Elisa TOSETTI, "Information Extraction from the GDELT Database to Analyse EU Sovereign Bond Markets" in Valerio BITETTA, Ilaria BORDINO, Andrea FERRETTI, Francesco GULLO, Giovanni PONTI, Lorenzo SEVERINI (ed.), *Workshop on Mining Data for Financial Application*, Cham: Springer, 2020, p. 55–67.

45 Donatella DELLA PORTA, *Where Did the Revolution Go? Contentious Politics and the Quality of Democracy*, New York: Cambridge University Press, 2016, p. 28.

ces. Although it is not available on the Internet, it was provided with access on request. However, the data presented here should be compared with other sources and treated with caution due to the police's attempts to displace information about repressions and to sacrifice or purify their own image.

Amnesty International's reports deliver secondary data from participant observation, monitoring the public authorities' responses and the actions of police before, during, and after demonstrations, interviews conducted with around thirty police repression victims and their relatives, journalists, lawyers, representatives of human rights organizations, the NGOs, Indignados participants, videos and photos provided by such individuals or available on the Internet. Furthermore, it contains information from interviews with representatives of the main police union, *Sindicato Unificado de Policía* (SUP), collected during meetings and communications with government authorities, political representatives of parliamentary groups, the Ombudsman, and interventions by Ministry of the Interior officials before the Spanish Congress⁴⁶.

The intertextual qualitative source analysis rests upon the techniques of content analysis and thematic analysis⁴⁷. The following stages of analysis are theory-driven. The first step is to collect news and extract sentences that refer to the essential features of protest policing. The second step involves the classification of extracted sentences into individual categories (essential features of protest policing). Then, the characteristics of protest policing undergo evaluation and are located between the extreme ideal types of escalated force and negotiated management. It is important to identify the extreme values adopted by the variables during the wave of social mobilization. They show the limits to which the law enforcement agencies went to police protests.

Due to the specifics of the subject of the study, it is necessary to confront various news and reports of the protests and achieve a confluence of evidence. It is an actual condition to provide reliable findings. Depending on who created and broadcast the message, there were attempts, on the one hand, to sacralize the police and, on the other hand, to diabolize its actions. The same discursive measures and arguments were used to valorize positively or negatively protesters' actions. These are partly or entirely contradictory data produced and distributed to pursue particular goals. Therefore, a constant comparative method supports data analysis in defining the extreme protest policing cases and establishing values of the characteristics of police-protester coordination. A back-and-forth interplay with the data underlies the investigation of the codes and

⁴⁶ Amnesty International, "Spain: The Right to Protest under Threat", *Amnesty International Report* April 24, 2014. <https://www.amnesty.org/download/Documents/8000/eur410012014en.pdf> [June 10, 2021], p. 12–13.

⁴⁷ Glenn A. BOWEN, "Document Analysis as a Qualitative Research Method", *Qualitative Research Journal*, 9 (2/2009), p. 32–33.

concepts. While data is mutually collated, codes serve to put police actions in order and point out clustering concepts⁴⁸.

THE MODEL OF POLICING THE INDIGNADOS' PROTESTS

This part of the article locates the policing of the Indignados' protests developed by the Spanish police on the continuum determined by the antinomic ideal types of escalated force and negotiated management. In Spain, responsibility for law enforcement is shared by services at national, autonomous regional (*Comunidades Autónomas*), and local levels. The National Police (*Policía Nacional*) and the Civil Guard (*Guardia Civil*) are at the national level. While the National Police operates in large towns and cities, the Civil Guard carry out their duties in rural areas and handle traffic and border control. Noteworthy, Catalonia and the Basque Country maintain their own autonomous regional police, *Mossos d'Escuadra* and *Ertzaintza*, respectively. Those regional law enforcement agencies have taken over the tasks that previously were performed by National Police and the Civil Guard⁴⁹. The analysis of officers' engagement in protest policing involves the five theoretical dimensions of McPhail, Schweingruber, and McCarthy's exploratory framework.

The first feature focuses on the protection of political rights during protests by law enforcement agencies. Freedom of peaceful assembly was restricted at several levels. Administrative fines were imposed on protest participants who could not pay them due to financial constraints resulting from the economic crisis and high unemployment. Police carried out mass identity checks before and during demonstrations. The refusal to show an identity document resulted in the 300 euros penalties. However, presenting the ID card resulted in the subsequent calls for payment of penalties for frequently not committed offenses against public order and the state. The failure to provide notice or participation in an unnotified assembly was the cause of penalties being imposed on protesters without any other reasons. Fines for organizing, leading, promoting, and participating in such assemblies ranged from 300 to 30,050 euros. Noteworthy, those penalties were considerably higher than, e.g., for drug dealing, which was less prosecuted during the civil unrest than participation in protests⁵⁰.

Most assemblies were refused permission and subject to dispersal because they were spontaneous and failed to comply with the 10-day notice period. Noteworthy, in Spain, there is no legal provision for spontaneous assemblies.

⁴⁸ *Ibidem*, p. 37.

⁴⁹ Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 34.

⁵⁰ *Ibidem*, p. 7, 18–19, 21–22. See also: Alex DUNHAM, "€600K Fines for Spain's Illegal Protests: Draft Bill", *The Local* (19 November 2013), <https://www.thelocal.com/20131119/k-fines-for-spains-illegal-protesters-draft-bill/> [12 June 2021].

Protesters who did not know whether the assembly in which they were taking part had been notified underwent police control and identity checks and later were fined for having participated in an unauthorized or the so-called illegal assembly⁵¹. Accordingly, freedom of peaceful assembly was neither fully protected nor treated as an absolute and universal right. Instead, it was reliant on authorization being requested and granted.

At the discursive level, police officers took over the government's narrative aimed at discrediting protest participants⁵². They delegitimized demonstrations by calling them "unauthorized", "illegal", and stigmatized their participants as transgressors⁵³. It aimed to transform the social meaning of taking part in protests⁵⁴. The police disbanding of spontaneous or unauthorized but peaceful assemblies followed the government's instructions⁵⁵ and restricted freedom of peaceful assembly⁵⁶.

Sometimes penalties were also justified by the authorities on the basis of disruption of public order or disobedience to police orders (e.g., not observing an order to leave an unnotified assembly), although public safety and order were not under threat. The refusal to dissolve a disruptive assembly resulted in fines in the range of 30,050 to 601,000 euros⁵⁷. Law enforcement officers had a broad scope of freedom in qualifying acts, e.g., deciding whether someone was participating in a protest, promoting it, or whether their behavior proved that they were its organizers, and determining fines on this basis. Often the same actions were punished with different penalties, which made their level unpredictable. The regulations were so imprecise that their interpretation depended on the will of the police. According to Amnesty International's report, substantial penalties had a dissuasive effect since they deterred Spaniards from exercising their freedom of assembly⁵⁸.

Amnesty International also draws attention to the limitations and abuses of freedoms of speech and the press during the Indignados' protests. Police arres-

51 Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 7, 18–19, 21–22.

52 Sandra LEÓN, "How the Indignados Motivated Spain", *CNN World* June 12, 2012. <https://edition.cnn.com/2012/06/12/opinion/spain-indignados-opinion/index.html> [June 12, 2021].

53 Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 20–23.

54 Ignacio GONZÁLEZ-SÁNCHEZ, Manuel MAROTO-CALATAYUD, "The Penalization of Protest under Neoliberalism: Managing Resistance Through Punishment", *Crime, Law and Social Change*, 70 (4/2018), p. 451.

55 Al GOODMAN, "Thousands in Spain Revive May 15 Protests to Rail Against Cuts, Government", *CNN World* (13 May 2012), <https://edition.cnn.com/2012/05/12/world/europe/spain-protests/index.html> [12 June 2021]; Rubén-Amor BENEDICTO SALMERÓN, "Gubernamentalidad policial sobre movimientos emancipatorios. El tratamiento de la identidad policial en torno al 15M (Catalunya, 2011-2012)", *Revista Electrónica de Psicología Política*, 13 (34/2015), p. 1–33.

56 Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 25.

57 *Ibidem*, p. 7, 18–19, 21–22.

58 *Ibidem*, p. 7, 18–19, 21–27.

ted and excessively used force against journalists, camera people, and photographers covering demonstrations. Sometimes repression involved destroying their equipment (e.g., cameras, microphones)⁵⁹. Law enforcement objected to documenting the clashes with protesters, which limited access to reliable coverage of the protest.

The value of the first indicator of policing the Indignados' protests was very close to escalated force. Police ignored, denied, and disregarded freedom of assembly and failed to respect freedoms of speech and the press. Protests were considered unauthorized because their organizers did not apply for permissions early enough or permits were not issued. The lack of assembly authorization was followed by the police's repression and treating those assemblies as illegitimate. Compliance with the will of political elites to limit the Indignados' public activity resulted in unequal treatment of citizens and negatively affected the exercise of civil rights.

The police tolerance for community disruption defines the second dimension of policing. As stated above, heavy fines were imposed on assembly participants that caused disruption in a public sphere, e.g., altercations, throwing of objects at police, and attempts to cross the security perimeter of Congress. Officers considered as disruptive those gatherings that generated the risk of harm, when public services, traffic, public transport, or regularity of supplies were disrupted, violence and threats were used⁶⁰. It means that even non-disruptive or less disruptive actions were unaccepted.

Occupations (direct actions where protest participants occupy a public building or space) and *escraches* (doorstep demonstrations) were particularly burdensome for politicians and extremely ruthlessly dissolved by police. *Escraches* were direct action demonstrations that consisted in public harassing of selected people by gathering around their places of living, displaying banners, chanting, and shaming them. Politicians referred to the *escraches* participants as "the Nazis" and "terrorists"⁶¹. They compared *escraches* to "methods used by dictators" and "used by the Nazis to target the Jews"⁶². At the same time, their participants were heavily fined for assembly organization and promotion, a breach of the peace, and disobedience. Some participants were punished for holding events regardless of their actual role as ordinary participants. Amnesty International found the policing of the Indignados' *escraches* violating freedoms of speech and peaceful assembly⁶³.

⁵⁹ *Ibidem*.

⁶⁰ *Ibidem*, p. 18–19, 21–22, 30.

⁶¹ Wolf RICHTER, "Spanish Officials Call Housing Activists "Nazis" And "Terrorists"", *Insider* (17 April 2013), <https://www.businessinsider.com/the-new-nazis-of-spain-2013-4?IR=T> [12 June 2021].

⁶² Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 28.

⁶³ *Ibidem*, p. 11.

Police imposed fines for disruptive actions against assembly participants who protested peacefully. However, it also brought criminal charges of “crimes against the High Institutions of the State” against participants in the “Surround the Congress” action, which were dismissed by the court as exaggerated. In contrast to the law enforcement agencies’ reports, the Congress minutes indicated that protests did not cause any disruption to the ordinary course of the sessions. The Congress of Deputies worked uninterrupted, and all the Deputies could reach the Chamber without difficulties. The court found no evidence to support the police’s position that protest participants wanted to force their way into the Congress building⁶⁴.

In sum, the value of the second feature locates protest policing very close to escalated force. Officers did not accept the slightest disruption caused by assembly participants that involved unfamiliar forms of protest, disruptive tactics, violation of social norms and everyday routines in the community, and illegal activities. Nevertheless, also non-disruptive and familiar forms of protests were disapproved due to being a part of the Indignados’ wave of social mobilization.

The third dimension covers communication between the police and assembly participants. Law enforcement agencies refrained from initiating meetings with the Indignados’ representatives before and during demonstrations. Over time, the conflict escalated, and channels for exchanging information to improve protest control were not established. Lack of mutual understanding of goals and motivations contributed to increased tensions, aggressive confrontations, and violence. It also minimized the chances of peaceful settlement of disputes between the parties during daily contestation actions⁶⁵.

Participants in public gatherings did not trust police officers, which hindered efficient communication. Discrepancies between police officers’ accounts and the facts revealed by the courts and media undermined the credibility of the police as a partner in the talks. Amnesty International recalled situations where protesters were punished with fines for failing to follow orders that had not been issued, and service reports were signed by officers who had not made arrests. The police did not admit to shooting indiscriminately with rubber bullets at the crowd but indicated that the damage at that time was caused by co-protesters who threw stones. Videos and photos available on the internet, as well as medical reports, contradicted the police’s version. The police did not negotiate with protesters, but arbitrarily imposed fines, made arrests, and resorted to physical violence⁶⁶.

⁶⁴ *Ibidem*, p. 30–31.

⁶⁵ *Ibidem*, p. 65.

⁶⁶ *Ibidem*, p. 6, 35. See also: Pedro OLIVER OLMO, Jesús-Carlos URDA LOZANO, “Bureau-repression: Administrative Sanction and Social Control in Modern Spain”, *Oñati Socio-Legal Series*, 5 (5/2015), p. 1309–1328.

The mentioned delegitimization of protesters as criminals attacking law enforcement officers, violating public order, social norms, threatening individual safety, but also the insults used against assembly participants⁶⁷ limited the chances of a dialogue based on mutual respect⁶⁸.

Communication between law enforcement and the Indignados was minimal and located policing very close to escalated force. Police avoided conferring and negotiating with protest organizers before and during assemblies. Although some protests were managed by their coordinators, no control was ceded to protesters, and such a possibility was not taken into account⁶⁹.

The extent and manner of arrests constitute the fourth dimension. The police confessed to arresting 982 protest participants⁷⁰ while the estimated number of protesters ranges from 6 to 8.5 million Spaniards⁷¹. The very extent of the arrests, determined on the basis of official data, was not significant. However, the real number of arrests was considerably higher⁷². It is impossible to determine how many protesters were temporarily detained and taken to the police station for several hours and then released. In addition, Amnesty International uncovered that assembly participants were usually arrested for attacking police officers, injury, resistance, disobedience, and public disorder, often without concretely specifying the accusations against each detainee. During the arrests, their reasons were not explained⁷³.

The manner of arrests before and during assemblies indicates that the policing of the Indignados' protests was very close to escalated force. Arrests were often accidental rather than deliberate and used as a last resort tactic. In addition, they were even carried out when no law was breached. Police arrested transgressors immediately, which was not preceded by repeated warnings that they were violating the law. Doubts about official reports signed by other police officers than those participating in the incident undermined the value of the arrest documentation. Sometimes arrests were carried out without proper documentation and not in an orderly manner. Law enforcement officials did not make efforts to avoid injuring assembly participants. Also, press identifications were not respec-

67 Amnesty International, "Spain: The Right to Protest under Threat", p. 45.

68 Ignacio GONZÁLEZ SÁNCHEZ, "La violencia simbólica y la penalización de la protesta", *Revista Internacional de Sociología*, 77 (4/2019), p. 1–13.

69 Giles TREMLETT, "Spain's Indignados Accuse Police of Violence", *The Guardian* (13 May 2012), <https://www.theguardian.com/world/2012/may/13/spain-indignados-accuse-police-violence> [3 June 2021].

70 Marjolein HORSMAN, "Respond to query 2017.00000005: Railpol on behalf of the Spanish National Police. Register: 2017.00000005", 2017 [in the author's records].

71 RTVE, "Más de seis millones de españoles han participado en el Movimiento 15M", <https://www.rtve.es/noticias/20110806/mas-seis-millones-espanoles-han-participado-movimiento-15m/452598.shtml> [5 June 2021].

72 Ester BLAY, "El control policial de las protestas en España", *InDret*, 4 (1/2013), p. 1–32.

73 Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 30.

ted, and their holders were arrested for disobeying authorities, resistance against authority, illegal occupation of the property, injuries, and damage⁷⁴.

The fifth dimension is the extent and manner of force used by police and riot-police units. According to the report provided by the Spanish police, during the wave of the Indignados' mobilization, 14.14 percent of 229 437 demonstrations required the presence of antiriot units. Nevertheless, 97.84 percent of those events took place without any intervention. When the 2.16 percent of the intervention-requiring cases are considered, over 16 percent of them, the riot equipment was utilized. Accordingly, the antiriot equipment served to police 0.35 percent of the total demonstrations⁷⁵.

Note should be taken that Spanish legislation imprecisely regulated the use of force by police. Article 5.2 of Organic Law 2/1986 on the law enforcement forces determines the police relations with the community by imposing the principles of necessity and proportionality of the use of physical violence by officers. Article 26 of a Code of Ethics for the National Police implemented in May 2013 confirms those provisions⁷⁶. Despite the highly general regulations, the excessive use of force was a characteristic of policing the Indignados' protests. Amnesty International observers recorded excessive and undifferentiated use of physical violence, inappropriate use, and misuse of antiriot equipment to police protests⁷⁷. They noticed that police fired rubber balls at peaceful demonstrators to violently evacuate protesters occupying public places, disperse public gatherings, and cause panic. Officers utilized hand-held batons to repeatedly hit peaceful assembly participants (sometimes to the face and neck). Rubber balls were fired directly into the crowd. These actions not only resulted in serious injuries but also generated fear of the police⁷⁸, forced self-censorship, and discouraged the outraged from taking to the streets⁷⁹. Protesters cut off from others, in the so-called kettles, were kicked, beaten, sometimes unconscious, handcuffed, thrown to the ground on which there was glass and insulted. Despite being seriously injured, they did not receive medical assistance for hours⁸⁰. However, there were also violent clashes between protesters and police officers as well as and physical aggression by the former towards the latter⁸¹.

74 *Ibidem*, p. 32, 46.

75 Marjolein HORSMAN, Respond to query...”, *op. cit.*

76 Amnesty International, “Spain: The Right to Protest under Threat”, *op. cit.*, p. 38.

77 *Ibidem*, p. 32.

78 Rubén-Amor BENEDICTO SALMERÓN, “Gubernamentalidad policial del miedo sobre los movimientos sociales entorno al 15M en Catalunya (2011-2012)”, *Athenea Digital*, 16 (3/2016), p. 21–53.

79 Amnesty International, “Spain: The Right to Protest under Threat”, *op. cit.*, p. 35. See also: Ruth SIMSA, “Repression of the Spanish Protest Movement – Mechanisms and Consequences”, *Nonprofit Policy Forum*, 8 (3/2017), p. 321–336.

80 Amnesty International, “Spain: The Right to Protest under Threat”, *op. cit.*, p. 39–41.

81 *Ibidem*, p. 32.

Amnesty International observers and media news highlighted the significant involvement of plainclothes and undercover police officers in protests. They encouraged others to use violence and initiated clashes with police officers to legitimize force against peaceful demonstrators. In addition, videos and photo images show that they carried launchers for rubber balls and used batons to beat protesters⁸². Law enforcement officers actively participated in creating the desired image of the clashes between the parties to the conflict and protesters. It served as an illustration for the police's version of events.

The organization also provided evidence for the police's unnecessary, abusive, and excessive force when arresting assembly participants and ill-treating detainees who were taken into police custody. Detainees were humiliated and faced violent treatment, e.g., they were forced to spend long hours facing a wall. The disproportionate force was even used against peaceful demonstrators who did not resist. The safety rules were not ensured during the transportation of detainees to the police station and the courts. The handcuffed could not hold onto aggressive driving, which caused additional injuries. Seriously injured detained demonstrators were often not given the necessary medical care or analgesics while in custody. Amnesty International emphasized the gender-based degrading treatment of protesters detained in relation to protests. While women were more likely to be the target of sexist insults, men were more likely to be subjected to excessive physical force⁸³.

As mentioned before, journalists, reporters, camera people, and photographers were ill-treated and faced other obstruction by law enforcement officers while providing media coverage of protests. As they reported, they suffered insults and beatings from police while carrying out their work. Some officers destroyed journalists' equipment and forbade them to document their interventions. The material recorded by journalists was often the reason for the dismissal of the charges against the protesters and gave the basis for the police accusations. The latter were often unidentifiable due to the unlawful lack of visible identification badges. However, this did not stop officers from actively preventing journalists from documenting the events⁸⁴.

The extent and manner of physical violence used by police locate the policing of the Indignados' protest very close to escalated force. During a crisis-driven wave of social mobilization, the force was a standard way of dealing with assemblies regardless of whether they were peaceful or violent. Nevertheless, the number of casualties is difficult to evaluate since not all cases were reported. It is estimated that there were many over 1,700 serious

82 *Ibidem*, p. 37; Giles TREMLETT, "Spain Reels at Violent Tactics by Riot Police", *The Guardian* (29 September 2012), <https://www.theguardian.com/world/2012/sep/29/spain-riot-police> [4 June 2021].

83 Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 32, 39–41, 44.

84 *Ibidem*, p. 32, 46.

injuries⁸⁵. Law enforcement officials confronted protesters with a noticeable show of threat and force. The purpose of the use of violence was to dissolve public gatherings and eliminate protests from public space. The use of force included riot control techniques such as tear gas and batons⁸⁶. Those means often displaced arrests.

To sum up, the policing of the Indignados' protests developed by the Spanish police was on the continuum determined by the antinomic ideal types of escalated force and negotiated management very close to the former. All indicators have reached the values corresponding to the aggressive way of dealing with public assemblies. Police actions were subject to the authorization of public assemblies by the Government Delegate office. The government and the police did not tolerate unauthorized and spontaneous protests. The latter met with staunch opposition and were forced to be dissolved. Freedoms of assembly, speech, and the press were ignored, denied, and disregarded. Police did not tolerate even familiar and peaceful forms of political protest. Disruptive protest participants faced equally strong, and sometimes more severe, repression. The law enforcement agencies did not accept any disruption caused by demonstrations regardless of whether they were doorstep demonstrations burdensome for politicians, traffic jams, or a delay in delivering goods to stores located near the protest sites. Communication between police officers and protest participants was minimal. Police deliberately avoided conferring and negotiating protest policing rules with assembly organizers before and during protests. The lack of mutual respect and trust went hand in hand with the intensification of the conflict between the parties. The police did not show any willingness to delegate some of the protest control tasks to their organizers or marshals appointed by protesters.

Furthermore, detentions were an indispensable element of protests. They occurred even when peaceful protesters and bystanders breached no law. This was a deterrent to joining demonstrations and showing support to their participants. At the same time, preventive detentions resulted in the accusation of unfulfilled offenses and crimes, which heightened the sense of fear. Also, arrests quickly followed any violations of the law. Law enforcement officers made use of forceful arrests strategically to target and remove not only the most active protesters but also bystanders. Arrests were used for the violent dissolution of

85 Martín PORTOS, "Keeping Dissent Alive Under the Great Recession: No-Radicalisation and Protest in Spain after the Eventful 15M/Indignados Campaign", *Acta Politica*, 54 (1/2019), p. 45–74; Pedro OLIVER, Jesús-Carlos URDA, "The Repression of Protest in Spain after 15-M: The Development of the Gag Law", *Social Justice*, 46 (2/3/2019), p. 75–99.

86 Jario VARGAS, "Spain's 'Marches For Dignity' Ended With Tear Gas and Rubber Bullets", *The Local* March 24, 2014. <https://www.vice.com/en/article/3ke5wv/spains-marches-for-dignity-ended-with-tear-gas-and-rubber-bullets> [April 16, 2021].

assemblies. Excessive and undifferentiated use of physical violence, inappropriate use, and misuse of antiriot equipment to police protests were standard ways of handling assemblies. Riot control techniques such as tear gas and batons were in use. Law enforcement officers confronted protesters, which was followed by a progressively escalated force.

DISCUSSION AND CONCLUSIONS

The analysis of the news, Amnesty International's, and the police's reports uncovered the dimensions of escalated force as a model of policing the Indignados' protests. The military ethos in which the maintenance of public order took precedence over other police tasks prevailed in the Spanish law enforcement structure. Protest policing and the dissolution of public gatherings were given priority. The study showed that a historical legacy of the pre-democratic law enforcement model was seen in policing the Indignados' protests. Accidental arrests could pass as an expression of powerlessness and incompetence during the first such great wave of protests in democratic Spain. Both for the law enforcement agencies and the first generation of police officers who were tasked with controlling the implementation of the right to assembly, these protests were a test of competence and subordination to the government. It turned out to be the subjection at the cost of violating democratic rights and freedoms. Amnesty International's report exposed that escalated force policing did not comply with international human rights law and standards on policing, in particular the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Police officers also failed to respect, protect, and ensure the rights to liberty, personal security, and physical integrity. Civil freedoms of expression, the press, and peaceful assembly were restricted and violated. In addition, the regulations of police action and training did not assume that torture, other ill-treatment, and excessive use of physical violence are prohibited and would be dealt with by disciplinary and criminal proceedings⁸⁷.

Moreover, the analysis provided some empirical support for the blue approach. The police perceived protesters as posing situational threats to law enforcement officials that policed particular protests regardless of the actual threat. Nonetheless, those threats did not account for the violent policing of peaceful protests. The situational threats emerged when police expected they might have lost or already began losing control of a crowd. Accidental and peaceful counterdemonstrations opposed violence, not the Indignados' goals, and thus could not be judged to be favorable to the government. The police could

⁸⁷ Amnesty International, "Spain: The Right to Protest under Threat", *op. cit.*, p. 85.

treat them as an additional threat but not separate from the then wave of social mobilization. Provocative actions such as “missile” throwing might have shaped police-protester coordination. Law enforcement officers recognized that the crowd was no longer under control and put them at risk not only when protesters damaged property or used physical violence. Accordingly, those factors do not explain the violent policing of peaceful protests.

The study provided more empirical support for the threat approach. It assumed that a more confrontational style of crowd control emerges when political elites perceive the actors of social mobilization as a threat. In the line of this explanation, threats include social groups that use noninstitutional and aggressive tactics, have multiple targets and goals, pursue revolutionary or radical goals, countercultural groups, large protest sizes, and high levels of movement mobilization. All these criteria were met by the Indignados. In response to the spreading protests and the growing social movement, police repression was used. It was marked by the abusive use of administrative and criminal sanctions to penalize both peaceful and aggressive protest participants. The freedom of peaceful assembly was also limited by the excessive use of physical violence against them. Notably, the government failed to attempt to eliminate shortcomings in Spanish legislation regarding the exercise of civil rights. Instead, its legislative proposals sought to strengthen the penalization of protest organizers and participants⁸⁸. The Spanish government did not provide adequate legal regulations and safeguards to prevent the excessive and abusive use of force by police, such as regular training and strict rules of use. It also avoided taking appropriate measures to minimize unwarranted injuries⁸⁹. The government fully accepted, supported, and strengthened the protest control model implemented by the law enforcement agencies.

The previous, anti-Franco great wave of social contestation brought irreversible changes at the level of the political system and the replacement of the ruling elite. The historical experiences could have been a source of concern. Moreover, the increase in the scope and number of protests caused concerns about the need to implement the anti-system and anti-current political elite demands of protesters. The existing restrictions on the freedom of public assembly turned out to be insufficient. The completely subordinate police, despite their best efforts, were unable to stop such a significant wave of protests.

According to the perspective taken by the ruling elites, the enemy was at the gates. They felt endangered, as evidenced by restrictions on civil liberties, tightening regulations on the right to assembly, repeated calls to disperse and

⁸⁸ *Ibidem*, p. 63. See also: Pascual SERRANO, “Spain: Repression and Legal Reforms to Prevent Protests”, *Socialist Lawyer*, 62 (1/2012), p. 32–35.

⁸⁹ Amnesty International, “Spain: The Right to Protest under Threat”, *op. cit.*, p. 34.

end unauthorized protests. Comparisons of the protesters' behavior to the actions of undemocratic actors were significant, especially the unjustified analogies between the *escraches* and the Nazis attacking the Jews in their own homes. One of the elements of delegitimizing the assembly participants was calling them "the Nazis" and "terrorists", i.e., the traditional enemies of democracy against whom democracy must be defended under the principle of militant democracy. Although the Indignados' goals were not undemocratic, they were treated and fought by the law enforcement agencies precisely as criminals threatening democracy, Spain, and Spaniards. Treating the protest movement as the enemy that had to be suppressed might have been a defense mechanism of militant democracy. Transforming the Indignados into the enemy might have resulted from fears of threatening the existing *status quo* and losing political elites' own state positions.

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ARTÍCULO RECIBIDO: 02-03-2021, ACEPTADO: 27-09-2021

