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Violent scenes in Catalan referendum were not the return of Spain's Francoist police

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The heavy-handed police intervention against the Catalan nationalists during the unilateral referendum on October 1 produced some shocking images: police in riot gear beating unarmed protesters and seizing ballot boxes.

Five days later Madrid was making conciliatory gestures, with government undersecretary for Catalonia Enric Millo apologising for the behaviour of some police officers, saying:

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When I see these images, and more so when I know people have been hit, pushed and even one person hospitalised, I can't help but regret it and apologise on behalf of the officers that intervened.

Spain is a relatively young democracy – less than 40 years old – and many still remember Spain under General Franco, who came to power through the merciless 1936-1939 civil war and ruled until

his death in 1975. The association with the events of last week are unavoidable: are the Francoist police back?

From dictatorship to democracy

Academics who study the legacies of **authoritarianism** in new democracies underline that the police are one of the more difficult institutions to reform. But comparatively speaking, few police forces have undergone a more speedy and thorough transformation than Spain's.

The Spanish police are not, by any measure, a remnant of Francoism. The dilemmas they confront today are subject to the paradoxes of democracy, such as the clash between court rulings and citizens' understanding of their rights, and the co-existence of competing, democratically legitimate authorities.



Spanish national police remove a ballot box from a voting centre in Capponet, Catalonia, during the October 1 referendum which was deemed illegal by the Spanish Constitutional Court. epa, CC BY-SA

Since the death of Franco, reformist politicians have pursued the transformation of the police. This was not an easy task, given that domestic terrorist groups, especially the Basque separatist group ETA, were targeting policemen and military officers – 149 were killed between 1978 and 1982.

Government and opposition politicians, trade unionists, progressive academics, military officers who had fought Francoism in the clandestine Democratic Military Union, and police officers eager to modernise the force, all took part in a dialogue that resulted in the creation of a new police system.

Even before the 1978 constitution, voted on in a referendum, the main elements of the new policing landscape were already in place. This was one of the key agreements reached by government and opposition in the Moncloa Agreements in 1976: the urban police were now demilitarised, the uniform changed from grey to brown, and its command structure was put in the hands of civilians. The

Guardia Civil (Civil Guard), while retaining military traits similar to those of the French Gendarmerie, was put under tighter civilian control and relegated to policing rural councils of under 10,000 inhabitants.

The new Spanish police

After 1978, police reform proceeded steadily. New training schools for officers were opened and democratically elected local councils developed their own police forces, while the Basque and the Catalan regional governments deployed their own police. The National Police and the Civil Guard have not patrolled the streets of these regions for more than 25 years. The pioneers of police unionisation also succeeded in the mid-1980s, and policemen became citizens with worker rights.

Even in the paramilitary Civil Guard, the cultural changes are evident: women are admitted to the ranks and gay officers have been granted the right to live in same-sex couples in the barracks. Decentralisation, advanced training, civilian control, feminisation, unions and cultural change – hardly the heavily militarised, centralised police of the Franco era.

Being free of Franco's legacy does not mean that the Spanish police system is flawless. As in many police forces in advanced democracies, there are subcultures of violence. While there are internal controls, there are good reasons to concur with human rights watchdogs denouncing courts that too often protect violent policemen. These problems affect local, regional and national police forces, all of which but the Civil Guard were born in democratic times.

There is also a preferred Spanish policing method of breaking up recalcitrant demonstrations with high-mobility support from vehicles and firing rubber balls when deemed necessary. After the outcry over a recent death and several citizens losing an eye, these tactics are under revision. This method of crowd control, however problematic, developed from the study of non-lethal policing tactics during the transition to democracy and is shared by the anti-riot units of the Catalan and Basque police. It is not a Francoist legacy.

A failure of policing

In Catalonia on October 1, the police were intervening against a referendum the courts had declared illegal. Naturally there was resistance to their attempts to close the polling stations. But a very different reaction on the part of the police could have taken place: it was within their powers to assess the situation and put citizens' security first. The vote, albeit illegal, was not harming anybody, therefore there was no urgency to stop it.



A Catalan woman celebrates casting her vote for independence on Sunday 1 October. epa, CC BY-SA



Students protest against police brutality at the referendum for an independent Catalonia. epa, CC BY-SA

Identifying the ringleaders and sending the information to the judiciary could have done the job. In face of the Catalan nationalists' challenge, which amounts to a *coup d'état*, it would not have been not easy to maintain a cool head. But it did not make much sense to send 10,000 police to stop two million protesters and oversee 4,000 polling stations – a useless and impossible task that could only inflame the situation and discredit the police. The quality of policing is a key ingredient of the quality of democracy, and compromising the police's image was not a wise step.

Good policing is crucial for protecting citizen's rights and democracy itself, but it has to be openly debated, analysed and controlled. Policing citizens is a sensitive issue. There were some clashes, but even images of extremely patient policemen breaking up a sit-in by lifting the protesters one by one and carrying them outside a security perimeter have been used as representations of brutal repression.

There has been a general trend in democratic countries towards an **underenforcement of the law** when protesters are not harming people or property. The aggressive appearance of Spanish policemen in riot gear, dehumanised by the invisibility of their eyes, projected a self-defeating image of brutality. My hope is that the police authorities would analyse last Sunday's operation as a failure.

Law and court rulings are two parameters which should guide police intervention, but not the only ones. Regarding the Catalan referendum, proportion in the use of force should not be measured against the enormity of the constitutional challenge taking place, but against the rights and the security of the citizens taking part. This is one of the paradoxes of democracy.

Spain Catalonia Police brutality

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