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PUBLIC BACKLASH AS A RESULT OF PROTEST POLICING IN PANDEMIC-AFFECTED SPAIN[127]

Abstract:	*Since the outbreak of the coronavirus pandemic, research into the process of democratic backsliding in the states of the EU has been intensified even more than ever before. After the initial shock connected with the crisis and getting used to the new situation, more and more protests began to appear in opposition to the security measures introduced by the government. In addition, many countries have extended the catalog of powers of the security services that they could use against people who did not comply with the restrictions introduced. The article focuses on society activities in the form of protests in Spain during the first month of the pandemic, from 11 March 2020 when it was officially announced by the WHO to 31 March 2020.*
	The analysis will answer the following questions: what issues were raised during the protests, what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters? The method used in the article is the qualitative method of source analysis. In conclusion, the escalated force policing protest took place 4 times, translating into riots. Protesters took to the streets 34 times in connection with the coronavirus pandemic, and 17 times it was about other issues that were not directly related to the pandemic.
Keywords:	**Spain; protest policing; pandemic; riots; public backlash; protests**
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Introduction

Since the outbreak of the coronavirus pandemic, research into the process of democratic backsliding[128] in the states of the EU has been intensified even more than ever before[129]. Governments adopting measures to counter the spread of the virus in many cases have begun to restrict the rights and freedoms of individuals on a large scale[130]. One of the laws that was treated particularly restrictively was related to freedom of assembly[131].

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[129] Maciej Skrzypek, *Democratic Backsliding in Poland on Example Draft Amendments in Electoral Code During the COVID-19 Pandemic*, "Polish Political Science Yearbook", Vol. 50, No. 2. 2021, pp. 37-50; Joanna Rak, Roman Bäcker, Przemysław Osiewicz, *The Right to Exercise Protest Under Threat? Between the Rise of Autocracy and Democratic Resilience in Crisis-Driven Poland*, "Political Life", Vol. 3, 2021, pp. 5-10

[130] Kamila Rezmer-Płotka, *Restrictions of Religious Freedom as an Indicator of Militant Democracy: Instrumental Treatment of Religion in Spain in 2009-2019*, "Aportes. Revista de Historia Contemporánea", Vol. 36, No. 107, 2021, pp. 69-98; Maciej Skrzypek, *Between Neo-militant and Quasi-militant Democracy: Restrictions on Freedom of Speech and the Press in Austria, Finland, and Sweden in 2008-2019*, "European Politics and Society", Vol. 24, 2023, No. 5, pp. 552-571

[131] Przemysław Osiewicz, *Limitations to the Right to Freedom of Assembly in Poland during COVID-19 Pandemic: The Case of Women's Strike*, "HAPSc Policy Briefs Series, Vol. 1, No. 2, 2020, pp. 195-200, Kamila Rezmer-Płotka, *Policy*

Governments have introduced limits on the number of people attending gatherings, rules on how to report about them, and the time it takes to announce the date of the gathering. However, this has raised concerns about the freedom of expression in the form of spontaneous protests. In addition, some difficulties are relevant to the choice of a protest tactic, which arises from the limitation of resources, not only the pandemic and security. In involving a threat to life, the choice of tactics is subordinated to the principle of protecting the self and not exacerbating the situation of others[132]. After the initial shock connected with the crisis and getting used to the new situation, more and more protests began to appear in opposition to the security measures introduced by the government[133]. Also significant was the unequal treatment of some sections of the community, which resulted in different measures taken by the authorities. Stephen Reicher and Clifford Stott as an example point to self-isolation, which for poorer groups in society could be implemented to a limited extent, due to their lower ability to afford to take holidays. Another risk that the authors saw was the enforcement of these measures by the police and military, which led to the insecurity of perceiving these bodies as privileged groups, instead of treating them as neutral guardians of law and order. In this way, there was a risk of a loss of trust by the public, and thus ultimately of a conflict[134].

In addition, many countries have extended the catalog of powers of the security services that they could use against people who did not comply with the restrictions introduced. It began to lead to excessive force by the police, and as a result, to the transformation of peaceful demonstrations into riots and the violation of the democratic order in states. This was the period when police leaders needed to ensure that procedurally just practices were occurring between police and the public. Strengthened powers and legislation were expected to enable the police to increase public security. In this context, it was extremely important to make the security services aware that how they interact with the community in these uncertain times will either build or damage police legitimacy[135]. For this reason, the biggest challenge was the policing of peaceful public assembly. The dangers that researchers see in this situation include giving the police too much discretionary power in determining whether public assemblies are in line with the binding law, and under what conditions they can occur[136]

The activities of the security services can be analyzed under the five ideal types of public order policing. Among them, the performance of the following includes service policing, control policing, hybrid policing, disordered policing, and crisis policing[137]. This means that it comes to the point that collective actions transform into civil disorder, and civil disorder continues and changes over time under two conditions, i.e. depending on the model of protest policing or the selected dimensions of protest policing and the level of police's partisanship during protest policing[138]. The dimensions that distinguish Donatella della Porta are: "(1) "repressive" versus "tolerant," according to the range of prohibited behaviors; (2) "selective" versus "diffuse," according to the range of groups subject to repression; (3) "preventive" versus "reactive," according to the timing of police intervention; (4) "hard" versus "soft," according to the degree of force involved; (5) "dirty"

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[133] Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, "Teorija in Praksa", Vol. 58(SI), 2021, pp. 598-615; Joanna Rak, *Framing Enemies by the State Television: Delegitimization of Anti-Government Protest Participants During the First Wave of the Pandemic in Poland*, "Journal of Contemporary Central and Eastern Europe", Vol. 29, No. 2-3, pp. 157-175

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[138] Stephen Reicher, Clifford Scott, *Policing the Coronavirus Outbreak: Processes and Prospects for Collective Disorder*, "Policing: A Journal of Policy and Practice", Vol. 14, No. 3, 2020, p. 569; Julia Hornberger, *We need a Complicit Police! Political Policing Then and Now*, "SA Crime Quarterly", Vol. 48, 2014, pp. 17-24

versus "lawful", according to the degree to which respect for legal and democratic procedures is emphasized"[139]. Moreover, the pandemic is a special situation because police calls for citizens to stop their actions are more difficult to ignore due to the assumed moral imperative of collective safety and public health[140].

The article adopts the following structure to provide an answer to the following questions: what issues were raised during the protests, and what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters? The next part of the article starts with the introduction and presentation of the theoretical category and methodological foundations used for analysis. Then, the paper shows the outcomes of the analysis and possible explanations.

Theoretical Background and Methodological Remarks

Referring to the research of Stephen Reicher and Clifford Stott, three factors are necessary to produce the potential for civil disorder. They underline that a populace develops a sense of illegitimacy and grievance; the grievance relates to an "ingroup" with whom a populace identifies and to which it psychologically belongs since disorder arises from what is happening to "us"; a populace determines an "outgroup" and views "them" as the source of grievance because disorder involves a "them" to target[141]. Researchers have long emphasized the importance of interactions between the crowd and the police because one thing is certain: each police intervention increases the influence of those advocating violence in the crowd. They assume that thinking of the crowd as irrational and dangerous is wrong[142]. It leads to police missing opportunities to develop more efficient, effective, and less confrontational approaches to managing public order during mass events[143]. Other numerous studies on repression indicate that the escalation of repression of protest can trigger radicalization and impact negatively on civil liberties[144]. However, there is disagreement in the literature as to whether certain elements of protest policing[145] or generalized models of protest policing[146] are a factor triggering civil disorder potential. According to Anne Nassauer, it is possible to maintain peace and order during protests thanks to proper identification of de-escalating interactions through focusing on communication and effective police management, respecting territorial boundaries, avoiding escalation signs recognizing the emotional dynamics for violent outbreaks[147]. Clark McPhail, David Schweingruber, and John McCarthy pointed to two models of protest policing: negotiated management and escalated force[148].

Joanna Rak operationalized them and she proposed to place them on the continuum as extreme values of protest policing. In this way, it is possible to consider police behavior on various levels. The first relates to the police and the protection of protesters rights; the second level concerns police tolerance for disruptions; the third level focuses on communication between police and protesters; the fourth level covers issues related to

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arrests treated as a tool for managing protesters; and level five involving the use of force or in combination with arrests. She also pointed out changes in the style of protest policing. It means moving from the model known as negotiated management towards escalated force. This ultimately leads to an increase in the use of violence by protesters[149].

The article focuses on the social activities in the form of protests in Spain during the first month of the pandemic, from 11 March 2020 when it was officially announced by the WHO. The study covers only the first month due to the assumption that this was the most dynamic and surprising stage of the pandemic. In the months and years that followed, citizens and governments were better prepared for possible scenarios of further action, and the shock was replaced by familiarity with the crisis. In addition, many people have already been vaccinated against the virus, in this way limiting its spread.

In Spain, the right to peaceful assembly is guaranteed by the Constitution of 1978[150], and the 1983 Law on the Right of Assembly[151] like the primary legislation in Spain governing assemblies. Spanish law does not explicitly allow spontaneous demonstrations, ale but the 2015 Basic Law for the Protection of Public Security[152] prohibits spontaneous demonstrations. Moreover, Article 21 of the Constitution[153] states that the authorities should be notified in advance of assemblies taking place in public areas and Organic Act No. 9/1983[154] requires notification 10 days in advance, with a 24-hour notification only in exceptional circumstances. The adopted assumptions and analysis are intended to answer the following questions: what issues were raised during the protests, and what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters?

Based on the existing theory and the application of the qualitative method of source analysis, it has become possible to answer these questions. The data that was analyzed comes from the Covid-19 Disorder Tracker (The Armed Conflict Location & Event Data Project). This database allows to provision of data concerning the dynamics of contention. The protests included in the database are dated from 1 March 2020, for the analysis, the initial caesura was determined from 11 March 2020, i.e., the announcement of the pandemic, to 31 March 2020. The analysis aims to better understand the sources of civil disorder in the pandemic-ridden EU and the consequences of policing. The study may serve as an introduction to extended and in-depth research on protest policing and civil disorder in EU Member States. In addition, it makes it possible to compare the dynamics and nature of the protests between the first month of the pandemic and subsequent months.

Protests in Pandemic-Affected Spain in March 2020

On 14 March 2020, the Government of Spain, in an extraordinary meeting of the Council of Ministers of March 14, 2020, approved Royal Decree 463/2020[155] declaring a state of alarm over all national territory for 15 days for the management of the health crisis due to the coronavirus outbreak. The decree establishes the Governments' centralization of power and security measures such as the restriction of public gatherings and movement to the citizenry to control the spread of infection. On 27 March 2020, the state of alarm was extended for 15 additional days.

Based on the analysis, it can be indicated that between 11 March 2020 and 31 March 2021, 51 protests took place. Of these, 47 were peaceful events during which the security forces did not turn to violence. The

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[149] Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, "Teorija in Praksa", Vol. 58(SI), 2021, pp. 598-615

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escalated force policing protest took place 4 times, translating into riots. Protesters protested 34 times in connection with the coronavirus pandemic, and 17 times it was about other issues that were not directly related to the pandemic. In the case of protests related to the wider coronavirus pandemic, groups can be distinguished as Prisoners, Labour Groups, Committees for the Defence of the Republic, Police Forces of Spain, Refugees, and Vigilante Groups. That is, in addition to the protests of the public, these specific social groups protested in their interest. Based on the analysis, it was possible to see that the Labour Group was particularly active. This is not surprising if we analyze the restrictions introduced, which largely affected entrepreneurs and employees who could not perform their work and make profits. Not every company or institution was able to quickly adapt to the new conditions or suspend its operations for an indefinite period without consequences. The problem also arose with refugees who could not move freely or had an irregular legal status.

Protests related to the spread of the coronavirus de facto began on 14 March, while the previous ones concerned other issues. Some of the first to protest were Moroccans, who opposed the closure of the borders with Spain by the Moroccan authorities, which thus restricted their freedom of movement. In the following days, migrants protested. Due to the lack of information about the coronavirus crisis, prisoners also protested. Other protests included the suspension of i.e., factories, the lack of security measures against coronavirus infections, calls for more doctors, and at the same time expressing opposition to the presence of the military forces in the streets during the state of alarm. The first decisions to restrict the freedom of movement were made by the state relatively dynamically and sometimes chaotically, which is why the protests of the inhabitants were not surprising. Especially for many people, trips abroad result from their work. The first month is also a challenge to ensure that there are enough hygiene products and medical staff to ensure health and safety. Public discontent related to the appearance of security services on the streets has led to questions about the legitimacy and politicization of the security services.

An unusual form of protest on the part of citizens was also banging pots on balcony railings in many cities (in connection with the so-called lockdown) i.e., against the King's speech[156]. The same form was also used against the second vice-president of the Government to denounce his failure to comply with the 14-day quarantine, to oppose the management of the coronavirus crisis by the Government, and to criticize the statements made by the Regional Minister of Health of the Valencian Community. These are symbolic protests that were largely based on the public organizing themselves through social media. Their scale was significant, as it covered several cities. In the case of riots, their flashpoint was enforcing the coronavirus confinement rules and transporting elderly persons infected with coronavirus from a residence for the elderly to care to keep them safely in isolation. However, this is only the first month of the pandemic, which is not representative of the entire period when it took place. This is an important stage due to the new situation and the crisis on such a large scale.

During the analyzed period, it can be pointed out that the police took such actions as detaining people who did not respect the restrictions and detaining rioters. According to the data, police actions were taken in response to the behavior of the detainees. It should be noted that the number of protests was relatively small, and those of a violent nature were isolated events. For this reason, it is difficult to talk about escalated force on a larger scale. In the future, it is important to focus attention on the dynamics of protests in the following months and what actions the police took at that time.

Conclusions

The emergence of the coronavirus pandemic was not only a huge surprise for the world but also another crisis that affected EU Member States in a relatively short time. The first was the financial crisis, followed by the so-called refugee crisis. Each of them was significant for backsliding democracy[157]. The pandemic has also revealed a problem with the legitimacy of the security services resulting from their special role in ensuring the safety of individuals and new competencies. The restriction of citizens' rights and freedoms in connection with measures to prevent the spread of the virus has led to growing social tension. Despite the many restrictions, numerous protests took place in a traditional or more symbolic form. The article uncovered the case of Spain in terms of the protests that took place at a specific time and the policing protest. It has been considered the

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special period when the WHO announced the pandemic and its first month. The issues that appeared during the protests included the closure of borders and difficult freedom of movement; the lack of information about the coronavirus pandemic and an appropriate number of security measures; indicating the need to increase medical staff and showing dissatisfaction with the presence of the military forces at the streets during the state of alarm.

In March, it was noted that the groups that protested in connection with the coronavirus pandemic were Prisoners, the Labour Group, Committees for the Defence of the Republic, the Police Forces of Spain, Refugees, and the Vigilante Group. There were also general protests, e.g., demonstrations of residents of various cities that relied on banging pots on balcony railings. Only four protests can be classified as riots, while the others were peaceful. Based on the data obtained from the ACLED database, it was indicated that the only actions taken by the police against people who did not comply with the restrictions were detentions during riots. However, it should be noted that the period considered is only the first month since the pandemic was declared, and the number of protests has increased over time. This may indicate a potential upward trend in the following months and provide a good starting point for further research on civil disorder and protest policing. An important element of further research would also be to draw attention to the established framework of the following waves of the pandemic, which could lead to cognitively interesting conclusions about the intensity of the protests, their nature, and the actions taken by the police. Especially since the consequences of some of the restrictions became visible at a later period. For example, the closure of the border between Morocco and Spain, in addition to restricting freedom of movement, resulted in the loss of employment for thousands of people who crossed the Moroccan border daily to two adjacent Spanish autonomous cities to work. Another issue in this situation is the observation of global feminization of survival because a significant part of the people who crossed this border were women[158]. What is more, the actions in the first period of the pandemic can be described as symbolic, the protests took the form of local action, such as banging pots on their balconies in connection with the lockdown.

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