

EUROPEAN GROUP FOR THE STUDY OF DEVIANCE AND SOCIAL CONTROL

ESTABLISHED 1973

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An international network working towards social justice, state accountability and decarceration

NEWSLETTER No 05, 2018

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I. *Editorial*

Last October Catalonia held a referendum into becoming independent from Spain - a vote the Spanish authorities quickly claimed was illegal and whose claim of illegitimacy was used to “make it OK” to strike down those they deemed insurgents. We all remember the pictures shared in the news and on social media of the violence and force committed against the Catalan people. This is the main topic of the EG May newsletter.

According to Cristina Fernández-Bessa, Alejandro Forero, Ignacio González-Sánchez, Daniel Jiménez-Franco, Manuel Maroto, Ignasi Bernat, José A. Brandariz, Clara Camps, David Castro and Borxa Colmenero - *what we are witnessing in Catalonia today is arguably the widest-ranging wave of political repression seen in Western Europe over the last three decades*. Read their important account of political persecution by a European state of their people happening now.

Registration for the conference is now open. [The registration form can be found here](#), and below in this Newsletter. **Deadline for registrations is 20th May.**

Excited to see you all very soon!

In solidarity,
Ida and Per

II. Political persecution at the heart of Europe: The criminalisation of the Catalan pro-independence movement

Cristina Fernández-Bessa, Alejandro Forero, Ignacio González-Sánchez, Daniel Jiménez-Franco, Manuel Maroto, Ignasi Bernat, José A. Brandariz, Clara Camps, David Castro and Borxa Colmenero

A spectre is haunting Europe – the spectre of neo-fascism and the alt-right. In a significant number of EU countries, the gradual consolidation of this ‘new’ political player has been backed by aggressive anti-immigration and islamophobic campaigns, discourses aimed at crafting new folk devils and igniting the battle of the have-nots and political agendas advocating state repression measures against othered and racialised subjects.

Nonetheless, the authoritarian conservative turn haunting Europe is multi-faceted. Spain has always ranked relatively low in terms of xenophobia, despite having been a popular destination for international migration in the first decade of this century. As indicated in the MIPEX report (www.mipex.eu), this does not mean that Spain is a welcoming non-racist society. All the same, political conflict has never been focused on the citizen/non-citizen divide. For much of the last hundred years, decisionist policies, Durkheim-style constructions of social cohesion, friend-enemy narratives and even what Foucault called ‘race wars’, have been prevalingly concentrated on internal conflicts. Indeed, these dynamics have long been centred on the agonistic tension between a metonymic representation of Spain and – essentially, albeit not exclusively – the Basque Country and Catalonia. This has resulted in an exceptional degree of state repression, both during Franco’s dictatorship and thereafter. In short, the characteristic features of the authoritarian turn spreading across Europe, i.e. the scapegoating of certain segments of the population, the overt disdain for human rights, and the endorsement of a strong state that does not hesitate to deploy legal violence against othered groups, have their own particular traits in the case of Spain.

Unfortunately, this has not been understood by wide sections of the European public, including leftist and activist milieus. Likewise, many progressives do not grasp the real nature and political texture of the Catalan pro-independence movement. An unreal simplistic top-down representation of this political movement has been publicised by mainstream media and political pundits, in which the independence bid appears to be the reckless creation of a bunch of uncooperative chauvinist centre-right

politicians. To be sure, over the last decade Catalan political elites warmly embraced austerity policies and adopted a hard-line attitude against any sort of political contestation for years¹. Perspectives for social justice in an independent Catalonia ruled by the same nationalist coalition that has, in one way or another, governed the region over the last four decades, are slim. Yet, the flawed mainstream narrative on the Catalan turmoil obscures the strong connections of the popular pro-independence campaign with the anti-austerity movement that shook up the Spanish political landscape some years ago. It also veils the influence of the undemocratic stance taken by Spanish elites, always reluctant to politically debate any initiative that may question their Lampedusian status quo. Further, this representation intentionally ignores the fact that the Catalan movement has been fostered by capillary networks of grassroots groups, formed by hundreds of thousands of extraordinarily politicised women and men (see www.redpepper.org.uk/by/ignasi-bernat/) - albeit with little leverage in working class areas. In fact, the huge pro-political prisoners demonstrations recently witnessed in Catalonia, although largely framed from an us vs. them perspective, have brought a previously unseen anti-penal (Spanish) state impetus to the fore.

Without a doubt, the current situation is sombre and ominous. Even in a country like Spain, characterised by a long-lasting tradition of politically motivated penal repression, the current punitive strategy is somehow unprecedented. The utilisation of disproportionate police force on the day of the referendum (October 1, 2017), which resulted in 1,066 people injured (see sirecovi.ub.edu/mapa_en.html#mapa; catmemoria.cat; ajuntament.barcelona.cat/oficina-no-discriminacio/sites/default/files/Report.pdf), was broadcasted worldwide. The fact that since mid-2017 at least 800 individuals have been criminally indicted for their pro-independence activities (see cup.cat/document/informe-minotaure-del-78) is less widely known. The vast majority of these officials, civil servants, and activists have been prosecuted for minor criminal offences (e.g., disobedience to lawful orders), including charges allegedly based on an offence that actually does not exist within the Spanish criminal code, such as hate crimes against police officers. This extensive punitiveness has been coupled with a strategy of intensive punitiveness. Around twenty high-ranking officials of the former Catalan government and some key social leaders have been indicted for two particularly serious crimes, i.e. rebellion and sedition. At the time of writing, nine of them are imprisoned on remand in Madrid

¹ The Catalan police, Mossos d'Esquadra, actually has a concerning record of excessive use of police force. Some of these cases have even been punished by Spanish courts. In regard to this, one of the most shocking aspects of the wave of punitive responses to the pro-independence movement has been the indictment of the former Commissioner of the Catalan police, Josep-Lluís Trapero. He is being prosecuted for not having used legal coercion against pro-independence protests. However, he notably mandated the use of police force against the massive demonstration held in Barcelona on September 20, 2017. His indictment is based, therefore, on the astounding claim that this coercion was not heavy-handed *enough*.

and six more have fled into exile to Belgium, Scotland and Switzerland, including the former Catalan president Carles Puigdemont, who has been placed under supervision measures in Germany until a German high court makes a decision on the European arrest warrant issued against him by the Spanish judiciary.

The decision to prosecute these officials and cabinet members on rebellion and sedition charges, triggered by the Attorney General at the behest of the Spanish government, is particularly concerning. These criminal offences are quintessential nineteenth century-style political crimes most widely used to charge people during the last dictatorship; they had remained unused since the late 1970s. The legal basis of these criminal prosecutions is untenable, to the extent that these old-fashioned offences require significant use of political violence, which in the Catalan case is evidently lacking. By resorting to offences that epitomise a sovereign and exceptionalist model of criminal justice, Spanish elites revengefully seek to enforce decade-long prison sentences that allegedly aim to have deterrent effects on the pro-independence movement². Yet, this unsustainable legal strategy will, in all likelihood, prevent European courts from granting the European warrants issued for Catalan exiles, as it did in the German regional high court of Schleswig-Holstein³. The Spanish government had no alternative though. Rebellion and sedition aside, the plan to enforce long prison sentences could only be achieved using terrorism charges, the legal basis of which would be even more untenable in the Catalan case. Still, the Spanish Attorney General is currently preparing charges for terrorism crimes to criminalise non-violent civil disobedience actions carried out by pro-independence groups.

The consequences of this punitive crackdown on the democratic polity are not short of devastating. In late October 2017, the Spanish administration, backed by mainstream political parties, adopted a doubtless unconstitutional interpretation of a manifestly outdated section of the Spanish Constitution (Article 155) to impose direct rule on Catalan democratic institutions, thereby overthrowing the Catalan government and dissolving the Catalan parliament. The ensuing elections confirmed that pro-independence parties held the majority in December 2017. However, Puigdemont, the presidential candidate, could not be re-elected because he will be jailed as soon as he sets foot on Spanish soil. His successor, Jordi Sànchez, could not

² In early October 2017, Pablo Casado, top official of the ruling PP party, predicted that the Catalan cabinet members might end up like the 1930s Catalan president, Lluís Companys. Companys declared the independence of Catalonia in October 1934, before being sentenced, together with the members of his government, to thirty years in prison. They were subsequently released by the new left-wing Spanish administration in early 1936. Still, after the Civil War, Companys himself was arrested by the French fascist government and given over to the Spanish authorities, who executed him in Barcelona in October 1940.

³ Interestingly, the Spanish Supreme Court has not issued extradition requests against the Catalan exiles that fled to Switzerland, because Spanish magistrates are aware that the Swiss judiciary would not accept requests which are overtly politically motivated.

be elected as Catalan president either because he is imprisoned on remand and the court did not allow him to attend the parliamentary session⁴. Even more strikingly, in March 2018 another Catalan MP, Jordi Turull, was jailed the day before he was to be proposed as Catalan president by the newly elected parliament.

What we are witnessing in Catalonia today is arguably the widest-ranging wave of political repression seen in Western Europe over the last three decades. The Spanish state is committed to transforming a political demand that is widely shared across Catalan society and a deeply entrenched political conflict into a criminal issue, even though this is likely to exacerbate the conflict. This apparently meaningless plan deserves to be further scrutinised. For these purposes, two analytical keys may help explicate this conundrum.

The current wave of state repression cannot be grasped without taking stock of the grave crisis that is eroding the Spanish political system. This crisis is not only related to the far-reaching social harm caused by the ultra-liberal management of financial turmoil. It has to do, first and foremost, with the commotion caused by media reports that uncovered the political corruption scheme upon which the power of the right-wing ruling party PP was based. In the framework of this scheme, both big business firms and tycoons and medium-sized enterprises colluded with the party for years, by funding the PP's activities and even paying generous extra wages to top party officials. Against the backdrop of this unstable political scenario, the ruling party let the Catalan conflict worsen and eventually relied on a heavy-handed and merciless way of managing it because it felt that this was the only strategy that could reverse its consistent loss of public support. The Catalan case has therefore confirmed the well known political utilisation of the criminal justice system to secure political legitimisation and divert public attention away from pressing structural problems.

Yet, this contextual explanation falls short of grasping the state of exception-like stance adopted by the Spanish administration. Thus, an additional and more diachronic perspective should be taken into account. The existence of an exceptionalist criminal justice sub-system is a constant feature of the Spanish political regime. Obviously, this does not make Spain any different from some (perhaps many) EU countries. Yet, one can argue without hesitation that the scope and rigour of this sub-system have no parallel in other European jurisdictions. According to academic indexes on state crime and political persecution, over the last four decades Spain has had either the worst record of all EU nations (see www.humanrightsdata.com/p/data-documentation.html) or the second worst

⁴ This case is a good example of the extent to which the Spanish law enforcement apparatus subordinates democratic politics to punitive goals. This pre-trial detainee has been sanctioned with isolation measures by the prison administration for carrying out his tasks as a Catalan MP, i.e. keeping in touch with media outlets and political actors.

record, after Greece (see www.politicalterroryscale.org/Data/), for politically motivated penal repression. Hence, this is neither a minor issue nor a conjunctural situation. This criminal justice model has been nurtured by an unfinished transition to democracy, which in many aspects failed to completely change the cultural ethos and the bureaucratic routines and modes of operation of law enforcement agencies. This penal scheme has also been fuelled by the cultural and political implications of decades of unchecked operations of a gargantuan counter-terrorism apparatus – again, unequalled elsewhere in the EU over the last quarter of a century – that has given birth to exceptionalist penal devices. Both circumstances have contributed to shape a political, legal and even popular culture prone to interpret political initiatives as criminal matters and to tackle them through severe penal measures. Should the current political crisis fail to engender a new democratic impetus – which is highly likely – this worrying punitive context will not be overcome in the near future.

Over the last decade, at least three serious crises have decisively challenged any progressive potential the European project might have had. The short-sighted, uncooperative and racist management of the financial turmoil and especially that of the Greek debt crisis, score high in this regard. The Fortress Europe-like and overtly racist way of dealing with the so-called refugee crisis has not been less relevant. Brexit has also played its part. On top of that, the repression of unarmed and non-violent political activities with close to life imprisonment sentences ultimately risks transforming what may still remain of the alleged European dream into a human rights nightmare.

III. Registration open

Social harm in a digitalized global world: Technologies of power and normalized practices of contemporary society

European Group for the Study of Deviance and Social Control

46th Annual Conference

Ljubljana, 22-24 August 2018

REGISTRATION FORM

Deadline for registration is 20th May 2018

Please send a fully complete form to Katja Simončič, katja.simoncic@pf.uni-lj.si

Please complete in capital letters/circle where appropriate:

Name:
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In case you are unemployed or otherwise unable to pay the fees let us know and we will make an effort to offer you a reduced price if possible.

Fees for 46th Annual Conference 2018 gives access to:

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- Lunch
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This year we are able to offer 1-3 assisted places. The places will be fully supported – covering conference fee and up to 300 Euro for travel and accommodation. The assisted places will be allocated in priority to applicants who meet some/all of the below criteria:

- Does not have a tenured position in academia or has no means of providing alternative means of support through employment schemes.
- An MA/PhD student/part-time member of staff who is ineligible for university department/school/faculty funding to attend conferences
- Is confronted with other significant difficulties which would merit special support to attend the conference
- Is currently undertaking research or activism in an area that reflects the themes and values of the European Group
- Is planning to deliver a paper at the conference on a theme that reflects the work of Stan Cohen. It may, for example, reflect on the concept of moral panic, social control, the psychological impact of atrocities and imprisonment

The **deadline for applications is 20th May.**

PLEASE NOTE: This deadline will not be extended. Those wishing to apply should write a 150-300 word statement in support of their application. A copy of the conference paper abstract should also be included in the submission. Please send all applications and enquiries to Ida Nafstad: europiangroupcoordinator@gmail.com

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europeangroupcoordinator@gmail.com

Also feel free to contribute with discussions or comments on the published material in the newsletter

Please submit before the 25th of each month if you wish to have it included in the following month's newsletter, and provide a web link (wherever possible).

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