

## Bureau-repression: Administrative Sanction and Social Control in Modern Spain

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Oliver Olmo, P., Urda Lozano, J.C., 2015. Bureau-repression: Administrative Sanction and Social Control in Modern Spain. *Oñati Socio-legal Series* [online], 5 (5), 1309-1328. Available from: <http://ssrn.com/abstract=2574670>



### Abstract

This paper explains the creation of an intelligible suggestion for better understanding the administrative sanction in many disciplines in social sciences: the bureau-repression. The coining of this concept is due especially to the repression to which social protestors and demonstrators have been subject since the birth of the 15-M movement in Spain. However, bureau-repression had already begun being exercised in the years following the Transition, and it has developed in parallel to the stage of Security State that characterizes the state system of social control. A detailed analysis of the administrative sanction is performed for many benefits which such sanction provides for those in power, who use it both to silence voices from the street and to dispose of elements which are harmful for the neoliberal system (disadvantaged groups or immigrants). In short, the reader will find the underlying political and repressive background which, at first glance, is usually a monetary fine, and will discover that there are ways to avoid this dense surveillance exercised over the governed people (bureau-resistance).

### Key words

Bureau-repression; administrative sanction; social control; law; fine; social movements

### Resumen

Este artículo explica la creación de una sugerencia inteligible para una mejor comprensión de la sanción administrativa en muchas disciplinas de las ciencias sociales: la burorrepresión. Este término nació especialmente a raíz de la represión que han sufrido los manifestantes de las protestas sociales desde el nacimiento del movimiento 15-M en España. Sin embargo, la burorrepresión ya había comenzado a ejercerse en los años que siguieron a la Transición, y se ha desarrollado de forma paralela al estado de seguridad que caracteriza el sistema estatal de control social. Se realiza un análisis detallado de la sanción administrativa, desarrollada en beneficio de los que están en el poder, quienes la usan tanto para silenciar las

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voces de la calle como para deshacerse de elementos que sean perjudiciales para el sistema neoliberal (grupos desfavorecidos o inmigrantes). En resumen, el lector encontrará el trasfondo político y represivo subyacente que, a primera vista, es habitualmente una multa económica, y descubrirá que hay formas de evitar la estrecha vigilancia que se ejerce sobre los ciudadanos (burorresistencia).

**Palabras clave**

Burorrepresión; sanción administrativa; control social; derecho; multas; movimientos sociales

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## 1. Bureau-repression: one more intelligibility suggestion for better understanding the administrative sanction

### 1.1. Why have we started talking about bureau-repression in Spain?

Why have we started talking about bureau-repression in Spain? Why did a new term need to be coined? As with almost everything, there is a background story to this. We speak of bureau-repression not as a linguistic whim, nor a kind of neo-conceptual finding. The need for the term arose not long ago, without pretension or ostentation, but in a collective, bottom-up manner.

It was needed to analyze a repressive phenomenon which had begun developing some credibility and intensity with the *Corcuera Act* in the early 1990s.<sup>1</sup> “We must think about what is happening to us” – we remember this being said at some meetings of the still-active anti-militaristic and insubordination movement back in 1997 – to gauge the persuasive effectiveness of a form of repression that was not hugely visible to the public eye, with emphasis more on punishment with *fines* than with *prison*. In subsequent years, the matter was discussed many times, in more places and, almost always, in similar terms, until a decade later: in 2007, in the context of collective actions aimed at *non-violence* and civil disobedience by groups from Madrid who came together in the initiative *Siete días de lucha social – Rompamos el silencio* (Seven days of social struggle – Let’s break the silence), the word “buro-represión” (“bureaucratic repression” or “bureau-repression” in English), sometimes also written as “*burorepresión*”, began being used, tentatively but with an undeniable political purpose (Rompamos el Silencio 2007).<sup>2</sup>

At that time, nobody could have conceived that, only a few years later, the 15-M (or 15M) movement would erupt. Truth to tell, these were not times of massive demonstrations, nor of significant media coverage. Deliberately and shockingly, the mass media ignored or gave very little coverage to the day-to-day of actions and alternatives from social movements: nowhere more so than in Madrid (where, since the Transition, there has been more of a palpable return to the glossing over of events as a frustrating and, more crucially, misleading response). In doing so, they covered up the series of searches, arrests, police infiltrations and administrative sanctions to which protestors were routinely subjected, sometimes with unnecessary harshness, sometimes with large doses of ignorance thrown into the mix, and usually in a very arbitrary manner.

Since 2011, administrative sanctions have intensified: now selectively (very clearly directed against notorious activists); now randomly or indiscriminately (despite the added risk of the police obtaining *false positives*). Peaceful demonstrations have been taken over more and more often by increasing police checks and identifications – which will likely be used to fine more and more people – against all kinds of indignant demonstrators or those affected by cutback policies and the neoliberal management of the crisis. It is equally true that the forces of law and order have had a lot more work. Here, with the movement of indignant demonstrators (*I@s indignad@s*), as in Greece, Portugal or many other continental European countries, “the European crisis” has been countered by “the antidote” of “citizens’ movements” (Observatorio Metropolitano 2011).

The mobilization, which began in Madrid, spreading out from town to town and province to province, has been often permeated by an atmosphere of civil

<sup>1</sup> The *Corcuera Act* was enacted in 1992, under the government of Felipe González Márquez, the Spanish *Prime Minister*, who belonged to the *Partido Socialista Obrero Español* (PSOE – Spanish Socialist Workers’ Party). The act is named for the Home Secretary (*Ministro del Interior*) who wrote it: José Luis Corcuera Cuesta. One of many controversial aspects of this act was that it allowed police to enter any home without a warrant if they were prosecuting drug trafficking. Although that aspect of the act was later repealed, it was why the act came to be known as the Kick in the Door Act (*Ley de la patada en la puerta*) (Ley Orgánica 1/1992).

<sup>2</sup> In the 15-M movement, it is also common to speak of “soft-repression” of protests.

disobedience, an air of deliberately disrespectful rebellion which has undermined the very notion of authority, in a way which has not been seen since the events of May 1968. The massive 15-M experience in 2011 led to a diversification of the collection of ways of protest: from concentrations to prevent evictions and tidal waves of people to defend public services against cutbacks and layoffs, to non-violent *escraches* and occupations of public and private entities or institutions – usually related to finance and business – and an infinite number of fun and imaginative actions. Transgressive creativity flourishes with civil uprising.

It is obvious that, in Spain, it has once more become necessary to write about the repression exercised by the State and, most particularly, about its administrative dimension, which is supposedly unrelated to the criminal sphere. Because of the extent and persistence of this type of repression, the content of the word “bureau-repression” now needs to be examined, in order to turn it into a concept that is of use for analysis and action. Its chief meaning would be “administrative repression”.<sup>3</sup> The linguistic form should not be a problem. Grammatically, as it is a new word intended to become a neologism, it is most correct to write it in English as “bureau-repression”, from the original Spanish *burorrepresión*.<sup>4</sup> Yet however it is written, it must be understood that we are not creating unnecessary jargon. It is not a whim on the parts of the writers, but rather a political tool which is already helping bring to light an aspect of the State which has hitherto been neglected. Social protest in Spain has reached levels which are intolerable for the *Partido Popular* [PP]’s government. The government views as a threat demands which are actually based on fundamental rights. Hence, instead of heeding them, it has chosen the most closed alternative to brute force: unjustified and disproportionate repression with the help of a legal framework only recently constructed. The PP government is working on a sort of “special new punitive jurisdiction” – the main point of which will be the administrative sanction – for this purpose. This explains the drafting, in late 2013 and during 2014, of the following: Penal Code reform (see Faraldo Cabana 2014), Military Penal Code, acts for the Protection of Citizen Security and for Private Security (Congreso de los Diputados 2013a, Congreso de los Diputados 2013b, Consejo General del Poder Judicial 2013, España, Ministerio de Interior 2014). The Government of Spain has ended up approving the Protection of Citizen Security bill but with several modifications ordered by judiciary organisms (Hernández 2014, Duva 2014). These last national institutions, with their negative reports about the Protection of Citizen Security draft bill, have proved that the alarms raised by social movements, NGO and progressive press were true (Amnistía Internacional 2014).

Given the state of affairs, this paper seeks to explain this bureau-repressive trend through analysis, theoretical and collaborative pluralism, critical information and selfless commitment to bureau-resistance (*burorresistencia*).

### 1.2. How do we define bureau-repression?

The mechanism of power *which* develops administrative sanction is becoming naturalized at the same time as it is spreading and becoming more complicated, or exercised with very different levels of intensity and in different forms, even in different areas of the same country. However, it does not seem proper to continue using the same terminology to refer to punishments which are so different from the political point of view and from the purely administrative one. We cannot view a written warning, a small fine or suspension of benefits for failing in our obligations as users, consumers or customers, in the same way as a police arrest – allegedly for identifying – which brings with it a massive fine (“*multazo*”) – for protesting in

<sup>3</sup> This expression is used for another subject, but with a similar meaning to bureau-repression, in many other studies. A good example can be seen in Foweraker (2002, p. 125).

<sup>4</sup> We are grateful to Bruno Camus Bergareche, Professor of Spanish Language at the *Facultad de Letras* of UCLM, for his advice and guidance.

the street and exercising fundamental rights. It cannot be held that the use of a megaphone in a gathering of authorized protest is reason for sanction for infringing a noise prevention by-law, because this represents a mere excuse for sanction with the aim of preventing the gathering itself. The entire edifice of the proclamation of fundamental rights (such as freedom of speech and freedom of assembly) begins to collapse at its very foundations. Minor regulations, or by-laws, are used to amend the Constitution itself. Fortunately, the judiciary also reacts against these abuses. For example, the sentence 31/2014 of the National Court (*Audiencia Nacional*), which has ruled about the 15-M mobilization in front of the Catalan Parliament (*Parlament de Catalunya*) in July 2011, has acquitted of crimes against state institutions, attack and illicit association each and every one of the nineteen demonstrators who had been put on trial by the charge of the Public Prosecution and the Generalitat de Catalunya among others (Audiencia Nacional 2014). This sentence has had to remind national institutions (whom are presumed the citizens' defense) that the exercise of a fundamental right cannot be criminalized (see Baylos 2014, Aparicio Tovar 2014). We say "remind" because it has been one of the last judgements in this direction, but not the only one: it is also worth rescuing the judicial decree 105/2012, which even meant the insult from a member of the ruling party to the judge who ordered it (Audiencia Nacional 2012, El Mundo 2012).

To continue to speak about these practices in terms of "administrative sanction" is inaccurate. The wave of civil outrage which is experiencing the harsh and often disproportionate administrative-governmental punishment needs new words to define the reality of what is happening and to shift the balance of power in the semantic field of repression as well. This primitive definition, while not wrong, is dangerously uncritical because it creates a counter-productive discourse and a conformist *ethos* which prevents us from seeing the true function of the administrative sanction in the State's repressive strategies. Even the social movement's reference periodical, *Diagonal*, has opened a permanent section called *burorrepresión* (Diagonal 2014).

Bureau-repression cannot, of course, cease to belong to the legal sphere of administrative sanction. However, it redefines this field and, thereby, forces us to observe its *modus operandi* in a different light, re-politicizing it. When it is called bureau-repression, which after all is nothing but a particular form of political use of the administrative sanction to prevent or suppress social and political protest, it still retains the meaning of what it truly is – repression, pure and simple –: a type of social and political repression which neither tends to be unaccompanied nor complies with a mandatory administrative and bureaucratic logic: arrests which may or may not be followed by identifications which may or may not end in sanctions do not represent a mere administrative sequence. Obviously. The concept of bureau-repression identifies and gives name properly to that repressive logic.

In short, what is bureau-repression? Bureau-repression, in its strictest sense, is the utilization, by different institutions of control and public order, of the repertoire of administrative sanctions that are available in the network of laws, regulations and by-laws issued by various State administrations, to criminalize, repress, penalize and ultimately defuse protest carried out by social, political and civic movements. In its broadest and *softest* sense, bureau-repression, which aims to control the potential dysfunctionality of highly vulnerable social sectors that are embroiled in processes of impoverishment, marginalization and exclusion, as well as to impede the solidarity and perseverance with which they attempt to change their destiny of scorn, it can also take the form of simple bureaucratic or legal obstacles which become severe functional impediments for the individuals and groups affected.<sup>5</sup>

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<sup>5</sup> For further information about bureau-repression, see Oliver Olmo (2013a).

## 2. Features and practical examples that support bureau-repression

### 2.1. *The administrative sanction beyond the Law: a social sciences viewpoint*

The warning signal that brought the administrative sanction to the forefront of critical thinking and to incipient research from different angles and contributions from social sciences has been the evidence of its tortuous and rampant political use as a fear-mongering tool against resistance and social protest, especially after the 15-M in 2011. Therefore, as has been mentioned already, the true promoters of this new, resistant and solvent observation of punitive technologies which come under the umbrella term of "administrative sanction" have been social movements.<sup>6</sup>

When it is viewed and categorized using critical parameters of social history or sociology of social movements and cultural anthropology, the traditional view of administrative sanction held by the Law has been finished off, and it has allowed us to see at least a dual specific nature which adds a further repressive aspect to its formal and regulatory approaches: on the one hand, it works systematically, through several agencies, with the aim of imposing control-sanction tactics to repress and criminalize the most active social movements (all the more so if they are anti-establishment); and, on the other hand, it develops a discriminatory and coercive functionality against collective entities which are under control-exclusion processes (above all, immigrants and other popular sectors that are disadvantaged and greatly harmed by neoliberal economic policies). In short, that issue which some critical jurists, who are aware of difficulties that political practice imposes for formal differentiation between criminal law and administrative sanctioning law, have preferred to categorize as *below-the-law* (*infraderecho*) or to refute as if it were a kind of *administrative criminal law*, essentially offers us the best-known aspect of the long social history of punishment: the administrative sanction, actually practiced as bureau-repression, develops outside of the Law (and against the Law) according to its victims and human rights activists. Therefore, it has become necessary to establish and lend content to this new concept (bureau-repression) from the critical perspective of social sciences.

If, in fields of critical thinking, alarm bells have already been triggered, they have not yet been heard to ring throughout the academic world. It has become more than necessary – absolutely crucial, in fact – to label and clearly define one aspect of political and social repression which, because it takes place through administrative procedure, is at best minimized and at worst distorted, until both its true repressive function and its worrying extent are obscured. Hence, it goes unnoticed. Its low intensity seems to excuse its low *visibility*. It can be neither pacifistic nor irrelevant that the multiform reality of administrative sanction remain hidden and left out in the subtext of political culture, and that truly becomes evident when we manage to make it intelligible as bureaucratic repression or bureau-repression: the repressive and punitive action of the sanctioning procedures taken against a variety of means of protest and resistance oscillates between coercion and punishment, with the backdrop of social and political criminalization of a new subversive bias, which emerged with 15-M (Taibo *et al.* 2011; Taibo 2012) and connects with protest traditions of new global movements, due to its "hypersensitivity against the power" and the defense of "radical democracy" experiences (Calle Collado 2012).

At the same time, obviously it is social inequality which determines the actual degree of suffering caused by any give type of sanction. So it is with the best known and most feared manifestation of administrative sanction – fines –, and something similar can also be seen in its softer expression: obstacles and legal and

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<sup>6</sup> The Platform for Civil Disobedience (*Plataforma por la Desobediencia Civil*) (linked to the 15-M movement in Madrid) promotes collective initiatives against bureau-repressive tactics, such as the campaign of non-identifications. It also reports on bureau-repression and its discourses (Plataforma por la Desobediencia Civil 2015).

bureaucratic impediments. Indeed, we know surely that in old days of procedural prison, from Ancient Greece until the advent of the modern prison, a sentence for debts left the defendant locked up *sine die* if he had neither money nor assets to settle them. Later, it was found that the mere Police fine, which barely made the bourgeoisie bat an eyelid, nevertheless posed serious problems for the proletariat and sank the *precarious class* (*precarizado*; see Standing 2011). In turn, focusing on the *soft line* of bureau-repression, comprising bureaucratic obstacles, it must be understood that such obstacles are distinct from the indeterminate idea of agonizing slowness in administrative procedures, which may be suffered by any user – a consumer, a small businessman or a member of a cooperative, among many other social figures who struggle every day at the kiosk windows of administrative departments. We are not talking about hindrances and problems in general. We are speaking, very specifically, about real impediments to the solidarity and resistance of popular sectors who find themselves disadvantaged or harmed (even evicted), either circumstantially, owing to crisis situations, or structurally, because of the absence of social protection and integration policies.

In short, because of its ultimate importance in the governance of societies and its harmful consequences in the lives of ordinary people, the subject here addressed is an extremely serious one: a matter of capital importance which has, in any case, become highly topical also in other places and countries that have suffered the onslaughts of both the economic crises and the most unpopular neoliberal solutions.<sup>7</sup> None of this can be considered inconsequential. It is not, of course, considered so by the activists who, in the face of bureau-repression, exercise collective bureau-resistance. Nor should it be overlooked by the self-absorbed world of academia, which observes and analyzes reality in the light of social sciences.

Studying repression and punishment, including a type of punishment which seems only to have an administrative aspect, is something too important to be left only to Administrative Law specialists (who, in theory, are most concerned with it). Due to the essential nature of their contribution which, unfortunately, is usually between technical and axiomatic in nature, we need to review and revisit this issue from other theoretical standpoints – all the more so if the aim is to make the theory serve the praxis, and make that praxis go beyond the field of academia and lawyer's offices and become collective, useful and proactive.

## 2.2. Critical approaches to surveillance and control

Three major critical theories which have most influenced social sciences since the nineteenth Century, with their many derivations and porosities, also serve as the fundamental inspiration for the theoretical orientation of the conceptualization of bureau-repression: two in positive – Marxism, as a product of developments of capitalism; and Foucault's approach, as a technology of disciplinary power – and another in negative – Weber's, as a process of bureaucratization of the State and social relations, an idea which is used against the grain, with decisive contributions, amongst others, from Norbert Elias, regarding the production of self-controls and self-regulating habits during the civilizing process.<sup>8</sup>

However, very little or nothing of this can be seen in the theoretical framework of those who, after all, have most focused on researching, analyzing, interpreting and explaining the discourse and practice of *administrative sanction*: Law analysts. We need other approaches – scientifically more hybrid, yes, but theoretically much more robust – from social theories of social control to *surveillance studies*, amongst

<sup>7</sup> Various social movements and Argentine anti-repressive collectives, grouped in the Memory, Truth and Justice Congress (*Encuentro Memoria, Verdad y Justicia*), assess police and judicial acts to speak of "judicialisation and criminalization of protest". See (Asociación de Ex-Detenidos Desaparecidos *et al.*, 2012).

<sup>8</sup> So as not to reiterate what is already well known, we refer the reader to the book by David Garland: *Punishment and Modern Society* (Garland 1999). See also Rivera Beiras (2004), Oliver Olmo (2005).



other reasons because they help us to better understand the significance that the combination of “surveillance and bureaucracy” to “monitor the population bureaucratically” (Wood 2009) is acquiring.

Bureau-repression has taken on alarming aspects in recent years. However, it is neither a flash in the pan nor an isolated phenomenon. It falls within a framework of exceptionalities which extends vertically (or in an institutional way) and horizontally (towards the whole of the social fabric), until it becomes structure. If we take as valid the already classic idea explained by Foucault in his famous *Discipline and Punish* – “The Enlightenment, which discovered the liberties, also invented the disciplines” – to the surprise of many authors who thought that disciplines had been gradually being diluted in post-Fordist and informational societies, giving way to more liquid and solvent forms of social control, we should consider that perhaps we are entering into a new punitive era that, with misleading normative discourse, places the matter of discipline back at the center of its constituent practice.

The soft line of social control is hardening. Although it began to become stricter after the 9/11 attacks sparked the *War on Terror*, with the global financial crisis that erupted in 2007 the toughness of punitive social control is becoming chronic, based on emergency regulations and massive investment in surveillance-sanction technologies, to such an extent that the same technology used by the Israeli military to monitor the urban space in Palestinian cities besieged by the State of Israel is used as the basis for “safe areas” being built in the financial heart of London or New York. Thus, a new type of militarized urbanism is already delimiting the security urban development which was under way, especially in so-called global cities and other post- and neo-colonial urban spaces (Graham 2012).

On the other hand, the renewed intensity of traditional hardline punitive social control – i.e. the reality of genuine disciplinary institutions – indicates that prison and other forms of detention (with minors, immigrants or people arrested for insurgent activities) have secured a more than promising future for themselves, whilst other punitive institutions and countless criminal sanctions add more and more nodes to the extensive network of control, surveillance, repression and punishment systems (Oliver Olmo 2013b). Remembering Loïc Wacquant, the renewed strength of old and new instruments of punitive incarceration is attributable to current transition from *welfare* to *workfare* (Wacquant 2011).

It is true that, particularly since the 1990s, voices of alarm are being raised in the spheres of critical criminology and sociology of criminal control, warning about transformations of control strategies from the misleading discourse of “zero tolerance” (De Giorgi 2005), or about the extremes which the emerging *security State* model is reaching and, in short, about the extent and banalization of criminal exceptionalism in an atmosphere already made tense because of the rise of “punitive populism”, discussed interminably by the media – especially television (Rivera Beiras 2005, Fernández Bessa *et al.* 2010). Thanks to all that, penal systems could be observed with a critical view, without overlooking the importance of that which, also in Foucault’s terms, could be called the “micro-penalties” recently introduced. Their *micro* relevance could have far-reaching consequences for the domestic order of democratic governance models: “Very probably, the rise of the personal Security State marks the imminent decline of modern democracy” (Bauman 2007, p. 199).

However, focusing on the subject under discussion, it is no less true that in the field of legal research, little has been done to understand the political usefulness of administrative sanction within systems of control, repression and punishment. The specific study of them has barely resulted in excessively normativist publications – with the exception, of course, of the most rigorous legal treatises and the judicious and isolated working of lawyers who have confronted the contradictions of sanctioning procedures and have taken seriously the defense of their clients

against excess toughness in the application of by-laws or against excessive zeal in the interpretation of specific prohibitions, e.g. those derived from the Citizen Security Act in terms of drug use, or more recently, those which have confronted the commercialization of knowledge, with the defense of free access to knowledge and cultural goods.

### 2.3. *A Leviathan of proximity: administrative sanction in control societies*

To conceptualize bureau-repression separately, it was necessary to extricate it from the haystack of administrative sanction. However, it is not for this reason, and not because it is easy to render the outlines of bureau-repression visible, that we are going to omit what the far-reaching reality of the administrative sanction tells us about the drift of formal social control toward surveillance societies, when technology is capable of combining spheres of control so important as the military, police, trade-financial and the Administration, whose view (increasingly technical) takes in and monitors countless details of the life of the people (Lyon 2007).

Furthermore, the extent of the "culture of control", understood as a generalization of social attitudes favoring the processes of criminalization and mechanisms of exclusion and punishment of new "outcasts" (Garland 2005), largely determines the very dynamics of social control: it is no longer solely in the hands of government agencies, precisely because the technology is making it possible for control (including control-sanction) to be exercised and distributed in many ways, towards many public and private places, from streets and residential areas with video surveillance to the inside of companies, shopping malls, entertainment areas, teaching and university campuses, etc.

What are administrative sanctions really, and which social and cultural functions do they serve in control and surveillance systems? So vast and unclear subject needs to be examined from a variety of angles – both general and specific – and there is even a themed dictionary (Lozano Cutanda 2010). It is no wonder. To say the least, a normativist point of view yields overwhelming results, but which are also vague. Increasingly, since the days of the Francoist regime and above all now in the democratic period, different institutions with their own powers have expressed concern and fear regarding a deep-rooted popular perception which induces people to behave assuming that "*anything which is not forbidden is allowed*", without knowing that many of their daily actions could be subject to police reproval and sanction.

It happens that, in practice, the corresponding authority give preference to non-observance – amongst other reasons because it has neither the day-to-day tension nor sufficient operational capacity to impose its own rules and by-laws. However, there is a kind of dense atmosphere of prohibition to be felt everywhere. In addition to regulations and sanctioning regimes of different sectors and spheres of activity, central, autonomous (regional), provincial and local Administrations have been issuing more and more regulations governing behavior and conduct in any public place or space.

As a result, we obtain the impossible image of a hypertrophic and discolored punitive figure – at once immense and unclear. Despite its massive proportions, the administrative sanction is barely visible. It is able to hide within the body of society, and remains practically invisible in the cultural frameworks of post-modern punishment: it does not club, arrest, torture or imprison... It watches, identifies and sanctions. A Leviathan of proximity. A punitive monster that lives below the surface of the Law, woven into the fabric of life itself.

Because it is unapproachable and omnipresent, the extensive, pervasive and inevitable fact of administrative sanction could well be taken as an unrepresentable image of the naturalization process of state power in the collective imagination of a population whose lives are running among new devices of domination created by

“control societies” (Deleuze 2006): a power which is spreading and settling, becoming increasingly static as well as dynamic and productive, even innovative, thanks to the well-organized development of bureaucratic management systems which are supercharged by the (Orwellian) contribution of new technologies and, what is more, thanks to its extraordinary capacity to become normal or customary behavior through unthinking imitation (Weber *dixit*), generating conformity in social action – in other words, building the “society of normalization”, in which disciplines and legalization intersect (Foucault 2000, p. 229) –; or, at worst, an easily-controllable dissatisfaction in depoliticizing intricacies of the relationship between the Administration and its subjects. Administrative sanctioning proceedings always individualize, even what can only be understood in collective, cooperative and political terms.

Without seeming too much so, it is still a “discipline” (Foucault 2009). Yet the administrative sanction does not stop there: it is not and cannot be pure, trivial and low intensity punitive regulations. It is, in any case, pure biopolitics – indubitably, biopolitics in the negative sense of the word: biopolitics which does not eliminate the disciplinary technique, but rather includes it (Foucault 2000, p. 219) –, because it puts a stop to regularizing ideal of life, adding to it a technology of power that is inevitably used to discipline life itself.

It is true that, if it is life itself which is offered up, ready to be sanctioned, the disciplinary power of the administrative sanction cannot be questionable. However, still more noticeable is its amorphous nature: the fact that it is practically impossible to clearly define its outlines in order to objectify its intensity, given the variety of authorities which need to exercise that sanction and the endless list of human behaviors which are repressed by different administrative procedures. There, in its porous finitude, we see the power at its extreme, “where it becomes capillary” (Foucault 2000, p. 36). Yet this, so complex and elusive, reveal a counterpoint which is much easier to identify: specifically, that which we call bureau-repression.

In the same way as, in order to define bureau-repression we had to observe it in its genuine normative breeding ground – that of administrative sanction –, to properly complete our understanding of it, we needed to take it out of that context, so it could be coded differently, in another semantic field: that of repressive responses to protest and resistance.

#### 2.4. *Rendering bureau-repression intelligible*

Not always, and perhaps not entirely, but it is true that administrative sanction optimally serves the objective of concealing the repressive action taken by any agency of power with punitive powers, however soft this function may seem. It manages not to be visible as such a repressive action because, in the cultural framework generated by the formalist discourse of liberal democracies, there has been a collective representation created about the notion of repression that reduces it to the field of subsystems of penal and penitentiary control.

However, unlike the notion of administrative sanction, the concept of bureau-repression becomes visible and intelligible immediately, as soon as one thinks. It stands out because, among that maze of rules imposed by different agencies, administrative sanction takes specific shapes and pursues clearly defined repressive objectives (coercive and even destructive) against social protest and subjects capable of generating disturbance or conflict, not only by sanction (although this is its most prominent aspect), but by hindrance and the threat of secondary criminalization (a task which involves a myriad of local civil servants willing to take on not so much the role as the conscience of a *policitizen* who accepts responsibility for facilitating the day-to-day individualization and depoliticization of control and surveillance).

Neither, in principle, will what we call bureau-repression be passively absorbed into the instruments of docility and conformity production; on the contrary, it pursues it eagerly. The ideal is for it to be diluted completely during the course of the rationalization, diversification and bureaucratization of social and political legislation. However, rather than developing a long structural path, bureau-repression is temporary and its path tends to be short and syncopated. It is perhaps for this reason that it has been effectively coupled with the path of punitive exceptionality and of implementation of police infra-penalty (*infrapenalidad policial*), which goes hand in hand with many of the central societies in the world-system, starting with the USA, where the model of "the neoliberal government of social insecurity" (Wacquant 2010) originated. As it lacks the capacity to immediately and periodically disappear, it should not be difficult to reveal it, to describe it, cut it out and objectify it within the ocean of administrative sanctions which feed and obscure it, because, quite simply, bureau-repression cannot ignore its clear political and criminalizing purpose when it is faced with resistance and protest. It seems that, *de facto*, it acts as if it were a new *special jurisdiction* that nobody has set up as such.

Figure 1. Two years (2011-2012) of 15-M Madrid bureau-repression balance

<b>Date</b>	<b>Description of the sanctioned event</b>	<b>Cause of the administrative sanction</b>	<b>Number of people who were sanctioned</b>
March 15-20, 2011 (15-20-M)	Puerta del Sol	For organizing unreported gathering	29
June 3, 2011	Gathering in front of the <i>Lower House (Congreso de los Diputados)</i> of the <i>Parliament (Cortes Generales)</i>	For disturbing the peace	9
August 19, 2011	Demonstrations in the World Youth Day	For disturbing the peace and disobedience	21
August 31, 2011 (31-A)	Gathering before the Congreso	For organizing unreported gathering	12
September 17, 2011 (17-S)	<i>Takestockmarket (Tomalabolsa)</i>	For disturbing the peace and disobedience	21
January-April 2012	<i>Idonotpay (Yonopago)</i> , protest against the rise of ticket price in public transport	For disobedience and resistance	89
	Protests against labour reform	For disobedience and disturbing the peace	87
	Outraged Café ( <i>Café Indignado</i> ) (people got together to discuss different topics in the Puerta del Sol)	For disobedience	2
	Protest of the assembly 15-M Lavapiés because of a raid practised in this quarter of Madrid	For disturbing the peace	5
	Week of Struggle for Housing	For disobedience	75
	Meetings of neighbourhoods	For use of megaphones, placards..., for violating several by-laws	6
	Gathering in support of arrested people for protesting against the rise of ticket price in public transport ( <i>Take the underground [Toma el metro]</i> )	For disobedience	73
May 12-15, 2012	15-M anniversary days	For disobedience and disturbing the peace	314
June-September 2012	Meeting which happens to meet with <i>Corpus Christi</i> religious procession	For disturbing the peace	6
June 27, 2012	Eviction	For disobedience	3
June-September 2012	Mining demonstration	For disobedience	3
	Demonstration over the Génova-Ferraz streets (those where political parties PP and PSOE have their headquarters, respectively)	For disobedience and disturbing the peace	3
	Demonstration of civil service	For disobedience	56
	Demonstration against the visit of Angela Merkel	For disobedience and disturbing the peace	3

September-October 2012	September 25 (25-S), Surround the <i>Lower House (Rodea el Congreso)</i> and demonstration on October 4 for arrests of 25-S	For disobedience	5
October 12, 2012	Gathering of the assembly of Foreign Relations	For disobedience	4
October-December 2012	Debt Audit ( <i>Auditoría de la Deuda</i> ) organized by the Alcalá de Henares 15-M	For disturbing the peace	2
	Press conference of the 25-S coordinating committee	For disturbing the peace	1
	Demonstration of the 25-S coordinating committee for a debate of Government budget	For disobedience and disturbing the peace	62
	November 14 General Strike, <i>bicy-pickets (bicipiquetes)</i> ...	For disturbing the peace	26
	Demonstration against the Golden Dawn function	For disturbing the peace	2
	Demonstration in front of the Madrid autonomous parliament for the privatization of the health service	For disobedience	2
	Function against the Minister of Health of the regional government ( <i>Consejero de Sanidad</i> )	For disturbing the peace	8
<b>Total number of administrative sanctions: 929</b>			
<b>Total number of administrative sanctions which are known: 956</b>			
<b>Breakdown of the 956 administrative sanctions</b>			
<b>Set of sanctions</b>	<b>Fine imposed for each one (€)</b>	<b>Total (€)</b>	
896	300	268,800	
52	500	26,000	
8	600	4,800	
<b>Total Government incomes (€):</b>			<b>299,600</b>
<b>Burea-repressive weapons</b>			
Organic Act 9/1983, regulating the freedom of assembly → (Ley Orgánica 9/1983). Organic Act 1/1992, for the Protection of Citizen Security → (Ley Orgánica 1/1992). Several by-laws.			
<b>Articles which were applied from the Organic Act 1/1992</b>			
<b>Cause of the application</b>	<b>According to the article</b>		
For disturbing the peace	23 n) and l)		
For disobedience to authority	26 h)		
For resistance to authority	26 i)		
For the organizer of unreported gathering	23 c) of the same act, in violation of articles 4.2, 8, 9, 10 and 11 of the Organic Act 9/1983		
<b>Source: data provided by the Legal Committee Sol (Comisión Legal Sol [15-M Madrid]) and prepared by authors.</b>			

Figure 1. Two years (2011-2012) of 15-M Madrid bureau-repression balance could well give a full portrayal of a radical, pluralist, imaginative and non-violent social movement. Yet it cannot avoid also being the representation of a bureau-repressive balance which has progressively increased. The information related to Madrid tells us about typical dynamics of the *movementism (movimentismo)* which has developed in the State capital and in an Autonomous Region (*Comunidad Autónoma*) especially affected by neoliberal policies, but it can also largely be extrapolated to many other local realities which have experienced specific bureau-repressive episodes (López Espeso 2014). In relation to the repression unleashed in Cataluña against the 15-M movement, the OSPDH (*Observatorio del Sistema Penal y los Derechos Humanos*; Observatory of the Criminal System and Human Rights) wrote an illuminating and comprehensive report about different police, judicial and penitentiary actions: in this work, what we call bureau-repression would be part of that logic of exception which is marking the way from the Social State to the Penalizing State (OSPDH 2012). Other studies will be able to prove it ostensibly when a balance is made, either because data on fines and sanctions have been published (in the form of activists' memoirs or, perhaps, official statistics) or because it becomes necessary to delve deeper into the *micro* dimensions of bureau-

repressive responses which are taking place in specific institutions such as town councils and the health and education systems of the respective Autonomous Regions.

The 15-M movement, having collected stories about the sanctioning procedures introduced in Madrid and other cities and towns since a new round of protests in the history of social movements began in 2011, therefore offers a kind of recent chronology of the bureau-repression exercised in the Spanish State against various social movements and collective protests; a chronological record which can be compared in the same place by looking up information about the string of repressive actions carried out by different forces of law and order from the State and Autonomous Regions.<sup>9</sup> Those actions, moreover, have not-infrequently been accompanied by certain police espionage and manipulation operations which would doubtless belong to what we could call tactics of "dirty repression" (Oliver Olmo 2011). Bureau-repression acts on all these levels, although this – which is a problem in itself for the practice of protest – does not add confusion to the concept.

Even though violent police charges, which are easy to legalize, will never cease to be a pertinent problem, it is police infiltrations and provocative manipulations by the police which pose a truly difficult challenge which, at the same time, is unavoidable for social movements: on the one hand, there is the risk of starting down too reactive a path – motley, paranoid and frustrating – and eventually becoming specifically anti-repressive collectives or with a discourse colonized by that eventuality; on the other, if it is not dealt with, repression in general (and "dirty repression" in particular) can have disastrous effects and ruin the protest. There is already a great deal of history and ample literature on the subject. The pioneering analysis of what can be called "dirty repression" was written by Gary T. Marx several decades ago, also during very troubled times (Marx, 1974), but the most recent studies from the United States continue to document the use of "*agents provocateurs*" against social movements (Cunningham, Noakes 2008).

Nevertheless, there are studies, such as those of Luis Fernandez, which offer a different view of regulatory and controlling tactics used by the police to counteract new global movements, where the emphasis is less on their repressive aspect and more on the notion of "soft repression" from the perspective of "soft-line social control", giving importance to the efficacy of policing strategies which combine "regulation" of the protest and "negotiation" with activists, which not-infrequently succeeds in creating distorted representations of "good" and "bad" demonstrators (Fernandez 2008, p. 27).

It is a matter of observing it without prejudice; one of the worst prejudices is that which means a movementist eminently-anti-repressive culture, in the line of the Black Bloc. The truth is that in post-15-M Spain, even more with the stamp that the Popular Party's government has given to public order and civil security policies, police regulation of protest is often not combined with negotiation. In view of the obvious and proven danger – for example, in the *Valencian Spring* – of activists making the most of the cost of police legal repression, arousing a wave of sympathy and solidarity if they are abused publicly, dragged, beaten or subjected to serious violence, both bureau-repression and dirty repression have gained paramount importance for the authorities.

Both sides of the repressive action share a common goal – to disrupt or prevent protest movements – but in different ways: while dirty repression is intended to socially discredit the activists in order to marginalize and criminalize them, bureau-repression is intended as an invisible attack of coercion and intimidation. In any case, most promoters of collective actions seem to be clear that, even if police

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<sup>9</sup> If the first few months of 2013 are added to the 2011-12 biennium, data from Legal Sol show more than 1,000 administrative sanctions issued by the Government Office (*Subdelegación del Gobierno*) in Madrid (15Mpedia 2014).

actions are presented as non-repressive, the protest needs to avoid falling into purely-reactive dynamics, though that does not mean that protestors should not react to repression when it is displayed as such or begins to intensify.

Let us recognize that this – anti-repressive protest – is an awful task: perhaps the most difficult, and the one which requires most cohesion, coordination, calmness and even training. In Madrid and other cities and towns, the 15-M movement, which rapidly gained experience of the three main types of state and autonomous repressive policies (legal, “dirty” and bureau-repressive policies), was forced to confront bureau-repressive harassment head-on; yet this does not seem to have caused the movement to abandon the philosophy indicated above: besides providing materials to explain the legal procedure of administrative sanctions and how to appeal against them (Legal Sol 2012a), the collective response was re-orientated towards non-collaboration and civil disobedience (Legal Sol 2012b): thus, the campaign “Say no to identifications” (*Di no a las identificaciones*) was born (Di no a las identificaciones 2015). Other initiatives with similar anti-repressive objectives have also emerged<sup>10</sup>, such as the *crowdfunding* of the Popular Meeting of Arganzuela “to pay fines”, where the aim is to create an emergency fund as well as launch a legal offensive against this type of repression (Asamblea Popular de Arganzuela 2013); or the platform “I say YES to a universal health service” (*Yo Sí, sanidad universal*), which promotes disobedience of health service bureau-repression against migrant groups (Yo Sí, sanidad universal 2015).

There are many proposals and experiences of resistance through neutralization and boycotting of surveillance-sanction that, nevertheless, cannot expand far beyond the bounds of individual transgression.<sup>11</sup> However, cooperative responses will clearly be better able to cope with bureau-repression and repression in general. Collective resistance, although it can appear in a spontaneous and uncontrolled manner, should be *ad hoc*, constructed, so it can go straight to the heart of the conflict which the repressive measures are attempting to gloss over; and, furthermore, it will have to publicly express its views and principles, based on *dramatization*, as exemplified decades ago by Martin Luther King and the American Civil Rights Movement<sup>12</sup>: *dramatizing* what is believed to be normal, representing what is happening, making it visible to public opinion and revealing the true reality and the possibility of transforming it, with the aim of sparking political, media and judicial debates which can contribute to regulatory and social change.<sup>13</sup>

All *dramatization* requires rehearsal, in order to avoid improvisation and adverse reactions as far as possible. This should be taken to mean acts which have proved to be as didactic as striking, because they cause a storm of writings, in support and in condemnation – i.e. public debate on issues that have hitherto been invisible, besides bureau-repressive responses typical of a real *special jurisdiction*: so it happened with the so-called *expropriation* of foodstuffs in superstores by members of the Andalusian Workers’ Union (*Sindicato Andaluz de Trabajadores [SAT]*) in Andalucía, and with famous *escraches* of the Platform of People Affected by the

<sup>10</sup> The Anti-repressive Assembly of Madrid has a blog with links of a similar nature (Asamblea antirrepresiva en Madrid 2014).

<sup>11</sup> Gary T. Marx enumerates up to twelve “moves” for neutralization designed to hinder the collection of personal data and, in short, surveillance tasks which invade private life. All of these techniques can be employed simultaneously, in order to anticipate, dodge, distort, mask, boycott and even sabotage both officers and devices, including technosurveillance techniques: *discovery moves*, *avoidance moves*, *piggy-backing moves*, *switching moves*, *distorting moves*, *blocking moves*, *masking moves*, *breaking moves*, *refusal moves*, *explaining and contesting moves* and *cooperative moves* define specific behaviors, without forgetting *counter-surveillance moves* (Marx 2009).

<sup>12</sup> This can be seen in the documentary film *A Force More Powerful*, in the episode dedicated to the student protest against the system of racial segregation in Nashville coffee shops (A Force More Powerful s.d.).

<sup>13</sup> A good example of *dramatization* was offered by the 15-M Assembly of Lavapiés when, in order to protest against the Safety Plan which was trying to criminalize them, they presented themselves at the police station to “turn themselves in” (Muriel 2013).

Mortgage (*Plataforma de Afectados por la Hipoteca [PAH]*) and Stop Evictions (*Stop Desahucios*), or with the performances which have accompanied many symbolic occupations of banks, political parties' headquarters, business entities or institutions and administrations.

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