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Liberal Governments, Authoritarian Policing: Surveillance of State Enemies in Contemporary Spain

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Article abstract

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Abstract

Do both authoritarian and liberal-democratic regimes rely on similar forms of police governmentality and state terror to sustain public order and security? Are police forces inherently authoritarian institutions that cannot be reformed? Our aim is to explore these questions by analysing the case of Spain, a constitutional democracy considered free by liberal standards, yet where, in the short period between 2011 and 2024, the two main policing bodies in Spain—the National Police and the Guardia Civil—were involved in the legal and illegal surveillance and espionage of almost one-hundred parliamentarians from left-wing, Basque, and Catalan organisations, the questionable infiltration of “radical” and “anti-fascist” social movements, and operations to cover up widespread royal, political, and corporate corruption.

Authoritarian, democratic? ¿Por qué no los dos?

For years, political scientists and criminologists have presented the concepts of liberal and authoritarian as opposites. Axioms such as “liberal governments produce liberal policing” and vice versa have inspired mainstream research showing how the lack of democracy and liberal values in certain (usually non-Western) societies leads to authoritarian policing while highlighting the path towards “democratic policing” in these authoritarian regimes (Cao, Huang, and Sun 2016; O’Shea 2023; Sklansky 2007). Certainly, there is a rising body of literature pointing at policing bodies’ drifts toward authoritarian practises, both as a result of the militarisation of practises since the “War on Terror” and as poisoned inheritance from previous authoritarian governments (Ballester 2024; González 2020; Rowe 2020). However valuable, these works still consider authoritarian policing as a deviation. What if the police were purely and simply an authoritarian repressive apparatus where no reform would succeed? What if authoritarian, colonial, fascist, and liberal-democratic regimes desperately need these tools of state terror to maintain (their idea) of public order and security?

This paper explores and challenges the apparent dichotomy of liberal-authoritarian policing by analysing how: (1) the notions of liberal and authoritarian regimes may not be as fixed and solid as they appear; and (2) policing, even in (so called) democratically progressive settings, involves authoritarian institutions, repression, and *surveillance punitivist* practices inscribed in the very factory of liberal systems (Jiménez and Cancela 2021). To do this, we will analyse the case of contemporary policing in Spain (2011–2024), a constitutional democracy considered free by most liberal standards and a country where the parliamentary left has governed since 2018 until (at least) 2024. The timeframe encompasses the last five political legislatures, which, like any other legislature since 1982, have been characterised by the pacific political

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alternance between the two main political parties—the conservative Partido Popular and the centre-left Spanish Workers Socialist Party. Pacific alternance has traditionally been used in political science to identify healthy liberal democracies (Freedom House 2022; Kendall-Taylor, Lindstaedt, and Frantz 2019; Linz 2000). However, the alternate dominance of a political arena by two hegemonic actors can also be the perfect façade to hide anti-democratic, corrupt, and downright authoritarian practices behind a veil of legalism and democratic consensus (Molnar 2017). Is this the case in Spain?

As we show elsewhere (Jiménez 2025), the Spanish model of police reason and perpetual lawfare has its intellectual roots in the Spanish colonial, imperial, and fascist past. The advent of democracy in 1976 did not mean the end of the fascist model of imperialist policing, but its concealment in what has come to be known as the sewers of the state. This metaphorical concept could be conceptualised as a State-led surveillance-punitivist infrastructure (Jiménez and Cancela 2021) assembling and weaponizing ideological (media), repressive (police), legal (the judiciary), and economic (corporations) apparatuses against those labelled as enemies of the State. That is, it is a paralegal network recognised as both evil and necessary for the well-functioning of the State (Iglesias 2022).

In the short period between 2011 and 2024, the two main policing bodies—the National Police and the Guardia Civil—were involved in the legal and illegal surveillance and espionage of almost one-hundred deputies from left-wing, Basque, and Catalan organisations (Ballester 2024; Gálvez and López-Fonseca 2020; Romero, Nuñez, and Reina 2024). They have also been involved in the questionable infiltration of “radical” and “anti-fascist” social movements. More importantly, as investigative journalism has shown, the National Police have also been involved in mafia-style operations to cover up widespread royal, political, and corporate corruption (Ballester 2024; Edwards 2019; Elorduy 2024). We argue here that neither the generalised political spying on the opposition, nor the infiltration of “radical” movements, nor the covering up of corruption is the result of police misconduct or the erratic behaviour of (existing and certainly majoritarian) far-right elements within the police. On the contrary, we claim that they are expressions of a model of rational and functional “police governmentality” firmly imbricated with Spanish state apparatuses.

The Spanish Patriotic Police

In 2017, the Spanish Parliament published the results of its (explicit) “Commission of Inquiry into the partisan use for political purposes of the personnel, means and resources of the Ministry of Interior and the State Security Forces and Corps, under the mandate of Minister Fernández Díaz” (BOE 2017). The commission confirmed that, in 2011 and 2016, the Minister of Interior, his Secretary of State, and most of the higher police intelligence officers constituted a criminal surveillance network aimed at destroying political opponents and covering up the illegal financing of the ruling party (Bayo 2023; BOE 2017; Elorduy 2024). To this end, they mobilised a team of more than seventy agents who surveilled; spied; broke into houses; and eliminated, planted, fabricated, and destroyed legal evidence. In sum, they deployed all sorts of policing operations without judicial authorisation. This network of state criminals also mobilised an undetermined amount of money to bribe confidants, fuel leaks, or straightforwardly finance media in order to disseminate information (both true and false) that was always convenient to the interests of the government in power (Casey 2023; Iglesias 2022).

The Patriotic Police, the name given by the media to the legal-media-police assemblage described above, carried out at least three major operations: Operation Catalonia, Operation Kitchen, and Operation Podemos. In these three cases, which we will briefly describe below, the procedure was similar, consisting—in the words of a member of the Parliamentary Commission of Inquiry—of:

the opening of prospective investigations and general cases, leading, in some cases, to the existence of apocryphal reports that cannot be prosecuted. The desire to put pressure on the Prosecutor’s Office to encourage them to investigate or dissuade them from filing

cases also appears as a particular *modus operandi*. The recurrent leaking to almost always the same media of ongoing investigations or apocryphal reports of unquestionable ministerial origin, with the intention of damaging the leaders of certain political options. And the transmission of contaminated evidence, as it is not known how it was obtained and how it was subsequently kept. All of this shows a perverse use of the institutions for political ends. (BOE 2017)

Operation Catalonia took place in a context shaped by the terrible consequences of the 2008 economic crisis and the widespread Catalan dissatisfaction with a central Spanish government that was centralist and neoliberal. The operation officially began one day after the massive political mobilisation of the Day of Catalonia (Diada) in 2012, where hundreds of thousands of people flooded the streets of Barcelona protesting both the crisis and advocating for the “right to decide” (Bernat and Whyte 2020). On September 12, the Spanish Ministry of Interior, through his Secretary of Security, ordered the creation of a parapolice group aimed at suppressing “the Catalan political threat” (Ballester 2024). The mission was tasked to a senior group of high-ranked police officers with decades of experience in the “war on drugs” and the “war on terrorism” (among other less appealing operatives). These included the infamous police commissioner (and businessman) José Luis Villarejo, a deep state denizen since the distant days of the Francoist dictatorship (Bayo 2023; Casey 2023; Edwards 2019), as well as the operational director of the police and the heads of the intelligence and organised crime surveillance units (Ballester 2024; Hermida 2024).

Operation Catalonia consisted of at least six missions. The first and second operations could be summarised as the spread of fake news with the aim of manipulating an electoral process. In these “missions,” the Patriotic Police leaked fabricated reports with both real and fake economic documents of Catalan politicians (allegedly) pointing to their corruption. These events took place in the midst of the contested Catalan elections of 2012. The reports were apocryphal, however, they included the head letter of the Economic Crime Police Unit (Romero 2022). The third operation was more subtle and complex, involving journalists and the police. It consisted of the police fabricating and leaking evidence against Catalan government leaders to trusted journalists with the aim of triggering a judicial criminal investigation. The fake news hit the first page of newspapers, creating social unrest and, given the evidence of crimes reported by the press, laying the grounds for a major judicial investigation.

In the fourth operation, the Patriotic Police leaked the personal data of Catalan judges in favour of an independence referendum (which the Spanish government considers illegal). The fifth and sixth operations mixed real and fabricated evidence to implicate both the former president of the Catalan government and the mayor of Barcelona. Spanish Officials travelled to Andorra (an independent country) to coerce employees of the Banca Privada d’Andorra to provide data on the family of the former Catalan president (Ballester 2024; Elorduy 2024). These cases are only a small sample of the range of illegal surveillance and repressive measures used by Spain against “Catalan enemies.” For instance, in parallel with these unlawful acts, the Spanish government has legally authorised the use of technological surveillance tools such as Pegasus against other political and cultural leaders in Catalonia (as well as the incarceration of most of the Catalan Government at the time) (Scott-Railton et al. 2022). As we can see, the Spanish police operate according to their own logic, which ignores the distinction between the legal and the illegal.

In September 2024, it was announced that nearly all the political leadership during the 2011–2016 period would have to testify as witnesses or defendants in the second major operation that we will deal with, “Operation Kitchen” (Romero 2024). This operation has its most distant origins in a corruption scheme involving senior Valencian officials of the Popular Party (ruling during the 2011–2016 period). The investigation indirectly implicated the head of the Popular Party’s economic administration since the 1990s. It soon emerged that the ruling party had kept a system of double accounting to cover up its illegal funding as well as under-the-table payments to the leadership, including the then Prime Minister. It was a monumental scandal involving the country’s biggest corporations (whose bribes to the party led to millions

of dollars in public contracts). The party stood by the treasurer throughout, even when he went to jail. The treasurer himself had made it known that he would reveal highly sensitive hidden documents to members of the government if his case was not resolved positively. The Minister of the Interior then mobilised the Patriotic Police to destroy the evidence (Gálvez 2023). To this end, up to seventy agents were mobilised to surveil the family and home of the ex-treasurer, who was already in prison. People close to him were bribed, including his chauffeur, who was promised (and eventually given) a National Police officer position in return for his surveillance services (which included stealing a mobile phone from the ex-treasurer's wife) (Ballester 2024; Elorduy 2024). It is not known for certain what part of the documents disappeared and what may have been leaked, but all indications are that the Patriotic Police managed to remove a mysterious USB drive that directly implicated the then Prime Minister, Mariano Rajoy (De Cozar 2023).

The third of the last major operations was aimed at destroying the reputation of the left-wing political formation Podemos and its leaders. Podemos was created in 2015 as an “electoral war-machine” aimed at catalysing social unrest and will for change (Iglesias 2022). With no previous experience, it won sixty-nine of the 350 seats in the Spanish parliament, enjoyed enormous popularity, and within a year, was governing cities such as Barcelona, Madrid, and Cádiz. Less than a month after the election upset, an ultra-conservative digital media outlet, heavily funded by conservative regional governments, published an alleged police report claiming that the Iranian government had funded the creation of this party. Based on this premise, the National Police's Economic and Financial Crimes Unit (UDEP) denounced the left-wing party to the Court of Auditors and the two main criminal courts, the National High Court and the Supreme Court, and this denouncement was widely picked up by the media and undermined the party's credibility (Elorduy 2024; Gálvez 2019; Nuñez and Reina 2024a). Similar attempts were made to link Podemos to Venezuelan funding, for which the Spanish police have bribed former Venezuelan police officers with money and promises of citizenship in return for fabricated evidence and testimonies against Podemos (Hermida 2024; Zugasti 2023).

The Patriotic Police also consulted confidential police databases up to 6,900 times in search of information on the sixty-nine Podemos deputies (Ballester 2024; Nuñez and Reina 2024b). The following is an extract of a conversation between Francisco Martínez, second in command at the Ministry of Interior, and the chief commissioner of an elite intelligence unit of the National Police:

Martínez: Of those in Podemos who had a record....Were you able to confirm anything?

García Castaño: Well, I asked and I'm going to call because I didn't ask again. It slipped my mind.

Martínez: It would be very interesting to know... And if they've been involved in issues related to the Basque nationalist movement, issues of violent extremism, etc...

García Castaño: Josetxu Arrieta, the only one who belongs to ETA.

Martínez: Was he convicted?

García Castaño: Yes.

Martínez: And the others, nothing?

García Castaño: Nothing?

Martínez: I mean, are the others clean? No street violence, no anarchists, etc.?

García Castaño: I'll look again, but I don't think so.

Martínez: Fuck [...] Someone has to be bad.

García Castaño: Let's see.

Francisco Martínez: Look carefully.

(Romero, Nuñez, and Reina 2024)

Infiltrating the Extra Parliamentary Left

Another practice in which police surveillance has been deployed is through the infiltration of social movements. These infiltrations have been uncovered thanks to the journalistic work carried out by the alternative press, such as *La Directa* and *El Salto*. So far, eight cases have been discovered in the cities of Barcelona (Rodríguez 2022; Rodríguez, García, and Bou 2023a), Madrid (Elorduy 2023; García 2023; Muñoz 2024a, 2024b), Valencia (Fayos and Molina 2023), and Girona (Rodríguez, García, and Bou 2023b). They are officers of the National Police—most of them young and trained at the Police School in Avila (Elorduy 2023; Fayos and Molina 2023; Muñoz 2024a). The infiltrations have occurred in anti-fascist and anti-capitalist movements, such as housing unions, feminist groups, environmental movements, and popular gyms. The latter have been favourable spaces for making first contact as they are politicised spaces open to the residents of the neighbourhoods, making them favourable places to establish social relations with people linked to local activism. In some cases, this infiltration was meticulous and lasted for several years—in one case, more than twenty (Muñoz 2024b)—while in others, inconsistencies in the story and personality traits generated more immediate suspicions and activated security protocols (García 2023).

A common practice was to enter the university as students (Fayos and Molina 2023; Rodríguez 2022; Rodríguez, García, and Bou 2023b), which served as a gateway to activism or as an alibi to justify their absences. Most of them had false documents (Muñoz 2024b), which they used to register at the university or with health services (i.e., legally valid documents that allowed them to carry out procedures with the public administration). This raised suspicions that they were issued as part of a surveillance plan on the orders of the government authorities (Rodríguez, García, and Bou 2023a), particularly the Spanish Ministry of Interior. In addition to the normal militant activities that they carried out, most of the time intensely and in multiple spaces, they also developed friendship bonds, which left people in a situation of perplexity, confusion, and pain in the face of the discovery of the true identity of those they once considered friends (Muñoz 2024b). However, one of the practices that has caused the most emotional damage is that of establishing sex-affective relationships with fellow militants, which has not only had a strong emotional impact on those who were their partners (Elorduy 2023; Muñoz 2024a; Rodríguez, García, and Bou 2023a, 2023b) but also has given rise to legal actions for sexual aggression, crimes against moral integrity, and torture, among others (Carranco 2023). The victims' argument to sustain these legal actions is that these practices have been carried out without their consent since, according to them, they would not have consented to them if they had known that they were linked to a policeman (Carranco 2023). These relationships allowed the infiltrated agents to quickly enter circles of trust in the organisations in which they participated. In turn, this allowed them to obtain relevant information such as actions, for example demonstrations, and strategies pertinent to legal cases involving members of these social organisations (Rodríguez, García, and Bou 2023b).

What we have described above is just a fragment of an extremely complex matrix of corruption, surveillance, and repression that had articulated policing and political activities in Spain during the last fifteen years. Our aim in this short paper was to show how authoritarian policing is neither an exception nor the rule but a systemic element used under both centre-right and centre-left Spanish governments. Authoritarian policing is not an anomaly but a feature of a recognised liberal democracy. We acknowledge that these high-profile political cases are but a drop in the wider, routinised, and naturalised ocean of

violence perpetrated at Spain's borders or throughout the carceral system (where the true authoritarian nature of liberal regimes is revealed). However, we believe they do expose the contradictions within the liberal narrative of democracy and freedom, particularly regarding the role of the police in embodying these values. It also highlights the irrelevance of police reform. We believe that complex and ambitious police and prison abolition are the conditions for human liberation and the establishment of truly democratic societies.

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