

THE ANARCHIST MONSTER IS BACK

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Abstract

*Since 2008, the effects of the current economic downturn are displaying the criminal essence of the Spanish governmental regime. Not surprisingly, most of the last legal reforms have been focused on repressing those who suffer the consequences of this criminal essence – rather than trying to fix the serious causes of social unrest. The main targets of the current rearrangement of control devices are basically identified among the protests against social harm. The public policies that produce and deliver this social harm will be considered as a ‘primary – political – level of punishment’ on the following pages. The increase in ‘administrative repression’ runs parallel to those policies of damage-expulsion-abandonment. The new Penal Code, the Law on the Protection of Citizens’ Security and a Private Security Law, together with some other new norms, project a ‘multiple legal reform’ focused on stopping the anarchist minority movements, but also on hindering any radical trend in the social movement. This is called here the ‘secondary – penal – level of punishment’. All these reforms are conceived to extend punitive control in those public spaces and activities where ‘democratic’ legitimisation has been most affected. The aim of these new laws is to criminalize dissent, create a climate of consensus, and – on the way – fight all anti-authoritarian, anti-capitalist, autonomous or anti-State organizations. They – we – are the current ‘proper scapegoats’. Along with this multiple penal reform, databases of suspects, investment in anti-riot agents and materials, and operations against the ‘anarchist monster’, the ‘counter-terrorism device’ performs a populist theatre play with the full force of the *raison d’état*.*

Key words: anarchism, criminalization, demonisation, counter-terrorism, populism.

Neo-liberal governmentality *functions* on the grounds of an economic project which is being built on the destruction of common resources, public spaces or collective actions, through the inclusion of the consumerist and the dispersion of the excluded. In this new totalised institution called Market, the distance between the subject of mobilization and the available resources for its implementation grows wider. Most necessary consumptions are more and more exclusive. Desire fills this gap. Mobilization is libidinal. Consumption is the axis of delegation and contemplation giving substance to neo-liberal democracy. Exclusive consumption preserves and extends its exclusive market share with reckless bulimia. Social relations are proletarianised and exploited. The rise of frustrated classes is managed through criminalisation, expulsions and recycling. Unemployment and poverty due to the cycle’s depletion, which are presented to the audience as biblical fatalities, are governed through criminal repression in real time, because ‘before an emergent anomaly, power always feels compelled to respond’ (López Petit: 2014; 100). The expansion of the penal sphere does not find its origin in the social consequences of economic policies but in the mere shadow projected by those policies. A cycle of unsustainable destruction questions itself: unproductive accumulation – more dispossession than accumulation – and massive poverty.

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The real problem is on the side of wealth. Unleashed the end of end of cycle, an induced shock shows the limitations of the violent mechanism holding a neoliberal fallacy: the capitalist – economic – growth is not only incompatible with – social – development, but also incompatible with life.

As an institution dedicated to preserving order, the prison system is a key element of our social structure. Its material virtues consist of imposing a political economy of punishment at the service of the growth model and the market's demands. Its ideological virtues naturalise the social conflict, legitimise its structural causes as part of the 'best possible system' and delete the prisoners' biographies. Published opinion, 'manufacturing consensus' (Chomsky and Herman: 1988) and 'mobilization through the obvious' (López Petit: 2003, 2009) are, respectively, issuer, content and substance of the same social lattice. A rule of law without rights respond to the massive loss of (social) security with security (criminal) obsession, in a movement which is similar to the effect of that canned laughter that 'replaces' (Zizek: 2003) the viewer's passivity.

Such replacement does not represent any response by the State to the alleged emerging demands, but a political trap that perverts the significant *security*, redefines some social problems and invents others. Neocon criminal policy 'aims to use penal law offering solutions to various tensions in society' (Peres: 2009; 221), and social democrat rhetoric does not offer any resistance to this trend. Both positions often merge into glorious State pacts or National agreements. The assumptions for penal intervention expand with the help of a never-defined notion of terrorism. 'If you define terrorism according to political objectives, then any political party working against the Government is a terrorist group', said Martin Scheinin in 2009.

'The judicial authorities, and in particular the National Court [Audiencia Nacional], an specific body competent on terrorism, maintain the application of an extensive view of the term *terrorist* to activities that have nothing to do with violent actions or with any collaboration or incitement with those who practice violence. In the words of the Special Rapporteur for the promotion of Human Rights on counter-terrorism, M. Scheinin, after the report on his visit to Spain *the vagueness of some provisions in the Spanish Penal Code implies the risk of entering a 'slippery slope', i.e. the enlargement of the concept of terrorism to conducts that have no connection with the commission of acts of violence*' (Behatokia: 2009; 3).

In practice, the division is more and more blurred: administrative sanctions and criminal repression are two tools of the same general strategy. Control devices remain focused to restrain the victims of the antisocial policies. In the new context of economic depression, facing the fear of an ungovernable social polarization, the authoritarian mantra of the *raison d'état* appeals to a 'necessary respect for the rules'.

*We will go search them. Wherever they might hide, we will look for them, in a cave or in a sewer, which is where rats are hidden. Hiding behind some acronym, an association, a hood, a magazine, an Assembly which does not represent anyone, or even behind a Chair at the University, will not help them. Putting the social objective in any activity to justify skipping the norms will not be enough for them (D. Piqué, general commissioner for territorial coordination of the Mossos d'Esquadra).*²

² On the *Dia de les Esquadres – day of the Esquadres –*, Mossos' festivity (Agencia Efe: 15.07.2012). Mossos d'Esquadra is the Catalan name for the specific Catalan police department.

Two months before this speech, the Catalan weekly publication La Directa published an academic work by the same police chief on how to repress the demonstrations: 'David Piqué's roadmap, with delusions of war manuals from the conquests times, talks about waiting for serious acts of violence or even provoking them, so that police intervention can be socially accepted'. Its title is 'The squatter/anti-system phenomenon in Gràcia district (Barcelona) as a risk factor for coexistence and a potential source for perception of insecurity. Public Security Policies to prevent a problem of public order whose solution, consequently, can be only police intervention'.³ It is rather about strategies and tactics to produce situations that can serve as a pretext to police abuse and to media production of useful enemies. It is nothing new, but it works. We all remember the cries of an infiltrated police on 25.09.2012 at the Plaza de Neptuno in Madrid: 'I am your mate, shit!' One of the agents shouts: '[sic] be quiet, this is our buddy, fuck!' And an anti-riot agent adds: 'shit! Calm down!' The Spanish Police Confederation responded to the criticisms by threatening to take legal actions: 'thinking that today's police are dedicated to burst the manifestations is an outrage and denotes a high ignorance of how rule of law functions', said the General Secretary.⁴ It is not an outrage but a fact.

Police forces are on alert for the increase of anarchist groups in our country. They have infiltrated social movements such as 15-M [indignados], the protests of the miners or social platforms against labour reform. A report by the National Police made in April also notes that these groups have established active networks with groups from Italy and Greece, the countries led by the troika. They are known as the 'Mediterranean Triangle'. The police have evidence that Italian and Greek activists are designing joint strategies with Spanish activists 'in an attempt to organize their activity' (Cadena Ser: 29.04.2013).

Moral panic is distilled in the paragraph above. However, if we read it twice, none of its words allows a single conclusion in criminological terms, except when *anarchist group* is understood to be synonymous with *terrorist group*. In this last case, the intuitive, automatic and effective demonising effect is almost unbeatable. The news, literally collecting the information issued by the National Police, adds that 'one of the last meetings organized in our country is a series of conferences held between January 16 and February 4 with Greek activists. Meetings were held in Ciudad Real, Sevilla, Cáceres, Burgos and Barcelona' (ibid.). These are five of the cities that hosted the two Greek activists who were invited by the Platform against the Privatisation of the Public Health System in Madrid. Yet another city was Zaragoza, not mentioned by the police or the press because it was included in the tour once its public dissemination was done. Serve this detail as an illustrative anecdote of the rigorous attention paid by the police report and the pathetic treatment of news by the 'expert' journalist Ana Terradillos.⁵

The media – like many politicians – are usually focused on presenting the news, in emotional, dramatic and urgent terms, however empty and irrelevant the information may be. This is not the case, at least at a formal level of judicial orders and sentences. It is assumed that the latter must give some content to their arguments, although it would be more honest to acknowledge explicitly the actual function of order of such processes, and the aim to sweep the scum in the name of 'social defense'.

³ Directa (23.05.2012).

<http://directa.cat/sites/default/files/la%20s%C3%ADndrome%20de%20sherwood.PDF>

⁴ Europa Press (26.09.2012).

⁵ CAS-Madrid was founded in 2004 by CNT-AIT unions in Madrid, SAS – Health System Workers Union –, Solidaridad Obrera and many other organisations. CAS-Madrid's press release requiring an immediate correction was never answered by Cadena SER: <http://www.casmadrid.org/index.php?idsecc=comunicados&id=104&titulo=COMUNICADOS>.

Since the creation of the Solidarity Front in July 2012 to date, they have tried to spread subversive ideology, to incite and/or to commit criminal acts against the State and the capitalist interests (judicial order by Santiago Pedraz, Central Instruction Court n° 1, National Court, Madrid, May 17, 2013).⁶

Accused of ‘membership in a terrorist group, glorifying terrorism, recruiting, indoctrinating and holding explosive substances’, five members of the Ateneu Llibertari in Sabadell (arrested on 15.05.2013) were sent to custody in FIES regime – maximum security. The facts that supported such accusations are: participating in social networks (each of them were considered ‘terrorist bands’ by the Public Prosecutor's Office and the Police) and attending some demonstrations in which incidents took place. One more chapter of the same series begins in December 2014:

I do not investigate possible attacks, I investigate the organization and what may be a future danger (J. Gómez Bermúdez).⁷

This rigorous, rights-based and constitutional discourse responded to the request to ‘accumulate to summary all other investigations into actions claimed by anarchist groups’ – issued by a detainee’s lawyer in Barcelona during the operation Pandora (16.12.2014). During this macro-operation directed by the NA – and focused on ‘arresting anarchist terrorists’ –, several social centres were looted, the police broke into private flats and seized all kinds of material – computers, books, flares, climbing equipment... – so then the accusations could fit. ‘The investigation into the Anarchist Coordinated Groups shows that its members could be suspected of committing several attacks with home-made explosive devices throughout the national territory’, it is simply said. The detainees were presented as members of a structure that is ‘the meeting point of violent people with terrorist purposes. They could never achieve their ultimate goal – revolutionary struggle against the State to provoke its collapse – individually and without proper coordination’. A day before the operation (15.12.2014), the Ministers of Interior of Spain and Chile signed a ‘reinforced cooperation commitment to combat anarchist terrorism’ through ‘an active exchange of information’ between the police forces in both countries. ‘The Iberian Anarchist Federation is taking on a cross-border dimension’ they said⁸. ‘The anarchist terrorism imitates Al Qaeda’, El País had titled a year earlier (16.11.2013).

‘State collapse’? Is the State so fragile? Really? No. Those are not the keys. The main ingredients are police literature and ‘justice fiction’. ‘These groups act always violently, throwing flares and firecrackers, burning garbage containers, damaging street furniture and private property, confronting the police and assaulting anyone who faces them, thus precluding the normal coexistence between citizens who are frightened by serious disruptions of public peace,’ says the judge. No allusions to a single specific incident. Only generic bindings, as the so-called Iberian Anarchist Federation or ‘contacts with groups of similar violent ideology’. Among the materials that were seized during the police operation, the presence of anarchist documentation is underlined and accompanied by ambiguous allusions to ‘tens of evidences on both the ideological unity and their strategy to destabilize the State and seriously affect public peace’. Much of the story, either in the judicial report or in the judge’s speech looks like a ‘copy-paste’

⁶ http://estaticos.elmundo.es/documentos/2013/05/17/prision_anarquistas.pdf. The reflection of the news in the media is as disparate as confusing is the sentence by the National Court. The grassroots movements' media denounce a hoax; leftist independent press critically stress the arguments of the Police and the Court; mainstream media repeat verbatim the 'official' information.

⁷ Cf. Salellas (2014). More information in <https://efectopandora.wordpress.com/>

⁸ Europa Press (15.12.2014).

version of the project to reform the Organic Law for Public Security Protection [LOPSC] - which was being passed in the Congress at the time.

In short: 11 people are arrested for being terrorists, and then accused of being terrorists for having being arrested. And the new National Security Organic Law classifies as 'terrorist' anyone who committed a 'terrorist offence', either as a member of a terrorist organization or not. The margins of arbitrariness to act against more and more subjects expand on the basis of a non-defined concept. 'Terrorism is to use terror to achieve a goal. Terror is fear, anxiety for one's own life' (Vaneekhaute: 2004), but legal language cannot present a globally accepted definition. 'The judge speaks of the GAC (Coordinated Anarchists Groups) as a terrorist organization and uses this as evidence, to prove their membership, their attendance to meetings or their participation in writing newsletters and publishing libertarian propaganda' (Salellas: 2014). On 30.01.2015, the same judge issued seven orders of probation on paradoxical bails of 3,000 euros each, under charges of constitution, promotion, direction and belonging to a terrorist organisation, holding explosives and damages for terrorist purposes – and a crime of false official statement. The same day of the release, the Mossos d'Esquadra linked the detainees with nine attacks on banks and headquarters of Italian companies in Barcelona, Valencia and Madrid, the cathedral of Almudena in Madrid and the basilica of el Pilar in Zaragoza. According to the police statements, they are all part of a 'violent anarchist terrorist organization'⁹, but Gómez Bermudez set them free. So consistent was the police story. So solid were the arguments that had informed the detention order¹⁰ – almost as solid as the definition of terrorism used by the Supreme Court [STS nº 546/2002, March 20] that, long ago, the same judge dared to expose in a judicial process against the movement for Basque independence.

The new counter-terrorist operation¹¹ on 30.03.2015 presented a new chapter in the chain that started with the tracking of five militants and several libertarian and anarchist groups in Barcelona, and ended up with F.J. Solar and M. Caballero in late 2013. This first step was led by the instruction court nº 6 of the National Court, under the supervision of judge Eloy Velasco. The second stage was the aforementioned 'Pandora Operation', and the third – 'Piñata Operation' – took place on March 30. The National Police, again under judge Velasco's command, executed 17 search operations in 6 different social centres and 11 houses in Palencia, Madrid, Granada and Barcelona. The deployment ended with 37 detainees, 13 of them accused of disobedience and resistance and 11 accused of usurpation – for living in a squatted building. Those 24 were released pending trial, but the other 15 came into the National Court on April 1. The charges against them: 'membership in a criminal organization with terrorist goals'. 10 of them were released pending trial and 5 remain in preventive custody.

⁹ <http://mossos.gencat.cat/ca/comunicacio/noticies/nota-premsa/?id=278864>

¹⁰ 'Police searches gathered internal documents by GAC in a personal computer, as some meeting minutes and newsletters. GAC members communicated with each other through extremely secure emails. Files on the functioning of parcel bombs, 287 copies of the handbook *Against Democracy*, machetes, brass knuckles, double-edged knives, golf balls and flares were also found, as well as other pyrotechnic components and *instruments commonly used to make explosive devices*' (Europa Press: 18/12/2014).

¹¹ At that time the word 'anarco-terrorism' was already unscrupulously used by the media. 'Police fear another spike of anarco-terrorist violence' (El Mundo: 07/27/2014). 'Arrested 15 anarco-terrorists who prepared the attacks in Almudena and El Pilar' (Efe Agency: 30/03/2015). 'Anarco-terrorist detainees were financed like ETA in *herrikos*' [in allusion to the use of collecting tins] (ABC: 03/31/2015). 'Radiography of anarco-terrorism' (El País: 04/11/2015).

*Anarchist terrorism has been installed in our country, and there is a risk that attacks such as that one in the Basilica of the pillar can be repeated. This is a priority for the police (I. Cosidó, general director of Police).*¹²

In the first chapter, the five detainees were accused of placing two home-made explosives in the Cathedral of Almudena in Madrid and the basilica of el Pilar in Zaragoza. There was no evidence, but two of them remain in prison today and the investigation focused on extending the list of accused individuals¹³. The initials GAC are the issue at the heart of this story about an alleged network of ‘anarco-terrorist monsters’. Its delirious consequence was the arrest of the ‘libertarian dome’ in a second stroke. The ‘libertarian dome’ – innovative and creative concept – turned out to be joined by members of groups supporting their fellows in prison. The third chapter pointed to the solidarity networks – again –, with new charges for the same facts – Almudena and el Pilar again – and some other incidents that never happened. Among them, the ‘idea’ of an alleged ‘attempted attack’ at the coronation of King Felipe VI.¹⁴ ‘Piñata Operation’ labelled, arrested and imprisoned those who sympathized with the people who were arrested and incarcerated by ‘Pandora Operation’.

The State’s editorial line is clear. Since ETA stopped its activity, the internal enemy – *sine qua non* of populist consensus and input for punitive control – found their new-old market niche in the Galician independence movement, jihadism, and anarco-terrorism. At the time, legal reforms focused on ‘new expressions’ of social unrest. The international framework of this process was established after the attack on the Charlie Hebdo’s headquarters in Paris, which enabled the adaptation of democratic repression to the present global disorder. The media report indiscriminately the arrest of jihadis – some underage among them –, anarchists accused of organising terrorist groups or aggressions by right-wing gangs. Every hit is a different act in the democratic dramaturgy, a criminal performance that is functional to the pre-electoral adjustment process. Political restructuring – rather than ‘regeneration’ – implies a rearrangement of repressive methods. The ancient saying speaks of ‘bread and circus’. Its translation into postmodern fascism in the current depression is ‘more and more circus, less and less bread’. No bread on the table but more ‘horror clowns’ in the circus.

The current depression is showing the criminal essence of the governing – ‘from economy’ – regime. Not surprisingly, the current legal reforms do not address the causes of this criminality but run against those who suffer the worst consequences. Social reactions to the first political level of punishment – ‘social harm delivery’ – are now the priority for a rearrangement of control devices. The increase in administrative repression runs parallel to damage, expulsion and abandonment. The Penal Code [BOCG: 3.03.2015], the Law for Public Security Protection [BOCG: 2.03.2015] and the Private Security Law [5/2014, April 4], together with some other new norms¹⁵, project a new classist, racist, sexist, exceptional legal framework for coordinated and concerted repression. The repressive side of this ‘multiple legal reform’ is not expected to stop these anarchist and libertarian minority movements, but to prevent any radical turn in any social movement – one more brake against public expressions of dissent, in the area where Market-State institutions have historically lost most of its ‘democratic’ legitimisation: the streets.

¹² Europa Press (12.06.2014).

¹³ <http://www.grupotortuga.com/Sobre-los-detenidos-acusados-de>

¹⁴ 'Among the actions that are attributed to some of those detainees, an attempt to destabilize the coronation of King Philip VI in June' (Efe Agency: 30/03/2015).

¹⁵ On crime victims' legal status, 'national security' and counter-terrorism, universal justice, electoral regime, accountability and tax evasion, immigration control, penitentiary law, health system...

[...] *Terrorism is not, and it can never be, a static phenomenon. It gradually and constantly expands itself and becomes diversified in a wide range of activities. In response to this complex phenomenon, the democratic law maker needs to expand the spectrum of criminal behaviours which can be objectively considered as terrorists [...] Thus, a terrorist organisation tries to reach its pseudo-political goals not only by terrorist acts, but also through actions that could not be qualified as mere terrorist acts – non-violent popular mobilization, non-violent political propaganda, popular awareness of its purposes, etc.* – cf. Elissa (2015).

Governments, courts and media practice terrorism by banning any political discussion on the pretext of terrorism. In the ‘government from economy’ regime, that is the best vehicle to legitimise the State’s police and warlike role. Any policy imposed by the market need an exceptional boost from the State to mitigate class conflicts and promote ‘horizontal confrontations’. This is why those who participate in social movements are considered ‘as a problem of public order. Better: a problem for public health’, as said by Manuel Delgado in the film *Ciutat Morta* (2013). In addition to this, the concept of terrorist organization ‘is no longer a criminal dogmatic notion, now it is read in social or political terms, and the Court makes it fit in its sentences. Here we have the legal embodiment of ‘unarmed terrorism’ or even ‘peaceful terrorism’, so far considered a mere hypothesis of laboratory’ (ACDdhh: 2001). ‘Anything goes’ when a hoax must be arranged. Its scapegoats, in the case of the alleged ‘anarchist terrorism’¹⁶, are not those who cannot access the ‘citizen’ participatory forums – that is to say: voting and/or consuming –, but those who try to live outside the system for their own political will, those ‘enemies of the State’ who threaten the democratic order, those who once asked themselves some questions, then tried to give some answers and now go out on the streets and shout ‘You call it democracy and yes, it is’.

Political anatomy and symbolic domination: renewing the idea of order is ensuring an efficient degree of video-legitimation. The audience of citizens consumes wars and discovers new enemies. The – social and political – surplus population pays the bill. Ministries and mass media strike the alarm: *the enemy can be your neighbour*. Sometimes the demonised ones respond: *here I am, I am your neighbor*. It is up to us to be neighbours of our neighbour rather than believers of the Home Office. Criminalising dissent is creating a social and political framework to develop more operations and eliminate any autonomous, anti-capitalist and anti-State organizations. Along with the multiple penal reform, the databases¹⁷ of suspects or the investment in material and anti-riot units – the ‘counter-terrorism device’ (Elissa: 2015) – fights the aforementioned movements with the full force of the *raison d’état*.

Against the transnational backdrop of jihadism and under a hyper-active opinion factory, the definitions of *terrorism* and *terrorist* slide into more than a simple ‘slippery slope’. ‘Structured organization’, ‘profit-oriented’, ‘criminal purposes’, ‘aim of

¹⁶ For another ghost called ‘Galician Resistance’ it is also noteworthy – *vid.* Colmenero (2013) *vs.* El País (*Ministry of Interior tries to abort the recurrence of nationalist terrorism in Galicia*, 9.07.2007) *vs.* Diagonal (*Judicial crackdown against Galician secessionists*, 26.12.2011) *vs.* El Confidencial (*Police report revealing what is Galician Resistance: extreme violence and street terrorism*, 27.03.2014) *vs.* El Diario (*¿Does Galician Resistance exist or is it a hoax by the Government?*, 9.04.2014).

¹⁷ UCPI is a database that collects arbitrarily information on individuals who are considered suspicious. The Legal Order *INT/2287/2014 modifying INT/1202/2011 on the regulation for personal data files* allows the creation of a database in the Home Office to collect, without any judicial control or external supervision, information about those who are suspicious for having committed a crime or being linked to any research, regardless of their criminal records or even without any previous judicial research: *all those involved in criminal activities or offences on which information is requested, or those under police investigation at national and international level*. UCPI’s goal is enabling the exchange of information among Police Departments in different countries and reinforcing the availability of those data for international institutions as Interpol, Europol or Sirene.

subverting the constitutional order'... ¿Do we mean political parties in the government being illegally funded during decades, violating every fundamental right and abolishing all related constitutional principles? No. These terms are used to demonise anarchist social centres, libertarian discourses and practices for mutual support.

Talking about an unjust order which produces and manages affliction – a system which is governed by supranational economic powers and local elites –, implies pronouncing yourself as anti-system. Acting on this recognition, we expose ourselves to the State's hyperactive terrorist-detector. Once the effervescence of the May 15 2011 had been overcome, constituted violence of constituted power took a little more than two years to reorganise the use and the political cartography of the term *anti-system*. Everything is back in the right place. Or not.

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