US war prisons: Intersections in punishment at home and abroad

Michelle Brown argues that domestic US detention practices are reconfiguring global imprisonment through the 'war on terror'.

In 2004, in the midst of the American occupation of Iraq, Abu Ghraib prison, located on the outskirts of Baghdad, emerged as a site of international notoriety when American news media aired disturbing and graphic photos of members of the United States Army Reserve torturing and abusing Iraqi detainees. Over the next few months, as a variety of internal and independent reports emerged seeking to document and explain the abuse, human rights organisations continued to issue warnings regarding reported abuse and its potential escalation at various off-limits war prisons administered by the US (Taguba, 2004). These watchdog agencies attributed emergent patterns of abuse across US war prisons to the practices first implemented at Guantánamo where it was argued that standard operating procedure brought with it new tactics and strategies in detention and interrogation that violated international conventions for the treatment of prisoners during wartime (Brody, 2004; Hersh, 2004).

In the aftermath of the international scandal surrounding Abu Ghraib, scholars and commentators have attempted to make sense of events there and across US war prisons from a variety of theoretical perspectives and legal frameworks. In my own research, I have mapped how practices that were introduced at Guantánamo and Abu Ghraib relate to patterns of punishment domestically within the United States. Institutional designs, practices, technologies, patterns, and discourses circulate internationally in ways that are of critical importance in understanding the emergence of new US-driven penal contexts globally. In this brief overview, I would like to outline the ways in which both material and ideological contexts surrounding US punishment have contributed to the development of US war prisons and, specifically, the torture and abuse manifested at Abu Ghraib.

War prisons are, of course, designed, implemented, and maintained by actors who are assigned on the basis of correctional work experience. The two reservists in supervisory positions at the center of the Abu Ghraib scandal, Charles Graner and Ivan Frederick, were former correctional officers. Domestic prisons have been among the most hard hit justice and public service agencies in the deployment of the US Army Reserve, as many correctional employees are also reservists. Beyond this, detention facilities at Guantánamo, for instance, were built in accordance with American Correctional Association standards and through the supervision and expert consultation of US wardens, superintendents, prison architects and contractors, many of whom specialise in the construction and implementation of illegal immigrant detention and border prisons like those in the American South and Southwest. As well, US-based private contractors and security firms have played formative roles in global practices of detention and interrogation via the war on terror. Corporations like Blackwater Worldwide and Kellogg Brown & Root, a subsidiary of Halliburton, have been highly influential and controversial in their accumulation of private military contracts (many of them in no-bid contexts), providing a wide variety of human services, including the delivery of food, construction, security, consultation, and interrogation. The intensive scope and scale of private contractors in war zones have raised important issues related to oversight and accountability but with little resolution to date. These issues played out at Abu Ghraib as military police and private interrogators were asked to 'provide a safe, secure, and humane environment' that simultaneously supported 'the expeditious collection of intelligence' by 'setting the conditions for successful exploitation of the detainees' (Taguba, 2004). Such patterns reflect powerful junctures where prison and military service converge in new and unregulated ways in the war on terror.

Events at Abu Ghraib and Guantánamo most powerfully reflect two tendencies within US punishment: immigrant detention and the emergence of super-maximum security. Within American borders, we find a longstanding history of the indefinite detention of foreign nationals. Undocumented immigrants are held in custody quite often for long periods of time and in harsh conditions, many placed outside Immigration and Naturalisation Service facilities in the general populations of US jails and prisons. Here, asylum seekers await background checks with little or no legal representation or translation services, while facing no charges – patterns which distinctly model the ways in which constitutional safeguards are sidestepped in penal contexts not involving US citizens. In the US context, these patterns run up against the world's most intensely

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racialised penal system, defined by its disproportional incarceration of minorities, especially African-American men and women. In this way, indefinite detention in racialised contexts is an institutionalised part of the American penal project and is co-ordinated through new technologies of exclusion.

The most recent construction projects at Guantánamo were designed for permanent long-term and indefinite detention, in keeping with the incapacitation model predominant in the US, an idea built upon the predictability of dangerousness. These designs borrow heavily from new 'state of the art' prison design and expert consultation, particularly the phenomenon of super-maximum security. Supermax prisons represent the most elaborate technology of exclusion developed in US penal settings. The basic premise of supermax is to apply the absolute highest level of security to those inmates whose behaviour has been defined administratively as manageable only through isolation from other inmates and staff. The supermax facility at Pelican Bay, California and the federal ad-max prison at Florence, Colorado are two popular examples; however, most states in the US have added a supermax or control unit to pre-existing institutions or built entire facilities solely for that purpose. In these settings, total isolation is the index of success as supermax is primarily a managerial strategy, directed at the redistribution of individuals on the basis of risk, in keeping with recent shifts in practice toward the actuarial objectives of the new penology. Prisoners can go for days, months, and years with the

virtual elimination of human interaction. Importantly, both the 'hard site' at Abu Ghraib, where many of the interrogations and human rights violations took place, and the camps at Guantánamo were modelled after supermax standards and have experienced many of the same kinds of problems. For instance, supermax settings have been consistently argued to exhibit a degree of harshness in conditions that violated international guidelines for the minimum standard of treatment of prisoners, including the prohibition of torture. A number of human rights organisations have documented the highly disturbing conditions of supermax environments, including high noise levels, the throwing of food, belongings, and bodily waste, the flooding of toilets, the destruction of clothes, suicide attempts, and the widespread practice of self-mutilation (many of the same conditions have been documented at Guantánamo, Abu Ghraib, and other war prisons). Emergent research concedes that these surroundings are highly punitive, dehumanising, and potentially volatile conditions for both inmates and staff, leaving these institutions and units highly susceptible to abuse and use of force (Rhodes, 2004). Beyond this, assignment to supermax centres upon practices that are argued to be unrestricted, unreviewable, and far-ranging in categories of application, including gang association, mental illness, health conditions (HIV, etc.), protective custody, etc. Assignment can be based as well upon suspicions, hearsay, informants, staff, or simply the potentiality of

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threatening behaviour. Supermax, then, in its operational procedure and implementation epitomises the logic of incapacitation and detention in the war on terror, where penal policy is set by potential future behaviour rather than past actions.

Through these kinds of trajectories, materiality and ideology converge in the technologies and procedures that have been exported to offshore prisons in the context of the US-led war on terror. Events and experiences at Guantánamo and Abu Ghraib ultimately depend upon a globally market-driven security industry that merges military and penal objectives and practices. Because these prisons exist in transnational border zones, they also exist within a legally ambiguous space which permits new subjectivities, such as that of the 'enemy combatant,' to open up deep patterns of exclusion and lay the foundation for torture (Danner, 2004; Greenberg and Dratel, 2005). In this way, a small group of military/prison actors, following cultural and institutional tendencies from home, reconfigure penality globally. ■

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