

# The sweatshops of penalty: Guantanamo, renditions and economic change

**Vincenzo Scalia argues the production of penalty in Guantanamo Bay and the system of renditions reflects wider transformations.**

**P**ost-fordism refers to the structural transformations in the mode of production that have been going on since the end of 1970s and were intensified by globalisation at the beginning of 1980s (Amin, 1994). A production based on global networks, the outsourcing of different stages of production and distribution, a flexible process and the enhancement of communication are amongst the main characteristics of post-fordism.

Some criminologists analyse this term to indicate general patterns in the production of penalty in a post-fordist society (De Giorgi, 2006). In this article, I will use it in a more precise way. If we consider penalty as the output of a production process, involving the penal system, politicians, the media, prisoners, we must analyse this process under the influence of post-fordist transformations. Whereas the old penalty was centred on prison and penal system, and all the prisoners were treated in the same way, regardless both of the offence they committed and their social background, fulfilling the purpose of creating a disciplined workforce; contemporary penalty follows a different trend (Melossi-Pavarini, 1981). A network of institutions (community centres, residential units, prisons, immigration removal centres, military prisons, military bases), either inside or outside the penal system, deal with criminals

who are treated differently according to the offence they made, such as petty crimes, terrorist actions, illegal immigration. The penal net is thus flexible, either widening (Cohen, 1985) or narrowing according to the demand of punishment, which is conveyed either through the media or through the political arena. This flexibility also concerns the rights of prisoners, which are no longer certain and ruled by the principle of equality as they tended to be until 1970s. Finally, as in the case of economy, whose network structure includes in its web both highly specialised sectors employing highly skilled workers and the *sweatshops* employing poor and unskilled workers, the post-fordist penal system has its official penal system, still ruled by a certain degree of legality, existing side by side with such places and practices wherein prisoners have no rights and the prison officers are not accountable to anyone.

The prisons of Guantanamo, Abu Ghraib and the system of the renditions, in a post-fordist model of penalty, are located in the peripheral part of the network. The former two are prisons where suspected terrorists are imprisoned to be interrogated by the US military forces. The latter is a network of abduction of suspected terrorists in European countries (European Parliament, 2007), who are lately rendered to their countries of origin, where they arrested, interrogated and, it has been proved,

often abused. The network involves the CIA, the secret services of the countries of abduction and those of the States prisoners are rendered to (Statewatch, 2006).

The cases of Guantanamo and Abu Ghraib are a post-fordist model of penal production in many ways. Firstly, despite these prisons being ruled by the American Military forces, they are not located in the American territory. Like a corporation moving its production to countries where labour is cheap and the rights of labourers are restricted, the two prisons hosting suspected terrorists are not subject to either the American penal laws nor in the case of Guantanamo, to those of Cuba (because of the principle of extra-territorial jurisdiction), or in the case of Abu Ghraib, to that of Iraq, an occupied country whose institutional and legal framework was yet to be set at that time (2003). This political and judicial vacuum provides the space for a "flexible" treatment of inmates, which means in fact a denial of *habeas corpus* guarantees and a complete obliteration of the presumption of innocence. Abuses become by this token possible.

Secondly, flexibility also concerns the task and the kind of personnel employed in the detention structures. As many soldiers employed in Guantanamo have witnessed to the enquiring bodies, in the beginning only Military Police members were supposed to operate in the prison (Provance, 2005). They were soon sidelined by both Military Intelligence personnel and by civilian contractors hired by the CACI group. Civilian contractors brought about a massive change in the interrogation techniques. Firstly by training the other members of the personnel and then by enacting the new techniques. The interrogation techniques soon upset some members of the military personnel for their brutality, and engendered reports that raised public awareness about what was going on in the American anti-terrorist prisons.

Thirdly, the post-fordist network structure substitutes the sharing of responsibilities for an unclear hierarchical model, in which the higher ranks are not always

accountable for what happens below them. This made it possible to take the responsibility of the abuses away from the leading figures of the American army and politics. Lower ranks were held fully responsible and sentenced. When this was not possible, the Bush administration argued that the abuses were performed by the members of a civilian contractors company, who are accountable only to their employer, and not to the government or to the army.

Finally, as the post-fordist economy is concerned more with the immaterial aspects of production, such as human qualities, relations and communication, so is the production of penalty. The tortures suffered by

inmates of Guantanamo and Abu Ghraib were not largely based on physical abuses, but rather on psychological ones. The annihilation and humiliation of the "enemy" relied mainly on scaring, sleep deprivation, and identity humiliation, such as the interrogation of

Muslim men performed by women personnel, offences against Islam and the rape of prisoners. These practices were aimed at making prisoners docile enough to tell their interrogators what they wanted to hear. Communication also played a role in diverting the attention of the public as to what was going on in Guantanamo and Abu Ghraib as secrecy was justified as part of the 'war on terror' or for national security reasons. Like a Mexican

*maquiladora* (sweatshop) the maximisation of production was ensured through intensive exploitation, denial of rights and an unclear articulation of hierarchies and accountabilities.

The cases of the Extraordinary Rendition represent an even more advanced model of post-fordist penal production. Like Guantanamo and Abu Ghraib, there is an unclear chain of command, making it difficult to hold a prison, military senior officer or politician responsible for these illegal abductions. This is because the secret services of European and Arab countries carried out this practice, on behalf of their US colleagues of CIA (State watch/Milan Tribunal, 2006).

Two elements give the renditions a specific place in a post-fordist model.

Firstly, they denote a pattern of extreme globalisation of penal production, as many different countries in Europe, Asia and America are involved. A wider network, involving the participation of a plurality of actors, ensures more

efficiencies whilst making the development of oversight strategies difficult.

Secondly, unlike the case of Guantanamo and Abu Ghraib, renditions are not performed inside an easily defined space and place. Airport police stations, military bases, and prisons are all *secret*, therefore less open to scrutiny. It becomes by this token much harder to know that renditions have happened, what happened to the

rendered prisoners, and who they were allegedly abused by. We are facing the peculiar case of an *immaterial* detention.

Finally, the secrecy of rendition does not make necessary the use of communicative strategies, as there is no need to justify and explain what *does not* happen.

Is there any way out? It would be too simplistic to argue that these practices will end incrementally as war and capitalism will be substituted by a fairer, freer and more peaceful society. In my opinion these practices need to be subject to greater transparency to the public as they seriously threaten civil rights across the world. In the short term, the solution consists of thorough enquiries by the press, the international organisations and the inspective organs who are entitled to monitor penal institutions. ■

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