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April 2014

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during trial, justified with the usual pretext of 'security' and 'public order'. A new danger, that of video-linking destined to take root and spread rapidly, if it is not uprooted immediately; as, we know, it is today's exception that becomes tomorrow's rule. The paradigm lying under this new 'technical mutation' is complex, and it's difficult to assess and unveil all its facets at this very moment.

Definitely the kind of trial procedure that is emerging shows a gradual disappearance of the accused, a growing conditioning of the jury in advance and the overwhelming inquisitorial power of the prosecutors. What I have tried to do here is to highlight some of the repercussions of this technical mutation, and to focus on the topic of the 'gaze', i.e. the visual exchange between the prisoner's gaze, the judicial gaze and the public gaze. Many other considerations could be made, just as important or even more so. For example, on how video-linking prevents the defence lawyer from discussing with his *[sic]* client during the trial; or the fact that in the spectacularisation of trials special effects and optical illusions are likely to be more determining than the facts under examination. But my faith in the law is so little that I won't dwell on certain details. I'd rather conclude these random notes on video-linking by quoting the lyrics of some old prison songs, those sung in the streets by the chain gangs. Heart-to-heart words that speak for themselves.

'*Greedy for unhappiness, your gaze is seeking an infamous breed among us that whines and mortifies itself. But our gaze is proud. Goodbye, because we don't give a damn about your chains or your laws.*'

in the desire of the Turin prosecutors, the case of Claudio, Chiara, Niccolò and the present writer,[2] accused of having committed an act of sabotage on the High Speed site in Chiomonte.

A special exemption for the 'right of defence', which foresees the physical presence of the defendant alongside his *[sic]* lawyer

[2] ed. – This text was written by Mattia Zanotti, from the High Security Unit of the prison of Alessandria, Italy. He was then awaiting trial on charges relating to the struggle against the Lyon-Turin international T.A.V. ('Treno Alta Velocita', high-speed trainline) construction; for which, the longest tunnel in Europe would have to be dug through the Alps mountains (releasing toxicity from the harmless-when-undisturbed uranium and asbestos they contain, fouling groundwater, and expanding the reach and connectivity of trans-national industrial capitalism). Specifically, in the Susa Valley of northern Italy (where the decades-long battle against the project is fiercest), around 30 people in Maddalena had raided a construction site for the works and torched a significant amount of machinery and equipment despite worker and police presence; just a few days after the site had been cleared (with violent clashes) following an occupation of over a month by opponents of the T.A.V. project. Mattia and six others were charged with participating in the attack, which prosecutors attempted to upgrade to a terrorist offense due to the importance of the infrastructural project of the T.A.V. to both Italy and the European Union. Sabotage and rioting has been a part of the arsenal of (some of) the opponents of the T.A.V. during the over-20 years it has been resisted (see Return Fire vol.2 pg58/64/65); Italian paratroopers fresh from foreign battlefields have been among the troops the State has dispatched to occupy the area and quell disorder, and the prosecutors for Mattia's case alone spoke of over a hundred attacks against the project in the area just in the two years leading up to the site raid. On trial, Mattia and his three comrade co-defendents proudly claimed their part in the raid. These are some of his words during the trial: "I knew Maddalena and the Clarea Valley before the TAV yard was erected there. In those woods I walked, slept, ate, sang, danced. In those places I experienced precious fragments of life together with friends who are no longer there and whom I carry in my heart. To those places I went back many times in the course of the years. In the daylight, in the night, in mornings and evenings; in summer, winter, autumn and spring. I've seen those places changing and trees falling down after being cut down to make room for barbed wire. I've seen the yard expanding and a piece of woodland disappearing, headlights popping up and the army coming over to watch a desolate landscape from the same armoured vehicles that patrol the mountains in Afghanistan. So I went back again to the Clarea valley during the now-famous night of May." He is currently serving a sentence of 3 years and 6 months on house-arrest.

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again, even to attend trial. Entombed, buried in concrete. The very jury is made to see you as being so dangerous that you can't be taken before them. Somehow your guilt is implicitly designated by the way you 'appear'.

In all this, the accused is reduced to a passive spectator. He *[sic]* observes his trial on a screen as if it was an episode of *Forum* or *Quarto grado*. His only right, in good TV tradition, is to be allowed to call his lawyer during proceedings. And yet it is his life that is at stake. It is his body that will be possibly destined to imprisonment. It is his, the amputated view of the horizon. It is he who is deprived of the embrace of his loved ones. His sense of smell deprived of spring. Finally, it's his gaze, dejected or proud, that faces 'punishment' – preventive or definitive – day after day. Video-linking is the technological ally that perfects the imprisonment of gazes. Cowardly, it multiplies the eyes peering at he *[sic]* who went beyond the boundaries of the law, but it no longer dares to look him in the eye. A cybernetic metaphor of blindfolded justice equipped with artificial eyes, but which remains blind all the same.

Some Provisional Conclusions

Introduced in Italy for prisoners under the 41bis regime,[1] videoconference in trials is now rapidly being extended to all prisoners whom justice considers 'worthy' of special attention. It is the case of Maurizio Alfieri, a rebel bank robber not inclined to prison domestication; it is the case of Gianluca and Adriano, anarchists accused of having carried out various actions against ENI, some tycoons of the rubbish business and other poison-producing giants *[ed. – see Return Fire vol.3 pg71]*; it could be, actually it is already

[1] ed. – Severe isolation conditions, suspended only when a prisoner cooperates with the authorities, when a court annuls it, or when the prisoner dies; introduced in 1975 as an emergency measure to deal with prison revolts during the 'Years of Lead' (see Memory as a Weapon; The Origins of Victimisation] and never removed by any other democratic regime…

such it is not neutral, on the contrary its mediation involves profound changes that sink deep into the living flesh of those who have defied the law.

In *Les Misérables*, Victor Hugo describes the punitive device par excellence, the scaffold: *'The scaffold is an image. It is not merely a framework, a machine, a lifeless mechanism of wood, iron, and rope. It is as though it were a being having its own dark purpose, as though the framework saw, the machine listened, the mechanism understood; as though that arrangement of wood and iron and rope expressed a will. In the hideous picture which its presence evokes it seems to be most terribly a part of what it does. It is the executioner's accomplice; it consumes, devouring flesh and drinking blood. It is a kind of monster created by the judge and the craftsman; a spectre seeming to live an awful life born of the death it deals.'*

Unlike the scaffold, video-linking is not a device that enforces a sentence already imposed, let alone death, which is no longer contemplated by the penal code; but even more than the scaffold, articulated as it is with a microphone and cameras, it is a 'structure' that 'sees', a 'machine' that 'hears'. Certainly it doesn't 'eat flesh', but in its own way it 'disembodies' the accused, dematerializes his *[sic]* body, reduces him to a bunch of bits producing a sensorial and visual impact within a process that should not be underestimated: through it the presence of the defendant, however distant, becomes spectral, his body is treated like a video interference to whom words can be allowed or taken away by a simple 'click'.

It's the triumph of reformist scruples that in the past cleared the streets of the human chains of convicts which now, through the new technologies, 'frees' the courtrooms from an annoying and strident presence so that the abstraction of the law can go forward undisturbed. It also denies the embrace between co-defendants, who can't see each other even on that occasion. No emotional contact with the public either, who don't even appear on the screen. No complicit gazes, no greetings to family and friends. Once you enter prison, even before trial, you don't get out

Convicts' Chains & the Public Gaze

Up until 1836 it was still normal in France to make convicts walk to the prison in chains. The future prisoners wore iron collars and were chained together and forced to walk along the public road dragging proof of their conviction and showing crowds of people the consequences for anyone who broke the law.

The path to reclusion, the last journey before disappearing behind the secret obscurity of prison took place in full view, in a public ceremony with a strong visual impact that could unleash all kinds of feelings. The departure of these human chains attracted masses of people, exhibited the convict to the crowd, exposed them to insult and spitting, but also to feelings, compassion and complicity; in a complex ritual whose outcome was not predictable, the march exposed the convict to the public gaze and showed his *[sic]* gaze to the public.

'*The chain brought its celebration with it to all the cities it passed through'.* The convicts bore not only iron collars and chains, the obligatory signs of punishment, but also ribbons of straw, garlands of flowers and colourful pieces of rag which they themselves had sewn on to weird headgear and berets flaunted for the occasion. A colourful and irreverent touch of joyous madness, of harlequin mockery dressed in rags, could turn this dismal march into an 'itinerant fair of crime', a sort of nomadic tribe of convicts that mocked the chains with which they were restrained, cursed the judges and invoked torment on them.

And then the songs, convicts' songs. Marching songs sung together that deeply impressed the people and became famous and passed on from mouth to mouth. Songs that often *'excited pride in the face of punishment'* rather than moaning remorse for the crime committed. All this contributed to spoiling a celebration of justice set up by power as a ritual of guilt and repentance, making it socially dangerous as it was capable of overturning the symbols of

power, changing the order of its discourse, overpowering its moral code.

To quote the *Gazette des tribunaux* of 19th July 1836: *'It is not our custom to lead men away this way; it is necessary to avoid such a horrible spectacle in the towns that the convoy passes through, it being in any case of no education to the population.'* Not long afterwards the transport of convicts to prison ceased to take place in public rituals. A technical change intervened to clear public roads of such a contradictory spectacle: the prison cart.

The Prison Cart & the Panoptic Gaze

Michel Foucault, who studied the origin of prison and its accessory devices carefully, writes that *'imprisoning, which ensures privation, has always involved a technical project'* and that *'the replacement in 1837 of the chain gang with the prison cart'* is *'a symptom and summary'* of a technical mutation, a *'shift from one art of punishing to another'*.

The prison cart is not to be meant simply as a closed cart used to transport convicts who were previously subjected to the additional punishment of being chained in public; rather, it should be seen as a technical innovation that marks a change of paradigm. This vehicle was conceived as a prison on wheels lined with tin. Impenetrable to the outside eye, it parades sadly through the streets without revealing anything of what it contains.

The wretches riding in it, be they already convicted or awaiting trial, all travel in chains; but now they are in small single cells, which prevent them not only from looking out but also from meeting the gaze of the other 'passengers'. Instead, a central corridor allows the guards to keep an eye on all those being transported through a peephole.

Thus *Gazette des tribunaux* describes this mechanism of internal control: *'The opening and slanting position of the peepholes are made in a way that the guards can keep their eyes on the prisoners constantly, hearing the slightest sound, without the prisoners being able to see or hear one another.'*

Not simply a closed wagon, therefore, but a technical device developed with precise aims: hide the convict from the public eye, prevent him *[sic]* from seeing the outside world and improve the techniques of surveillance. Not just a mobile tin box, but a 'panoptical cart' *[ed. – see Return Fire vol.4 pg9]*, a prison of gazes that wipes out the mocking splendor of the chains of the convicts, making them blind, silent, invisible and controllable.

The secret obscurity of prison extends and anticipates his arrival; its shadow falls upon the convict keeping him out of sight even before he sets foot in jail. Bourgeois reformist modesty transports without showing how it punishes, without making a spectacle any longer. No more exchanging gazes between the people and the criminal, the only permitted gaze is that of the guard at the penitent prisoner.

The Video-Conference & the Disembodied Gaze

Let's get back to Italy now. The last frontier in the field of 'transport for judicial reasons' is the trial held by video-link, where the transport takes place in an immaterial form.

The defendant on trial, if already in prison for previous convictions or on remand, can be judged at a distance without having to leave the prison. He *[sic]* is taken to a specific room inside the prison and follows the proceedings on a screen under the watchful eye of the guards and the technological gaze of a camera focused on him, transmitting his image to the courtroom where the trial is taking place.

Like the shift from 'chains' to 'prison cart', the introduction of the video-conference marks a shift that sums up a change in paradigm. In fact, video-linking is a technological device and as