

DOING (WITH) TIME

Dealing with indefinite incarceration in Switzerland

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Abstract

This contribution provides insight into the experiences of time of prisoners sentenced to indefinite incarceration. It is argued here that in contrast to prisoners serving finite sentences, for these prisoners it is no longer mainly about *doing time* in prison but also about (actively) *doing with time*, since the time in prison becomes (most probably) their remaining lifetime. Moreover, to concentrate on the present instead of their uncertain future helps them to ease the pains of indefinite imprisonment; however, this mode of *being with time* requires acceptance of their situation and to let go of their former selves.

Keywords: *indefinite imprisonment, uncertainty, prison life, experiences of time, Switzerland*

Introduction

I simply try to live in the here and now and not to plan for the future. Because I don't have any future or only one that is very far away, so it doesn't really make sense to plan for that.

Irene Marti: So does this mean that if you think about the future, then this is connected to the outside world?

Yes, of course! In here, I just try to make it through the day, if possible by working, then at least time goes a bit faster. (Hans, Art. 64 SCC, served 10 yrs.)¹

This quotation, which is from one of the interviews I conducted in a study on issues related to end-of-life in prison (Hostettler et al. 2016), is, in a sense, the starting point of my ongoing reflections on life under the condition of indefinite

incarceration. Not knowing if he will ever be released, the prisoner from whom I took the above quote tries to focus on the present, but since he doesn't find any meaning in it, he has to find strategies to make time pass faster, even though the time in prison is (most probably) the only time he has left: it's his remaining lifetime.

Changing societal demands for security and public pressure over the past decades have led to a shift towards a more punitive and hardline approach to crime in Switzerland (Garin 2012, Queloz et al. 2011) and in most Western countries (Garland 2001). As a consequence, today there are more people serving not only longer sentences but also sentences without any possibility of release («life without parole»), which are found especially in the USA and the UK (Leigey & Ryder 2015). There are

¹ All quotations from prisoners have been translated from German by the author. For the sake of anonymity, all names have been replaced by pseudonyms, and the information on the time served in prison until now is only approximate.

also more people serving measures of undetermined duration, which is most common in Switzerland and Germany, especially because of the restrictive practice of release in the case of «high-risk» offenders (Schneeberger Georgescu 2009).² In Switzerland, these undetermined measures include: (1) «indefinite incarceration» (Art. 64 Swiss Criminal Code [SCC]), whereby inmates are kept in prison for security reasons after finishing their regular sentence; and (2) «in-patient therapeutic measure» (Art. 59 SCC), which is applied in the case of offenders who are suffering from serious mental disorders. The latter measure can be extended (for an indefinite time) or converted into Art. 64 SCC if the requirements for conditional release are not fulfilled after a certain period of time. As per July 2016, 581 people were held in Swiss prisons with no concrete date of release.³

In contrast to temporarily finite sentences, indefinite imprisonment may become a permanent condition, causing the commonly used expression «doing time» – i.e., to serve a sentence (a specific amount of time) in prison – to have a completely new meaning. Thus, as recent studies show, the contemporary «pains of imprisonment» (Sykes 1958) present themselves as «pains of indeterminacy and uncertainty» (Crewe 2011) that relate both to the present and the future. Since prisoners serving indeterminate measures do not know if they will ever be released, it's impossible for them to make plans for a future outside prison. Their future strongly depends on authorities such as the courts or the prison services, which are in charge of the periodic examinations of prisoners' situations and the possibilities of loosening the regime, such as the annual examination regarding conditional release or the biennial examination of the possibilities for conversion of Art. 64 SCC into Art. 59 SCC. However, it might happen that prisoners wait several years for a reply (field notes). The result is often considered arbitrary, and the things required of prisoners in order to progress are perceived as unclear or unattainable (see also Crewe 2011: 514). Prisoners also describe the lack of perspective and the uncertainty related to their future as «mental torture» (field notes). Moreover, they suffer as a result of their permanent «removal from society» (Leigey & Ryder 2015: 738) and separation from outside contacts, which is generally experienced as much more painful than the deprivations faced inside the prison (e.g., lack of privacy or deprivation of goods). In the literature, exclusion from society by means of imprison-

ment is also described as «social death» (Goffman 1961, Walker & Worrall 2000). This is in agreement with the loss of identities, social status and roles, as well as economic and social functions and participation options, and, in the case of permanent imprisonment, as «dying without death» (Liebling 2017). From an anthropological point of view, prisoners serving undetermined measures find themselves, in a certain sense, in a «context of chronic crisis» (Vigh 2008) characterised by a lack of perspective and enduring uncertainty regarding their future and the inability to change the forces that affect their lives in a negative way. However, prisoners remain able to act and live within this context and free to choose their attitude (O'Donnell 2014: 277).

Based on data collected using ethnographic research techniques (DeWalt & DeWalt 2002), my aim in this paper is to provide insights into the lived experiences of prisoners subjected to indeterminate incarceration, with a special emphasis on their experiences of time. After the presentation of my methodological and analytical approach, I provide a description of the institutional organisation of time in prison. In the following section, I present accounts of the prisoners' perceptions of time and their practices in dealing with institutional time in their everyday lives. At the core of this section is the argument that for these prisoners, it is no longer mainly about *doing time* in prison but also about (actively) *doing with time*, since time in prison becomes their remaining lifetime, and prison now «the only place where life could meaningfully be led» (Crewe et al. 2016: 10). Finally, I examine the prisoners' perceptions of the meaning of life and reflect on their relation to time, or, in other words, their ways of *being with time*.

Methodological and Analytical Approach

Doing Ethnographic Prison Research

This article is based on ethnographic data gathered between 2013 and 2015 using participant observation, informal discussions, document analysis, and in-depth interviews carried out with 22 prisoners in two high-security male prisons in Switzerland in the context of a study on end of life in Swiss prisons.⁴ At the time I talked to these participants, 13

² In Switzerland, during the past 10 years, the annual average number of releases of prisoners sentenced to indefinite incarceration was four (<https://www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/justizvollzug/unterbringung-vollzugaufenthalt.assetdetail.315755.html>, accessed January 16, 2017).

³ <https://www.bfs.admin.ch/bfs/de/home/statistiken/kriminalitaet-strafrecht/justizvollzug/unterbringung-vollzugaufenthalt.assetdetail.566924.html>, accessed January 16, 2017.

⁴ The project *End-of-Life in Prison: Legal Context, Institutions and Actors* was funded by the Swiss National Science Foundation (SNSF) (see Bérard et al. 2015, Hostettler et al. 2016, www.p3.snf.ch/Project-139296).

were sentenced according to Art. 64 SCC, five were serving finite sentences and four were convicted on the basis of Art. 59 SCC. Moreover, this article draws on field notes, document analysis and in-depth interviews that I carried out in 2016 with 18 prisoners (15 were sentenced according to Art. 64 SCC and three following Art. 59 SCC) in the same two prisons, in the frame of my ongoing PhD project on indefinite incarceration in Switzerland.⁵

Gaining access to the prison – which can be considered a «closed» and «sensitive» field (Bouillon et al. 2006, Drake et al. 2015) – and to the research participants is crucial and closely related to the different role(s) the researcher will take intentionally or be ascribed by others (Hostettler 2012). Together with the management of both prisons, we defined my stays officially as an «internship» of a prison officer. This status allowed me to be integrated into the prison officers' day-to-day work and to conduct research at the same time (for details, see Marti et al. 2014). Of course, this officially ascribed role in a context characterized by mutual distrust and a specific hierarchical social order that pits inmates and prison staff against one another in permanent opposition (Goffman 1961) structured the establishment of trust with my research participants. However, by participating in the everyday activities of both prison officers and prisoners, it was possible to «normalize» the officially ascribed roles, status, and positions and to co-create relations of trust with «both sides» (Marti & Hostettler 2016).

Time and Imprisonment: From Doing Time to Doing With Time

As stressed by Matthews (2009: 38), «although imprisonment is in essence about time, it is experienced as a form of timelessness, with prison terms often described as «doing» or «killing» time».

It is therefore not surprising that the majority of work related to prisoners' ways of doing time basically explore the prisoners' techniques of making time pass quickly (see, for example, Cope 2003, Wahidin 2002). While these studies typically focus on prisoners who will definitely, sooner or later, be released, time in prison has a different meaning for those serving indefinite measures. Without any concrete date of release, prisoners may experience time as being reduced to a continuous present without any proper chronology, which can lead to the loosening of a sense of personal development and purpose (Cohen & Taylor 1972). As highlighted by Jewkes

(2005), prisoners serving very long sentences not only have to cope with the boring ever-same present and the feeling of having too much time to «kill», but they must also, at the same time, cope with the feeling of time being stolen from them (Jewkes 2005: 372). Thus, long-term imprisonment, especially of undetermined duration, has significant effects on the prisoners' sense of self and their relationship to the world.

Studies that examined the individual experience of incarceration have mainly focussed on the prisoners' «adaptation», «adjustment» or «coping» strategies as responses to the prison environment. For instance, Goffman (1961) showed how prison management transforms prisoners into «co-operators» and makes them undergo a «primary adjustment» (Goffman 1961: 189). However, prisoners also practice «secondary adjustment» by developing and applying unauthorised means that enable them to maintain a sense of self and autonomy (189). Toch (1996) has emphasised the variability of prisoners' adaptation to the same prison setting and the fact that prisoners' ways of «coping» with incarceration are influenced by various factors, such as individual characteristics and perceptions of the environment, the specific institutional context and staff-prisoner relationships. More recently, Crewe (2009) not only looked at the variety of «adaptation» processes but also at prisoners' capacity to thereby negotiate, resist and reconstitute institutional power. While these studies mainly focus on how prisoners *react* to the prison environment, my aim in this paper is to extend this perspective. On the one hand, I focus on the prisoners' perceptions and interpretations of the institutional organisation of time through the lens of the phenomenological perspective of Schütz (1975, 1932). On the other hand, I examine their ways of passing time (*doing time*) and, by adopting De Certeau's (1988) pragmatic approach, their ability to act creatively by using time for their benefit and personal development (*doing with time*). I start from the assumption that the prisoners' lives are never fully determined by the institutional order established by the powerful. The prisoners can potentially adopt «tactics» that allow them to exploit situational cracks within the given «strategic field» and to make use, creatively and constructively, of the given time-space order according to their own interests (De Certeau 1988). Of course, the analytical distinction between *doing time* and *doing with time* is ideal-typical. Also, these two modes of dealing with time are interwoven and not exclusively related to one status of imprisonment or the other (finite sentence / indefinite measure). However, the distinction is crucial not only for a better understanding of

⁵ The PhD project *Living the Prison: An Ethnographic Study of Indefinite Incarceration in Switzerland* is funded by the SNSF (see <http://p3.snf.ch/project-159182>).

already at age nineteen, has another problem. He is really missing something serious. But me at least, I had a life before prison. (Darko, Art. 64 SCC, served 15 yrs.)

However, the passage of time leaves traces on the body (see also Wahidin & Tate 2005): «I only realise that I got old when I look at myself in the mirror» (Jonathan, Art. 64 SCC, served 20 yrs.). Also, because in prison – compared to life outside – there is «more time to reflect» (Yves, Art. 64 SCC, served 15 yrs.) and fewer distractions, prisoners are more aware of health and age-related changes. Moreover, prisoners sentenced to indefinite measures, especially younger ones (both related to age and time served until now), expressed their fears regarding mental deterioration as a perceived effect of long-term imprisonment (see also Leigey & Ryder 2015): «Most of them [the elderly long-term prisoners] have completely resigned. They are, like, backward. I worry about ending up like them» (Leo, Art. 64 SCC, served 5 yrs.).

Doing Time

Prisoners, no matter what status (finite sentence, indefinite measure), have to arrange themselves according to the monotony of daily prison life and to find ways to deal with the uneventful present in prison. The following quotation is the description of a prisoner's day life in a unit for ill and elderly prisoners.

Me, I get up at five o'clock. Then I drink coffee, then I sit for two hours until seven, then they open the door [...] then I go to work. During that time, I am thinking of the work that I am doing, nothing else [...]. After work it's lunchtime. We finish work already at eleven and then go upstairs on our floor to wait for lunch. Usually, I watch TV and read the newspaper. After lunch, I always sleep half an hour to forty-five minutes. I don't know why, but I have learned here to sleep. [...] On Friday afternoon, we have to clean our cells [...] time goes very quickly during that part of the day. In the evening, we have free time. After dinner and a little TV, I read a book and listen to music. From 5:30 pm to 6:30 pm, I go for a walk. Then, I walk in the corridor for another half an hour, before they lock us in. Sometimes I also walk in the cell, not every day but every now and then if I cannot sleep – especially during the weekend when the days are very long. When I go to bed at five o'clock [after the locking up] then I usually get up at nine and walk until ten o'clock, and as I walk I am partially listening and watching television. [...] When the cell is locked, I'm usually on the bed, except when I'm walking around. Otherwise, I drink coffee, use the toilet, and then I'm walking around again. That's it, all in all. (Jonathan, Art. 64 SCC, served 20 yrs.)

As the quote above demonstrates, one important means of *doing time* is distraction (see also Goffman 1961: 68). On the one hand, the prison provides collective and «official» removal activities, such as sports programmes, formal education and the possibility of receiving external visits; the aim of these activities is to ease the pains of imprisonment and to establish compliance (primary adjustment) (189). On the other hand, prisoners themselves develop individual techniques for distraction (69). These may relate to material provided by the prison, such as the possibility of buying a radio, renting a TV or computer and borrowing books from the prison library (field notes), or they may relate to removal activities that are unauthorised and, more or less, hidden from prison staff (secondary adjustment) (189).

In the following, I outline some examples of the prisoners' individual ways of *doing time* in the sense of adjustment to the prison context with the primary aim of killing or speeding up time.

General Ways of Doing Time

Some general techniques of *doing time* are related to time reckoning (see also Crewe et al. 2016). For instance, there are prisoners who count months instead of days, or even blocks of five years (which corresponds to the frequency of the official evaluation according to Art. 59 SCC). Others use personal reference points for time-reckoning, such as visits from their relatives or friends (field notes).

Doing Time during Working Hours

Individual ways of *doing time* developed and applied by prisoners during working hours mainly aim to create interruptions and variety, for instance, by arranging internal appointments at a certain time – e.g., with the doctor or the social assistant – or phone calls. Other techniques involve taking part in any offer proposed by the prison, such as sports or education programmes, especially when they are charged as working time and therefore paid (field notes). The prospect of achieving distraction from working hours was also an issue while I arranged appointments for the interviews. While the prisoners preferred me to schedule the interviews during working hours, some prison officers angrily and explicitly defined this as a strategy to «shirk» their work and insisted that the prisoners meet me during their leisure time (field notes, 2.5.2016). However, working is clearly defined by almost all the prisoners as the primary and most important means to pass time (field notes).

Other ways of *doing time* while at work include engaging someone in a chat or stretching the time one is away from the working place; for instance, after having received a visitor in the visitors' room, a prisoner may «particularly slowly walking back» to work (Mike, Art. 59 SCC, served 10 yrs.).

Doing Time during Leisure Activities

Prisoners also apply ways of *doing time* during their leisure activities, which include playing games with fellow inmates, watching TV, reading newspapers, listening to the radio, consuming drugs or – especially during the weekends when they remain locked in their cells for much longer periods – to «over-sleep time» (field notes, 4.2.2016).

Generally, the prisoners' narratives about *doing time* highlight the need for «organising» the day around working hours in order to «pass time more smoothly» (field notes, 2.5.2016). Creating «personal routines» (see quote p. 30) and «rituals» – «having a cappuccino together, that is simply a part of Saturday morning» (Jürg, Art. 59, served 15 yrs.) – not only enables prisoners to kill time but also provides them simultaneously with «satisfaction» and a feeling of «security» (Leo, Art. 64 SCC, served 5 yrs.). The individual organisation and, therefore, the control of (leisure) time lets prisoners experience a sense of personal ownership of time (see also Toch 1996), feelings of self-determination and autonomy and a freedom of action that helps them to maintain a sense of self (see also Goffman 1961, Wahidin & Moss 2004).

However, in contrast to prisoners who basically wait for their release and go on with their «real» life, for prisoners who will probably stay behind bars until the end of their lives, the meaning of and dealing with prison time may be different: not everyone wants to simply pass time (see also Flanagan 1981).

Doing with Time

Although prisoners serving indefinite measures, like those serving finite sentences, are occupied with *doing time*, they are especially also concerned about actively *doing with time*. The following section discusses in more detail some of the prisoners' tactics (De Certeau 1988) of *doing with time*.

Developing Awareness of the Prison Environment

As my data reveals, prisoners' tactics of *doing with time* are strongly related to their general attitude towards life in confinement. In order to deal with their uncertain future, prisoners see basically two possibilities:

Either you take it as it is and try to make the best out of it and keep hoping for a chance to come out, or you give up and hang yourself in the cell and you're done. (Peter, Art. 64 SCC, served 15 yrs.)

Prisoners who decided «to make the best out of it» feel the need not only to accept but also to engage themselves in their situation. This changing attitude allows for the develop-

ment of a certain awareness «of what this place can give you» (field notes, 2.5.2016). In concrete terms, prisoners refer to the development of the capacity «to take the day as it comes» and «to appreciate the little things» (Darko, Art. 64 SCC, served 15 yrs.). These things are not only perceived as welcome interruptions from the routine but also as lived experiences that leave traces on the individual: «receiving a visit, to drink a coffee with a fellow inmate, to have a nice talk, to enjoy a good meal» (Jürg, Art. 59, served 15 yrs.). As the interviews show very clearly, it's especially the experience of interpersonal contact that makes a difference in the repetitive everyday life in prison: «the structures create routines, but people have different thoughts every day. That's what creates the lively [atmosphere] in here» (Marco, Art. 64 SCC, served 20 yrs.).

Spending Prison Time

For other prisoners, making the best out of prison time means to «use time» (see also Flanagan 1981: 218) in the sense of «not wasting one's time but to benefit from it» (Leo, Art. 64 SCC, served 5 yrs.). From that point of view, activities involving simple distraction (*doing time*), such as watching TV, are perceived critically. Even though television constitutes for many long-term prisoners one of the only connections to the outside world and provides them with information and the possibility of mentally escaping the prison for a while, *passing time* while watching TV is also perceived by some prisoners as a way of «wasting time» because it's basically regarded as passive consumption (field notes). For this reason, there are prisoners who don't have any TV in their cell because it «takes your time away» (Paul, Art. 64 SCC, served 25 yrs.). Instead, they prefer *spending time* with the aim «to keep mentally fit» and «to develop oneself further» (Leo, Art. 64 SCC, served 5 yrs.). For most of the prisoners, this means reading and studying and also developing and implementing their own projects (see also Crewe et al. 2016: 18), such as the preparation and delivery of a lecture during a school lesson, the development of a computer programme, the organisation of a joint sports tournament for fellow inmates, or writing a book (field notes). Through these tactics, the prisoners maintain their sense of self and gain the feeling of developing as human beings. This is crucial since many of them fear the possibility of mental deterioration due to the institutional environment: «It's important to not lose oneself» (Georg, Art. 64 SCC, served 10 yrs.).

Transcending Time-Space

Another tactic of *doing with time* is to create and live imagined time-spaces with the aim of transcending the here and now and gaining personal experiences far away from the prison context. This can be realised by playing (offline) computer games, especially those that involve role-playing, which allows prisoners to slip into another personality in another time-space

constellation (field notes). A game that is highly appreciated is called «The Sims», which, according to the official website, is a «life simulation game» that allows users «to play with life» by giving them the «power to create and control people». ⁶ In the following extract of an interview, the prisoner talks about the characters he created in «The Sims».

His name is Albert, and she is called Sumi. She is his wife, and she's a little bit smarter than him. He's a bit of a phlegmatic guy. She enjoys reading; most of the time she sits in the living room in a corner somewhere while reading a book. He then usually sits in the garden [...] or he is playing with the children instead of studying, reading books and stuff. Well, I was thinking, no, now it's your turn to make a career. And now I will try to place him at the Science Centre, so that he gets a job there. But he is not trained enough yet. I just found out that he has no higher degree. Now he has to catch up, so we'll go to the public library, which is the next task where we must find specific books together. Let's see if he finds them. (David, Art. 64 served 15 yrs.)

Related to this is the tactic of daydreaming. While daydreaming can be described as a distraction (doing time) that allows prisoners to «temporarily [blot] out all sense of the environment» (Goffman 1961: 309), the prisoners I have met described daydreaming not only as a means of escape but also as a lived experience outside the institutional time-space. They often «do» (actively and specifically) daydreaming of their previous lives. They recall nice memories and relive them. This helps them not only to relax but also to keep alive their most precious memories and to retain a part of their former self (field notes) – perhaps, their «true self» (Jewkes 2005: 371).

I just try to recall the memories that are still present and to put myself back into them. But this only works when I am outside in the courtyard, lying under a tree [...]. Sometimes, I lie there for half an hour, with my eyes closed, and then I am really dreaming, but without sleeping... And sometimes I succeed and sometimes I don't. And if it goes well, then I feel like totally reenergized, like a new-born (laughs). (Leo, Art. 64 SCC, served 5 yrs.)

Being with Time

Many prisoners I met are still «fighting» with all their means against their situation and hoping for their release. For some, fighting means resistance and something that keeps them alive (field notes). Their mode of being is concentrated on the future:

They are constantly waiting for something that may happen – an appointment at the court, a visit by a lawyer, a transfer to a more open prison and, possibly, their eventual release (field notes). However, as mentioned by one prisoner, «waiting makes time pass very slowly» (Marco, Art. 64 SCC, served 20 yrs.). Moreover, due to their strong orientation towards the (uncertain) future, fighting prisoners constantly suffer the «pains of uncertainty and indeterminacy» (Crewe 2011) and have trouble giving meaning to life in prison. As already pointed out by Flanagan (1981: 210), «the most effective method to reduce the uncertainty and ambiguity of the future is to concentrate on the present». This mode of being is also illustrated in the following quote:

Me, as an inmate sentenced to indefinite incarceration, I cannot hope to be released. I cannot wait though. I take the days as they come. You have to adapt to a certain degree to the setting, to know the rules so that you don't ignore them and get into trouble, and to establish your own routine that makes you feel comfortable. Me, I feel safe and comfortable [...] I don't say time passes too slowly or too fast, I take it as it comes. I flow with the time, day after day. But this has nothing to do with simply living for the moment. But it helps me to protect myself and not to think too much about my situation. (Marco, Art. 64 SCC, served 20 yrs.)

By concentrating on the present instead of the uncertain future, long-term prisoners «normalise» crisis and transform it into a frame of action (Vigh 2008: 11). To perceive imprisonment as their «normal life» allows them «to regain mental free spaces» (Marco, Art. 64 SCC, served 20 yrs.), to feel safe and comfortable and to go about their lives. However, this mode of being requires acceptance and engagement with their situation. It also requires for some of them to cut off contact with the outside world, even with their loved ones, and let go their former selves.

I notice that the more I let go and just accept that I won't get out, I then find it actually easier to feel comfortable [compared to] when I am constantly worrying if I will ever come out, if there may still be possibilities, [and] put pressure on myself. [...] But this also means that I would need to give myself up. I just talked to someone, just yesterday, who is in exactly the same situation as I am. He has now resigned, has given up. He denies everything, therapy and all that, and yes, he said he felt extremely comfortable. (Leo, Art. 64 SCC, served 5 yrs.)

Thus, prisoners serving undetermined measures face a dilemma: On the one hand, fighting for their freedom helps them to protect themselves and to resist the almost total power the prison exercises over them. However, this mode of *being*

⁶ https://www.thesims.com/de_DE/eng, accessed October 26, 2016

with time is focussed on the (uncertain) future; the lack of any concrete perspective leads to constant suffering. On the other hand, accepting the situation in which they find themselves and engaging with the prison environment lets them experience safety and well-being (see also Crewe et al. 2016) and to construct their «home» in prison.⁷ However, this mode of *being with time* requires giving up hope (for a future outside the prison) and thus also one's former self.

Conclusion

Through the lens of a phenomenological (Schütz 1975, 1932) and pragmatic perspective (De Certeau 1988), I provide in this paper a closer look at how prisoners serving indefinite measures in Switzerland perceive and deal with time and their uncertain future. Using ethnographic data, I have, on the one hand, shown how prisoners not only use ways of *doing time* but also develop and apply tactics of *doing with time* in order to make use of prison time for their own benefit, to maintain their sense of self and to develop as human beings. On the other hand, I have shed light on their ways of *being with time* and the dilemma they face in dealing with their uncertain future. To concentrate on the future and to keep fighting for their release signifies resistance against institutional power but makes it at the same time difficult for the prisoners to find purpose in the present. To concentrate mainly on the present helps them to ease the pains of uncertainty and indeterminacy but requires acceptance and to let go their former selves. This dilemma is strongly linked to institutional practices and policies. In Switzerland, even though a debate on this topic is emerging (Künzli et al. 2016), the situation of prisoners held in indefinite incarceration is not explicitly taken into account, whether on the legal or practical level; the regime of detention is the same for prisoners experiencing indefinite incarceration as for those serving finite sentences (Hürlimann 2013). In contrast, this issue has already been widely discussed in Germany. Since 2011, it has been legally anchored as the so-called *Abstandsgebot*.⁸ Based on the argument that indefinite incarceration is a preventive measure and not a punishment, German law stipulates separation in the confinement of regular inmates serving finite sentences and inmates in indefinite incarceration. These prisoners must therefore be housed in separate prison facilities. Moreover, they are granted more privileges, such as more space (e.g., larger cells) and more social contact with the outside world (e.g., less restriction on visits and phone calls).

As I have shown in this paper, in order to create a humane enforcement of indefinite incarceration, the prison system (which is mainly oriented towards rehabilitation) in Switzerland and elsewhere should take into account the shift in prisoners' experience of time, should consider and support such prisoners' needs and should provide space for *doing with time*. This can make a significant contribution in two ways: First, it will help prisoners to develop a meaningful way of *being with time* under the condition of permanent exclusion from society and will, therefore, improve the prisoners' living conditions. Second, the assurance of the well-being of this specific prison population, which is increasing today, will also contribute to the achievement of prison security (see also Toch 1996: 28) and institutional stability (see also Goffman 1961: 199).

⁷ Indeed, some of the elderly prisoners use the term «my room» or «my apartment» when talking about their cells (field notes).

⁸ Bundesverfassungsgericht (BVerfG), 2BvR 2365/09, Absatz-Nr. (1-178), May 4, 2011.

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