7

Conclusion

Based on ethnographic data generated in two secure prisons for male offenders, this book provided insights into the everyday lives of long-term prisoners in Switzerland, who are labelled 'dangerous' and categorized as posing an 'undue risk' to society and are therefore held in undetermined, most probably lifelong detention in secure prisons. They are either sentenced to a measure called 'indefinite incarceration' (Art. 64 of the Swiss Criminal Code [SCC]), or in-patient 'therapeutic treatment of mental disorders' (Art. 59 SCC). Compared to the majority of long-term prisoners, this prison population faces particular challenges: in contrast to prisoners sentenced to a finite (though long) custodial sentence, these prisoners do not have any date of release and may have to remain in prison for the rest of their lives; however, they are not in the same situation as prisoners sentenced to a 'real' life sentence (where the fixed end date is usually death) as the possibility of release is legally anchored in both Art. 64 SCC and Art. 59 SCC. Their chances for a future perspective (outside prison) depend on the decisions of the courts and the penal enforcement authorities, which regularly evaluate the prisoners' situations based on prison reports, psychiatric assessments and the recommendations of an expert committee. Due to a more hard-line

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approach towards crime and a zero-tolerance attitude towards these prisoners since the 1990s, the majority of them will, however, most likely remain in prison for the rest of their lives and even spend the end of their lives in a secure setting. In other words, these prisoners' lives are characterized by *indeterminacy*.

In addition, they have to deal with the particularity of everyday life in prison, which is characterized by coercion, heteronomy and a high density of rules and repetition that allows for little spontaneity and few contingencies, creating the impression of living in an *ever-same present*. In the dominant public discourse, these prisoners—violent and sex offenders who committed the most serious or 'unusual' crimes—are categorized as 'evil and sub-human', often portrayed by the media as 'monsters' or 'beasts'. Hence, they constitute today's 'absolute others' (Greer & Jewkes, 2005) as they are not only physically, but also socially and morally excluded from society. In this book, I explored the lived experiences of these prisoners, whose number is increasing, by looking more closely at the formal organization of their everyday lives, their subjective perceptions of the prison context, and their agentic ways of arranging their daily lives under these conditions.

7.1 To Apprehend 'the Prison' as It Is Lived

In contrast to many prison studies, I explored the prisoners' lived experiences ethnographically and inductively, detached from a priori ideas of what the prison *is* and what it *does*, and tried primarily to gain an understanding of the prison from within, as it appears to the prisoners. To do this, I used the lens of the everyday and ordinary as a methodological entry point. This allowed me to study their ways of *being* and *doing indefinite time* by remaining empirically grounded—that is, to capture their diverse modes of engagement in various everyday situations that are all contextually embedded. More concretely, guided by the idea of the relativity and subjectivity of the experience of the carceral, I started my analysis with the small (everyday) details of these prisoners' lives, which are formally divided into 'resting' (in the cell), 'work' and 'leisure' time. This allowed me not only to trace the everyday habits, practices,

routines and rhythms that characterize their lives, but also to uncover profoundly existential issues that are all engendered and anchored in these various everyday contexts, which they in turn (re)arrange according to their individual needs, interests and possibilities.

At the analytical level, I accessed the prison and the experience of imprisonment by using space, time and embodiment as key concepts. More concretely, I comprehended 'the prison' through its *regime*—that is, its formal creation of everyday life, or in other words the *spatio-temporal order* that is imposed on the prisoners, expressed in routines and rhythms, and shaped by the prison's 'institutional logics' (Thornton et al., 2012; Thornton & Ocasio, 2008) of punishment and rehabilitation (materialized in the prison's legal basis, architecture and design, norms, rules and staff practices). As I have illustrated, everyday life in prison is, on the one hand, organized in such a way that it corresponds to 'normal life' (Art. 75 para. 1 SCC). On the other hand, however, it is strongly regulated and constrained in the name of security.

To grasp the prisoners' subjective experience, I adopted a phenomenological approach inspired by Merleau-Ponty (1962) and the pragmatist perspective developed by Lussault and Stock (2010). Drawing on their concept of 'inhabiting' allowed me to capture (1) the prisoners' subjective *emplaced* and *embodied perceptions* and the meanings they ascribe to various (material and social) prison contexts or time–spaces, and how these perceived contexts influence prisoners' sense of self and their experience of imprisonment in general; and (2) their multiple ways of dealing with the various contexts through their *everyday practices*. By tracing the prisoners' ways of *doing with* space and time, I explored how they (re)arrange the institutional spatio-temporal order according to their personal needs, interests and possibilities, whereby they attribute (new) meanings and values to the various prison contexts, create personal and intimate spaces, redefine carceral rhythms and thus shape the experience of imprisonment in general.

As I demonstrated throughout this book, my analytical perspective opens up a unique and fruitful perspective on the prison and the subjective experience of imprisonment. First, it allows us to understand the prison not as a space in the sense of a (pre-defined) container that holds people, but as a formally established *set of arrangements of space and (clock)*

time that is *lived*—that is, individually perceived, used, appropriated and constantly (re)arranged. From this perspective, what is experienced by prisoners as, for example, 'the cell', is not only related to the ambiance produced by the cell's architecture, design and furnishings, but also, among other things, by the prison officers' handling of the boundary between the inside and outside of the cell, for instance when unlocking or locking the door, and respect for prisoners' privacy when entering and searching their cells, as well as the prisoners' individual ways of arranging these living spaces. Simply put, a prison is not the same to all its prisoners. Second, the concept of *inhabiting* enables the exploration of the prisoners' embodied, agentic and practical engagement with imprisonment without necessarily labelling it 'resistance', 'coping' or 'adaptation' to the prison environment as previous research has often done (Cohen & Taylor 1972; Crewe 2009; Ugelvik, 2014), as from a pragmatist perspective, space and time can not only constitute a 'problem' but also be mobilized as a 'resource'. Moreover, it also reveals the usually unnoticed, apparently insignificant and banal activities, habits and routines that prisoners develop and carry out when residing in this place, which, as I demonstrated in this book, are maybe less 'spectacular', but by no means less revealing from a phenomenological perspective.

7.2 Public and Political Pressure, Institutional Indecisiveness, Challenged and Challenging Prison Staff

While in Switzerland indefinite incarceration is nothing new in itself, the fact that sex offenders and violent offenders (some of them first-time offenders) constitute today's 'dangerous' and thus 'ungovernable' (Pratt, 1997, p. 97) members of society and are preventively locked up, combined with an increased focus on the risk they may pose, is a relatively new phenomenon. Moreover, while people sentenced to indefinite incarceration generally used to be released after some time, due to changing political and public demands regarding public security since the 1990s, the penal enforcement authorities are today more

cautious regarding the loosening of the penal regime or the granting of conditional release to these so-called 'high-risk' offenders. Also, the courts today sentence a much greater number of people to in-patient therapeutic measures according to Art. 59 SCC for a duration of five years, which is also known as 'small indefinite incarceration' (*kleine Verwahrung*), because it can be extended (for additional five-year periods) or even converted into indefinite incarceration (Art. 64 SCC). As a result, by the end of 2018, of the approximately 7,000 total prison inmates, 731 people were serving a measure without a concrete (or any) date of release (Bundesamt für Statistik, 2019)—20 years earlier, their number was 173. Finally, although these prisoners are sentenced to a (preventive) measure and not a custodial sentence, due to security concerns, they are almost all held in a secure prison, where they live under the same regime and conditions as prisoners who serve ordinary (finite) sentences.

While penal enforcement authorities feel pressure from all sides when dealing with these prisoners (political and public demands for zero tolerance towards these offenders on the one hand, the law that obliges them to work with these prisoners towards rehabilitation on the other), this prison population rarely appears on the radar screen of the prison management. Long-term prisoners sentenced to indefinite incarceration constitute not only a minority within the prisons but are mostly perceived as well integrated into the prison routine. However, the fact that the vast majority of them will grow old, became frail and eventually die in prison has already started to cause trouble and will continue to challenge these authorities further as the prisons are at present not adequately equipped to provide proper long-term care, and public care institutions are usually unwilling to accommodate 'dangerous' offenders (see Hostettler et al., 2016).

Today, those most directly challenged by prisoners who may stay until the end of their lives are prison employees who work with them in face-to-face situations and encounter them on a daily basis. The long-term nature of their stay in particular challenges established roles and the fragile balance between (physical and emotional) proximity and distance between staff and prisoners. It is also on this level that institutionally established structures, rules and regulations are challenged. Most of the

prison officers I interviewed mentioned that although they have no official mandate, they (informally) consider these prisoners' particular status and (within the given scope of discretion) attempt to help them find perspective within the walls, for instance by providing them with a bit more variety and autonomy at work, creating some kind of free spaces for them and implementing certain rules a bit less strictly. They also highlight the need for additional and differently trained staff (e.g. in social or occupational pedagogy, but also care staff) to ensure the appropriate handling of these prisoners, including shifting the focus from their crime towards their individual resources.

The key actors interviewed (representatives of the enforcement authorities, prison management and staff) generally agree that these inmates' status as prisoners who are preventively held in prison should be considered, mainly by granting them more freedom, individuality and autonomy, and fewer restrictions regarding social contact within the prison and with the outside world. This echoes the positions of the UN Human Rights Committee (UN Human Rights Committee, 2014) and the European Court of Human Rights Convention (European Court of Human Rights, 2010), which both call for explicit consideration of the non-punitive character of indefinite incarceration in its enforcement. However, the key actors I interviewed do not agree on what concretely could or should be improved for these prisoners and how this should be implemented—and what it may cost. However, most doubt that a spatial separation of these prisoners from the rest of the prison population (as implemented in Germany in the name of the *Abstandsgebot*) would be in the prisoners' best interest and rather plead for mixing the prisoners in the name of 'normalisation' according to Art. 75 para. 1 SCC.

7.3 Shifting Between Continued Hope and Resignation

From the perspective of those directly concerned, *doing indefinite time* is essentially about dealing with feelings of uncertainty, dependence and disorientation, and living a prescribed, monotonous daily life that leaves hardly any 'traces' on the individual. The lack of any release date and

regular assessment of these prisoners' situation (with the aim of eventually changing it) by the penal enforcement authorities creates a particular condition that affects the prisoners' experience of space and time, their future and their present. Moreover, the enforcement authorities' examinations (which according to the prisoners do not take place as regularly as they should according to the law) are often perceived as arbitrary and inconsistent, because of suddenly changing or contradictory statements regarding the prisoners' personal attributes, behaviour or development, which creates confusion and additional uncertainty, causing them to lose orientation in their lives and maybe even faith in the reliability of the world beyond them.

Generally, the time-based indefiniteness of their imprisonment and lack of any concrete perspective confront prisoners with a dilemma regarding their ways of living and thinking: should they continue to hope for release and therefore remain focused on the future and the outside world, waiting for a change, or should they give up hope and rather concentrate on the here and now? Due to the lack of perspective, those who concentrate on the future may have difficulty finding meaning in their present lives; others who have decided to stop hoping may feel the need to cut their bonds to the outside world, even to their loved ones and their 'pre-prison selves', because it is too complicated and stressful to live emotionally in two different and separate worlds.

Most importantly, due to the uncertainty and unpredictability created by both the legal and penal enforcement authorities, the prisoners' decision might turn out to be 'a mistake' as their situation suddenly may change or, in contrast, never change again. Given these circumstances, many of the prisoners' attitudes shift between hope and resignation. As I showed throughout this book, their ways of *living* the prison are strongly shaped by their attitude towards indeterminacy, or, in other words, their mode of *being with time*, but also by the prison context, which, as I sum up in the following, constitutes various conditions for *being* and *doing* time.

7.4 Maintaining a Sense of Self and Personal Integrity

The prison cell—the place in prison where these men spend most of their time, alone—turned out to be the crucial context for the foundation and maintenance of the prisoners' sense of self and personal integrity. This becomes visible, for instance, in their description of the cell's ambiance, related not only to its materiality but also the way they feel treated by prison staff, for instance during the locking and unlocking of their cells, all 'filtered' through their self-perception as preventively locked-up prisoners who have (mostly) already served their sentences and, above all, human beings who deserve respect. The prisoners' experiences of the cell are further related to the prison surroundings, to which they may have (partial) access through the window by using their senses (i.e. hearing and seeing), which some enjoy and others avoid as it can intensify as well as ease the pain caused by the deprivation of liberty and removal from society. In this regard, the curtain—a banal and ordinary object—turned out to be of existential importance for those who cannot bear the view of the outside community.

As I further clarified, their personal ways of arranging the prison cell can be understood as a direct manifestation of their attitude towards indefinite incarceration or their mode of *being with time*, for example, concentrating on the (outside) future or on the (prison) present. Although it is highly constrained by the prison's accommodation regime and prison officers who constantly remind them of their status as prisoners (by means of rules, controls and complaints regarding the degree of order and tidiness in their cell as well as related sanctions), the prisoners find various techniques to (re)arrange the spatio-temporal order that defines the prison cell, thereby ascribing new meanings to this place and creating an intimate space. Through narratives, the use of objects, individual and collective activities, and by using their senses, there are prisoners who transform the cell (and the experience of it) into a 'home', while others want the cell to remain a cell, meaning a simple 'place' where they currently have to stay, but not a place for comfortable or cosy 'living'.

However, regardless of their attitudes towards the prison and their imprisonment, their cell—which they inhabit and where they store personal objects and can spend some unobserved time—constitutes for all of them a private and personal space, related to feelings of belonging and attachment, and which they try to defend by applying a wide range of techniques, including controlling access to their cell and personal objects (e.g. by installing an additional curtain or using 'inconspicuous' behaviour to influence the intensity and frequency of cell searches), or scheduling private and intimate activities according to the prison officers' rhythms and routines. They also use their time in the cell for bolstering their embodied self by developing the body's energy and skills through physical exercise or spiritual activities (e.g. yoga, meditation), to counteract feelings of vulnerability and retreat into their inner self.

The experience of the cell as a private and personal space is further shaped by staff behaviour, for instance when entering (with or without first knocking) or searching the prisoners' cells. It is to a great extent also linked to the experience of closeness and intimacy with fellow prisoners when they visit each other in their cells, although the prison context is characterized by mutual distrust and 'real' friendship is generally described to happen rarely in prison. Moreover, when socializing with fellow prisoners, for instance in the evening in one of the prisoner's cells, those held in indefinite incarceration often face a certain dilemma: on the one hand, the younger, short-term prisoners (being the vast majority) may bring in welcomed inputs from the outside world, but often have different ('bad') habits and interests (e.g. to participate in illicit activities such as drug trafficking or getting access to the Internet, which may lead to collective sanctions and withdrawal of privileges) and also will sooner or later leave the prison again. On the other hand, long-term prisoners who are in the same situation may have a similar criminal background and stay longer, but the older ones especially are often perceived by the younger prisoners as particularly marked by their long-term imprisonment (and often extensive medication use), which, from their perspective, has led to dullness, mental disruption and a loss of any ability or interest in interpersonal exchange. This not only makes it difficult for these prisoners to find a friend, but also raises fears regarding their own future. Certain prisoners also worry that spending time with

the 'dangerous' inmates may create a bad impression of them and lead to negative remarks in prison reports.

After being locked up in the evening, the cell becomes the place where the prisoners pass time according to their individual rhythm, which they create again depending on their personal needs and attitudes towards imprisonment. As I showed, the time span in the cell has many different meanings for prisoners: some want it to be over as soon as possible and are mainly interested in 'killing time', while others want to 'use' the hours in the cell in a 'productive' and self-reflective way, for example by writing, studying or developing and implementing personal projects (e.g. the development of a computer programme or the preparation and later presentation of a lecture in a school lesson). Yet others use it to transcend the prison context, by means of consuming audio-visual media, playing (offline) computer games or daydreaming, and to gain experience in other time–space constellations. As I explained, the prisoners' ways of using the TV, which they may rent from the prison and watch in their cells, reflect in an exemplary way the various modes of *being* and *doing* indefinite time: it is used for distraction and entertainment, for 'killing time', but also to keep mentally fit by gaining new (scientific) knowledge, or staying up to date about developments and trends in the outside world by following the news. Interestingly, there are also prisoners, especially those who are particularly concerned about their mental health, who perceive watching television as a pure waste of time and manipulation, and therefore do not have a TV in their cells.

7.5 Searching for Normalcy, Social Belonging and Individuality

While the cell is the place that is most crucial for the maintenance of their sense of self and personal integrity, the work context is essentially linked to the prisoners' experience of 'normality' and personal identity, through which they (re)constitute themselves as both unique individuals and members of society. This is particularly crucial for prisoners who are physically, socially and morally excluded from society. Also, as I illuminated, during work, through their (more or less) moving bodies and

sensory perception and depending on the particularity of the workplaces and assigned activities, they can enrich their individual geographical experience of the prison, which also shapes their general sense of (the prison) space.

The fact that work constitutes the prison context where prisoners may experience a sense of what they call 'normalcy' results from various factors. For instance, workshops are generally perceived as spaces that are less marked by the carceral—both regarding their material equipment and social interactions taking place there (among *workers*). Moreover, prisoners often have to process orders from external customers, which directly connects them with and allows them to contribute to the outside community. Yet, the opposite experience is possible as well, for instance in the units for ill and elderly prisoners, where work is to a great extent not supposed to be productive in an economic sense, but mainly serves to occupy time and structure the prisoners' day, and the products are hence mainly sold in the prison shop. Combined with the experience of not being allowed to work 'properly'—that is, in one's own professional manner learned in the outside world (which may not be permitted by the prison foreman), using 'proper' work tools (due to security reasons)—and producing something 'useful', some prisoners working there feel forced to carry out work which for them is anything but 'normal'. This gives prisoners, especially those with a high work morale, the impression of being not only a useless but also a worthless person. I also showed that the often repetitive and monotonous prison work is not necessarily a burden for everyone, because not being challenged intellectually (as well as physically) also provides certain prisoners with a distraction from personal worries and allows them to *immerse* themselves into the present, or, in contrast, let their thoughts wander and thereby *transcend* the present.

For prisoners held in indefinite incarceration, work signifies above all an important social space where they seek recognition, which can be experienced in the form of the prison foremen's appreciation and valorization of their individual (work) skills, competences and potential as well as the attribution of trustworthiness. This is crucial for the prisoners' sense of self as it allows them to construct a particular role for themselves as workers, to neutralize their stigma as 'dangerous' and 'evil' individuals, and also to be more than a 'simple' prisoner,

but a specialist or expert in one particular domain. Especially through the limited number of so-called *Vertrauensjobs*—jobs that are based on trust as they provide prisoners with more responsibility, autonomy and access to staff spaces (e.g. jobs in the housekeeping and maintenance services)—which are indeed often assigned to long-term prisoners who are generally known for following the rules and knowing the system—they may (re)gain the feeling of (still) being a member of human society and at the same time experience individuality and exclusivity vis-à-vis fellow prisoners.

Generally expressed, the experience of recognition (in all its manifestations) nurtures the experience of their existence—as social beings—because it leaves *traces* on both the prisoners and others. However, the opposite experience, in the shape of contempt, misrecognition and indifference, is possible as well, which not only causes a high degree of frustration but may also reinforce their experience of physical, social and moral exclusion from society.

7.6 Balancing on the Boundary Between Freedom and Captivity

Finally, leisure time constitutes time–spaces where prisoners are most directly confronted with the outside world—physically, intellectually and emotionally—which not only provides them with a break from the (work) routine, but also evokes ambivalent feelings. Simply put, leisure activities generally intensify their lives and allow them to feel free, or less imprisoned, but at the same time alert them most intensively of their imprisonment. This takes place, for instance, in the courtyard, where prisoners can experience time outside, in the open air, and with all senses, yet very close to the prison wall and its related infrastructure. While some enjoy this time of the day and the sensory impressions they gain of the outside world, intentionally 'filtering' out everything that reminds them of the prison (the wall, the fences, the cameras), for others, it is the place where they become most painfully aware of their imprisonment and exclusion from society, and therefore they mainly avoid it. Thus, the daily hour in the courtyard signifies for some a time–spaces for recovery,

while for others it is almost like a prison within the prison, perceived as particularly (emotionally) constraining.

Similar to the courtyard, although more intense, receiving visitors is again a highly ambivalent and emotionally charged part of the prisoners' everyday lives because it allows them to get most directly (intellectually, emotionally and physically) in touch with the outside world. It also serves as a time marker as receiving visitors signifies an event outside of the ordinary prison routine and provides them with a stage on which to perform and experience a non-prisoner self (e.g. a husband, a friend, a brother, etc.). As I identified, the particularity of the visiting place is crucial to this experience. While prison visits generally take place in a room where the prisoners and their guests have to meet while sitting at a table, in one prison, certain prisoners also have access to an open-air visiting area that allows them to move around more freely (like in a public park), where they are less directly supervised by staff, and maybe can even spend some intimate time with their spouse or girlfriend in the public toilet (implicitly tolerated by the prison management). Many of the prisoners who have access to this open-air visiting space described it as their favourite or the most beautiful place in prison.

However, although visitors generally help prisoners to keep motivated and not lose hope, for prisoners held in indefinite incarceration, visitors can also turn into a burden as they constantly remind them of their indefinite imprisonment, and thus not only of what they have lost but also what they will probably never have (again), such as being physically present for their family, living in an (unrestricted) partnership, having a love life or simply having something to share, which may also hinder them, as well as their loved ones, from moving on with their lives. For this reason, there are prisoners who decide to break off all social contact with the outside world. More often, however, the relationship is ended by those outside due to the prisoner's criminal history, the emotional burden of having and visiting someone in prison, the indeterminacy of their stay, or because they have become too old and weak to continue to visit them in prison.

Furthermore, I also explored the prisoners' ways of communicating with people in the outside world through letters and phone calls. I showed how these means of communication are not only used by the

prisoners to maintain their bonds to the outside world, but also to construct spaces for living out emotions and fantasies. However, their use is highly restricted by the prison management, which hinders the prisoners from communicating freely and spontaneously. Prisoners also do not have access to new media, which again increases their feelings of social exclusion and being left behind.

During sports, in the role of the sportsman and through the use of their bodies, prisoners can in particular live out emotions—and temporarily, although not entirely, relax control over their self-presentation—which they cannot do in other contexts. Moreover, they can also regain control over their bodies, which are shaped by the prison's spatio-temporal regime as well as time, and thus maintain (or increase) their physical and emotional well-being.

The education and training context is mainly used by the prisoners as a window to the outside rhythms and an opportunity to synchronize their lives with those of people in society by gaining skills important in the outside world (e.g. using a computer) and learning about important events, news and trends. It also allows future-oriented prisoners to use time productively and to develop further (intellectually) as individuals and thereby to escape the feeling of *temporal stasis* created by the prison regime. However, due to the fact that the prison's basic education and training programme is anchored in the logic of rehabilitation as it aims to prepare prisoners who are serving finite sentences for their release, the curriculum is generally based on repetition; thus, the benefits of school lessons for long-term prisoners strongly depend on each teacher's motivation.

I also described how, from time to time, prisoners may experience extraordinary events, both formally organized (such as Christmas parties or a barbecue) and individually lived surprises (e.g. encountering animals), which are crucial in these prisoners' lives as they temporarily change the carceral rhythm and, most importantly, intensify their lives. In the form of memories, these events leave traces and also shape their experience of the passage of time. The prisoners' (regular) encounters with external visiting groups, in contrast, mainly lead to negative feelings as the visits make them feel like zoo animals and reinforce the

social distance between the (innocent) *citizens* of the free world and the (dangerous) *offenders* inside prison.

Finally, according to the law, the rights concerning release on temporary license, which aims at preparing prisoners for release and allowing them to cultivate their relations to the outside world, technically also apply to prisoners held in indefinite incarceration. These temporary absences are crucial to the prisoners' perspective as they can increase their probability of someday having a future outside by providing them with room to prove themselves. However, due to the more restrictive approach to loosening the regime in the case of these 'high-risk' prisoners, only a few of those I met were at that time granted temporary prison absences. These moments are experienced as a change from the ever-same routine, the ever-same food and the ever-same people, and in some ways also a chance to (physically and emotionally) visit their former lives. At the same, however, they are also confronted with the changes that have occurred in the outside world (especially developments in technology), and the disappearance of former points of reference, as well as a completely different rhythm, which can also lead to stress. Despite their rule-following behaviour, I met prisoners whose permission to go on prison leave was suddenly restricted or even completely cancelled, either due to an incident caused by another prisoner on prison leave, or a changing evaluation of the prisoner's risk potential. These restrictions, which are often not self-inflicted, may create additional uncertainty and reinforce feelings of frustration.

7.7 Final Thoughts from the Other Side of the Prison Wall

Although they are banished from society, these individuals are still *alive.* In this book, I revealed the manifold implications indefinite incarceration can have for human beings. One aspect that came out most clearly is that the carceral aspects of the prisoners' experience are related to the indeterminate nature of their imprisonment, combined with institutional structures that are—despite international and European human

rights requirements and, as I showed, the prison staff's desire for adaptations—established not for prisoners incarcerated for preventive reasons *and* for an undetermined duration, but for (mostly younger) prisoners serving (finite) custodial sentences. This situation affects the prisoners' whole being and ways of inhabiting the world: their possible need to settle or belong somewhere as well as to move on, to pursue and achieve goals, to develop further as individuals, to possibly affect and be affected as human beings, to use and feel their body, to create and live according to individual rhythms, and to establish and maintain meaningful social relations. Keeping these prisoners under the same regime as prisoners serving a custodial sentence, imposing the same restrictions, but framed in non-rehabilitative terms and without any formal 'compensation' in order to, as required by law, guarantee 'human dignity' (Art. 74 SCC) and 'counteract the harmful consequences of the deprivation of liberty' (Art. 75 para. 1 SCC) and, in the case of these prisoners, indeterminacy, begs the question of whether we—as a society that stands for a humane penal system and yet decided to exclude them, possibly forever—can live with this situation. As one prisoner once mentioned, people like him, sentenced to indefinite incarceration, are in some ways the 'lost ones' (Fieldnotes, 17.2.2016). I would add that within the prison system, they are in particular the 'forgotten ones'.

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