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## Switzerland And The Criminal Mind

MONDAY, 20 SEPTEMBER 2010 21:58

WRITTEN BY [BINOY KAMPMARK](#)

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Some news outlets found it surprising and out of character. But the Swiss government has gone so far as to apologise to thousands of innocent men and women locked up in Switzerland between 1942 and 1981. The young women held at the Hindelbank prison in the canton of Bern were the special recipients on this occasion. They had been the victims of Switzerland's particularly austere and brutal brand of social control, kept in administrative detention for no other reason than they were 'difficult teenagers or single mums' (Word Radio Switzerland, Sept 13).

Such teenagers were seen, often by both their parents and complicit authorities, as creatures of sloth and difficulty, to be sealed off in correctional facilities or, in many cases, to be sent as labour for farming. The decision to detain lay in the hands of local politicians in the younger person's home village, and was not a matter for social workers or police (BBC News, Sep 14). It was only in 1981, with the advent of such legal instruments as the European Convention of Human Rights, that such 'socialising' measures of troublesome adolescents was brought to a halt.

Swiss Justice Minister Eveline Widmer-Schlumpf issued the apology on September 10 in the presence of representatives from the cantons, judiciary, guardianship authorities and police departments. But even the manner of this apology is curious, being couched in the language of administrative error, that of not providing a suitable trial prior to detaining the adolescents in question. Had they been tried, one wonders what a conservative tribunal might have found towards such 'undesirable' citizens, deemed immoral in their sexual and social inclinations. As Widmer-Schlumpf would argue, 'We must be aware that the best legislation does not address everything' (Federal Justice and Police site, Sep 10). A species of 'moral reparation' was far more appropriate.

The record of the Swiss state in criminalising all that is 'anti-social' is long and astonishing. In a society suspicious and bound to find law breakers around every corner (literally – a Swedish national was fined \$800,000 dollars in August for speeding in his plush Mercedes), the record is not a good one. Laws are truly the reflection of a regulatory, intrusive spirit. Control is what matters. Whether it involved placing children in care, forced sterilization, or matters of behavioural adjustment, the state always knew better. 'Feeble-minded' individuals, a term employed by state officials, were predicted to have unhealthy offspring and were the subject of sterilization even into 1985, when the canton of Vaud would still facilitate it. Eugenics has died an unconvincing death in the cantons.

As one of the victims of administrative detention, Ursula Biondi, explained on the Swiss television program Club (Sep 7), 'We were punished for a way of life'. Unmarried women with children, she explained, are no longer incarcerated, but then, they were deemed 'whores' with 'denigrated bastards'. She was forced to give birth in prison and kept for an indefinite period. In such institutions, 'we were treated exactly the same as prisoners, but the prisoners had more rights, they knew when they would be released' (BBC News, Sep 14).

A place such as Hindelbank was regarded as an 'educational establishment', a place of moral correction that required payment from the parents on the recommendation of guardianship authorities. In truth it was nothing more than an extension of a prison, subsidised by the gullible. Such illegally extracted payments were frequent, and have not been returned to those who parted with them.

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In a society where conservatism is second nature, and outside influences regarded as culturally threatening, an apology should be treated as something of a miracle, even if it is only valued for its moral freight. But there is little doubt that words will have to be moneyed and the records of victims rectified. Files will have to be corrected, as these often prove a bar to the integration of these once 'anti-social' beings.

As punishment or trial of the individuals behind such policies is out of the question, a form of financial redress may have to be entertained, though the state's record on this is persistently patchy. Bills for compensation have been scotched in the past. Without compensation, be there in such matters as the use of illegal labour, and matters of unjustified detention, a true reform of such reactionary policies may never take place. As the Justice Minister herself noted rather cryptically, citing a poem by the politically astute Austrian writer Erich Fried, one had to 'resist the beginnings' to counter 'what no one will have believed'.

## Binoy Kampmark

**Binoy Kampmark** was a Commonwealth Scholar at Selwyn College, Cambridge. He lectures at RMIT University, Melbourne. Email: [bkampmark@gmail.com](mailto:bkampmark@gmail.com).

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