

Protection by confinement: sociological and historical perspectives on inpatient civil commitment

Introduced in 1981 in the Swiss civil code, inpatient civil commitment (« privation de liberté à des fins d'assistance ») is a restrictive measure that raises ethical and practical problems in its application. This process allows for the institutionalization of an individual against his will based on the argument that the person is in danger and in need of protection which cannot be provided in any other way. Sparsely documented, the complexity of these decisions depends on the strains among various missions of the State : to protect an individual in danger but maintain each individual's integrity, to prevent public disorder but respect individual freedom. Our study aims at understanding these different tensions that underlie public action.

Taking into account the differences among the cantons in these matters, our comparative study will take place in two different cantons - Vaud and Valais - which are very distinct in their psychiatric history and their socio-political environment.

Our objectives are threefold. Firstly, we would like to trace the inpatient civil commitment institutionalization and its successive reforms. The aim of exploring archives is to understand the content and evolution of political, judicial, medical and social debates at the time of legislative revisions. Our second objective is to analyze the legal actions taken against the commitment of individuals. These lawsuits will allow us to study the social and medical situations which require inpatient civil commitments.

Finally, our last objective is to examine the practical and ethical difficulties that professionals confront during the application of such restraints and the effects of these measures on the lives of patients. With this intent, patients and their carers will be interviewed in the Cery Hospital in Vaud and the Malévoz Hospital in Valais.

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Funding

SNSF, Division I

Duration

36 months