

# Cultures of Confinement

Research >  
China

While the history of the prison has become increasingly fashionable in the wake of Michel Foucault's work, most research has tended to focus on Europe and the United States. However, it is becoming increasingly clear that prison reform should be viewed as a global phenomenon, as the penitentiary project was embraced by social and political elites around the world from Rio de Janeiro to Tokyo. As ideas on confinement moved across borders, they were adjusted to specific local conditions: inculturation, rather than acculturation, characterized a penal regime that was inflected in a multiplicity of ways by different modernizing elites. Captured in the overarching rationale based on the idea of humane punishment, the prison was multivalent, capable of being adopted in a variety of mutually incompatible environments, ranging from the *bagne*, in Vietnam, to the cellular prison in China or the concentration camps in South Africa.



Making matchboxes in a Beijing prison

By Frank Dikötter

In colonial contexts, prisons were part of the 'civilizing mission', as existing penal practices, which were often based on physical punishment, were viewed as 'barbaric' and 'uncivilized'. However, the transfer of penal discourse and penitentiary institutions was not a one-way process: diversity rather than uniformity characterized the use of the custodial sentence in a variety of colonial contexts, as prisons both changed and adapted to existing notions of crime and punishment. Confinement, in short, acquired specific cultural meanings and social dimensions which long outlived the colonial context. Rather than assigning a passive role to Asia and Africa, historians should point at the acts of resistance or appropriation which actively transformed the penitentiary project. A comparative approach to the history of the prison highlights the extent to which common knowledge was appropriated and transformed by very distinct local styles of expression, dependent on the political, economic, social, and cultural variables of particular institutions and social groups. In China, the abolition of physical punishment and the adoption of the custodial sentence in the early twentieth century is generally interpreted as

the result of a colonial encounter which forced the Qing Dynasty (1644-1911) to adopt a modern judicial system in order to obtain the abrogation of extraterritoriality: China had to show foreign powers that it could treat its prisoners 'humanely'. A prehistory of the prison, however, reveals a more complex story.

## Confucian confinement

Discontent with the existing legal order based on banishment and physical punishment was already openly expressed in the eighteenth century. Statecraft officials such as Chen Hongmou emphasized the rehabilitation of criminals, proposing that repentance be encouraged while the physical discomforts of punishment like the *cangue* should be reduced. When the first Qing envoys to Europe visited Pentonville Prison in the 1860s, they were full of admiration: confinement appeared to be a viable alternative to banishment, as prisons, it seemed, could more effectively induce repentance (*huiguo*) and self-renewal (*zixin*). Some reformers like Wang Tao even viewed foreign institutions as the modern embodiment of lost Confucian values, writing that 'the excellence of the prison system is what China has never had since the Golden Age.' The prison was widely perceived by reformers as a modern

tool capable of implementing traditional values: the idea of reformation and repentance in confinement – abandoned in Britain and the United States by the end of the nineteenth century – was at the heart of the prison reform movement in twentieth-century China. The Pentonville model was widely adopted across China, except in the International Settlement of Shanghai and in colonial Hong Kong, where faith in the rehabilitative potential of the panopticon was on the decline.

In republican China the prison was a new tool used to pursue a more traditional vision of an ordered and cohesive social body governed by the rule of virtue. Based on a Mencian view of human nature as inherently good, the notion of *ganhua* further sustained the belief that even criminals could achieve individual self-improvement through proper institutional guidance. *Gan* means to feel, to sense, to move or touch a person emotionally by spiritual efforts, 'to work miracles through religious practice' in religion, while *hua* indicates a meaningful transfiguration forwards, 'to change something or someone for the better', a process of moral transformation. Anticipating repentance and moral reformation, the protean term *ganhua* was the core value of penal philosophy in modern China.

## A new penal system: Beijing No.1 Prison

As the ruling elite under the Qing Dynasty started to promote the adoption of European models of government after the disaster of the Boxer Rebellion in 1900, the compilation of new legal codes as well as reform of the judicial system became a priority. Traditional penalties such as dismemberment of the body, beheading of the corpse, the public display of heads, and tattooing were abolished within a few years, while beating with the bamboo was gradually replaced by fines. With the introduction of a new Criminal Code in 1908, punishments were further limited to the death penalty, imprisonment, or fines. This profound transformation of the regime of punishment entailed an overhaul of the existing detention system: not only should prisons be reformed in line with modern penal principles current in Europe, but their number had to be drastically extended in order to accommodate a rising tide of inmates, as the custodial sentence became the most common form of punishment. The movement for prison reform that appeared at the end of the Qing Dynasty gathered momentum after the fall of the empire in 1911: Beijing No.1 Prison, one of the first model prisons built in China to the highest international standards, opened its doors in 1912. Based on Pentonville Prison, Beijing's model institution was built on a double fan-shaped plan with cellblocks radiating from two central points; warders were then able to see five dif-

ferent rows of cells. Reformation and vocational training were all-important, and workshops were placed across the ends of the cell buildings. Prisoners were graded according to conduct and work: good conduct could lead to extra privileges or even to conditional release. In an emphasis on *ganhua*, religious and moral lectures were given to all the prisoners, either in the prison lecture room or during the noon rest in the workshops. Whereas, in England, lectures were given in chapels, the lecture theatre in the No.1 Prison resembled a public lecture hall, with portraits of the five great teachers on the wall behind the lecturer's platform. These were Confucius, Laozi, Mohammed, Jesus, and John Howard (1726-1790), the English prison reformer.

## National regeneration through prison reform

Dozens of similar penal institutions followed, as county magistrates, city mayors, provincial governors, and central governments, with varying degrees of success, actively pursued an extensive programme of prison reform. By the 1930s, over 25,000 prisoners were detained on any one day in China's modern prisons, not counting deten-



Watchtower in the model prison of Beijing

tion houses and county gaols (this was comparable to the prison population of a large European country like France or England). Most modern prisons were found in provincial capitals and large cities, but important regional differences also existed, as a number of poor and isolated provinces in the hinterland did not have a single modern prison while some of the richer provinces along the coast built up relatively sophisticated penal systems. In every case, however, local officials firmly embraced the penitentiary project. Not only could extraterritoriality be reclaimed by the elimination of traditional county gaols – represented as backward, 'uncivilized' and inhumane – but moral parity with the most 'advanced' nations around the globe could be achieved by their replacement with modern, 'scientific' institutions of confinement in which criminal elements would be transformed into dis-

ciplined subjects. Modernizing elites viewed the reformation of criminals as a constitutive part of a project of national regeneration in which social cohesion, economic development, and state power could only be obtained by moulding obedient subjects. While financial and institutional constraints impeded the actual implementation of prison reform, many local authorities nonetheless strove to adhere to agreed prison rules, often using local human and financial resources when insufficient funds were provided by the Ministry of Justice. Prison reform, moreover, was deeply enmeshed with existing cultural values, economic systems, institutional frameworks, political configurations, and competing individual aspirations. Conceived as a benevolent project which upheld the promise of repentance, it was inevitably transformed by these different factors, leading to accommodations and compromises that strayed away from the initial vision of rehabilitative incarceration. As elsewhere, benevolent intentions were subverted by practical constraints as the custodial sentence started to engender as many problems as it had been designed to solve. As Emile Durkheim observed long ago, the core problem of the prison as a form of discipline resides in the lack of inclination of the majority of prisoners to participate in the process of 'reformation': in other institutional situations such as the school or the factory, the individual must to some extent share the goals of the disciplinary process for discipline to be effective.<sup>1</sup> By robbing the prisoner of a sense of self-respect, which is so central to self-discipline, the prison did not produce 'disciplined subjects' but, rather, hardened recidivists. <

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## Information >

While the prison in China has recently been the subject of a large monograph, research on the history of confinement in other parts of Asia and Africa has been patchy. A new research initiative, led by Frank Dikötter and Ian Brown (Department of History, School of Oriental and African Studies) will seek to redress the balance. The projected volume will consist of two parts: the first will present the history of the prison in a variety of regional contexts, while the second will address further issues which are transregional in character, such as convict labour and the colonial prison. The collaborative volume on the global history of confinement in Asia and Africa, expected to be published in 2007, will be the first to attempt a major comparative statement on the global spread of the prison.

## Notes >

- 1 Garland, David, *Punishment and Modern Society: A study in social theory*, Oxford: Clarendon (1990), pp.171-2.