

CRIME AND PUNISHMENT IN EARLY REPUBLICAN CHINA: BEIJING'S FIRST MODEL PRISON, 1912–1922

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Prisons today are often condemned as institutions of brutal deterrence, but they were viewed as products of benevolence and producers of goodness across the globe during most of the nineteenth and twentieth century.¹ A cathedral of modernity, the prison was embraced by local notables, county magistrates, government officials, legal experts, and political elites around the world from Paris to Rio de Janeiro and Auburn to Tokyo. Changing sensibilities towards pain, new representations of bodily integrity, humanitarian values heralded by Enlightenment thinkers, utilitarian ideas about punishment as a corrective measure, growing dissatisfaction with existing legal penalties, and revulsion at the conditions of existing jails combined towards the end of the eighteenth century in England and France to create a new conception of the prison as a total institution in which the wicked criminal could be reformed into a good citizen. While commitment to social improvement and faith in the malleable nature of humankind pervaded these early debates, the most important factor in the emergence of the prison was the political revolutions of the late eighteenth and mid-nineteenth century. During the French revolution, the fall of the Bastille symbolized the defeat of an entire ancient regime of punishment perceived to be cruel and arbitrary. A post-revolutionary mode of governance, in which legitimacy was vested in the nation rather than in a king, based its authority to punish on a code of law. Moreover, as the social hierarchies specific to traditional regimes were theoretically swept away by a new ideology of equality and fraternity, the state proclaimed a duty of care over its subjects: criminals should be punished in a humane way before being restituted to the social body. The idea of the reformatory prison—producer of obedient citizens for a moral community based on the rule of law—paralleled the rise of

¹ This article focuses on the model prison in Beijing from 1912 to 1922 only; many other prisons from a variety of provinces in republican China are examined on the basis of fresh archival evidence in Frank Dikötter, *The Promise of Repentance: Crime, Punishment and Prison Reform in Modern China*, London: Hurst, 2001 (in press).

the modern state and the extension of political rights. Russia, for instance, opted for rehabilitation over corporal punishment during the era of Great Reforms, undertaking to redeem the nation's criminals in a new prison system,² while prison reform was embraced by the Meiji reformers in Japan after 1868. These global developments were dynamically interrelated: portraying their mission as a fight against "barbarism" and "inhumanity," prison reformers around the world operated within a comparative framework in which prison reform was seen as an indicator of a nation's "progress." The dungeon stood as an embarrassing reminder of backwardness, while the prison epitomized civilisation. Corporal punishment, arbitrary justice, and corrupt gaols were remnants of an old world, while reformed judicial systems, legal codes, and modern prisons were indicative of a new political order.

Where modern states proclaimed their duty to provide adequate social protection for all their citizens and construct a united national community—building hospitals, schools, and prisons—they also acted within a global frame of reference in which emulation and competition led to ever shifting standards, innovations, and expectations: modernizing elites in Peru, Russia, Japan, or China posed as vanguards who were instrumental in helping their country to "catch up." The prison was a prestige symbol that exerted fascination around the world, as governments enthusiastically invested vast amounts of money in cells and walls—often well beyond their financial capacities—in order to join the privileged group of "advanced nations." In London, Pentonville Prison opened its doors in 1842, the most expensive and modern building of the capital besides Parliament. Similar prestige prisons would appear in the world's capitals, from Lima and St. Petersburg to Tokyo and Beijing.³

The history of prison reform, in short, is a global history. A comparative approach to the history of the prison highlights the extent to which common knowledge is 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. As ideas move across borders, they are adjusted to specific local conditions: inculturation, rather acculturation, characterizes a modernity that is inflected in a multiplicity of ways by different modernizing elites. The emergence of the prison in Latin America, Russia, Japan, China or India cannot so much be interpreted as a belated replication of a European model—and even less as a uniform imposition by "world capitalism"—but as the local appropriation of global ideas. As internationally

² See Bruce F. Adams, *The Politics of Punishment: Prison Reform in Russia, 1863–1917*, DeKalb: Northern Illinois University Press, 1996.

³ A very useful study which goes beyond the common focus on Europe and the United States is Ricardo D. Salvatore and Carlos Aguirre (eds), *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830–1940*, Austin: University of Texas Press, 1996.

circulated discourses and practices of punishment intersected locally with concrete ideological and political configurations, they engendered new varieties of incarceration: underneath an overarching rationale based on the idea of humane and reformatory punishment, the prison was multivalent, capable of being adopted in a variety of mutually incompatible environments, ranging from the congregate system at Auburn to the agricultural colony of Mettray. The very flexibility of the idea of the prison allowed it to be transplanted widely around the globe, as it not only adapted but also adopted existing notions of crime and punishment. Its modernity, in other words, was more a matter of aspiration than of actuality: in England, for instance, arguments against corporal punishment had been aired frequently well before the Enlightenment, while older religious notions immediately invested the moral space of the prison. The very term “penitentiary” defined the cell as a place of penance, while the evangelical movement and its concern with moral decay, sin, forgiveness, prayer, and redemption—the prison chaplain was a central reformatory figure—played an important role in the new conception of the prison as secular developments in the eighteenth century.⁴

Ideas and things have multiple uses. In China, the prison was a modern tool appropriated to pursue a more traditional vision of an ordered and cohesive social body governed by the rule of virtue. One of the most fundamental ideas in traditional penal philosophy was that punishment should be designed to educate people in ethical norms (*mingxing bijiao*): the law was an instrument of moral education. Confucian scholars believed that the *jiao*, or ethical norms, should be brought about by moral education. The appearance in China of a model of imprisonment based on the idea of reformation was part both of a global movement towards penal reform, drawing on an international repertoire of ideas and institutions, and a local reconfiguration of a more traditional faith in the transformative capacity of education. Based on a Mencian view of human nature as inherently good, the core notion of reformation (*ganhua*) further sustained the belief that even criminals could achieve individual self-improvement through proper institutional guidance. Punishment, in other words, was meant to educate, and reformatory education was the inculcation of correct ethical norms of behavior within the therapeutic isolation of the prison.

As the ruling elite under the Qing 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 the reform of the judicial administration rapidly became a priority. Britain, the United States, and Japan

⁴ David Taylor, *Crime, Policing and Punishment in England, 1750–1914*, London: Macmillan, 1998, pp. 146–7.

had demanded legal reforms in their treaties of 1902 and 1903, including the abolition of corporal punishment and the introduction of a modern prison system. Spurred on by foreign powers and by high-ranking officials anxious to obtain the abolition of extraterritoriality—a customary practice by which some foreign nationals had the right to be judged by the law of their own country in criminal cases on Chinese soil—legal reform progressed remarkably fast. After 1905, traditional penalties such as slicing of the body, beheading of the corpse, the public display of heads, and tattooing were abolished, while flogging and the bamboo were gradually replaced by fines. As a draft for the new criminal code was completed 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 rising numbers of inmates, as the custodial sentence became the most common form of punishment besides fines. The movement for prison reform which appeared at the end of the Qing gathered momentum after the fall of the empire in 1911; Beijing Number One Prison, one of the first model prisons built to the highest international standards in China, opened its doors in 1912.

The Beijing prison, like Pentonville prison in Victorian England half a century earlier, served as a model and a training center for other modern prisons which were gradually established in the 1920s and 30s in most provincial capitals and other major cities of China. Its first director, Wang Yuanzeng, was keen to combine modern penal principles—vocational training, moral instruction, basic education, abolition of corporal punishment, the separate cell system, the progressive system, public accountability—with more Confucian notions related to the moral reformation of the criminal, embodied in the protean term *ganhua*: to affect (*gandong*) a criminal and obtain change (*zhuanhua*) by exemplary words or acts, to admonish and guide by providing a model, to “change by persuasion.” According to Wang and other penal experts in republican China, prisons were institutions capable of reforming the criminal and eradicating evil from society.

Wang Yuanzeng became Head of the Prison Bureau at the Ministry of Judicial Administration in the 1930s: by the start of the second World War, this Bureau directly or indirectly supervised over 120 modern prisons and over a thousand county jails. The enormous amount of time, effort, and money which was invested in prison reform in particular and judicial administration in general is a topic which has hardly been touched upon by historians. Contrary to received opinion, different governments in the republican period were keen to demonstrate their respect of modern judicial principles in order to regain con-

trol over foreign concessions and abolish extraterritoriality. On the basis of eye-witness accounts, judicial statistics, prison reports, and penal archives, this paper attempts to delineate the penal philosophy and judicial practices behind Beijing Number One Prison during the first decade of the republican period.

Penal Reform during the Late Qing

As the Qing prepared to implement the legal reforms demanded by both high-ranking officials and by foreign powers, they appointed the legal expert Shen Jiaben (1840–1913) as head of the Bureau of Legal Codification to examine the 1870 Qing code. Among a string of memorials advocating legal reform, Shen Jiaben was particularly influential in laying the foundations of a modern prison system which would last throughout the republican period. Firmly grounding himself in the philological study of penal texts from ancient China while selectively drawing on modern penal principles, Shen reconciled the Confucian principle of *ganhua*—claimed to have been dominant during the first three dynasties (before 221 BC)—with the idea of the modern prison, represented as a school in which criminals could be rehabilitated.⁵ Like other reformers of the late nineteenth century, he placed prison reform within an evolutionary framework of “international competition” (*guoji jingzheng*) in which a country’s penal system was thought to reflect a “measure of civilization” (*wenming yeman*). Four principles were to guide prison reform in China, namely the construction of model prisons, the training of prison personnel, the promulgation of prison rules, and the collection of criminal statistics.⁶ Deciding to concentrate scarce financial resources onto a few model institutions from which a beneficial and transformative influence could gradually spread out, he believed that new prisons should be built following the most advanced international standards: model prisons should first be established in major cities and provincial capitals before eventually reaching down to the county level. Discipline, education, and hygiene were the three main items in the training of prison personnel, who should to be rigorously trained in special schools dedicated to penological affairs. The best rules and regulations would be compiled from foreign countries in drafting a prison constitution to be adopted at all administrative levels, while science would

⁵ Shen Jiaben, ‘Yu kao’ (Investigation into prisons), *Shen Jiabi xiansheng yishu* (Bequeathed writings of Shen Jiaben), Taipei: Wenhai chubanshe, no date, vol. 2, pp. 491–507.

⁶ Shen Jiaben, ‘Zou shixing gailiang jianyu yi zhuyi sishi zhe’ (Memorial on four important matters on the implementation of prison reform), *Qingmo choubei lixian dang’an shilitiao* (Archival documents on constitutional reform in the late Qing), Beijing: Zhonghua shuju, 1979, vol. 2, pp. 831–2; see also Shen Jiaben, ‘Zou qing shixing gailiang jianyu zhe’ (Memorial request to improve prisons), *Dongfang zazhi*, 4, no. 7 (July 1907), pp. 354–7.

guide the collection of statistical material, which should include details of the causes of crime, the nationality, address, status, profession, educational background of criminals, and other vital statistics. New punishments ought to be based largely on imprisonment, or deprivation of liberty (*ziyouxing*), in which offenders were segregated from society and rehabilitated; inspired by the ancient idea of “assistance and education” (*bijiao*) in punishments, he believed that in ancient China, as in the modern West, the principal mission of prisons ought to be *ganhua*, or the complete reformation of the criminal, rather than the infliction of “pain and humiliation” (*kuren ruren*). Shen expressed his conviction, which would be shared by many prison reformers and judicial administrators in the republican period, that most offenders were open to change by education, and that social order could be gradually improved by the correction of offenders. From a place of retribution, the prison should become a “place of change by persuasion” (*ganhua zhi di*) in which “evil is changed to good” (*gai e wei shan*). In a letter to Dai Hongci, a high-ranking official who was given responsibility in 1906 over the first Prison Department in the Board of Justice, Shen Jiaben further suggested that model prisons under central control ought to be “models for the world” (*wei tianxia zhi mofan*), entirely constructed to the highest specification following foreign fan-shaped (*shanmianxing*) or cruciform shaped (*shizixing*) prisons.⁷

An edict on prison reform was issued by the Qing in 1907, endorsing most of the penal principles Shen Jiaben presented in his earlier memorials. The Board of Justice ruled that provincial capitals and treaty ports should have one model prison each, constructed following a fan-shaped or cruciform-shaped model. The Board also endorsed the need for both single and shared cell systems, supported the study of law and penology in the capital and the provinces, and gave equal weight to both punishment and reformation. John Howard, the eighteenth-century campaigner for prison reform, was given pride of place in the Board’s recommendations, while Japan was also praised as an example to be emulated.⁸

The government invited legal specialists from Japan to assist the Board in compiling new codes and implementing legal reform. In 1907, special courses on prisons and prison administration were given in the Beijing Law School by Ogawa Shigejirō. On the recommendation of Shen Jiaben, Ogawa drafted a set of prison rules and developed prison plans in the following years. Although they were not promulgated, his ideas were spread widely via translations or adaptations of his work; his influence was behind the first compre-

⁷ Shen Jiaben, ‘Yu Dai shangshu lun jianyu shu’ (Letter discussing prisons to minister Dai), *Shen Jiabi xiansheng yishu* (Writings of Shen Jiaben), Taipei: Wenhai chubanshe, no date, vol. 2, pp. 962–3.

⁸ Board of Justice, ‘Zou yifu shixing gailiang jianyu zhe’ (Memorial on the improvement of prisons), *Dongfang zazhi*, 4, no. 12 (December 1907), pp. 558–62.

hensive penal legislation and movement for penal reform in 1913. On the basis of the proposals of Shen Jiaben and Ogawa Shigejirō, Dai Hongci requested in a 1909 petition to the emperor that a model prison be established in Beijing, while other provinces should be required to follow suit. Work on the first model prison in Beijing started the same year, and the prison officially opened its doors in November 1912.⁹

Beijing Number One Prison: The Capital's Model Prison

The Beijing Number One Prison, also known as the Beijing Model Prison (prisons changed names many times throughout the republican period), was located on an old parade ground in the South City, “broad and level” with “freely circulating air” (*kongqi liutong*).¹⁰ As the capital prison ought to be “the model of all models,” serving as an example for other prisons throughout the realm, more funds were requested after submission of construction plans. The prison was built on a double cruciform plan with cell blocks radiating from two central points, wardens being able to see five different rows of cells. In an emphasis on reformation and vocational training, workshops were placed across the ends of the cell buildings. The single cell and shared cell system were mixed, while women, young offenders and the sick were separated from the main body of prisoners (the cells for young offenders were not completed for lack of adequate funding).¹¹

Beijing Number One Prison started receiving prisoners in 1912. Most cells appeared to be well ventilated and lighted, with windows of all cells required to be open for a part of the day; while most of Beijing still lived in darkness at night, the prison was lighted by electricity with one bulb for each two cells.¹² Each prisoner was provided with a wooden bed, a cotton-wadded quilt, a hay mattress, and a pillow. Work was provided on a systematic basis according to the prisoner's skills, including carpentry, weaving, type-setting, printing, and book-binding, tailoring, and masonry, as well as metal, leather, and bamboo work, with 25 to 40 prisoners in each trade. Some limited land inside the

⁹ Board of Justice, ‘Zou gailiang jianyu ji yi zhengchi zhe’ (Memorial on the urgent need to strengthen the reform of prisons), *Da Qing fagui daquan* (Compendium of laws and statutes of the Qing dynasty), Beijing: Zhengxueshe, 1910, ‘Falübu’, *juan* 9:2b–3a.

¹⁰ ‘Zou nijian jingshi mofan jianyu zhe’ (Memorial on draft plans for the capital model prison), *Da Qing fagui daquan* (Compendium of laws and statutes of the Qing dynasty), Beijing: Zhengxueshe, 1910, ‘Falübu’, *juan* 9:1a.

¹¹ ‘Zou jianzhu jingcheng mofan jianyu choukuan bufu qing chi bu nikuan tianzhu xingxiu zhe’ (Memorial on the insufficient ways of raising funds and a request for instruction to the Board of Revenue and Finance to plan additional funds in the construction of the capital model prison), *Da Qing fagui daquan* (Compendium of laws and statutes of the Qing dynasty), Beijing: Zhengxueshe, 1910, ‘Falübu’, *juan* 9:2b–3a.

¹² Sidney D. Gamble, *Peking: A Social Survey*, London: Humphrey Milford, Oxford University Press, 1921, pp. 310–14.

prison was available for cultivation, as attempts to secure land outside the prison walls for farm work had failed. Prisoners worked from ten hours in the winter to twelve in the summer; the pay depended on the quality and amount of work performed, ranging from one to six coppers a day. Part of the earnings were allowed to be spent, the remainder being deposited with the Ministry of Justice and paid upon release. As in other modern prisons in republican China, the printing and book-binding section was most successful: many publications of the Ministry of Justice were printed by the prison shop. Prisoners under 18 years of age were given school work equivalent to that of ordinary primary schools, which amounted to one or two hours a day. 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. Prisoners were seated in little wooden stalls built in order to prevent them from seeing or speaking with one another, the system being inspired from the boxed-in pews used in prison chapels in England which operated by the silent system. Where lectures were given in chapels in England, the lecture theater resembled a public lecture hall in the First Beijing Prison, with portraits of the five great teachers on the wall behind the lecturer's platform, namely Confucius, Laozi, Mohammed, Christ, and John Howard.

An inclusive approach was adopted towards different religions, encapsulated in the idea that the "dao was one" (*dao yi*) and few differences existed between "old and new or foreign and native" religions. In the summer of 1914, a Buddhist monk trained in Japan was allowed to come and teach three hours every Sunday.¹³ The Ministry of Justice endorsed teaching and preaching in prisons by Christians in 1915, as the Christian religion was seen to promote "retribution and *ganhua*." The YMCA started to spread its message of repentance a few years later, although it was quickly overwhelmed by the task; four churches under a union organization joined in once a week, talking and preaching to prisoners during the early afternoon, and occasionally doing personal work with the inmates. During the spring of 1918, the Methodist Church came in teams of six men and two women to give lectures every Monday afternoon on such topics as repentance, salvation, and eternal life. The American Board (Congregational) lectured on similar topics on Friday afternoon, and the Presbyterian Church on Saturday afternoon, while the Anglican Church busied itself spreading the gospel on Tuesday afternoons. Detailed charts were kept with the numbers of prisoners approached by the YMCA and the names of those having received individual attention.¹⁴

¹³ Wang Yuanzeng, *Jingshi diyi jianyu baogao* (Report from Capital Number One Prison), Beijing: Jingshi diyi jianyu, 1917, pp. 83–4.

¹⁴ Liu Xilian, *Zhonghua guodu jianyu jiangyan baogaoshu* (Report on moral lectures in China's Capital Prison), Beijing, 1918.

Prisoners who broke the rules were punished by reproach, loss of pay for work, deprivation of the privileges of receiving visitors, writing letters, reading, using personal belongings and taking exercise, while more serious offences, as we shall see below, resulted in rationed food, solitary confinement for no more than seven days, or confinement in a dark room for no more than 72 hours. Baths were provided twice a week in summer, once a week in spring, and only once every ten days in winter. Underclothes had to be changed every ten days in winter and twice a week in summer, while pillowcases, bed-ticks, and bed-covers were also regularly washed according to prison regulations. A doctor trained in modern medicine looked after the health of the prisoners, assisted by a well-equipped dispensary and a small hospital with two prisoner nurses. A special physical examination was given to all prisoners when they entered and left the prison, while outdoor exercise, including marching around the courtyard for half an hour, was given on a daily basis. The prison received its first female prisoners in May 1914, although no special quarters had been provided; together with several dozen other female convicts, female prisoner number one was Tie née Lin, entering Beijing Number One Prison for ten years and two months on 10 May 1914 for manslaughter. Aged 66, number two was called Long née Zhao, entering the prison for life (J191/1/791).¹⁵ A separate department was soon built for them by prison labor, and conditions were the same as for men, although women sewed and made paste and matchboxes.

On 1 April 1922, after the Soviet Union agreed to relinquish the clause of extraterritoriality, Beijing Number One received its first contingent of foreign prisoners transferred from Harbin prison: twelve murderers and twenty-four robbers, along with six petty criminals, moved into the newly built wings of the northern block. Measuring roughly 3.4 meters in height, 4 in length, and 2.5 in width, these large cells came with a bed, a mat, a square desk, and a small stool. Cells for foreigners were cleaned every day, while foreign prisoners were allowed to cook their own meals in a specially equipped kitchen and were given a hundred grams of meat every day of the week, as well as 50 grams of butter, 200 grams of husked rice, the same amount of flour, and two pounds and a half of bread, as well as a variety of vegetables; even if these regulations were not respected, Russia prisoners were on a royal diet in comparison with their less fortunate Chinese counterparts, who had to survive on a meagre ration of rice, occasionally supplemented by some vegetables. Foreign prisoners even had a separate barber for their weekly shave, although

¹⁵ I have used the following archives in the Beijing Municipal Archives: series J191, Hebei Beiping Diyi Jianyu (Hebei Beijing Prison Number One), 1913–1947, and series J181, Beijing Gonganjū (Beijing Public Security Office), 1913–1947.

they had to work together with the Chinese prisoners in the workshops. A father from the Orthodox Eastern Church was asked in 1922 to come to the prison to preach to the prisoners in Russian in a special room decorated with holy pictures in the style of the Greek Church; even in the case of foreigners, the force of religion was thought to assist the goal of *ganhua*. Warden Zhao Jiayi, fluent in Russian, further taught the prisoners Chinese characters once a week (J191/1/215).

The total prison staff was over a hundred.¹⁶ Wang Yuanzeng, head of Beijing First Model Prison, was greatly inspired by Ogawa Shigejirō and by John Howard. Wang had graduated from an institute of higher education in Japan in 1906 and had devoted himself to the study of prison administration, working for two years in Japanese penitentiaries before setting out on a tour of foreign institutions which took him to several European countries. The continued presence of Wang Yuanzeng, director in 1912 until his promotion to the Ministry of Justice in 1928, was an important factor ensuring institutional stability in a period of frequent governmental changes. Part of a truly global movement towards prison reform, Wang was inspired by European methods of training staff, while basing the rules and regulations of the prison on those current in Japan. He envisaged Beijing Number One Prison as a lighthouse beaming a beacon light into a night of feudal practices: over 300 prison wardens trained under him went on to assume positions in other prisons throughout the country, bringing along not only their experience of a disciplined institution but also a new regime of administrative practices and penal regulations. Just as the wings of the prison radiated out of a central control tower, Wang believed that the civilizing influence from a model institution could spread out and reform institutions beyond the pale of the capital.

Prison reports, which first appeared in Beijing Number One Prison and spread to other model prisons, were central to this exemplary role: the reports were as much a compilation of facts as an illustration of how a reformed prison ought to be run. Representation and reality overlapped (photographs of the prisoners at work, for instance, were carefully orchestrated), as if existing conditions could be changed by the power of representation, a careful presentation of facts magically exerting an influence over these very facts. Reports were the official face of the prison, proof of its transparency, accountability, efficiency and, perhaps most importantly, its exemplarity. Almost like a family album, the entire staff in brilliant uniforms with imposing leather belts and carefully adjusted caps gathered for a group picture which illustrated the front

¹⁶ Wang Yuanzeng, *Beijing jianyu jishi* (Truthful record of Beijing's prisons), Beijing: Jingshi diyi jianyu, 1917; Wang Yuanzeng, *Jingshi diyi jianyu baogao* (Report from Capital Number One Prison), Beijing: Jingshi diyi jianyu, 1917; see also Wang Yuanzeng, *Jianyu guize jiangyi* (Teaching materials on prison rules and regulations), Beijing: Jingshi diyi jianyu, 1917.

page of each report. Posing in front of the huge doors of the main office like a military detachment defending a fortress, their uniformed attire signified the very uniformity of their purpose: to secure and cure the criminal like one single body.

Like most modern prisons around the globe, Beijing Number One Prison nonetheless suffered from overcrowding and underfunding, in particular as incarceration came to replace corporal punishments in the capital after 1911. Besides the conversion of older county prisons in the capital, Beijing Number One Prison also used its Extension Prison (*Jingshi fenjian*), located near the Ministry of Justice and built following the standards of modern prisons. Sidney Gamble reported this prison to be scrupulously clean, while sanitary rules and regulations were fully enforced. Work inside the walls of the Extension Prison consisted of tailoring, making matchboxes, and grinding grain. The prisoners also worked in agriculture and floriculture on the grounds off the government buildings in squads of ten, accompanied by a warden, chained together in pairs by a light chain around the waist. A selective approach was adopted in Beijing by the end of 1913, as long-term prisoners were sent to Number One while minor offenders ended up in the less modernised prisons, including the Extension Prison and Beijing Number Three Detention House.¹⁷ Despite the expansion of the modern prison system in the first years of the republic, Beijing Number One Prison was hard pressed to keep pace with the rising numbers of criminals sentenced by modern courts under the new criminal code.

Crime and Punishment in Beijing

While the draft criminal code came under much opposition during the last years of the Qing,¹⁸ the dynasty decided to promulgate its general provisions in 1911 as well as the specific provisions and supplementary regulations which had earlier encountered the resistance of the National Assembly. After the fall of the empire, the Provisional Criminal Code (*Zanxing xinglü*) was promulgated on 10 March 1912.¹⁹ The administration of Yuan Shikai built on the reforms of the late Qing, allowing the judiciary to retain a significant degree of activity, which reached a peak during 1915 and 1916. The principal punishments in the new code were the death penalty, imprisonment for life, and imprisonment for a period, divided into five degrees, namely in the first degree from ten to fifteen years, in the second degree from five to ten years, in

¹⁷ *Sifa Gongbao*, 2, no. 4 (15 January 1914), p. 39.

¹⁸ Joseph Kai Huan Cheng, "Chinese Law in Transition: The Late Ch'ing Law Reform, 1901–1911," doctoral dissertation, Brown University, 1976.

¹⁹ See *The Provisional Criminal Code of the Republic of China*, Beijing: Commission on Extraterritoriality, 1923.

the third degree from three to five years, in the fourth degree from one to three years, and in the fifth degree from two months to a year. The criminal code also allowed detention from one day to two months, fines of not less than one yuan, and deprivation of civil rights; this approach would remain virtually unchanged throughout republican China. The punishments prescribed could be reduced by one or two degrees when the circumstances and motives of the commission justified it. As the municipal archives amply demonstrate, judges reduced the degree and prescribed the lowest possible term of imprisonment in a majority of minor cases; theft, for instance, attracted a sentence for a period between the third and the fifth degree, ranging from two months to a maximum of five years, but the great majority of cases of petty theft were met with a term of two or three months. The system of degrees was abolished in the Second Revised Draft of the Criminal Code, promulgated after the death of Yuan Shikai in 1916, and replaced by imprisonment for a definite period ranging from two months to fifteen years.

Judicial statistics, which were compiled with great care by penitentiary institutions and the Ministry of Justice, show a great degree of activity in the administration of justice, characterized by two trends which would remain constant throughout the republican period: first, the criminal code and judicial system were aimed in the great majority of cases at petty criminals belonging to the lower ranks of society, and, secondly, prison terms were the major way in which modern courts punished convicted criminals. The Ministry of Justice's yearbook on criminal statistics for 1918, for instance, indicates that 9388 individual cases were investigated in the capital: nearly two-thirds were indicted, out of which 2153 were sentenced to a prison term (*youqi tuxing*), 1963 to detention in custody under two months (*juyi*), and 1932 to a fine (*fajin*). The overwhelming majority of cases were petty criminals sentenced to short prison terms, a trend clearly reflected in the prison and the police archives. The biggest category of crime committed was theft, representing almost a third of all cases; next were injury and murder, roughly a quarter, followed by opium-related crimes and gambling, sexual crimes, cheating, and criminal appropriation. Over half of the convicted criminals were handed a prison term of under a year, while less than 200 out of the 4085 were sentenced to terms of five years or over. Only 6 criminals, including one woman, were given the death penalty.²⁰

The criminal justice's focus on petty crimes, affecting the most vulnerable social groups, was not unique to the capital, although limited space does not allow for a more elaborate treatment of national trends.²¹ The same year, for

²⁰ Sifa bu (ed.), *Sifa bu diwuci xingshi tongji nianbao* (The Ministry of Justice's fifth yearbook on criminal statistics), Beijing: Sifa bu, 1921, pp. 17–22.

²¹ This observation is corroborated by a sociologist who analysed judicial statistics in the 1920s; see Zhang Jingyu, 'Beijing Sifa bu fanzui tongji de fenxi' (Analysis of the Ministry of Justice's criminal statistics), *Shehui xuejie*, 1, no. 2 (June 1928), pp. 79–144; see also Dikötter, *The Promise of Repentance*.

instance, the largest category of sentenced criminals among a registered national total of 41,911 cases were thieves (4,369) and opium addicts (2,939) sentenced to a term of several months: a short prison sentence and detention in custody accounted for over half of all the sentences nationwide, fines being handed out to roughly one case in four.²² Social bias towards the lower classes was inherent in the penal philosophy of the republican period: poverty, idleness, and ignorance were thought to breed crime, while vocational training and moral instruction in modern prisons would ensure social order and economic growth. In stressing the educative aspects of incarceration rather than its punitive dimensions, the very vision of moral reformation targeted the lower ranks of society: illiterate classes were dangerous classes.

Prison and police archives allow us to go beyond the faceless statistics of incarceration and to gain some glimpses of the social background of individuals who ended up in prison. Only a fraction of suspects arrested by the police were actually jailed. Some individuals were released by the police if found innocent or if insufficient evidence compromised the case, while others might be sent to the local court without being convicted. Many poor people without family connections were also considered by the police to be in need of help and passed on to charitable institutions. Destitute people found roaming the streets of the capital were dispatched to the local pauper's house (*pinmin jiaoyangyuan*), while not a few individuals thought to be disturbed were arrested by the police and sent to the local madhouse (*fengrenyuan*). On 9 September 1915, for example, Wang Yongquan approached a public court waving a letter destined for the President of the Republic. According to the wild utterances of Wang, the letter contained a secret recipe capable of curing the country of its weakness: interrogated by police officer Kun Yan, Wang expressed his conviction that a miraculous cure could prevent the nation from being bullied by Japan. Wang was detained for ten days before being sent back to his home in Fengtian province: his police file, like thousands of others, contained a detailed summary of the case, a transcript of the interrogation, and Wang's letter which was confiscated as evidence (J181/2/9951).

The modern police force in Beijing, which appeared in the wake of the late Qing reforms,²³ was one of the most efficient in East Asia, gradually taking over a range of responsibilities which went beyond the usual tasks of crime prevention and included the running of a large number of charitable institutions destined for the poor, such as the local pauper's house, the madhouse, reform schools, and workhouses. Some of these institutions functioned as an

²² Sifa bu (ed.), *Sifa bu diwuci xingshi tongji nianbao* (The Ministry of Justice's fifth yearbook on criminal statistics), Beijing: Sifa bu, 1921, pp. 309–20.

²³ See David Strand, *Rickshaw Beijing: City People and Politics in the 1920s*, Berkeley: University of California Press, 1989.

overflow for cases deemed to be inappropriate for a court sentence or a prison term. The pauper's house served almost as a hospice for poor people without family, as when madman Liu Jinggui, originally entrusted to the house by the police, and being without known place of origin or relatives, refused in May 1916 to take any drink or food when suffering from an "accumulation of phlegm" (*tanyong*). He died a few days later, and a procurator was requested to sign a death-warrant. Zhang Er, also declared a lunatic, died from the same disease a day later. Both corpses were buried outside Desheng Gate with the approval of the Police Bureau (J181/19/9943).

Where a convicted criminal was sent to prison, both police and prison files can be correlated in order to reconstruct a case. The prison files on Meng Cheng, for instance, show that he was caught by a policeman while attempting to enter a house and was sentenced to two months prison in January 1918 (J191/2/1777). The police file gives a more detailed story. Having heard noise coming from the courtyard, a servant sneaked towards the intruder and grabbed hold of him; by the time the police arrived, however, the thief had managed to wrestle himself free and climb over the wall, leaving behind a blue cotton jacket and a pair of pliers. Inspector-in-chief Liu Boyao surmised that the thief might return in order to collect his possessions and posted several policemen at key points outside the courtyard. After a short while, a young man approached the buildings from a small lane and Liu stepped forward in order to interrogate him. Having a "guilty conscience," the suspect turned on his heels and ran off, only to be cornered further down the road. Meng Cheng, a bun seller aged 26 *sui*, came from a rural family cultivating 20 *mu* of land. He acknowledged having bought a pair of pliers with money borrowed from a friend and readily confirmed ownership of the jacket. He also confessed to having entered the courtyard but refused to admit to being a thief (J181/19/18156). Police Station Director Yang Deli sent his incomplete case with Meng Cheng's statement to the local court on 10 January 1918; twelve days later, on 22 January, Meng was convicted on the basis of a "full confession" of the "intention to steal" (*yitu xingqie*). He arrived at the Extension Prison on 13 February to serve a two-month sentence back-dated to the 1 February 1918 according to the rules governing the computation of time in the criminal code.

Even after a sentence was pronounced, the police could still intervene in the name of either public security or moral reformation: Wang De, arrested while hiding in a teahouse after stealing a leather jacket from a carter, was only convicted to a month's detention on 28 January 1918, the court judging his offence to be relatively light (J191/2/1770). The police, however, considered Wang to be an "habitual thief" (*guanqie*), requesting that he be returned to the Commissioner after having served his sentence in a police jail in order

to be placed in the reformatory (*jiaoyangju*) for a further two months (J181/19/18159). He was duly sent to the reformatory on 4 March 1918, as the police described how custodial punishment had failed to instil regret into Wang De, who was “steeped in evil and refusing to repent.” On 5 May 1918, at the end of this period of reformation, Zhao Anguo, Director of the Reformatory, reported back to the Commissioner of the Police that his client had been carefully observed and had mended his ways under the restraining influence of its administration.

When convicted criminals arrived at Beijing Prison Number One, a set of procedures was fairly rigorously followed, starting with the taking of fingerprints. Throughout republican China, the standard identification of a prisoner virtually always included fingerprints and a form describing the main facial features. While fingerprint methods varied across the country, the technique of the Argentinian police-officer Juan Vucetich, who successfully identified fingerprints as early as 1892, was first used by the Beijing Number One Prison in May 1913; only half a year later, 530 prisoners had been classified according to their fingerprints.²⁴ A standard description also accompanied each booking record. Rickshaw puller Cui Dazhong, sentenced to six months for criminal appropriation (*qinzhān*), was described as follows: “eyes: black; eyebrows: thick; moustache: none; whiskers and beard: none; forehead: broad; jaws: skinny; eyes: medium; teeth: complete; nose: pointed; mouth: [space left blank]; ears: long; face: long and rounded” (J191/2/180). Skin color was invariably described as “yellow.” Prison files were checked and signed by the director of the prison, as well as by the vice-wardens and three other prison wardens. Few files carried a mug-shot of the prisoner. The standard file included ten items, namely (1) an administrative booklet detailing the sentence (*zhixingshu*); (2) a brief curriculum vitae providing over twenty entries with details of the prisoner’s name, age, address, place of birth, family background, wealth, social background, religious and educational ties, addictions, alcohol consumption, character, parental behavior, moral standing of the family, social intercourse of the family, appraisal of the family by neighbors, and details of the address of the prisoner after release (*shenlibiao*); (3) a work sheet (*zuoyebiao*); (4) an inspection sheet (*shichabiao*); (5) a pay sheet detailing any money received for work (*shangyubiao*); (6) a chart of reprimands, listing the various reprimands or punishments received by the prisoner, which usually ranged from verbal admonition to a reduction in food (*chengfabiao*); (7) a record of the prisoner’s behavior (*xingzhuanglu*); (8) a chart detailing the social status and family relations of the prisoner (*shenfen guanxi yilan biao*); (9) a record

²⁴ Wang Yuanzeng, *Jingshi diyi jianyu baogao* (Report from Capital Number One Prison), Beijing: Jingshi diyi jianyu, 1917, p. 61.

of letters sent and received (*shuxinbiao*); and, finally, (10) a graph detailing the physical appearance of the prisoner (*shenti shibie biao*). The last file was more commonly called an identification chart (*renxiangbiao*), which, besides a description of the main facial features, also included a drawing of a person front and back on which any peculiar physical characteristics could be pointed out.

Detailed identification was paramount in order to detect a social phenomenon viewed with dread by penal philosophers and prison administrators, namely recidivism. Soon after Beijing Number One Prison opened its doors, reoffending rates were rapidly found to undermine the prevailing penal philosophy of moral reformation, as convicts simply went back to their lives of crime after their release from prison. By the start of 1914, over 200 short-term prisoners had been released, although 40% were found to be reoffenders.²⁵ As the criminal code took recidivism to be an aggravating factor, the identification of reoffenders was paramount to the judicial system. Xue Liu'er, for instance, purposefully bumped into a married woman on 8 June 1914, fondling her arm and uttering obscene words before escaping into the crowd. After he was arrested, sent to court, and condemned to a prison term of two months (J191/2/214), he was recognized by prison personnel to be none other than Xue Lianfu, a familiar figure in the Extension Prison where he had earlier been imprisoned for indecency and injury. Procurator Li Shicheng requested the court to resentence Xue, adding one degree to his sentence in February 1915, amounting to one year in prison in addition to a fine of 20 yuan.

Recidivism was also a factor justifying the reintroduction of corporal punishment: as the ideal of *ganhua* seemed incapable of curbing crime rates, a measure of pain was thought to be a necessary corrective which might instill some fear into the criminal mind. Outlawed after 1905, the bamboo (*chixing*) was legally brought back into usage as a form of corporal punishment by Yuan Shikai in November 1914 for two years, and sentenced criminals were given a set number of blows ranging from 30 to 120. The bamboo stick was reserved for petty crimes, including theft, offences against morality, and cheating, and only applied to criminals sentenced to terms of three months or less. As in imperial China, officials and persons of a "certain social status" (*you xiangdang shenfenzhe*) were exempt from the bamboo. Thieves sentenced to the stick were sent to prison to receive their allocated number of blows, as a medical officer had to ascertain that the prisoner was physically capable of enduring the sentence. The medical officer was required to fill in a form before and after the sentence was executed. Zhang Deshan, aged eighteen *sui* and convicted for theft, for instance, was certified fit by doctor Zhang Qingyun

²⁵ *Sifa Gongbao*, 2, no. 7 (30 April 1914), p. 13.

and administered 20 blows in a specially designed Bamboo Room (*chishi*): Zhu Chengxun, the director of the Extension Prison, personally signed him out (J191/2/4). Petty thieves, such as Li Dexin, apprehended and escorted to the police station by a member of the public after trying to steal a jacket, was found guilty of theft on the basis of the confiscated stolen item, an eye-witness account, and a complete confession by the second branch of the Capital Local Court by virtue of article 367 of the Provisional Criminal Code and given a reduced sentence of 50 days in detention, converted to 100 blows with the bamboo following article 54 on 21 March 1915: six days later he entered prison (J191/2/510), where he received the full number of blows in one go, according to regulations.

Within the walls of the prison, corporal punishment was banned with the exception of the bamboo (*zhangze*), also reinstated by Yuan Shikai in 1914 for Beijing Prison Number One and other penal institutions. This special regulation allowed the prison director to prescribe any number of blows under forty in accordance with the severity of the infraction committed by the prisoner, in particular “stubborn prisoners who do not straighten their ways and purposely resist.”²⁶ Wang Shun, a petty thief in prison for three months, was thus given thirty blows with the bamboo for unruly behavior, as previous punishments were deemed incapable of instilling any sense of repentance into him (J191/2/90). Recidivist Xue Lianfu, despite his previous experience of prisons, seemed also to have been impervious to the humanizing influence of penal institutions so much touted by prison reformers: in May 1915, he was given ten blows with the bamboo (*zhangze*), a punishment approved by the prison director Zhu Chengxun, for uttering a stream of abuse while changing machinery in the workshop. He earned a further ten blows on 9 July 1915 for persistently denying having cursed, despite the witness statements of two other prisoners. Such strong medicine was lost on Xue, as he was dealt another ten blows a month later for physically attacking a fellow prisoner, and yet another fifteen in November for constant altercations. Due to be released on 16 February 1916, one file shows him to have still been in prison a year later, by which time he was again submitted to corporal punishment for aggressive behavior (J191/2/820).

Other forms of punishment included reduction of food. Chen Shun, for instance, a carter from Wanping County, living in a small hutong inside the Chongwen gate, had started a prison term of two and a half years on 20 February 1913 (J191/2/260). He was reported to have incited other inmates to break prison rules, while on a previous occasion he had shown disrespect for

²⁶ Yu Shaosong (ed.), *Gaiding sifa ligui* (Reformulation of judicial rules), Beijing: Sifabu zanshiting, 1922, vol. 2, p. 1384–5.

prison discipline by leaving the workshop to go to the toilet without due permission. In view of these breaches, the prison director Wang Yuanzeng personally reduced Chen Shun's food allotment for a five full days. On leaving the prison, Chen's file described him as violent and arrogant in his dealings with prison personnel, base and obscene towards fellow prisoners, and lazy in his work. Guo Futang, sentenced to a year and a half in prison for indecent behavior on 5 November 1915, had his food reduced the very first day for arrogating to himself prison property in the form of fabric. Having personally experienced food deprivation on two further occasions later during his prison sentence, Guo could empathize with other prisoners: nearly a month before his release, he was punished for five days after handing over vegetables to a prisoner on a ration (J191/2/763). In modern China, as in Europe, there is little evidence to show that a "punishment of the body" was replaced by a "punishment of the soul," as corporal punishments and unnecessary deprivations, besides ritual humiliations such as the shaving of new convicts, remained part and parcel of the new penal regime. Order was maintained by fear, despite the proclaimed ideals of humane reform.

Even if Wang Yuanzeng strove to achieve high standards of discipline among his staff, Beijing Number One Prison, like all prisons, was based on a system in which huge power was exercised by a few individuals over other powerless human beings. While few files refer to the abuse of prisoners in the archives made available on Beijing Number One Prison, some interesting cases nonetheless highlight the potential range of problems created by the system of incarceration, which ranged from collusion between inmates and staff to blatant abuse of power. Guards, for instance, could supplement their meagre income by helping prisoners to circumvent some of the prison rules. Zhang Gaoyun used his position as guard to privately deliver letters for prisoners without going through the usual procedures in which all correspondence was carefully checked and registered. After prisoner He Duolin requested a jacket and warm clothes in a letter delivered to his home by Zhang, his mother grew suspicious and alerted the police. While an investigation could not positively prove that the guard intended to profit from his intercession, he was nonetheless dismissed for infringement of the prison rules, while the prisoner was also punished after signing a confession (J191/1/37). Cases of blatant abuse of power do rarely surface in the archives: after an independent investigation into allegations of corruption made by guard Wang Jinqian, for instance, the Ministry of Justice found that prisoner Hei Dashan was on occasion left strung on a tree for up to two hours (J191/1/37).

Death in custody was the ultimate punishment. Although the death of a prisoner was considered to be the ultimate failure on the part of a penal institution to guarantee the bodily integrity of its inmates, death rates in model

prisons remained relatively high. A major component of judicial statistics and prison reports, the publication of death rates was seen to be a clear indicator of a prison's ability to implement reform. Beijing Number One Prison was plagued by scrofula in the spring of 1914, causing the death of three inmates and severe medical problems in twenty others. Scrofula was a relatively minor health hazard: by the end of the year, 34 prisoners had died in custody of a variety of unspecified causes.²⁷ When prisoners died in custody, their bodies were handed over to their closest relatives. Those who died without known relatives were either buried by the prison authorities on a small plot inside the prison compound or collected by medical colleges for the purpose of dissection. Soon after Beijing Number One Prison opened its doors, Xiehe Hospital in Beijing used cadavers from prisoners to teach anatomy to its students in accordance with the relevant rules and regulations governing the practice of dissection.²⁸ This practice continued throughout the republican period, as poor people who died in social oblivion behind the walls of modern prisons could end up under the dissector's knife, somehow redeeming their crimes by unwittingly contributing their bodies to science in a country which traditionally viewed any bodily desecration with absolute horror. Dissection became the price of poverty, as the physical corpse was transformed from a vital link in a line of patrilineal descent into an article of trade circulating between state institutions. The clinical detachment of the dissector, the medical disposal of an inmate's physical remains by the prison director, and the death warrant signed by the procurator all contributed to a growing distance between medical and traditional attitudes towards the corpse, a distance which was predicated on the anonymity of the poor and their bodies in modern institutions. Social inequality was confirmed rather than erased by the arrival of death, as the pauper's passage from life to death was managed by the state. and his corpse appropriated in the name of science.

Ideal and Reality in Model Prisons

From the very beginning, prisons around the world resisted the intended purposes of their supporters, generating wretched institutional conditions while humanitarian goals were heralded. The road to hell was paved with good intentions, as enormous expectations about the capacity of prisons to perform a variety of often contradictory functions stood in contrast to a climate of violence and cruelty inside the prison walls. A chasm separated proclaimed intentions from actual practices. Monuments of order carried by paper turned

²⁷ Wang Yuanzeng, *Jingshi diyi jianyu baogao* (Report from Capital Number One Prison), Beijing: Jingshi diyi jianyu, 1917, p. 86.

²⁸ *Sifa Gongbao*, 2, no. 5 (15 Feb. 1914), pp. 64–5.

into squalid places of human suffering isolated by bricks. Envisaged as a haven for repentance—"A machine to grind rogues honest," according to Jeremy Bentham—it was often no more than an enclave of violence, producing caged misery at worst, enforced lethargy at best. Beijing Number One Prison was no different. The continued reliance on physical punishments and the high death rates of prisoners contradicted the ambitious proposals of prison reformers. Rhetoric and reality remained wide apart, as major overcrowding and serious underfunding subverted a reformatory program based on the notion of *ganhua*. As the criminologist Yan Jingyue (1905–1976) noted, after spending the summer of 1926 conducting a survey among the inmates of the prison, the educational program provided by Beijing Number One Prison was insufficient to address the various needs of a largely illiterate prison population, and it failed to keep released convicts from entering a life of crime. Recidivists constituted a large proportion of the inmates, as seasoned offenders and habitual criminals were apparently undeterred by serving a term in prison.²⁹

The reformatory project fared no better in other model prisons, and the harsh reality of penal life was often far removed from the high standards and aspirations embodied in the rules and regulations regularly published and revised throughout the republican period. According to the published results of the Legal Rights Discussion Committee (*Faquan taolun weiyuanhui*), which reviewed the judicial system in the early 1920s, many abuses were tolerated in the model prisons set up since 1911. Death rates in particular remained very high: in 1921, Zhili Number One Prison and its branches had a total of 234 deaths, an average of almost twenty prisoners a month. Figures obtained from other provinces were no more encouraging: in Shandong Number One Prison, 120 prisoners died between October 1920 and November 1921, the majority as a result of severe disease, including gastroenteritis, tuberculosis of the intestines, and anemia. Unsanitary conditions and high humidity also led to a death rate of over 20 percent in Jiangsu Number Two Prison.³⁰ The same year, the Ministry of Justice in Beijing reported that the detention house in Tianjin was starving its prisoners, some of whom had not eaten for two to three days; it admitted that "conditions being what they are in Tianjin, it is difficult to guarantee that similar circumstances do not exist in other detention houses, the thought of which gives one a guilty conscience."³¹

²⁹ Yan Jingyue, *Beijing fanzui zhi shehui fenxi* (Sociological analysis of crime in Beijing), Beijing: Yanjing daxue shehuixuexi, 1928, p. 35.

³⁰ Faquan taolun weiyuanhui mishuchu (ed.), *Kaocha sifa ji* (Notes on an investigation into the administration of justice), Beijing: Faquan taolun weiyuanhui mishuchu, 1924.

³¹ Yu, *Gaiding*, vol. 2, p. 1385, no. 441.

If model prisons faced grave difficulties in conditions of overcrowding and underfunding, the hundreds of old-style county jails which continued to exist almost side by side with modern penitentiaries fared even worse. In Beijing, the magistrates of Daxing County and Wanping County maintained prisons which diverged considerably from the standards set by prison reformers.³² Prisoners were confined to wooden cages placed inside the buildings which surrounded the courtyard: these cages measured roughly 5 by 6 meters with a floor half a meter above the ground, containing on average some twenty men. In some cases, the prisoners were allowed to leave the cage and walk around the courtyard in daytime, although serious offenders were kept locked in the cage. All prisoners wore ankle shackles, some carried an iron collar around their neck, connected to the shackles via a chain which was passed around the waist. In some smaller jails, as archival material amply testifies, conditions were even worse, as brutality and corruption were widespread, poor diet caused starvation, and lack of sanitation led to lethal epidemics which periodically decimated prison populations.

Despite the distance between grim realities and noble visions, prison rules set high standards by which different prison administrations measured themselves and compared each other, striving to achieve a greater claim to administrative efficiency in the implementation of prison reform. More importantly, they reflected the desire of different regimes to adhere to international standards of judicial administration. Archival evidence shows that during the decade following the collapse of the empire, including the years under Yuan Shikai, police investigations, court judgements and prison sentences often followed to the letter the modern criminal code and the modern code of criminal procedure in Beijing. Whether or not this benefited the average citizen is a matter of point of view, depending largely on the social status of an individual and on the prison in which the sentence was served. Despite the overwhelming social bias of the judicial system towards the poor, however, early republican China may have been the best period for a Beijing pauper to be imprisoned. In the 1950s, summary procedures guided by political criteria replaced the legal standards which had been painstakingly built up since the late Qing: as recent research shows, poor peasants, soldiers, and factory workers who committed a small misdemeanor, such as stealing a pair of trousers to stay warm during the winter, could count on a prison sentence of eight to twelve years in revolutionary Beijing.³³

³² Gamble, *Peking*, pp. 307–9.

³³ Frank Dikötter, 'Crime and Punishment in Post-liberation China: The Prisoners of a Beijing Gaol in the 1950s', *The China Quarterly*, no. 149 (March 1997), pp. 147–59.

Conclusion

Prisons in early republican China suffered from underfunding and overcrowding, while inmates were submitted to a degrading regime of institutional discipline marked by daily boredom at best and custodial death at worst; the same holds true for prisons in other countries today, including England and the United States. Disease, dearth, and death were rampant in republican spaces of confinement, an observation which extends not only to the penal regimes of other countries between the two World Wars, but also to the poor and unemployed who eked out a miserable living outside the prison walls.³⁴ Designed to replace “feudal” and “cruel” forms of physical punishment that were deemed to be incompatible with a modern mode of governance, the custodial sentence around the globe produced its own set of problems that penologists have not been able to solve to this day, including recidivism.

The republican prison, moreover, was both radically modern and remarkably traditional. Imprisonment in republican China was a new instrument of law used to pursue a more traditional vision of an ordered and cohesive social body governed by the rule of virtue. 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. Based on the idea of reformation, the custodial sentence was part of a global movement towards penal reform and a local reconfiguration of a more traditional faith in the transformative capacity of education. In resonance with the Mencian view of human nature as inherently good and profoundly malleable, the notion of reformation sustained the belief that criminals could achieve individual self-improvement through proper institutional guidance. As correct behavior was of paramount importance in the moral education of subjects, the emulation of models was a dominant pedagogical strategy in the republican period. Model prisons were thus the microcosm of an exemplary society in which the emulation of models—whether in the school, the factory, or the army—was seen simultaneously as a mission of educative transformation, a project for social discipline and a strategy of economic development. The conformity inherent in this worldview suited the political elites who wielded the power to define models in the first place. It also corresponded to a particular social structure in which a highly educated elite viewed the rest of the population as illiterate, backward, and superstitious. This strong elitist bias was reflected by a paternalistic approach that aimed to reform, correct, guide, and educate the paupers who had strayed on the path of crime: the exemplary prison director should act towards his prisoners as a caring father towards his obedient sons. Punitive yet benevolent, like the state, he reformed while he punished.

³⁴ See Dikötter, *The Promise of Repentance*.

Glossary

bijiao	弼教	shanmianxing	扇面形
chengfabiao	懲罰表	shangyubiao	賞與表
chixing	笞刑	shaonianjian	少年監
Dai Hongci	戴鴻慈	shenfen guanxi yilan biao	身份關係一覽表
dao yi	道一	Shen Jiaben	沈家本
fajin	罰金	shenlibaio	身歷表
Faquan taolun weiyuanhui	法權討論委員會	shenti shibie biao	身體識別表
fanxingyuan	反省院	shichabiao	視察表
fengrenyuan	瘋人院	shizixing	十字形
gai e wei shan	改惡為善	shuxinbiao	書信表
ganhua	感化	tanyong	痰壅
ganhua zhi di	感化之地	Wang Yuanzeng	王元增
gandong	感動	wei tianxia zhi mofan	為天下之模範
guanqie	慣竊	wenming yeman	文明野蠻
guoji jingzheng	國際競爭	xingzhuanglu	行狀錄
heyou	和誘	Yan Jingyue	嚴景耀
Jingshi fenjian	京師分監	yitu xingqie	意圖行竊
juyi	拘役	youqi tuxing	有期徒刑
kongqi liutong	空氣流通	you xiangdang shenfen zhe	有相當身份者
kuren ruren	苦人辱人	Zanxing xinlü	暫行心律
mingxing bijiao	明刑弼教	zhangze	掌責
Ogawa Shigejirō	小河滋次郎	zhixingshu	執行書
pinmin jiaoyangyuan	貧民教養院	zhuanhua	轉化
qinzhān	侵佔	ziyouxing	自由刑
renxiangbiao	人相表	zuoyebiao	作業表