GRAFTING JUSTICE: CRIME AND THE POLITICS OF PUNISHMENT IN KOREA, 1875-1938

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAI‘I IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

HISTORY

DECEMBER 2011

By
Michael L. Sprunger

Dissertation Committee:

Theodore Jun Yoo, Chairperson
Mark McNally
Peter Hoffenberg
Liam Kelley
Lonny Carlile

Keywords: Korea, Justice, Crime, Punishment, Colonialism
ACKNOWLEDGMENTS

Where three walk together, one will be my teacher.

—Confucius, The Analects

This project is the culmination of many years of wandering, wondering, and learning, and has benefitted from the help of countless teachers and friends that have been gracious enough to walk with me along various parts of the journey. Without their knowledge, encouragement, and friendship, this project could never have been completed.

To my advisor, Professor Theodore Jun Yoo, I offer my deepest gratitude for unwavering support, for encouraging me to seize every available opportunity, and for challenging me to see the world in new and different ways. This dissertation owes a great debt to his enthusiasm, perspective, and scholarship. I would also like to thank Professors Peter Hoffenberg and Mark McNally, who have both graciously given their sustained support and guidance to both this project and to my development as a scholar and an individual. Professors Liam Kelley and Lonny Carlile generously gave of their time, asking important questions and offering valuable feedback.

My interest in Korea was stoked by many wonderful teachers along the way. Professor Mark Peterson introduced me to Korean Studies, allowing me to literally walk (and sometime run) with him through the Korean countryside, and always freely sharing his incredible enthusiasm for and knowledge of Korean history. I would not have pursued this course in life, much less this project, without his inspiration. At the University of Hawaii, Professor Hugh Kang was particularly warm, encouraging, and insightful; many of his insights grace these pages. Professor Edward Shultz was a wonderful M.A. advisor,
and has been a constant source of support over the years. Professor Sharon Minichiello graciously supported my study of Japanese as well as Japanese history, and Kakuko Shoji (Shoji Sensei) was incredibly generous with her time and patient with my Japanese as she tutored me through many of the sources used here.

This study has also benefitted greatly from friends and scholars in Korea. In my many trips to Korea, Professor Jung Yo-Keun has repeatedly helped me land on my feet, taking precious time away from his family and work to get me oriented. Professor Kwon Tae-Eok at Seoul National University has repeatedly offered his advice and assistance in locating and gaining access to important sources, and graciously provided a university affiliation for my Fulbright research. Professor Chulwoo Lee at Yonsei University has also been extremely kind, helping me coordinate my research agenda and introducing me to Korean scholars with similar research interests.

Special thanks to Mrs. Shim Jai-Ok, and to all the staff at the Korean-American Education Commission in Seoul, for providing wonderful support to me and my family while we were in Korea on a Fulbright Junior Research Fellowship from 2008-2009. Likewise, Kim Ha-jŏng at the Korea Foundation was extremely helpful and supportive of my studies and research while I was on a Korea Foundation grant from 2007-2008. I would also like to thank all our wonderful friends at Catholic University in Bucheon. Nico and Corien le Roux were “fantastic” neighbors who made us feel instantly at home in Korea, and Gord Sellar, Alex Guillos, Mark Ancliff, Jin Lee, and Sarah Calderwood provided endless hours of intellectual discussion, companionship for me and my wife, and many, many good times. While at Catholic, we were also truly blessed to meet
Professor Dimitri Lazo and his wife, Diane, who instantly became surrogate grandparents to our newborn son and supportive friends and mentors to us. Dimitri has graciously shared the wisdom of many years of teaching and has provided much appreciated counsel on my professional development. Younjoo Heo and Ji Hyun Park, two students at CUK, provided valuable assistance to me in my research, for which I am most grateful.

In Japan, Professor Matsuda Toshihiko at Nichibunken in Kyoto has repeatedly helped me locate sources for my research, freely sharing knowledge gained through years of dedicated research. In addition, I must thank all the teachers and staff at the Inter-University Center for Japanese Language Studies in Yokohama for their tireless dedication and personal support of me in my quest to gain competency in Japanese. Kushida Kiyomi, Aoki Soichi, Matsumoto Takashi, and Sano Hiromi were particularly generous with their time and attention. My participation in that program was made possible by an extremely generous grant from the Blakemore Foundation, to which I am also most grateful.

This project has also benefited greatly from the helpful comments of friends and scholars in the United States. Many thanks to the participants at the 2008 SSRC Korean Studies Dissertation Workshop, all of whom made important comments that helped frame this dissertation. Special thanks to the faculty mentors of that program, Professors Nancy Abelman, Kyung Hee Choi, Jae-Jung Suh, and John Duncan, who generously gave of their precious summer time. I also received valuable feedback on parts of this project from Professors Louise Young and Elise Tipton at the 2010 AAS Conference, and from Professors Wesley Sasaki-Uemura, Mamiko Suzuki, Janet Theiss, and Bob Goldberg at
the University of Utah. Special thanks to Kaori Nakata and Joseph Dreher for providing valuable help with difficult Japanese sources, and to Jerry Klena, who has helped me with this project in innumerable ways and has become and remains a true and dear friend.

This project was generously supported by a Fulbright Junior Research Fellowship and a Dai Ho Chun Dissertation Write-up Grant. Special thanks to Professors Janet Theiss, Jim Lehning, Bob Goldberg, and to the Tanner Humanities Center at the University of Utah for hosting me while I began the writing process. Thanks also to my colleagues at Eckerd College, where I spent the past year, and to my new colleagues at Hendrix College, for their encouragement and support.

Finally, this has been very much a family endeavor. To my wife, Gwen, thank you for your patience, for being my partner in a long, globe-trotting journey, for making countless sacrifices, and for being a wonderful friend, wife, and mother. To Brian, thank you for your patience, you are an amazing child and great companion. To my father and mother, Ron and Judy Sprunger, and my siblings, Bill, Lisa, and Suzy, thank you for your never ending support, your unconditional love, and for welcoming us home whenever we were not “in Korea.” Special thanks to my parents for welcoming us into their home for an entire year of this project, and to my in-laws, Tom and Susan Stockwell, for their incredible support, including flying out separately to help with babysitting, with Susan staying more than a month! Thanks also to my mother, Judy, and my sister, Suzy Cox, for last minute help that made it possible to finish. Finally, thank you Dad for being my reader, discussant, partner, and supporter throughout this process. I would not have finished without you.
This dissertation examines changing forms, functions, and meanings of punishment in Korea from the late nineteenth century through the late 1930s. In particular, it seeks to understand how various and often competing political and economic interests, conceptions of crime and proper punishment, and penal technologies and practices interacted in Korea to shape the emergence of a system of confinement-based punishment. While this process coincided with and was clearly affected by Korea’s colonization by Japan, it is argued that punishment in Korea during these years should not be reduced to the simple function of political instrumentality, but can better be understood as a complex social institution. The various forms, functions, and meanings it displayed over time can only be understood in light of the complex and contradictory forces shaping them. Specifically, this study examines the process by which penal authority in Korea was gradually usurped by the Japanese and subsequently contributed to Korea’s formal colonization; how Japanese claims to a penal civilizing mission were constructed, contested, and qualified; how principles of rehabilitative punishment were put into practice and affected by new theories of criminality; and the ways in which colonial punishment was experienced, contested, and negotiated at the human level in colonial Korea.
TABLE OF CONTENTS

ACKNOWLEDGMENTS .......................................................................................................................... iii
ABSTRACT ........................................................................................................................................ vii
LIST OF TABLES ............................................................................................................................... x
LIST OF FIGURES ............................................................................................................................. xi
CHAPTER 1: INTRODUCTION ........................................................................................................... 1
  A New Prison ................................................................................................................................... 1
  Grafting Justice ............................................................................................................................. 6
  Historiography .............................................................................................................................. 17
  Chapter Outline ............................................................................................................................ 23
CHAPTER 2: COLONIZING PUNISHMENT, 1875-1910 ............................................................... 27
  Introduction ................................................................................................................................... 27
  Punishment in the Chosŏn Dynasty ............................................................................................. 32
    The Punishments ......................................................................................................................... 35
    The Logic of Punishment ........................................................................................................... 41
    Punishment and Confucianism ................................................................................................. 43
    Punishment, Society, State ........................................................................................................ 52
  Korean Crime and Punishment in the Traveling Gaze .............................................................. 53
    Korea as the Wild East .............................................................................................................. 55
    A Most Shocking Spectacle ....................................................................................................... 58
  Prisons ........................................................................................................................................... 60
    Fearful Tortures .......................................................................................................................... 61
    Arbitrariness and Corruption ................................................................................................. 63
    A Low Sense of Morality .......................................................................................................... 64
    Accuracy and Representation ................................................................................................. 69
  Colonizing Punishment ................................................................................................................. 70
    Observing Reform .................................................................................................................... 70
    Korean Reform Efforts ............................................................................................................. 73
    Conclusion .................................................................................................................................. 82
CHAPTER 3: CIVILIZING PUNISHMENT, 1905-1920 ................................................................. 89
  Introduction ................................................................................................................................... 89
  Civilizing Codes ............................................................................................................................ 97
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Revising the Korean Penal Code</strong></td>
<td>97</td>
</tr>
<tr>
<td></td>
<td><strong>Extending the Japanese Code</strong></td>
<td>104</td>
</tr>
<tr>
<td></td>
<td><strong>Civilizing Prisons</strong></td>
<td>113</td>
</tr>
<tr>
<td></td>
<td><strong>Building Prisons</strong></td>
<td>117</td>
</tr>
<tr>
<td></td>
<td><strong>Humane Treatment</strong></td>
<td>128</td>
</tr>
<tr>
<td></td>
<td><strong>Budgeting Civilization</strong></td>
<td>132</td>
</tr>
<tr>
<td></td>
<td><strong>Civilizing Flogging</strong></td>
<td>138</td>
</tr>
<tr>
<td></td>
<td><strong>Conclusion</strong></td>
<td>155</td>
</tr>
<tr>
<td></td>
<td><strong>CHAPTER 4 : REFORMING PUNISHMENT, 1920-1941</strong></td>
<td>165</td>
</tr>
<tr>
<td></td>
<td><strong>Introduction</strong></td>
<td>165</td>
</tr>
<tr>
<td></td>
<td><strong>Reforming Prisons</strong></td>
<td>172</td>
</tr>
<tr>
<td></td>
<td><strong>The Korean Prison Ordinance and Criminal Reform</strong></td>
<td>173</td>
</tr>
<tr>
<td></td>
<td><strong>Constructing Reformative Prisons</strong></td>
<td>184</td>
</tr>
<tr>
<td></td>
<td><strong>Training Prison Personnel</strong></td>
<td>189</td>
</tr>
<tr>
<td></td>
<td><strong>Reforming Criminals</strong></td>
<td>199</td>
</tr>
<tr>
<td></td>
<td><strong>Korean Environment, Korean Crime</strong></td>
<td>204</td>
</tr>
<tr>
<td></td>
<td><strong>Debating Korean Criminality</strong></td>
<td>214</td>
</tr>
<tr>
<td></td>
<td><strong>Conclusion</strong></td>
<td>221</td>
</tr>
<tr>
<td></td>
<td><strong>CHAPTER 5 : NEGOTIATING PUNISHMENT</strong></td>
<td>226</td>
</tr>
<tr>
<td></td>
<td><strong>Introduction</strong></td>
<td>226</td>
</tr>
<tr>
<td></td>
<td><strong>Negotiating Prison Conditions</strong></td>
<td>231</td>
</tr>
<tr>
<td></td>
<td><strong>Negotiating Everyday Life</strong></td>
<td>239</td>
</tr>
<tr>
<td></td>
<td><strong>Resisting Punishment</strong></td>
<td>248</td>
</tr>
<tr>
<td></td>
<td><strong>Negotiating Public Opinion</strong></td>
<td>253</td>
</tr>
<tr>
<td></td>
<td><strong>Prisons in the Public</strong></td>
<td>254</td>
</tr>
<tr>
<td></td>
<td><strong>Prisons and the Press</strong></td>
<td>258</td>
</tr>
<tr>
<td></td>
<td><strong>Conclusion</strong></td>
<td>264</td>
</tr>
<tr>
<td></td>
<td><strong>CONCLUSION</strong></td>
<td>266</td>
</tr>
<tr>
<td></td>
<td><strong>BIBLIOGRAPHY</strong></td>
<td>274</td>
</tr>
</tbody>
</table>
### LIST OF TABLES

Table 2-1. The Punishment of Slander as Prescribed by Chosŏn Penal Codes .......... 47

Table 3-1. Government Expenditures on “Law Courts and Prisons,” 1905-1938 ........ 127

Table 3-2. Flogging, 1911-1918. ........................................................................... 148

Table 4-1. Daily Schedule, Kwangju Prison, 1933 ................................................. 185

Table 4-2. Government-General Prisons, 1910-1937 ........................................... 188
LIST OF FIGURES

Figure 1-1. Blueprint for Convict Ward at Kyŏngsŏng Prison (1908). ................................. 4

Figure 1-2. Kyŏngsŏng Prison Compound (1908). ............................................................. 4

Figure 3-1. Flogging Table. .............................................................................................. 91

Figure 3-2. Keijō Prison Central Guard Station................................................................. 115

Figure 3-3. T'aep'yŏngdong Prison Annex. ................................................................. 122

Figure 3-4. Exercise Ground at Sŏdaemun Prison............................................................ 130

Figure 4-1: Total Number of Crimes per Year in Korea, 1912-1929 ......................... 207

Figure 4-2: Incidents of Major Crimes per Year in Korea, 1921-1929 ....................... 210

Figure 4-3: Incidents of Theft, Usurpation, and Violations of Administrative Laws per Year in Korea, 1921-1929 ......................................................... 211
CHAPTER 1: INTRODUCTION

A New Prison

On 21 October 1908, a new prison opened in Seoul. Perched in the hills just above Korea’s magnificent Independence Gate (Tongnimmun), the sprawling new prison was originally dubbed Kyŏngsŏng (Seoul) Prison, but would later be renamed “Sŏdaemun,” after the Great West Gate to the city, near which it was located. This structure would become one of the most recognizable and enduring symbols of Japanese colonial rule in Korea. When it first opened, however, it was heralded by some as a long-awaited, state-of-the-art penal facility—a realization of efforts to “civilize and enlighten” Korea. Others decried it as a “flawed” and “shabby” imitation.

Kyŏngsŏng Prison was designed by Shiōden Kazuma, an experienced prison warden in Japan, at the request of Maruyama Shigetoshi, the powerful, recently-appointed head of the Korean Metropolitan Police Department (Kyŏngsich’ŏng), and right-hand man of the Japanese resident-general in Korea, Itō Hirobumi. Ground was broken for the new prison in 1907, and construction completed by late summer the

---

1 Ministry of Justice Notice (Kosi) #8, “Kyŏngsŏng kamok ijŏn kŏn” [Articles Related to the transfer of Kyŏngsŏng prison], 21 October 1908, in Kwanbo 4209 (23 October 1908).

2 For various appraisals of the prison, see “Kamok sŏlbi ŭi sibi” [Dispute over prison facilities], Hwangsŏng sinmun, 22 October 1908; Nakahashi Masakichi, Chōsen kyūji no keisei [Penal administration in ancient times in Korea] (Keijō: Chikei Kyōkai, 1936), 127; H.I.J.M.’s Residency General, Second Annual Report on Reforms and Progress in Korea (1908-1909) (Seoul, 1909), 30.

3 According to one account, Maruyama anticipated an increasing number of convicts as Japanese tutelage led to social and institutional progress in Korea, and “advised” that the prison be built to accommodate them. See Nakahashi Masakichi, Chōsen kyūji no keisei, 127. For more on Maruyama’s role in Korean affairs at this time, see Matsuda Toshihiko, Governance and Policing of Colonial Korea, 1904-1919, Nichibunken Monograph Series No. 12 (Kyoto: International Research Center for Japanese Studies, 2011), Chapter 1.
following year. The total cost of construction was nearly 50,000 wŏn to the Korean government, a massive sum considering the fact that the budget for law courts and prisons that year was just ¥183,000 (see Table 3-1).\(^4\)

Korea was not a formal colony of Japan in 1908. It had been a protectorate for three years, during which time the Japanese residency-general in Korea (tōkanfu), originally charged with handling Korea’s foreign relations, had gradually extended its control over other areas of Korean government. In 1907, in the wake of international embarrassment when Korean delegates showed up and asked to be seated at an international conference at the Hague, the Japanese had strengthened their control over Korean foreign and domestic affairs, inserting hundreds of Japanese advisors into all ministries of the government, disbanding the Korean army, and forcing Emperor Kwangmu (King Kojong) to abdicate the throne to his mentally frail son, Sunjong. Within a year, Korea would “entrust” control of its judicial and penal system to Japan; in two, it would be formally colonized.

Kyŏngsŏng Prison opened in the midst of this turbulent political milieu. It was, without question, a novel facility in Korea. There were initially three separate wards, each with its own building: one for male convicts, one for male suspects awaiting trial or sentencing, and one, much smaller ward for female convicts and remanded suspects.\(^5\) The convict ward for males was built in the shape of a “T”, with three two-story cell blocks

---

\(^4\) Nakahashi Masakichi, Chōsen kyūji no keisei, 127. The Korean wŏn had been on the gold standard since 1901, and was equal in value to the Japanese yen. The high cost of establishing its judicial and penal system, including building new prisons and courthouses, forced the Korean government to accept a massive, “interest-free” loan from Japan in 1907. See Government-General of Chosen, Third Annual Report on Reforms and Progress in Korea (1909-1910) (Seoul, 1910), 33.

extending out from a central guard station (See Figure 1-1). Each block featured a long hallway, flanked on either side by cells on both floors. Access to second floor cells was provided by a narrow catwalk, making their doors observable by warders on the ground floor. Colonial penal officials would later boast that this radial design was optimal for patrol, surveillance, the circulation of air, and ventilation.  

In addition to these cell blocks, the new prison featured office buildings, two separate medical wards (one for “ordinary patients” and a quarantine for patients with contagious diseases), workshops, a chapel, and a small, separate building for executions. All told, the new prison boasted more than 1,600 square meters of cell space, and more than 1850 square meters total building space, easily dwarfing the combined size of the eight prisons operating throughout the peninsula prior to its opening.

Most of these other prisons were, in fact, small jailhouses (ok) attached to various government buildings, often consisting of just “a few ondol rooms,” with “no proper facilities for guards.” In terms of capacity, Kyŏngsŏng marked a new standard as well, opening with a maximum capacity of 500 inmates, while its predecessor in Seoul, the ancient Chŏnoksŏ, accommodated less than 200.

---

6 Nakahashi Masakichi, *Chōsen kyūji no keisei*, 127-128.

7 Prior to the opening of Kyŏngsŏng Prison, the area of cell space in all eight prisons in Korea totaled less than 970 square meters. See Cho Yun-sŏn, “Chosŏn hugi hyŏngjo wa chŏnoksŏ ŭi kujo wa ómmu” [The Structure and Operation of the Ministry of Punishments and Chŏnoksŏ in Late-Chosŏn], *Pŏpche yŏn'gu* 24 (June 2003): 308.

8 Nakahashi Masakichi, *Chōsen kyūji no keisei*, 125-126. Traditional Korean ondol rooms were heated by a system of flues running under the floor.

9 Cho Yun-sŏn, “Chosŏn hugi hyŏngjo wa chŏnoksŏ ŭi kujo wa ómmu,” 308. It should be noted that by the end of October, Kyŏngsŏng Prison was already well over capacity with a total of 835 prisoners. See Nakahashi Masakichi, *Chōsen kyūji no keisei*, 125-126.
Figure 1-1. Blueprint for Convict Ward and Female Remand/Convict Ward at Kyŏngsŏng Prison (1908). *Source:* "Kyŏngsŏng kamoksŏ pusok kigyŏlsu kambang kŭp migigyŏl yŏgam sinch'ukdo-1," National Archives of Korea, Colonial Era Blueprints Collection (Ilche sigi kŏnch'uk tomyŏn k'ollekshŏn).

appointed advisor in the Ministry of Justice when the prison opened, later noted that the difference between Kyŏngsŏng Prison and the other prisons then in use in Korea was like “the difference between clouds and mud” (undei no sa).10

Yet Kyŏngsŏng Prison was not perfect. Nakahashi also noted that the materials used for its construction gave it a somewhat “shabby” appearance, for example. Whereas many prisons in the Japanese mainland and even in Taiwan were constructed of stone and brick, Kyŏngsŏng Prison was originally built almost entirely of wood, with only the front wall being made of brick. Around the sides and back of the compound, the wall was wooden, though it was reinforced with massive support beams and covered with zinc sheeting. In addition, while the radial design may have been good for surveillance, it was not optimal for light, he noted, leaving cells dark even during the day. Within a few weeks of its opening, moreover, it would be filled well beyond capacity, negating many of its advantages in terms of surveillance, security, and sanitation—a state that would prevail for much of the following decades of its existence.11

Kyŏngsŏng Prison was, ultimately, a self-contradictory institution. It was certainly new; yet it was already backward. It was officially a Korean prison; but it was designed by a Japanese architect based on internationally prevailing penological models. It was financed by the Korean government—with funds borrowed from Japan. It was expensive; yet it was underfunded. It was massive; yet it was instantly in need of expansion. It was civilized; yet conditions inside were quite dreadful. It was, in sum, a

10 Ibid., 128. Nakahashi later became warden of P’yŏngyang Prison (1920-1923) and Keijō Prison (1923-1931).

11 Ibid., 127.
perfect reflection of the conflicting and contradictory forces competing for control over the path of penal reform in Korea in 1908.

**Grafting Justice**

This dissertation examines shifting forms, functions, and meanings of criminal punishment in Korea from the late nineteenth century through the late 1930s. In particular, it seeks to understand how various and often competing political and economic interests, conceptions of crime and proper punishment, and penal technologies and practices interacted in Korea to shape the emergence of a system of confinement-based punishment and the principles upon which it was founded. While this process coincided with and was clearly affected by Korea’s colonization by Japan, I argue that punishment in Korea during these years should not be reduced to the simple function of political instrumentality, but can better be understood, as David Garland suggests, “as a historical emergent which is also a functioning system.” The various forms, functions, and meanings it displayed over time can only be understood, like Kyŏngsŏng Prison itself, in light of the complex and contradictory forces shaping them over time.

In his sweeping study of crime and punishment in England, J.M. Beattie notes the following:

> The forms of punishment employed by a society at any one moment are shaped by a variety of interests and intentions. They arise in response to what must often be antagonistic considerations, including the framework of law, what is technologically possible, what seems desirable or necessary in the light of the apparent problem of crime, what society is willing to accept and pay

---

12. This study sees punishment as a complex social institution, which David Garland describes as a “highly patterned and organized [set] of social practices,” such as the family, the law, education, and government. See David Garland, *Punishment and Modern Society: A Study in Social Theory*, Studies in Crime and Justice (Chicago: University of Chicago Press, 1990), 282.

13. Ibid., 283.
for. Why one method of punishment loses favour over time and gives way to another is a complex question because penal methods evolve within a larger social and cultural context that in imperceptible ways alters the limits of what is acceptable and what is not.  

This study employs such a perspective in examining the institution of punishment in Korea. As Korea was colonized by Japan, the particular constellation and relative weight of forces and social patterns grounding and legitimizing punishment were altered, but punishment continued, nonetheless, to be “a complex institution built upon an ensemble of conflicting and coordinating forces, rather than the purely instrumental logic of a technical means adapted to a given end.”

Punishment in a given society is invariably a product of history. “Like all social institutions,” states Garland, “modern punishment is a historical outcome which is only imperfectly adapted to its current situation.” Korea had a long history of sophisticated approaches to defining and punishing crime well before Japan and the Western Powers forced open its ports to commerce and diplomacy in the late nineteenth century. In the years following this “opening,” foreign diplomats, missionaries, and travelers introduced principles of what they considered to be a universal system of humane, rational punishment based on secure confinement, discipline, and rehabilitation. But this did not occur in a vacuum. As one contemporary observer noted astutely, it was not possible to

---


16 Ibid.
simply “graft upon the legal procedure of one country a system of administration which
works well in another.”17

Many principles of Western, confinement- and rehabilitation-centered punishment
were indeed adopted piecemeal into Korean law, penal policy, and popular sentiment
during these years, but the system of penal policy that emerged was certainly not a facsimile
of its counterpart in Japan, much less those in the West. It was, like Kyŏngsŏng Prison
itself, an overdetermined institution, the product of a number of shifting and often
incompatible interests and objectives, which correspondingly fulfilled a variety of
functions and held multiple meanings.18 Examining punishment in these terms allows this
study to consider a number of factors shaping penality in Korea in various configurations
over time, and frees it from the binary categorizations (colonizers vs. colonized, Korean
vs. Japanese, modern vs. backward) that have limited many studies of colonial Korea and
colonialism in general.

Among such factors, Japan’s greater imperial interests loomed large. Japan’s
colonization of Korea was an important step in its emergence as a bona fide imperial
power, and Korea quickly became and remained an integral part of what Bruce Cumings
calls the “architectonic” political economy of the Japanese empire.19 In his examination

17 Angus Hamilton, Korea (C. Scribner’s sons, 1904), 107. Hamilton was a British journalist who spent
several months in Korea in 1903.

18 Peter Gay explains the Freudian concept of overdetermination as “nothing more than the sensible
recognition that a variety of causes—a variety, not infinity—enters into the making of all historical events,
and that each ingredient in historical experience can be counted on to have a variety—not infinity—of

19 Bruce Cumings, Korea’s Place in the Sun: A Modern History, Updated. (New York, London: W. W.
Norton, 2005), 163; Bruce Cumings, “The Origins and Development of the Northeast Asian Political
Economy: Industrial Sectors, Product Cycles, and Political Consequences.,” International Organization 38,
of Korea’s colonization, Peter Duus notes a number of distinct Japanese political and economic interests that converged in Korea in the early years of the twentieth century and eventually culminated in formal colonization in 1910. Such interests included what Duus calls “strategic anxiety” (i.e., security concerns), state and private economic interests, and an ongoing pursuit of international status.  

Following colonization, such interests continued, in varying combinations, to shape Korea’s role in Japan’s grand imperial scheme. Numerous studies have illustrated how changes in imperial strategy affected not just colonial policies, but also the expectations and possibilities of life in Korea. Carter Eckert has shown, for example, how changes in greater imperial economic strategy, and concomitant alterations in Korea’s role in that economy, opened up new opportunities for Korean entrepreneurs and industry; opportunities that hinged, ultimately, on developments in the greater empire.

But the effects of such shifts in imperial strategy were not limited to such directly related projects. Social institutions, such as the family, were also affected. Jun Yoo has shown, for example, how the demand for greater economic integration and mobilization of resources at the imperial level in the 1930s ultimately contributed to the shaping of family practices in Korea. This was not a simple case of cause and effect, of course. As Yoo illustrates, imperial demands were ultimately negotiated in a process that included

---


colonial administrators and researchers, Japanese and Korean social reformers, and actual Korean families.¹²

Imperial strategy in itself was, of course, rarely unified, consistent, or even coherent. As numerous studies have shown, Japan’s imperial policy-making and integration process was fraught with tension, disagreement, and ambivalence.²³ In its actual effects on colonial society, it was further mediated by a number of other interests and considerations, not the least of which being colonial administration. As has been well documented, the Korean Government-General (sōtokufū) operated quite independently from the metropolitan Japanese government, and colonial authorities were given considerable autonomy within the broad mandates laid down by the imperial government.²⁴ Governors-general of Korea, invariably high-ranking military men and statesmen, enjoyed extremely broad powers in the colony, standing as the official head of all government agencies, having the authority to personally hand down colonial legislation, answering only to the Emperor, and ruling Korea through a “large cadre of trusted, hard-working bureaucrats.”²⁵


Given such a governing structure, many have tended not only to view imperial and colonial authorities as one, but also to present the “colonial state” as a monolithic, single-minded, oppressive machine. This reflects a trend throughout colonial studies, as Ann Laura Stoler has noted, to present “colonialism and its…agents as an abstract force, as a structure imposed on local practice.”26 As Alice Conklin points out, recent concerns with revealing the agency and complexity of the colonized—an unquestionably positive corrective to colonialist narratives—has unfortunately “had the paradoxical effect of making [colonial] rule appear more monolithic and unchanging than was actually the case.”27 In such a view, punishment can only be seen as a blatant instrument of uniform colonial power. While, as we shall see, the colonial penal system was unquestionably used for such political purposes, that use was made at the considerable expense of political capital, providing fodder for challenges to the legitimacy of Japan’s colonial rule from both Koreans and foreign observers. As Garland points out, “the instrumental use of penal measures for control purposes is always in tension with social and psychological forces which place clear limits upon the types and extent of punishment which will be acceptable in any specific situation.”28 Even in colonial Korea, this would seem to hold true.

Seeing the colonial state in such static and unproblematic terms obscures the complex negotiations that truly characterized colonial cultures, and may give undue

---


28 Garland, Punishment and Modern Society, 164.
coherence to colonial programs, which were, as Nicholas Thomas suggests, invariably compromised by “internal contradictions” as much as “the intransigence and resistance of the colonized.”29 In fact, the colonial bureaucracy in Korea was, as we shall see, made up of individual actors with a variety of interests, intentions, and motives; and colonial decision-making, like its imperial counterpart, was often characterized by conflict and compromise more than unity and efficiency.

On the whole, colonial bureaucrats in Korea earned a reputation throughout the empire for their professionalism and competence, but they were never mere instruments of colonial power.30 Many colonial penal administrators, as we shall see, were ambitious, optimistic professionals who believed in both the efficacy of modern punishment to better society and in their ability to govern and improve, perhaps even “civilize,” Korea; others were unquestionably violent, brutal, and racist. Recognizing the “honest and intelligent agents of colonialism” alongside the “crooks and brutal exploiters,” as Johannes Fabian suggests, may allow us to more realistically assess the tensions inherent in, and the compromises made by, colonial punishment.31

Such tensions often manifested themselves in the competition between colonial administrators for limited financial resources. Budgetary restrictions have always been the bugaboo of penal reformers and administrators everywhere, but no doubt tended to play an outsize role in colonized societies. Given a limited budget and expected to show

profit, colonial regimes around the world, as Lauren Benton has noted, sought at once “to limit the costs of judicial administration and to extend jurisdiction over European settlers and agents, and their allies.”

The settlement of such conflicting mandates was often more complex than some studies have portrayed. In his examination of punishment in French colonial Indochina, for example, Peter Zinoman blames the emergence of a “hybrid prison system” on the “extremely tight-fisted” and “essentially racist orientation of the colonial state.” Such tight-fistedness, coupled with racially-informed doubts about the effectiveness of incarceration on “natives,” led French officials, he claims, to quickly abandon essential principles of rehabilitative confinement, with disastrous effects. Without doubt, as Taylor Sherman notes in her recent book on punishment in colonial India, it was difficult for colonial administrators “to square the demands of imperial economy designed to extract economic benefit from the colonies with the ideological promise of the civilizing mission which necessitated investment.” As she further points out, however, the resulting policy was not necessarily, or even usually, the product of wholesale abandonment of principles as much as it was “dictated by a desire to find a compromise within the administration.”

---


Ideological factors were also important in the shaping of punishment in Korea. For example, the Japanese, like other imperial powers, justified their colonization of Korea in terms of a civilizing mission.\(^{35}\) In the realm of punishment, colonial officials celebrated their efforts to eliminate cruel, arbitrary punishments, rationalize penal codes, and construct sanitary prisons as part of a greater civilizing mission in Korea.\(^{36}\) Most studies of colonial Korea have tended to dismiss such claims as “flowery rhetoric” or simple pretense for more bald colonial ambitions.\(^{37}\) Doing so, however, prevents us from considering the relevance of such ideas to colonial officials, many of whom seem to have truly believed in their moral responsibility as civilizers, and to the colonial public.\(^{38}\) Examining such rhetoric may also help us understand the force of “civilization,” and later “reform,” as claim-making devices that were deployed by colonial officials, but often contested and challenged by the colonial public, foreign missionaries and diplomats, and even prisoners.

Inextricably tied to the idea of Japan’s civilizing mission were, of course, hierarchical notions of racial aptitude, and in the case of punishment, rehabilitative potential. Many aspects of penal policy-making and actual practice in colonial Korea were, without question, thoroughly affected by notions of race and difference. In the early

---


\(^{36}\) See, for example, the well-illustrated Chōsen Sōtokufu Hōmukyoku Gyōkeika, *Chōsen no gyōkei seidō* [The Penal Administration System in Korea] (Keijō: Chōsen Chikei Kyōkai, 1938).


years of colonial rule, for example, certain punishments were reserved for Koreans that were not applicable to Japanese or foreign convicts. In the everyday operation of prisons as well, differential treatment was often based on race, and tensions between Korean prisoners and Japanese guards and/or prisoners often erupted into violent conflicts. But we should not assume from such examples, as many have, that racism was simply a “built in and natural product of [the colonial] encounter.” As Stoler reminds us, “the quality and intensity of racism vary enormously in different colonial contexts and at different historical moments.”39 In Korea, as we shall see, differential treatment rarely went uncontested, and simple racial divisions were not absolute. Furthermore, Japanese administrators were certainly not unified or static in their views of racial difference or potential. Rather than a simple “rule of difference,” which Partha Chatterjee has argued lies at the heart of colonialism, the relationship between race and punishment in colonial Korea often exhibited what Frederick Cooper calls a “politics of difference,” in which “the meanings of difference were always contested and rarely stable.”40

Another important ideological factor considered here is the international development of penology and criminology. The period under study coincides with the rise of penal science in Germany and the birth and development of criminal anthropology and sociology in Europe and the United States. These positivistic and optimistic new sciences were embraced by colonial penal officials and by both Japanese and Korean penal reformers in the 1920s and 1930s, prompting large-scale studies of Korean


40 Frederick Cooper, Colonialism in Question: Theory, Knowledge, History (Berkeley: University of California Press, 2005), 23.
criminals in search of the origins of Korean crime. The results of these studies were not terrifyingly flattering of Japanese colonial rule, pointing to the need for more individualized treatment of criminal offenders on the one hand, and to the need for broader policies to improve conditions in Korean society on the other; both were expensive propositions. But these studies also, inadvertently perhaps, contributed to a distillation of particularly Korean forms of crime and criminality, based not just in the current conditions of Korean society, but also in Korean customs and culture. Both of these results, as we shall see, had important consequences for penal policies and practices in the 1930s.

Finally, this study draws attention to the role of sub-state actors in the negotiation and shaping of punishment in colonial Korea. “Punishment,” notes Garland, “may be a legal institution, administered by state functionaries, but it is necessarily grounded in wider patterns of knowing, feeling, and acting, and it depends upon these social roots and supports for its continuing legitimacy and operation.” Even in colonial Korea, where the state enjoyed particular strength backed by efficient coercive mechanisms, such as a massive police force, actors with no or only weak ties to the colonial government played important roles in the contestation and negotiation of penal policies and practices and in the conceptualization of crime and effective punishment. Such actors included transnational figures, such as missionaries and travelers, as well as Korean journalists, scholars, and lawyers. From the 1920s on, these latter groups often acted through formal organizations or through the press, mobilizing public opinion for penal reform, publicizing major incidents, and challenging the government’s claims of penal modernization.

In addition, this study considers the role of prisoners in the contestation and negotiation of penal policies and practices. Despite the harsh conditions of their confinement, “prisoners were never,” as Frank Dikötter notes, “the passive subjects of a great ‘disciplinary project’ or a ‘civilizing process.’” Nor were they, of course, unified, self-conscious resistors of colonial rule, as some have portrayed them. As with the other factors considered in this study, prisoner resistance took a variety of forms, from individual belligerence and covert resistance, to hunger strikes, riots, escape attempts, and suicides. While such resistance was sometimes motivated by ideological beliefs, prisoners were most often concerned, as most human beings are, with their own safety and health. Like all aspects of punishment in colonial Korea, prisoner resistance displayed a remarkable amount of heterogeneity, conflict, and negotiation.

**Historiography**

Until the 1980s, studies of colonial Korea produced in South Korea, Japan, and the West were dominated by highly ideological histories that portrayed a monolithic Japanese colonial state “invading” and methodically exploiting Korea while ruthlessly oppressing its people. Koreans, in turn, were represented as innocent victims and staunch

---


43 See, for example, Yang Sŏng-suk, “Ilche ha sŏdaemun hyŏngmuso yŏn’gu: ŭbyŏng t’ujaeng kwa 105 in sagŏn ūl chungsim ŭro” [A Study of Sŏdaemun Prison under Japanese colonial rule with a special focus on the struggle of Righteous Soldiers and the 105 Incident] (Ph.D. diss., Sung Shin Women’s University, 2006).
nationalist resistors.\textsuperscript{44} For Korean historians, such depictions were emblematic of what Bruce Cumings has called “a collective revulsion at the memory of the colonial period,” part of a “curious pattern of surface rejection in toto of everything that the Japanese did, combined with \textit{de facto} adoption of many Japanese practices.”\textsuperscript{45} While these histories constituted important correctives to the colonialisat narratives they sought to replace, the dichotomies they drew between Japanese colonizers and colonized Koreans were so rigid that they did not allow for meaningful interaction between or among these groups, reducing both sides to mere caricatures. They thus did little to illuminate the complex realities of colonial Korean society, suggesting instead that Japanese colonial rule in Korea had simply delayed natural Korean development and had left no significant legacy.

This last point began to be challenged as South Korea emerged as an industrial power in the 1980s, and scholars reconsidered the relationship between colonialism and development in Korea.\textsuperscript{46} By the 1990s, An Pyŏng-jik, Carter Eckert, and Bruce Cumings, among others, began to challenge the commonly held assumption that Japanese colonialism had interrupted Korean economic and social development, suggesting instead


that Korea’s capitalist development was part and parcel of its colonial experience. Rather than ignore or deny development during the colonial period, these scholars tried to understand the ways in which colonialism had mediated that development.47

Acknowledging the role of Korea’s colonial experience in its industrial development led historians and sociologists to further interrogate various aspects of Korea’s “colonial modernity”; that is, to consider how colonialism had affected Koreans’ experiences of “modernity,” including industrial and technological development, but also the formation of identities (national, class, gender) and the exercise and experience of power.48 The goal of this approach, according to Gi-Wook Shin and Michael Robinson, was to “challenge the simplistic binary of colonial repression/exploitation versus Korean resistance by attending to the interworkings of colonialism and modernity as well as to multiple representations of the national community.” Such a perspective promised to shift the focus from “a uniquely coercive Japanese political repression, economic exploitation, and its debilitating cultural policies” to “more complicated historical processes that emerged in this period.”49

While an emphasis on Korea’s “colonial modernity” risks essentializing a standard experience of “modernity” against which to judge the “colonial” aspects of the

---


Korean experience, it has nonetheless helped break down essential categories and privileged narratives of earlier approaches and, especially with the introduction of post-structuralist theories to South Korea and the translation of key texts into Korean in the 1990s, has led to a more nuanced examination of the colonial period by South Korean, Japanese, and Western scholars. These approaches have recently produced significant studies on such topics as the construction of gender, modern subjectivity, and the experience of everyday life in colonial Korea. It should be noted that there has been considerable resistance to these approaches among South Korean historians. This has meant that engagement with the colonial period among South Korean academics has been dominated by sociologists.

Another recent strand in the historiography of colonial Korea has attempted to better connect Japanese imperial political economy with events and interests in its colonies. Spurred on by critics, such as Andre Schmid, recent studies have done much to reveal intimate political, economic, and cultural connections between Japan’s metropolitan experience and its colonies. Such studies seek, as Jun Uchida notes, “a

---

50 For an excellent critique of “colonial modernity” in these terms, see Cooper, *Colonialism in Question*, 142-148.


52 See, for example, To Myŏn-hoe, “Singmin juŭi ka nuraktoen ‘singminji kûndaesŏng’” [“Colonial modernity” without the colonialism], *Yŏksa munje yŏn’gu* 7 (2001).

more dynamic, multidimensional, and comprehensive analysis of empire by taking account of political economy as well as culture, the coercive structures of colonialism as well as the globalizing and hegemonic effects of modernity,” and allowing for interaction at the political, economic, and personal levels.54

The study of crime and punishment in colonial Korea has followed a similar pattern. Most studies that have dealt with this topic have focused almost exclusively on the oppressive function of the penal system and on the single-minded resistance of Korean nationalists imprisoned in colonial prisons.55 Many studies on Korean penal history until the 1990s, in fact, avoided the colonial period altogether, or treated it only dismissively, focusing instead on reclaiming a narrative of Korean penal progress prior to colonization.56 The influx of new perspectives on the colonial period (i.e., “colonial modernity”) and the translation of important post-structuralist works into Korean in the 1990s led scholars (especially sociologists) to reexamine crime and punishment in the


55 See, for example, See Yang Sŏng-suk, “Ilche ha sŏdaemun hyŏngmuso yŏn’gu: ŭibyŏng t’ujaeng kwa 105 in sagŏn ŭl chungsim ŭro” [A Study of Sŏdaemun Prison under Japanese Colonial Rule with a special focus on the Struggle of Righteous Soldiers and the 105 Incident] (Ph.D. diss., Seoul: Sung Shin Women’s University, 2006); Kang Man-gil, “Singminji sidae wa pundan sidae minjok ŭi kot’ong ŭl chungŏnhanŭn Sŏdaemun hyŏngmuso” [Bearing Witness to the Travails of the Nation during the Colonial Period and Era of Division], Sahoe wa sasang (1989).

56 Many of these works were encyclopedic, attempting to reestablish Korea’s penal history via empirical data. See, for example, Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo ŭi yŏn’gu [A Study of the Chosŏn Dynasty Penal System] (Seoul: Pagyŏngsa, 1974); Kwŏn In-ho, Haenghyŏngsa [History of punishment] (Seoul: Kungmin sŏgwan, 1973); Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyojŏngsa [History of Corrections in Korea] (Seoul: Pŏmmubu, 1987). Other studies compared Korean penal history to Western penal norms. See William Shaw, Legal Norms in a Confucian State, Korea Research Monograph (Berkeley: Institute of East Asian Studies, University of California, Center for Korean Studies, 1981); Sim Chae-u, Chosŏn hagi kukka kwŏllyŏk kwa pŏmchoe t’ongje: Simnirok yŏn’gu [State Power and Crime Control in Late Chosŏn: A Study of the Simnirok] (Seoul: T’aehaksa, 2009). Finally, some scholars attempted to locate traces of native Korean penal modernization in its pre-colonial past. See Im Chae-p’yo, Chosŏn sidae haenghyŏng chedo e kwanhan yŏn’gu: hyurhyŏng ŭl chungsim ŭro [A study of the Chosŏn penal system focusing on humanitarian punishments] (Seoul: Han’guk hyŏngsa chŏngch’aek yŏn’guwŏn, 2000).
colonial period utilizing these new perspectives.\textsuperscript{57} Perhaps most significant has been the work of Yi Chong-min. In his dissertation and a number of published articles, Yi describes the development of “modern punishment” in the West, its adoption and adaptation in Japan, and its transplantation to Korea, arguing that the so-called modern penal system the Japanese established in Korea was ultimately the product of not one translation, but two: the Japanese significantly altered Western (i.e., modern) penal institutions and practices as they adopted them in their own country, he contends, then altered them again as they transplanted them to Korea.\textsuperscript{58} While Yi makes assumptions about the fixity of penal “modernity” and the coherence of the colonial state that prevent him from moving beyond an overly dichotomized view of colonial Korean society, his work is valuable as the first comprehensive study of the colonial penal system. Other South Korean scholars have recently begun to examine the relationship between colonialism and crime as well, focusing, for example, on the analysis and representation of certain crimes during the colonial period.\textsuperscript{59}

\textsuperscript{57} Particularly important, in this case was the translation of Michel Foucault’s \textit{Discipline and Punish} in 1994.


\textsuperscript{59} See, for example, Hong Hyang-hŭi, “Singminji chosŏn ūi ponbu sarhae sagon kwa chaehyŏn ūi chŏngch’ihak” [Cases of husband murders and the politics of representation in colonial Korea], \textit{Sahak yŏn’gu} 102 (2011).
This study is informed by all of these works, but adopts a more inclusive approach such as that suggested by Jun Uchida, viewing punishment in colonial Korea as a product of both imperial political economy and cultural negotiations within the colony; as an essential part of the colonial coercive apparatus, yet challenged in its claims of modernization; as the product of international criminological and penological theory, but also of quotidian exchanges between prisoners and guards.60

As Peter Gay once suggested, the basic mandate of the historian, not unlike the psychoanalyst, is to “seek complexity and tame it.”61 Punishment in colonial Korea was a complex institution, a site of constant claim-making, contestation, negotiation, and compromise. Throughout this study, rather than reduce punishment in Korea to a single origin, function, or significance, I hope, as Taylor C. Sherman has suggested, to “tease out the paradoxes, irrationalities and tensions in colonial punishment.”62

Chapter Outline

This dissertation seeks to understand how and why punishment in Korea changed from the late nineteenth century through the period of Japanese colonial rule. In order to do so, it is divided into four chapters, arranged roughly chronologically, but allowing for events, trends, and practices that might overlap artificial temporal boundaries. One of the contentions of this study is that punishment, as a social institution, was both a product of

60 See Uchida, “Brokers of Empire,” 10.


history and a site of ongoing conflict. I have arranged these chapters in the hopes of best seeing the particular concatenation of interests, forces, and conflicts shaping it over the period under study.

Following the introduction, the second chapter examines the gradual assumption of penal authority in Korea by the Japanese from the “opening” of Korea to foreign diplomacy and trade in 1876 to its annexation by Japan in 1910. After outlining the logic, institutions, and practices of punishment in the Chosŏn Dynasty (1392-1910), it traces the process by which punishment was slowly colonized, a process marked not just by political appropriation, but also by the cultural force of what David Arnold has called the “traveling gaze.” This chapter seeks to understand how new and forceful claims about penal civilization made by foreign missionaries, diplomats, and travelers who toured Korea in the late nineteenth century, along with other interests, both Korean and foreign, and particular events, led Chosŏn officials to “entrust” penal authority to Japan a full year before formal colonization, and how that authority conversely contributed to Korea’s colonization.

Chapter Three traces the construction and expansion of the colonial penal system from the first assertions of Japanese influence over the Korean penal system in the early 1900s through the upheavals of the March First Movement in 1919. The most important projects of this new system were the revision of the Korean penal code and the construction of prisons, such as Kyŏngsŏng, purportedly for the confinement and


rehabilitation of criminals. Built on promises of penal civilization, the system that emerged during these years was plagued by contradictions, such as the continuation of corporal punishment, halting and insufficient construction and expansion of penal facilities, and varying use of penal labor. These contradictions and colonial penal officials’ attempts to reconcile them highlighted the conflicting forces shaping colonial punishment at this time, which included colonial and imperial financial constraints, racist conceptions of Koreans and their potential for rehabilitation, the continuing gaze of the foreign community, and an overarching demand for order and control in the colony.

The fourth chapter addresses the politics of penal reform. It examines, on the one hand, the rehabilitation program initially established by colonial penal authorities and the subsequent reform of this program in the wake of the massive March First Independence Movement in 1919. It also traces the rise of positivist criminology in Japan and its introduction to Korea in the 1920s by Japanese social scientists, and assesses how the results of large-scale criminological studies were interpreted, debated, and translated into penal policies and practices in the 1930s. While these studies, and the debates surrounding them, clearly initiated a movement toward more individualized treatment of criminal offenders, they also contributed to the formulation of “typical” Korean crimes and criminality, which had implications both for penal policy and colonial government. In the end, I argue, reform (on all fronts) was interrupted by the overriding exigency of mobilization for war in the late 1930s.

While Chapters Two through Four largely focus on debates surrounding punishment, the formulation of penal policies, and the design of penal institutions, Chapter Five examines the everyday practice, experience, and negotiation of punishment
in colonial prisons and in the colonial public. While penal policy was uniformly established by central Government-General bureaucrats (sometimes to the chagrin of prison wardens), the everyday practice of punishment rarely coincided with the designs of central planners. As elsewhere, prisons in colonial Korea were marked by fear, violence, overcrowding, and disease. Prisoners negotiated such conditions using varying combinations of covert and more overt forms of resistance, accommodation, and compromise. These negotiations were often not marked by clearly drawn ethnic or class lines, and resistance was frequently motivated by quotidian needs rather than high ideological purposes. Such boundary crossing was also evident in the relationship between prisons and the public, as policies and practices of punishment became sites where colonial authority could be asserted, contested, and negotiated.

By the late 1930s, Japan had become inextricably involved in what would become a total war in every sense, resulting in an unprecedented mobilization of people and resources throughout the empire. Such demands drastically reconfigured the constellation of interests and forces shaping punishment in Korea, the contours of which are sketched briefly in the Conclusion. Seeing how such a shift in imperial priorities radically altered the meanings of criminality and the rationales for punishment, rather than showing the degree to which punishment constituted a simple instrument of control, brings into relief the complex of forces that had shaped its forms, functions, and meanings over the previous decades.
CHAPTER 2: COLONIZING PUNISHMENT, 1875-1910

Introduction

According to the Annals of King Kojong [Kojong sillok], on the twelfth day of the second lunar month, 1870, a provincial military commander in Hamgyŏng Province reported to the King that Yi Chŏng-ho, Pak Su-yŏng, and Chŏng Tŭk-chun had been beheaded and their heads displayed in public, a punishment known as hyosi (literally “behead and display”). Yi, a former magistrate of Kyŏnghŭng, a small border town on the Tumen River, and Pak, a former official-in-charge of Sŏsura harbor, had been caught raiding Chinese boats that had drifted into local waters, seizing their cargo, burning the boats, and selling the loot for personal profit.2

Upon hearing of the case, King Kojong (r. 1864-1907) reportedly lamented their crime, noting that it merited serious punishment if for no other reason than the fact that “the ships were from another country and that the goods had owners.” To make matters worse, these officials had set a terrible example for the people, had premeditated the crime, and had committed it repeatedly. Most seriously, the King asked, “if they had feared the law in the slightest, how could they have done such a thing.”3 When hyosi was proposed as their sentence a few days later, Kojong did not hesitate to approve it.4

Of Mr. Chŏng or his crime, we know little. In the Sillok, he is described simply as a “bandit” (piryu), but the details of his crime (and life) have been lost to history. What

---

1 Kojong sillok [Veritable Record of King Kojong] (KJSL), 7 kwŏn, 5b.
2 KJSL, 6 kwŏn, 35b.
3 KJSL, 6 kwŏn, 35a.
4 KJSL, 6 kwŏn, 35b.
we do know is that before meeting his end, Chŏng, like Yi and Pak, was arrested, interrogated under torture, and held in a squalid jail (ok) for several weeks during the investigation process. After being found guilty and sentenced to hyosi, the trio was dragged to a public execution ground, where soldiers and commoners were gathered to witness their execution. There, they were strapped to boards and beheaded. Following their deaths, their heads were placed in baskets and hung in a public space for several days, warning others about the consequences of such conduct.

Over the four decades following these executions, punishment in Korea underwent drastic changes: incarceration replaced corporal punishment as the ideal, if not yet the main, mode of punishment; isolation and rehabilitation of criminals replaced retribution and deterrence as the official purposes of state-administered punishment; a new prison was built in Seoul, designed for long-term confinement by a Japanese architect and modeled after Japanese and Western penitentiaries; and punishment was professionalized—separated from executive authority and staffed by trained personnel, including warders, chaplains, and doctors. Most significantly, perhaps, the authority to punish crime was gradually stripped from the Korean government and “entrusted” to Japanese agents. This stripping process was not only indicative of Japan’s increasing influence on Korean affairs, but also contributed to it, as Japanese authorities used their control of the Korean penal apparatus to confine and punish those who opposed Japanese encroachment on Korean sovereignty. Punishment in turn-of-the-century Korea was thus both a colonized and colonizing institution.

The tendency among scholars of Japan's colonization of Korea has largely been to frame it in terms of Korea's failure (to form a strong, independent, “modern” nation-state
capable of defending itself against imperialist encroachment) and Japan’s treachery (willful, planned aggression and exploitation of Korean resources and labor). More informative have been recent studies that see Japanese imperialist expansion as over-determined: the product of myriad economic, ideological, cultural, and political factors—including the actions of often unwitting sub-state or transnational actors—rather than as the result of long-range planning and implementation by the state. Such studies find Japan’s ability to colonize its neighbors not merely in its military superiority, but also in its mastery and manipulation of international law and the discourse of “civilization and enlightenment,” and in its control of the production of knowledge about East Asia.5

The power to colonize is clearly more complex than mere military means; the impetus more nuanced than sheer expansionist desire.6 “Colonising,” writes Timothy Mitchell, “refers not simply to the establishing of a [foreign] presence but also to the spread of a political order that inscribes in the social world a new conception of space, new forms of personhood, and a new means of manufacturing the experience of the real.”7 In Korea, argues Andre Schmid, “the power of colonialism was not simply the ability to coerce submission but, perhaps more deeply and longer lasting, to shape the very knowledge about their own nation that Koreans developed in these years.”8

5 See Duus, The Abacus and the Sword: The Japanese Penetration of Korea, 1895-1910; Schmid, Korea Between Empires; Dudden, Japan’s Colonization of Korea; Young, Japan’s Total Empire.

6 For a useful suggestion of “both the opportunities that give rise to imperialism and the motives that drive it,” see Doyle, Empires. Doyle suggests a model of imperialist expansion that takes into account the “fourfold interaction among metropoles, peripheries, transnational forces, and international systemic incentives” (19).

7 Timothy Mitchell, Colonising Egypt (Berkeley: University of California Press, 1988), ix. Mitchell asserts that the power to colonize can be found as much in the means to “manufacture” reality as in the military strength to conquer a territory.

8 Schmid, Korea Between Empires, 105.
From the forced “opening” of Korea to international trade and diplomacy in 1876 through its annexation by Japan in 1910, knowledge about Korean crime and punishment was largely produced and shaped by Korean interactions with foreign visitors. As businessmen, diplomats, missionaries, and other travelers, armed with preconceptions of “oriental despotism” and “Chinese punishments,” visited this “curious and, in some respects, very fascinating…little country,” as one put it, their perceptions quickly came to dominate not only the popular imagination of Korea throughout the world, but also international diplomacy and, ultimately, Korean conceptions of their own culture and traditions.9

David Arnold has discussed the role of such transnational figures in the colonization of India: “Much of the work of subordinating and appropriating India,” he argues, “was conducted at a discursive level and through such means as travel writing and the scientific and literary appropriation of the Indian landscape.” He refers to this process, “by which much of the observation, and hence the understanding, of India was conducted through travel,” as the “traveling gaze”:

The seemingly contradictory role of the traveling gaze was to render the novel and exotic more familiar by attaching it to the cultural norms and epistemological systems of Western Europe while simultaneously emphasizing what was alien about India’s Oriental or tropical landscape and all the varied forms of human, animal, and vegetable life that it contained.10

As “alien” as anything to the gaze of foreign travelers in late nineteenth-century Korea was the rampancy of crime—especially banditry—and the brutal corporal and capital punishments they either witnessed being applied or heard about second hand.

---


These travelers’ descriptions, published in newspapers, geographies, and travel books throughout the world, stoked an international imagination of Korea as a wild frontier in need of settling—something akin to contemporary accounts of the nineteenth century American West, where bandits roamed free, relatively unhampered by legal authorities or penal institutions. Some observers connected prevalent crime directly to the moral health of Korean society, while others criticized the ineffectiveness of brutal, arbitrary, cruel, and backward punishments to deter crime and maintain order.

Such depictions of “actual conditions” in Korea, regardless of their veracity, contributed to the formation of an international consensus that Koreans were, for various reasons, inherently prone to crime and incapable of implementing or governing a penal system effective enough to promote individual reform and maintain order. The broad acknowledgment of Korea’s penal backwardness and inability to undertake self-reform, as we shall see, made the formal assumption of penal authority by Japanese officials logical to most observers—both foreign and Korean.

The formal assumption of Korean penal authority by Japan in 1909 was thus, I contend, not simply a matter of forceful usurpation, but rather the result of decades of international diplomacy, Korean debates concerning the proper roles and forms of punishment in a modernizing Korea, and, not least, a re-conception of punishment greatly influenced by lingering representations of Korean crime and punishment from early travel writing. This chapter examines the diplomacy, debates, and cultural processes that led to this “colonization” of Korean punishment and the critical role of punishment in the colonization of Korea.
Punishment in the Chosŏn Dynasty

Like most societies in world history, the Korean kingdom of Chosŏn (1392-1910) utilized a system of punishment that focused on the body of the criminal.¹¹ We should not assume from this, as many have, that punishment was merely a tool of state or class control, however. In Chosŏn, as elsewhere, punishment was a complex social institution, both reflecting and inflecting shared social values and categories. “Like any major social institution,” David Garland suggests, “punishment is shaped by broad cultural patterns which have their origins elsewhere, but it also generates its own local meanings, values, and sensibilities which contribute—in a small but significant way—to the bricolage of the dominant culture.”¹²

Chosŏn featured a centralized bureaucratic government modeled on that of China but limited to members of the yangban aristocratic-literati class.¹³ Judicial and penal authority was shared by a number of government offices within this bureaucracy, but was mainly administered by the Ministry of Punishments (hyŏngjo), one of six main administrative ministries or boards in the central government, which was generally

¹¹ There are several excellent studies on the logic and practice of punishment in the Chosŏn Dynasty. In Legal Norms in a Confucian State, William Shaw surveys judicial procedure and penal reasoning in Chosŏn, focusing particularly on the influence of Confucian ideology. In Korean, Sim Che-u covers much of the same material as Shaw, broadening the case sample and performing a thorough statistical analysis of serious criminal cases in eighteenth century Chosŏn. See Sim Chae-u, Chosŏn hugi kukka kwŏllyŏk kwa pŏnchoe t'ongje. For an encyclopedic description of Chosŏn penal codes and procedures, see Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo.

¹² Garland, Punishment and Modern Society, 249.

responsible for setting and carrying out penal policy. It was supported in this charge by several other departments of government: the Department of Prisons (Chŏnoksŏ); the Constabulary (P’odoch ’ong), which was in charge of arresting suspected criminals but was actually attached to the Ministry of War (Pyŏngjo); provincial and municipal governments, which replicated the six ministry structure of the central government; and county magistracies. Upper level positions in all these offices were held by yangban officials trained in the Confucian Classics rather than the law per sé. A law exam was included among the less prestigious civil service examinations in Chosŏn, the so-called Miscellaneous Exams (chapkwa); and passers of this exam, generally yangban of less prestigious pedigree as well as members of the clerical ch’ungin class, staffed the lower levels of the Ministry of Punishment and its provincial counterparts.\(^\text{15}\)

Yangban domination of Chosŏn society and government generated a conflict of interest that was only mediated by Confucian morality (discussed below) and by the king, who, though autocratic in theory, in fact shared a tenuous balance of power with the yangban. Kings could (and quite often did) make an effort to maintain the legitimacy of the penal system through a number of means. Most dramatically, they utilized secret inspectors (amhaeng ŏsa) to ensure official compliance with penal codes and regulations. Kim Che-mun has argued that one of the main uses of these inspectors was to investigate

\(^{14}\) This was a major source of criticism from foreign observers and officials in the late-nineteenth century. For a succinct summary of the institutions involved in penal procedure and their prescribed roles, see Chŏng Tong-uk, “Chosŏn sidae hyŏngsa sabŏp kigwan” [Criminal justice institutions in Chosŏn], Kosi hyŏnggu 17, no. 12 (December 1990): 165-172.

\(^{15}\) For a detailed examination of the civil service examination system in Chosŏn, see Yŏng-ho Ch’oe, The Civil Examinations and the Social Structure in Early Yi Dynasty Korea, 1392-1600 (Seoul: Korean Research Center, 1987).
reports of the maladministration of justice, including overly harsh sentencing and the improper use of judicial torture and penal instruments (hyŏnggu).  

Kings were also active in the codification and standardization of judgments and punishments. The legitimacy of the system was, as shall be discussed below, reflective of the benevolence of the king, and thus it was in the kings’ interest to eliminate arbitrary and irregular practices that might reflect poorly on them. Much of their legitimacy as rulers, especially vis-à-vis the yangban, was derived from their authority as moral exemplars for the people. From Sejong (r. 1418-1450), who specified exile destinations, to Yŏngjo (r. 1724-1776) and Chŏngjo (r. 1776-1800), famous for their elimination of cruel punishments (hokhyŏng) and detailed codification of punishments, prisons, and penal instruments, kings utilized punishment to display their benevolence as well as to check the executive power of the yangban officials.

For much the same reason, there was a considerable effort throughout the dynasty to eliminate private punishment (sahyŏng). Despite ongoing ambivalence, expressed in numerous cases, Chosŏn kings did tolerate private punishment in limited circumstances,

---

16 See Kim Che-mun, “Chŏngjo sidae ŭi ŏsa samok (II) : tojisa, sijang, kunsu, ilban kongmuwŏn mit paeksŏngdŭl ŭi pŏmchoe haengwi (sang)” [Regulations for Special Inspectors During the Reign of King Chŏngjo (II): Crimes of Provincial Governors, Mayors, County Magistrates, Regular Officials, and Commoners (Part I)]; Kim Che-mun, “Chŏngjo sidae ŭi ŏsa samok (II): tojisa, sijang, kunsu, ilban kongmuwŏn mit paeksŏngdŭl ŭi pŏmchoe haengwi (sang)” [Regulations for Special Inspectors During the Reign of King Chŏngjo (II): Crimes of Provincial Governors, Mayors, County Magistrates, Regular Officials, and Commoners (Part II)].


18 See Sim Chae-u, Chosŏn hugi kukka kwŏllyŏk kwa pŏmchoe t’ongje, esp. Chapter 4. Ironically, pages from the crowning achievement of this benevolent policy of compilation, rationalization, and standardization, the Ch’ugwanji [Records of the Ministry of Punishment] (commissioned by Chŏngjo and published in 1781), which provides precise instructions for sentencing and the application of punishments, including the exact size and shape of penal instruments, among much more, later became icons of Chosŏn’s brutal penal history, reproduced in travel guides and colonial progress reports. See Chŏsen Sŏtokufu Chūsūin, ed., Chugwanji Records of the Ministry of Punishment (Keijō: Chŏsen Sŏtokufu Chūsūin, 1939).
such as the regular punishment of slaves by owners, the killing of women and their lovers caught in the act of adultery, and vengeance for the death of one’s father. Nonetheless, over the course of the dynasty, there was a trend toward state monopolization, codification, and standardization of punishment. This resulted in increasingly well-articulated penal codes with finely graded punishments, strict regulations concerning procedure, and detailed instructions for sentencing. And while punishment clearly reinforced a highly-stratified society dominated by the yangban literati class and was subject to occasional manipulation by yangban officials, it was also dynamic, reacting to social changes in ways inconsistent with it being a simple tool of yangban domination.

The Punishments

The founders of the Chosŏn dynasty adopted the Ming Penal Code, which prescribed five basic punishments for crimes (Kor. ohyŏng): light flogging (t’aehyŏng), heavy flogging (changhyŏng), penal servitude (tohyŏng), exile (yuhyŏng), and death (sahyŏng). Chosŏn officials immediately set to work adapting and supplementing this code to fit local conditions, a process that resulted in the promulgation of the Kyŏngguk

---

19 Shaw, Legal Norms in a Confucian State, 97-99.

20 Sim Chae-u notes that by the end of the 18th century, the Chosŏn penal code included stipulations for more than 2,000 mitigating circumstances of crime. See Sim Chae-u, Chosŏn hugi kukka kwŏllyŏk kwa pŏmchoe t’ŏngje, 62.

21 On this point, see Sim Chae-u, Chosŏn hugi kukka kwŏllyŏk kwa pŏmchoe t’ŏngje.

22 Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo, 142-159. The Korean version of the Ming Code was known as the Taemyŏngnyul chikhae (Direct Interpretation of the Ming Code), and was quite likely adapted from the 1389 version of the Ming Code, which featured less harsh punishments than later versions. See Jiang Yonglin, “The Great Ming Code: A Cosmological Instrument for Transforming ‘All Under Heaven’” (Ph.D. diss., University of Minnesota, 1997), 93-95.
taejŏn (National Code) in 1471, with numerous revisions and supplements in the years that followed, but the ohyŏng remained the basic punishments throughout the Dynasty.

Of the five punishments, t’ae hyŏng, or light flogging, was by far the most commonly applied. The Ming Code (and Korean supplements) prescribed t’ae hyŏng for minor crimes, such as attempted theft and common slander, to be applied in five gradations according to the seriousness of the crime. Convicts were to receive between ten and fifty lashes to the buttocks with the t’ae, a light rod made from a thin branch of wood, 0.81 cm at the handle, 0.51 cm at the tip, and 105 cm in length. First degree crimes (the least serious) earned ten lashes, second twenty, and so on, though in practice, the number of lashes was often less.

For more serious crimes, such as larceny, attempted robbery, and adultery, criminals were sentenced to chang hyŏng, or heavy flogging, in which the convict was dealt between sixty and 100 blows to the buttocks with a thicker rod, again in five degrees according to the seriousness of the crime. The chang measured just under a centimeter thick at the handle, 0.75 cm at the head, and, like the t’ae, was 105 cm in length. Flogging with the chang constituted a serious beating and convicts occasionally died during the execution of this sentence. For this reason, in cases warranting chang hyŏng (or more serious punishments), suspects and convicts were imprisoned for

---

23 As shall be discussed, there was, both in code and in practice, considerable variation in the application of punishments depending on a number of social, ideological, and legal-procedural factors. For a complete survey of punishments and their prescribed punishments, see Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo, 208-253.

24 Ibid., 142, 159. The use of standardized t’ae and other penal instruments (hyŏnggu) was required by law and these instruments were produced by the state tribunal (ŭigŭmbu) and distributed throughout the kingdom.

25 Ibid., 142, 159-160.
the duration of the investigation, trial, and sentencing procedure to prevent their flight from justice.\(^\text{26}\)

Penal servitude (tohyŏng), always accompanied by heavy flogging, was prescribed for a wide variety of even more serious crimes. For instance, criminals convicted of stealing more than 225 kilograms of goods (60 kwan) were to receive sixty strokes with the chang plus one year penal servitude rather than flogging alone.\(^\text{27}\) Again, there were five grades, ranging from one year penal servitude with sixty strokes to three years penal servitude with 100 strokes. Convicts were assigned to labor in a specific location far from home for the duration of their sentence, usually in state salt mines or iron works, and were required to do a certain amount of work each day (produce three kŭn of salt or iron, for example).\(^\text{28}\) Criminals sentenced to tohyŏng could also be sent to serve in the army or navy in addition to their prescribed heavy flogging.\(^\text{29}\)

Exile (yuhyŏng) was the penultimate punishment used in Chosŏn. As yuhyŏng was applied regularly to officials who found themselves on the wrong side of factional disputes, as well as to officials guilty of serious crimes, it came to be associated with yangban officials, though in fact it was prescribed and used for a variety of crimes and criminals.\(^\text{30}\) Depending on the crime, convicts were, according to the Ming code, to be exiled 2,000, 2,500, or 3,000 ri from home, and given one hundred strokes with the

---

\(^{26}\) Sim Chae-u, *Chosŏn hugi kukka kwŏlyŏk kwa pŏmchoe t’ongje*, 45.

\(^{27}\) Sŏ Il-gyo, *Chosŏn wangjo hyŏngsa chedo*, 228.

\(^{28}\) Ibid., 142.

\(^{29}\) Ibid., 144-146.

\(^{30}\) Sim Chae-u, *Chosŏn hugi kukka kwŏlyŏk kwa pŏmchoe t’ongje*, 47.
As these distances were simply too great to be applied in Korea, the Chosŏn state established fixed destinations for exile depending on the severity of the crime and the home of the criminal. Thus, continuing the example of theft, a criminal from Seoul, convicted of stealing 375 kg of goods or more would receive 100 strokes with the chang and permanent banishment to 2,000 ri, but might actually be banished to a location in Chŏlla province, just 600 ri away.

The experience of exile could vary considerably depending on the seriousness of the crime, the skills criminals brought with them, and the circumstances of the community to which they were sent. Ch’oe Kang-hyŏn has wonderfully juxtaposed the experiences of An Cho-wŏn, a man of low yangban status convicted of a “shameful crime” and exiled to Cheju Island, and Kim Chin-hyŏng, a high-ranking scholar official banished to Hamgyŏng province in the 1850s for political reasons. While An found himself trying to stay alive begging, building thorn hedges (a traditional job for exiles), and doing odd jobs, Kim was embraced by local yangban, found employment as a teacher at the local school, and enjoyed sight-seeing the local countryside by horseback! In the most serious cases, the criminal’s entire household might be relocated.

Finally, there were two grades of capital punishment (sahyŏng): strangulation (kyosuhyŏng or kyohyŏng) and decapitation (ch’amsuhyŏng or ch’amhyŏng).

---

31 1 ri = 393 meters.

32 Criminals from Seoul sentenced to exile at 2,000 ri would be sent to Kyŏngsang, Chŏlla, P’yŏngan, or Hamgil Provinces, to a distance of at least 600 ri. See Sim Chae-u, Chosŏn hugi kukka kwollyŏk kwa pômchoe t’ongje, 46, note 32.

33 Sŏ Il-gyo, Chosŏn wangjo hyŏn̄gsa chedo, 228.

Decapitation, considered the more severe option for reasons discussed below, could also be enhanced by public display of the head and/or body, or dismemberment. For the most serious crimes (treason, killing one’s parents or husband, killing multiple members of the same family), a special punishment was reserved, known as nŭngji ch’ŏsa, which entailed mutilation of the body during execution and thorough dismemberment after. According to the code, capital punishment was to be applied to a great number of crimes, varying from certain forms of slander to murder and treason. In practice, we shall see, there were a number of mitigating factors affecting judgments, sentencing, and the execution of punishments.

In addition to these standard punishments, Korean penal codes allowed for supplementary punishments, such as tattooing, confiscation of property, and deprivation of office and title, as well as customary punishments such as hamstringing (used very rarely), death by poison (generally applied only to yangban officials and women), and posthumous deprivation of official status or mutilation of remains.

It is important to note that most punishments could be redeemed at codified rates. By the late 18th century for example, a crime warranting ten strokes light flogging would be forgiven for a payment of seven chŏn (cash) or seven ch´ŏk cotton cloth, whereas a

---

35 Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo, 157. This punishment, known as lingchi in China, particularly captured the attention of foreign visitors to both Korea and China, who referred to it as “death by a thousand cuts,” or “lingering death.” See Timothy Brook, Jérôme Bourgon, and Gregory Blue, Death by a Thousand Cuts (Cambridge, Mass.: Harvard University Press, 2008).

36 Sŏ Il-gyo, Chosŏn wangjo hyŏngsa chedo, 165-177.
sentence of exile at 3,000 ri plus 100 strokes heavy flogging could be redeemed for forty-two yang or twelve p’il cotton cloth.37

As elsewhere in the world prior to the nineteenth century, imprisonment was not a primary form of punishment in Chosŏn, but rather a necessary derivative of penal procedure. Prisons (ok), or jails, as they may more appropriately be called, were attached to various government offices, and were used to house suspects awaiting trial and convicts awaiting sentencing and punishment. In cases of serious crimes, imprisonment could last the better part of a year, as the review process progressed, or as officials waited until late autumn, when serious offenses were generally reviewed.38

Prisons were generally quite small—often just a few cells—and rarely held more than a few prisoners at a time. Even the main prison of the Ministry of Punishments in Seoul, the chŏnoksŏ, rarely held more than 100 prisoners, and never 200.39 The authority to arrest and imprison suspects was, on paper at least, limited to several government agencies, the so-called chiksu amun (directly imprisoning offices), which included the Ministry of Punishments, the Ministry of War, the Municipal Office of Seoul (hansŏngbu), Office of the Inspector-General (sahŏnbu), the Royal Secretariat (sŭngjongwŏn), the Office of Slaves (changnyewŏn), the Office of Royal Genealogy (chongbusi), and the offices of Provincial Governors (kwanch’alsa) and county Magistrates (suryŏng). Government offices besides these were supposed to transfer suspects to the Board of Punishments to have them imprisoned, though this did not...

37 See Ibid., 181-185. 1 ch’ŏk (ja) = 30.3 cm; 1 p’il = 35 ch’ŏk (10.6 m.). The standard width of cloth was seven ch’ŏn (about 35 cm).


39 Cho Yun-sŏn, “Chosŏn hugi hyŏngjo wa chŏnoksŏ ŭi kujo wa ŏmmu,” 308.
always happen. Consolidating and unifying control over imprisonment and punishment proved, in fact, to be a continuous challenge for Chosŏn kings.\textsuperscript{40}

Larger prisons, such as the \textit{chŏnoksŏ}, were separated into male and female quarters at least from the reign of King Chungjong (r. 1506-1544), and prisoners were, when possible, divided between serious criminals (\textit{chungchoesu}: those involved in crimes meriting heavy flogging or worse) and light criminals (\textit{kyŏngchoesu}, convicts meriting light flogging), with whom witnesses being held for questioning would also be imprisoned. Prisons were constructed of sturdy materials (heavy planking, metal locks), and doors were to be kept locked at all times (food, water, and other provisions were to be passed in through small holes in the wall). Though regulations stipulated that prisons be cleaned frequently and fresh air let in, such was not always the case in practice, and many prisoners reportedly died of disease or committed suicide. In addition, though prisoners were to be strictly locked in and visitors generally not allowed, even the \textit{chŏnoksŏ} was not terribly secure, as Cho Yun-sŏn has pointed out, and cases of prisoners breaking out, outsiders breaking in or fooling guards into being let in, and even serious criminals simply being allowed to leave temporarily, were all reportedly common.\textsuperscript{41}

\textbf{The Logic of Punishment}

From this brief survey of codified punishments, it is possible to glean much of the logic of state-sanctioned punishment in Chosŏn. Clearly, there was an element of retribution to these punishments, many of which focused on inflicting a measure of pain

\textsuperscript{40} See Chŏng Tong-uk, “Chosŏn sidae hyŏngsa sabŏp kigwan,” 165-172.

\textsuperscript{41} Cho Yun-sŏn, “Chosŏn hugi hyŏngjo wa chŏnoksŏ ūi kujo wa òmmu,” 307-308.
onto the body of the criminal in direct proportion to the nature of his or her crime.\footnote{See Sim Chae-u, \textit{Chosön hugi kukka kwŏllyŏk kwa pŏmchoe t’ongie}, 49. As we shall see, the “nature” of the crime encompassed not just the crime, but other factors such as the intent of the perpetrator and the social status of the involved parties.} Indeed, in judging cases of murder, there was an underlying principle that the taking of a life required the offering of another, a concept referred to by scholars of Chinese law as “requital for a life.” William Shaw has noted that in Chosŏn, however, “the establishment of full culpability in the legal sense took precedence over the task of providing requital for the death of the victim.”\footnote{See Shaw, \textit{Legal Norms in a Confucian State}, 119; on this concept in the Chinese context, see Derk Bodde and Clarence Morris, \textit{Law in Imperial China: Exemplified by 190 Ch’ing Dynasty Cases} (Cambridge, Mass.: Harvard University Press, 1967).}

Deterrence also constituted a major factor in the logic of criminal punishment in Chosŏn. Death sentences were carried out in public. Seoul’s main execution ground was at the Lesser West Gate (Sŏsomun, officially called Soŭimun), one of the major thoroughfares in and out of the city. In the most serious cases, heads and/or the bodies of executed criminals would be displayed for passersby to see. Other punishments, though generally performed within the Ministry of Justice or its counterparts in the countryside, were public enough to have deterrent effects. The sights and sounds of judicial torture and corporal punishments were familiar enough to make their way into contemporary literature and art, most famously perhaps in the onomatopoeic depiction of judicial torture in the P’ansori classic, \textit{The Tale of Ch’unhyang} (Ch’unhyang chŏn).\footnote{For an English translation, see Richard Rutt and Kim Chong-un, trans., \textit{Virtuous Women: Three Classic Korean Novels} (Seoul: Royal Asiatic Society - Korean Branch, 1974), 302-305. Unfortunately, the translation is not able to capture the sounds of the beating as the original does.}
forms of punishment, such as tattooing, which was practiced up until the late eighteenth century, and exile, also provided visible signs of the consequences of crime.

Exile and penal servitude separated criminals from their victims and from their familiar networks of support and connections, with the obvious goal of preventing a repetition of the crime and incapacitating the criminal (for a given period in the case of penal servitude, permanently in the case of exile). Over the course of the Dynasty, the application of exile—as opposed to capital punishment—for major crimes increased exponentially. While the reasons for this shift will be discussed below, it perhaps gives us some insight into the significant and legitimate goal of incapacitation in the Chosŏn penal system.

Finally, there is not much in the penal code about rehabilitation, a common goal of modern penal regimes. As we shall see, however, punishments in Chosŏn were largely conceptualized as supplementary of a greater project of social order based on moral suasion, and, as such, were indeed viewed by some as didactic tools of reform, rather than mere measures of crime prevention and retribution.

**Punishment and Confucianism**

Punishment can best be understood within the larger context of Chosŏn politics, society, and culture. Historians have documented the “Confucian transformation” of Korean society, a project initiated and perpetuated by elite *yangban* lineages, which brought about substantial changes in Korean family and social structure over the first few

---

45 Sim Chae-u, *Chosŏn hugi kŭkka kwŏlyŏk kwa pŏmchoe t’ongje*, Chapter 4.
centuries of the Chosŏn Dynasty. It has been argued, in fact, that in many ways Chosŏn elites were “more orthodox in their interpretation of Confucian precepts than were the Chinese.”

Scholars of Korean legal history have emphasized the importance—even preeminence—of Confucian ideology for controlling crime and maintaining social and political order in Chosŏn. Bong Duck Chun asserts that “the moral norms of Confucian society existed to prevent criminal acts,” while laws and punishments were mere “deterrents to crime”—stop-gap measures needed to maintain order until all Koreans became more fully converted. “Punishment,” he continues, “was therefore justified to prevent further punishment, and laws were applied only in the expectation that the use of law would one day end” [with the perfect realization of a Confucian social order governed by virtue].

Indeed, the very goal of Confucianism generally was to order society through proper relationships rather than through laws and punishments. Loyalty to ruler, piety to parents, faithfulness to friends, respect for elders, and separation between man and wife were not just essential virtues, but they were seen as interrelated building blocks for a peaceful, stable society. These virtues were to be disseminated and perpetuated through

---


the regular and proper observance of rites, such as ancestor worship, mourning, and
funerary rites.49

While recognizing the role of Confucian ideology, which over the course of the
Dynasty penetrated many aspects of Chosŏn life, William Shaw suggests a more practical
vision of crime and punishment among the founders of the kingdom. Neo-Confucian
scholars, such as Chŏng To-jŏn, he argues, “viewed punitive or disciplinary law as an
indispensable tool of government.” Drawing on Zhu Xi, Chŏng saw punishment as
complimentary to Confucian morality. While “virtue and rites” formed the basis for a
peaceful society, Chŏng contended, “regulations and punishments” were necessary aids.
Law and punishment thus formed the branch to Confucianism’s root.50

This relationship between Confucian morality and punishment in Chosŏn society
was stated most clearly by King Chŏngjo (r. 1776-1801): “The “five teachings” [the five
moral imperatives (oryun) of Confucianism] are the teachings of the sovereign and the
“five punishments” are the penalties which the sovereign uses. The punishments may be
applied with leniency, but the teaching must not be allowed to waiver.”51 Punishments
thus became “tools of instruction and transformation”—part of a system of moral suasion
rather than mere stopgap measures.

In practice, punishment was an indispensable part of governance in a Chosŏn state
that was neither arbitrarily barbaric nor organically ruled by virtue and proper
relationships. While Chosŏn developed a sophisticated, highly articulated Confucian


50 Shaw, Legal Norms in a Confucian State, 2, 20.

51 Simnirok, Case #30, as quoted in Ibid., 124.
morality that penetrated well beyond the elite stratum of Chosŏn society, it was adopted largely to buttress and perpetuate a highly stratified society dominated by a small number of elite yangban families. Confucian rhetoric nonetheless affected the everyday practice of punishment in Korea in a number of ways.

First of all, as punishment was meant to reinforce proper Confucian relationships, officials took into consideration the circumstances of both the crime and criminal when meting out punishments. The social status, gender, family situation, and motive of both criminal and victim were all matters of concern in both judgment and sentencing. Crimes that violated Confucian ideals of propriety, blurred social distinctions, or violated family or gender hierarchies, for example, were considered much more serious. Much of this was built into the penal code and refined over time. Take the simple crime of slander, at its root a minor crime warranting a minor punishment (ten strokes with the t’ae). Committed against one’s parents or grandparents, however, slander was a capital crime, as it was for slaves who slandered their masters. Hired laborers (commoners) fared slightly better, but were still subject to harsh penalties when caught slandering their employer or his relatives (see Table 2-1).

Gender hierarchy was also reinforced by both the penal code and actual practice. In a striking example, a commoner woman, named Maehwa, conspired with her lover, Yun Sa-ŏn, to kill her husband, Cho Sun. According to the penal code, Yun was sentenced to death by decapitation, but for Maehwa, the prescribed punishment was even worse, the spectacular nŭngji ch’ŏsa (mutilation, decapitation, and dismemberment). King Sejong reportedly approved these punishments without hesitation.52

52 Sejong sillok, 34:6a.
<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Prescribed Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Slander</td>
<td>10 strokes light flogging</td>
</tr>
<tr>
<td>Against grandparents, parents</td>
<td>Death by hanging</td>
</tr>
<tr>
<td>Slaves against master</td>
<td>Death by hanging</td>
</tr>
<tr>
<td>Slave against master’s close relatives, maternal grandparents</td>
<td>80 strokes heavy flogging + 2 years penal servitude</td>
</tr>
<tr>
<td>Slave against master’s meritorious relative</td>
<td>80 strokes heavy flogging</td>
</tr>
<tr>
<td>Slave against master’s minor meritorious relative (sogongch‘in)</td>
<td>70 strokes heavy flogging</td>
</tr>
<tr>
<td>Slave against master’s lesser relatives</td>
<td>60 strokes heavy flogging</td>
</tr>
<tr>
<td>Hired laborer against employer</td>
<td>80 strokes heavy flogging + 2 years penal servitude</td>
</tr>
<tr>
<td>Hired laborer against master’s close relatives, maternal grandparents</td>
<td>100 strokes heavy flogging</td>
</tr>
<tr>
<td>Hired laborer against master’s meritorious relative</td>
<td>60 strokes heavy flogging</td>
</tr>
<tr>
<td>Hired laborer against master’s minor meritorious relative</td>
<td>50 strokes light flogging</td>
</tr>
<tr>
<td>Hired laborer against master’s lesser relatives</td>
<td>40 strokes light flogging</td>
</tr>
</tbody>
</table>

This gender double standard is substantiated by the overall treatment of husband-murderers and wife-murderers. Surveying a large number of such cases, Shaw observes: “In almost every case of wife-murder a reduced sentence is given, whereas in almost every case of husband-murder the full penalty is awarded.” Such prejudice was not without limits, however, as Shaw notes: “Wife-murderers were brought to trial and (to a degree) were punished. However, there seems no question that a double standard of clemency was in operation.”

As can be seen from the above chart, crimes committed against one’s parents and grandparents were also given extra weight, reinforcing the primacy of filial piety as perhaps the most essential building block of a Confucian society. The old adage that the loyal minister could be found at the house of the filial son was not mere lip-service, evidenced by the equation of crimes against one’s parents with crimes against the king. This reverence for parents was also manifest in the policy of temporarily releasing criminals sentenced to exile or penal servitude to allow them to properly mourn their parents. Convicts were generally given three months for parents, and in some cases grandparents.

The flipside of this was, of course, that families were to some degree collectively responsible for the actions of their individual members, a concept that also found its way into penal code and practice—most noticeably in the principle of yŏnchwa, or “punishment by affinity.” According to this, in cases of treason, rebellion, and other heinous crimes, members of the perpetrators family could be held accountable. While the


54 Sŏ Il-gyo, *Chosŏn wangjo hyŏngsa chedo*, 426.
perpetrators of such crimes were to be sentenced to the spectacular nŭngji ch’ŏsa (discussed below), their adult male relatives were also to die (by strangulation). Male family members under sixteen and female family members were to be made slaves, and agnatic male cousins were to be exiled to 3,000 ri and placed under house arrest (anch’i).

For slightly less egregious crimes (murdering one’s parents, husband, or owner in the case of a slave), after the perpetrator was put to death (most likely by beheading), his wife and children were to be made slaves. For crimes warranting exile, there was ongoing debate about whether the entire household should be sent along or not, trending toward the latter by the late eighteenth century.⁵⁵

Such emphasis on social, family, and gender hierarchy could, under certain circumstances, lead to leniency as well, especially for sons with filial obligations. Take, for example, the case of Ku Chi-sŏn, a falconer and former minor military official from Hwanghae Province, who falsely claimed the mandate of the king in order to commandeer another man’s falcons, a pretty serious (though evidently quite common) crime.⁵⁶ Ku was arrested and charged with making false proclamations (sajŏn choji), which carried a punishment of death by decapitation. As with all death penalty cases, Ku’s case was forwarded to the King (Sejong), who immediately reduced his sentence to 100 strokes with the chang and three years exile at 3,000 ri. Following his conviction and sentencing, Ku submitted a petition to the Board of Punishments explaining that he was the only son of elderly parents. The Board forwarded his petition to Sejong, who once again reduced his sentence, ordering that he serve out the remainder of his three years

⁵⁵ Sim Chae-u, Chosŏn hugi kukka kwŏlyŏk kwa pŏmchoe t’ongje, 39.

⁵⁶ See Shaw, Legal Norms in a Confucian State, 96.
locally in penal servitude rather than exile, allowing him to fulfill his filial responsibilities at the same time.⁵⁷

Confucianism was also significant in the practice of punishment in Chosŏn in that it placed great emphasis on the benevolence and virtue of officials. This was manifest in several aspects of penal procedure. As judgments and sentencing reflected the virtue of the official, for example, there was a great amount of pressure on officials to be correct. This led them, in most cases, to strictly follow judicial procedure, which was also highly articulated in the penal code, and often consisted of several separate inquests to establish the facts. Conversely, this pressure to be correct also justified and perpetuated the practice of judicial torture of suspects as well as plaintiffs and witnesses, the purpose of which being to establish the facts, prevent false reports, and, if possible, obtain a confession.⁵⁸

Finally, Confucian ideology had a great impact on the conceptualization of the body in pre-modern Korea, giving corporal and especially capital punishments symbolic meanings far beyond the infliction of pain as retribution or the spectacle of punishment as deterrence. Perhaps the most essential Confucian value and organizing principle, filial piety, was based on the idea that there was continuity in lineage—a “great chain of being” of sorts. Following this logic, the body itself becomes a link in that chain, a gift from one’s parents not to be discarded or mutilated. Indeed, the Classic of Filiality states that

---


⁵⁸ For a complete description of judicial procedure, see Shaw, Legal Norms in a Confucian State, 46-54.
“Our body, limbs, hair, and skin are all received from our fathers and mothers. We dare not injure them.”

The reason, therefore, that decapitation and dismemberment were considered far worse punishments than strangulation was not, as many Westerners assumed, because they inflicted more pain, but rather because of their destruction of somatic integrity, and, by extension, the continuity of one’s lineage. Indeed, the etymology of the word used for the very worst punishment, nŭngji chŏsa (mutilation, decapitation, and dismemberment), may well illustrate this point. Nŭngji (lingchi in Chinese) did not originate in China, but was quite likely adopted from the Khitan Liao Dynasty (907-1125) during the Song Dynasty (960-1279), and made its way to Korea during the period of Mongol Domination (1260-1351). The word itself, therefore, may simply be a phonetic rendering of a foreign practice. But, as Timothy Brook, Jérôme Bourgon, and Gregory Blue have discussed in detail, the Chinese characters adopted for this punishment, literally meaning “leveling the tumulous,” quite likely signified that nŭngji was “a penalty that [took] aim not just at the culprit but also at his family’s ritual community of deceased ancestors (“tumulous”) or at the corporate body of living family members.” Thus in cases warranting nŭngji, adult male relatives of the criminal were, by code, to be killed as well, and female relatives enslaved.

---


60 Brook, Bourgon, and Blue, Death by a Thousand Cuts, 71-76.

61 Sŏ Il-gyo, Chosŏn wangjo hyŏnga chedo, 157-158.
Punishment, Society, State

Confucian ideology was, of course, not the only mitigating factor in Chosŏn punishment. This was, after all, as scholars have noted of Imperial China, “a [kingdom] of persons and bodies that the state’s law and criminal administration subjected to harsh penalties, employing torturers and executioners just as it employed Confucian teachers and wise administrators.”

Chosŏn was also still a highly agrarian society, functioning largely in accordance with the “seasonal rhythms” of agriculture. And while empty prisons were generally regarded as a sign of good government and the effectiveness of Confucian moral suasion, less punishment also meant more hands in the fields and fewer interruptions in planting, tending, and harvesting, meaning steadier tax income for the state, more stability, and therefore a more peaceful society. This was reflected in punishment by the fact that charges for minor crimes committed during the growing season were generally not allowed to be brought; and review and punishment of more serious crimes was usually put off until after harvest.

The relationship between Chosŏn society and punishment is also evident in penal reforms made over the course of the Dynasty. William Shaw and Sim Chae-u both argue that significant penal reforms instituted by Kings Yŏngjo and Chŏngjo throughout the eighteenth century were, in fact, attempts to reconcile a rapidly changing society. Perhaps the most important change underway was a blurring of status distinctions, both between commoners and yangban at the top of the social hierarchy, and among commoners and

---

62 Brook, Bourgon, and Blue, *Death by a Thousand Cuts*, 34.


ch’ŏnmin and slaves at the bottom. Increasing numbers of commoners, wealthy as a result of their adoption of new agricultural techniques, were eager to buy their way out of tax liability and into prestigious titles and genealogies, while a growing class of poor yangban and an increasing number of people of non-traditional status, such as freed slaves and wage laborers, led to an increase in cross-class confrontations and crime. This, Shaw argues, led in turn to the increased use of “state-provided appeal mechanisms for expressing civil and criminal grievances,” as opposed to more traditional, village-based mediation methods, despite the inherent inequalities in those mechanisms.65

Korean Crime and Punishment in the Traveling Gaze

In June 1905, Enjōji Kiyoshi (1870-1908), a Japanese journalist and member of the Kokumin Kōenkai (National Citizen’s Support Society), was dispatched with three companions to report on conditions in Korea and Manchuria. Due to lingering unrest and uncertainty in the peace negotiations between Japan and Russia, Enjōji’s trip was limited to southern Korea and cut short—he ultimately spent just seventeen days in Korea.66 In that brief span, Enjōji and his companions visited the major cities of southern Korea: Pusan, Seoul, Inch’ŏn, Taejŏn, Taegu, Pusan again, Masan, and finally back to Pusan.

Upon returning to Tokyo, Enjōji reported his observations to the Support Society and, with its approval, published several short articles in a periodical called Man-Chō hō (Manchuria-Korea Report). When a number of people suggested he publish the entirety of his findings for the general public, Enjōji eventually consented, publishing Kankoku no

65 Shaw, Legal Norms in a Confucian State, 106-114.
jitsujō (Actual Conditions in Korea) in 1906, thinking it would “be of more or less convenience for those who will travel to Korea hereafter.” This travel guide covered such practical topics as the inconveniences of boat travel and inns and the status of the trans-Korean railway, and contained useful information such as train tables and maps. Enjōji also included general observations on various aspects of Korean society, such as the characteristics of the Korean people and officials, the progress of various industries, and, interestingly, the “Prisons of Seoul.”

Of these prisons, and of recent Korean penal reform efforts in general, Enjōji was less than adulatory. To him, they represented, at best, a poor mimicry of “civilized” penal methods then in use in the West and in Japan. He noted, for example, that Korean prisons were severely overcrowded, sometimes holding ten or more prisoners in a room four to six meters square. And though these prisons kept the same class of prisoners together as much as possible, they generally did not separate the sexes, he claimed, meaning that “since the same kind of prisoners [were] kept in the same room, the phenomenon of a male prisoner who had raped someone else’s wife cohabitating with a female prisoner who had committed adultery with someone else’s husband, thus having the opportunity to be mingling knees [hiza wo majieteiru] day and night, [was] not at all uncommon in Korean prisons.”

Enjōji mocked the continued use of cangues and chains, and purported a tendency for executioners to revert to “traditional” methods. Instead of using the

---

67 Ibid.
68 Ibid., 118-119.
scaffold, he claimed, they often ended up taking turns with dull swords until a prisoner’s head was finally severed!\textsuperscript{69}

Enjōji’s fascinating book (researched in just two-and-a-half weeks!) was not the only one of its kind. Between 1876, when Korean ports were forced open to foreign commerce, and Korea’s annexation by Japan in 1910, visitors from all over the world published dozens of travel books, diaries and memoirs, geographies, and official reports on conditions in Korea, targeting other travelers, investors, diplomats, and curious readers as their audiences. The descriptions, images, and statistics these writers produced defined Korea to the world and informed Korean perceptions of their own country’s place in a changing world of nation-states.

Representations of Korean punishments and penal practice in such works, regardless of their veracity, were significant not just for the way they helped shape popular perceptions of Korean penal traditions and reform efforts among both foreigners in Korea and foreign publics, but also for the influence they had on diplomatic relations between Korea and foreign governments and on Koreans’ perceptions of their own penal traditions.

**Korea as the Wild East**

In 1894, Adachi Keijirō wrote *Chōsen zakki* (Miscellaneous notes on Chōsen). According to the preface, written by a “friend,” after “going the thousand li” and “wandering the eight provinces,” the author published his notes so that other Japanese

\textsuperscript{69} Ibid., 120. There is no evidence that Enjōji actually witnessed an execution during his short visit to Korea.
would understand conditions in Korea and the need to settle the turbulence there. His observations make Korea sound like a lawless frontier: “Bandits are so many that they are a constant worry to travelers. They form small bands and wait by the side of the road for travelers, whom they menace and rob of their packed valuables.” According to the author, these omnipresent bandits (sōzoku, literally “grass bandits”) even broke into private homes to “steal their treasures,” and were “even worse in the winter.” Fortunately, he notes, there was a mitigating factor that limited the damages of highway robbery, making it “not worth worrying about”: the weight of Korean coins! “No matter how strong someone may be, what he can carry can certainly not exceed ten kan.”

More menacing, according to Adachi, were pirates, or “bandits of the waves” (nami no sōzoku). Masquerading as fishermen by day, these pirates would purportedly mingle with merchant ships, getting to know their cargoes and schedules. “If they see a boat with a great amount of cargo,” Adachi noted, “they follow it in secret, gauge their opportunity, then raid that boat,” sailing away with all the cargo (not just ten kan!).

Adachi substantiated the existence of such pirates by relating the story of a certain Dr. Inagaki, whom he purportedly met in Seoul. It seems, according to Inagaki, that on a trip from Inch’ŏn to Haeju, Inagaki’s ship was overtaken and boarded by pirates. Having taken control of the vessel, the pirates searched through the passengers’ baggage for valuables. Discovering Inagaki’s medical bag, they demanded to know who the Japanese doctor was. At the urging of his translator, Inagaki kept quiet, feeling fortunate he

---

70 Adachi Keijirō, Chōsen zakki [Miscellaneous notes on Korea] (Tōkyō: Shunshōdō Shoten, 1894), i.
71 Ibid., 104-105. During the Meiji period 1 kan (Qing cash) was worth about 10 sen (1/100 of a yen).
happened to wear Korean clothing that day. Unable to discover the alien, the pirates finally gave up and “disappeared into the waves like a trace of white cloud in the mist.”

Other accounts echoed Adachi’s description of Korea as a lawless frontier. According to F.A. McKenzie, a missionary who first went to Korea in the 1890s, prior to the entrance of Christian missionaries, “Northern Korea was the great bandit region where no man's life was worth an hour's purchase.” Indeed, he claimed, “It was a district given up to plunder.”

Lilias Underwood, a Presbyterian missionary doctor and wife of the well-known Reverend Horace Underwood, recorded some of her personal experiences with bandits in her mission memoirs, *Fifteen Years Among the Topknots*. On her honeymoon alone, for example, she and her husband were accosted not once, but twice! In the first instance, some thirty men supposedly conspired to attack the Underwoods in the inn where they were staying. Unfortunately for the would-be bandits, having toasted to their plan, they became intoxicated and their leader “had come several hours in advance of the time, had loudly boasted in the little inn of their intentions, and fired his gun in a fit of bravado.” Naturally, he was seized, his “poor, old-fashioned” gun taken away, and the plot foiled.

Not long after this, the Underwoods’ traveling party was waylaid on the road by a band of robbers, who accused the caravan of theft, demanding the return of their supposed property (a hat, a bowl, and, not surprisingly, a bag of money). According to

---

72 Ibid., 107-108.
75 Ibid., 57.
Underwood, when her husband suggested going to the magistrate, the mob refused, eventually overpowering and carrying off several of the Underwoods’s servants and many of their belongings. These ruffians were “wilder and ruder looking than any [she] had yet seen, their hair falling in matted locks around their evil faces instead of being fastened in the usual rough top-knot, and their angry eyes fierce and bloodshot.”76

A Most Shocking Spectacle

As the natural counterpart to such crime, many foreigners commented on penal institutions and practices in late Chosŏn Dynasty Korea. Many were taken aback by what they perceived to be excessive cruelty, arbitrariness, and corruption in Chosŏn penal practice. Almost without exception, they were condemning, and just as foreign powers had in Japan, China, and elsewhere, deemed legal and penal reform essential to Korea’s right to govern itself as an equal member of the civilized world.77

Angus Hamilton, an American who visited Korea just after the turn of the twentieth century, abhorred the brutality of Korean punishments. Particularly abominable to Hamilton was the “custom of Korean law to make the family of the arch-criminal suffer all his penalties with him.” He included a table showing traditional punishments for the most serious crimes: treason, murder, arson, desecration of graves, and counterfeiting, which, he pointed out, all earned various forms of gruesome execution

76 Ibid., 67-68.

(decapitation, poisoning, strangulation, etc.), with only theft granting the possibility of alternative punishment (banishment or enslavement).\textsuperscript{78}

Adachi Keijirō painted an even more graphic picture of the brutality of penal practice in Chosŏn, offering “two or three of the most striking examples.” He proceeded to give five!

1) The criminal is forced to prostrate himself on the ground, then, with a rod measuring 4 shaku, 5-6 sun long and up to 5 fun wide, his shins are struck until the flesh is torn and the bones are crushed.\textsuperscript{79}

2) The criminal is forced to expose his buttocks and prostrate himself on the ground. Then he is struck with a club. In place of a club, a whip is also used.

3) The criminal’s four limbs are twisted, his joints dislocated; then the criminal’s body is bent with all one’s might and bound tight in this position.

4) For crimes requiring decapitation, drugs may be requested for noblemen.

5) The hands are bound, hooked to the ceiling, and the criminal is beaten.\textsuperscript{80}

Another Japanese traveler, Tokunaga Isami, similarly highlighted the gruesome brutality of traditional Korean punishments in his 1907 travel book, \textit{Kankoku sōran} (Survey of Korea). Since the Korean penal code, he argued, was “nothing other than the Ming Code,” there was naturally “breaking knees, cutting off noses, branding of the body with a hot iron, and the like.”\textsuperscript{81} In their own twist, he purported, Koreans would

\textsuperscript{78} Hamilton, \textit{Korea}, 108.

\textsuperscript{79} 1 shaku = 30.3 centimeters, 1 sun = 3.03 cm, 1 fun = .303 cm.

\textsuperscript{80} Adachi Keijirō, \textit{Chōsen zakki}, 171.

\textsuperscript{81} Tokunaga Isami, \textit{Kankoku sōran} [Survey of Korea] (Tokyo: Hakubunkan, 1907), 226. In fact, these “punishments of the flesh” were abolished from the Korean penal code in the first centuries of the Chosŏn Dynasty.
supposedly “make [criminals] sit on top of hot coals, pull out their [finger and toe] nails, violently beat their shins, burn their hands and feet, and so on.”  

Most descriptions of the brutalities of Korean punishment by foreign travelers were, in fact, second hand, and clearly were not lacking for embellishment. For example, not having witnessed any “properly blood-curdling occurrences” during his sojourn in Korea, but nonetheless deeming it necessary to include something that would “blanch the cheeks of an appreciative audience,” Percival Lowell, of astronomy fame, described “a most shocking spectacle,” which he “might have seen but did not” in his 1882 “sketch of Korea,” *Chosön: The Land of the Morning Calm*. In a “chapter of horrors,” Lowell graphically related the discovery of some thirty bodies severed from their heads, “exposed to hideous publicity” on a roadside just outside the Great South Gate of Seoul, which he had evidently heard about second-hand. After describing the carnage, from the blood-spattered ground to the line of separately stacked heads, Lowell explained that the executed were criminals, mostly simply thieves: “These unfortunates had some of them stolen as much as ten dollars worth of something and had been so unlucky as to be caught in the act. Some of them probably had stolen much less.” But even this gruesome punishment, according to Lowell, was relatively merciful by Korean standards. “Had their crime been greater,” he continued, “or had they chanced to live a few years before they would not have escaped from this world with so little discomfort to themselves.”

**Prisons**

---

82 Ibid., 227.

Chosŏn prisons were also the subject of travelers’ criticism. To James Scarth Gale, a Canadian Presbyterian missionary, Korean prisons were symbolic of the state of the country prior to the entrance of Christianity: “Filthy, cold, infected by all the germs that flourish in the East, crawling with vermin, associated with crime, torture, and horrible death.” Others described them quite matter-of-factly, sympathizing with the plight of the prisoners. Noted Robert J. Moose:

The prisons are often cold and damp and without any place to sleep but the cold stone floor. The hands and feet of the prisoners are often made fast in the stocks. Another method of securing the prisoner is by the use of the cangue which is a board about six feet long with a hole near one end which is so arranged that it can be placed around the neck and made fast. One seldom sees a more pitiful sight than these poor creatures walking about the prison yard with the kangs [sic] around their neck.

Like Moose, most travelers found the cangue more intriguing than the prisons themselves, and it quickly became a favorite subject of photography. Perhaps this fascination had, as Brook, Bourgon, and Blue suggest concerning European visitors to China in the 1840s, to do with the fact that the use of the pillory, “collar boards,” stocks, and other similar implements in Europe had ended just a few decades earlier, making the cangue familiar, even quaint, in its backwardness. As they note, “Europeans visiting China [or Korea]…may be excused for being fascinated by cangues, these objects being no longer available for viewing at home.”

Fearful Tortures

84 James Scarth Gale, Korea in Transition (Cincinnati: Jennings & Graham, 1909), 182. Indeed, to Gale, prior to the arrival of Western missionaries, “the whole nation was once a vast prison” (p. 244).

85 J. Robert Moose, Village Life in Korea (Nashville; Dallas: Publishing House of the M. E. Church, South, 1911), 186-187.

86 Brook, Bourgon, and Blue, Death by a Thousand Cuts, 41.
Finally, nary a traveler left out an account or two of the “most fearful tortures” employed in Korea.\textsuperscript{87} Judicial torture (i.e., the use or threat of pain to elicit confession or testimony) was often conflated with punishment, leading many to believe (and write) that Korean punishment was based solely on torment, and that Koreans, in fact, must have derived some enjoyment from the infliction of pain.\textsuperscript{88}

The most common form of torture was observed, fairly accurately, to be “flogging in the most unmerciful manner.”\textsuperscript{89} Constabulary officials were in fact allowed to use a broader and considerably more frightening array of clubs to extract “true” testimonies from suspects and witnesses than Ministry of Justice officials were to punish convicts, and the use of these paddles for judicial torture, some of which were much too large to be practical in use, was often mistaken for heavy flogging as criminal punishment.\textsuperscript{90}

What really captured travelers’ gazes, however, was the practice of \textit{churi}, a form of judicial torture that had in fact been prohibited by King Yŏngjo in 1732, but had nonetheless continued to be used—illegally—both privately (by \textit{yangban} punishing their slaves, for instance), and, in emergencies, by government officials.\textsuperscript{91} One such emergency was the Tonghak Rebellion (1894-1895), which very nearly overthrew the Chosŏn state, and led directly to the outbreak of the Sino-Japanese War. Many foreigners were in Korea during this rebellion and the subsequent war, and witnessed government

\textsuperscript{87} Moose, \textit{Village Life in Korea}, 186.

\textsuperscript{88} On the distinction between torment and torture, see Brook, Bourgon, and Blue, \textit{Death by a Thousand Cuts}, 9.

\textsuperscript{89} Moose, \textit{Village Life in Korea}, 186.

\textsuperscript{90} Sŏ Il-gyo, \textit{Chosŏn wangjo hyŏngsa chedo}, 178-181.

\textsuperscript{91} Shaw, \textit{Legal Norms in a Confucian State}, 97.
use of *churi* to extract confessions and information from captured rebels, taking it to be a standard part of the uniquely barbaric Korean penal repertoire. Gruesome descriptions, sketches, and even photographs of this practice became, not unlike *lingchi* in China, a requisite part of any authentic book on Korea.\(^{92}\)

In fact, travelers reported a variety of tortures: some, like *churi*, actually in use; some “ancient but now obsolete”; some clearly figments of their own imaginations. W.E. Griffis described a torture quite difficult even to imagine, which involved “suspension by the arms tying the hands in front of the knees between which and the elbows is inserted a stick while the human ball is rolled about,” and seemed quite impressed with the “inventory of the court and prison,” which purportedly included “iron chains, bamboos for beating the back, a paddle shaped implement for inflicting blows upon the buttocks, switches for whipping the calves till the flesh is ravelled [sic], ropes for sawing the flesh and bodily organs, manacles, stocks, and boards to strike against the knees and shin bones.”\(^{93}\) Needless to say, travelers’ craving for the gruesome often seems to have overridden their interest in portraying the “actual conditions” of Korean punishment.

**Arbitrariness and Corruption**

Another theme in foreigners’ observations of Korean punishment was its arbitrariness and manipulation by *yangban* officials. “First of all,” noted Adachi Keijirō, “it is performed at the will of the official. There is no set penal code for the entire

---

\(^{92}\) Brook, Bourgon, and Blue, *Death by a Thousand Cuts*, 6.

\(^{93}\) William Elliot Griffis, *Corea, the Hermit Nation* (London: W.H. Allen, 1882), 234.
Indeed, the fact that magistrates exercised both executive and judicial power within their jurisdictions was a major point of criticism by outsiders, a sign to many that the official *yangban* class was hopelessly corrupt and utilized their offices not only to maintain their position atop Chosŏn society, but to accumulate personal wealth and suppress the lower classes politically, socially, and economically. Consider this excerpt from Samuel Hall Chester’s *Lights and Shadows of Mission Work in the Far East*:

> The second principle of their political economy is that no one of the common people is to be allowed to accumulate property. A new gate, a repaired roof, or any visible sign of improved circumstances is liable to prove the occasion of arrest. The charge may be that the man was heard to speak disrespectfully of his mother. No matter what the charge is, once in the magistrate's prison he stays there being bambooed every morning at sunrise until all the available money of the family has been paid in as the price of his release. The consequence of this system is of course the universal poverty of the common people who not only have no incentive for trying to accumulate property, but the strongest possible incentive for not doing so.

Only by the complete destruction of Chosŏn society, starting with the overthrow of *yangban* magistrates, Chester concluded, could there be hope for true progress in Korea. Then, in an extreme expression of paternalism, he asserted his “hope that [Koreans] may some day have enough manhood developed in them to rise up and destroy the system and thus open the way for the possible splendid future of their beautiful and fertile land.”

**A Low Sense of Morality**

In analyzing the causes of Korea’s criminal and penal backwardness, foreign writers drew broad conclusions about “Korean” characteristics, society, and culture.

---


96 Ibid., 110.
While some portrayed crime as deviant and exceptional—the actions of a few bad apples ruining the bunch—others connected it to inherent qualities of Korean society, culture, and even biology. In his assessment of the “Korean People,” for example, Enjōji Kiyoshi noted, among other characteristics, Koreans’ natural propensity to steal. “They think nothing of pilfering people’s things,” he contended, adding that, in Korean culture, stealing is no different from “picking things up.”97 Rather than chalking this uncivilized behavior up to criminal deviance or “insensitivity,” however, Enjōji argued that rampant theft in Korea was a matter of custom, though “as a custom,” he noted dryly, “it is a very bothersome one.” As evidence of Koreans’ cultural immaturity, Enjōji shared the following:

There is a story that one time in a certain government office, since various things were continuously being lost, a Japanese person involved with that office spoke to the director, saying, “the officials of your country steal things and there is no consequence. From now on, I want you to greatly increase attention [to this problem].” The director gathered his subordinates one day and admonished them, “As the Japanese seem to hate pilfering, from now on, it would be best if you don’t pilfer things in front of Japanese people.”

“Having seen a case such as this,” Enjōji concluded, “where they do not teach that stealing is wrong, but merely warn not to do it in front of Japanese people, can we not understand how low their sense of morality is?”98

One consequence of locating the cause of crime in Korean culture was the historicization of Korean society—marking it not only as immoral or deviant, but as backward—not years or decades behind, but literally centuries. A dramatic example of this was William Elliot Griffis’s *Corea, Without and Within* (1885), in which Griffis, a missionary-minded Presbyterian, seamlessly integrated Hendrick Hamel’s *An Account of

97 Enjōji Kiyoshi, *Kankoku no jitsujō*, 82-83.

98 Ibid., 83.
the Shipwreck of a Dutch Vessel, published more than two hundred years earlier (1668) with his own chapters on recent events in Korea.99 The inclusion of Hamel’s narrative suggests that, in Griffis’s eyes, nothing of any significance had changed about “Corean History, Manners, and Religion” since Hamel observed them in the 1650s and 1660s. Included in this assumption were Koreans’ attitudes toward and propensity for crime. One of Hamel’s sections Griffis included, on “National Traits and Habits,” described the incorrigible nature of Koreans: “The Coreans are very much addicted to stealing, and so apt to cheat and lie there is no trusting them.”100

In addition to Koreans’ inherent and unchanging propensity for theft, travelers also found Korean punishments terribly backward and static. “Now we would expect to find in any land,” noted the highly regarded historian, Homer Hulbert, “a gradual change in the forms of punishment during the centuries.” In Korea, however, Hulbert claimed, punishment had simply not evolved properly:

[ Punishments ] in vogue today are such exact copies of the ancient Buddhist representations that we cannot but conclude that even if the Buddhist hell was copied from actual custom yet the crystallization [sic] of it into religious form has perpetuated the ancient and gruesome horrors and prevented the advent of humaner [sic] forms of punishment commensurate with the general advance in civilization and enlightenment.101

Percival Lowell recognized a “gradual, spontaneous evolution” toward more humane punishments in Korea, at least, but also noted that it was “working more slowly but as surely in this little community, shut off by itself, as in the great world outside.” Not only was Korea’s penal evolution lagging behind the rest of the world, he continued, but

---

99 William Elliot Griffis and Hendrik Hamel, Corea, Without and Within (Presbyterian Board of Publication, 1885).

100 Ibid., 148.

it was also marked by a “spirit of death, not of life”: while old, barbaric customs had passed away, “no new ones [had] arisen to take their place.”¹⁰²

William Elliott Griffis placed Korea behind even its Asian neighbors in terms of the civilizational progress of its punishments. Remarking on the continued use of flogging, he observes: “The bastinado was formerly, like hundreds of other customs common to both countries, in vogue in Japan. As in many other instances, this has survived in the less civilized nation.”¹⁰³ For J. Robert Moose, this atavistic use of flogging, or “spanking” as he called it, served as a caution against civilizational digression: “There are a few of the people in the United States, in the twentieth century, who are advocating a return to the whipping post of the Dark Ages. If spanking could reform a people, the Koreans would have been reformed long ago.”¹⁰⁴

The implication of such historicization (conscious or not) was that Koreans had been and would continue to be incapable of reforming their own society properly to meet international standards of “civilization and enlightenment.” For some observers, it was merely a matter of introducing Koreans to the “stimulating influences of the civilization of the West.”¹⁰⁵ In the concluding chapter of Corea, Without and Within, titled “Corea for Christ,” Griffis stressed that Koreans could and would become “brethren in Christ.” Thus, “instead of finding them all bloodthirsty, cruel and savage, as has too much been

¹⁰² Lowell, Chosŏn: The Land of the Morning Calm, 304-305.
¹⁰³ Griffis, Corea, the Hermit Nation, 235.
¹⁰⁴ Moose, Village Life in Korea, 188.
¹⁰⁵ Underwood, Fifteen Years Among the Top-Knots, 272-273.
their reputation, we shall yet,” he argued, “know them as gentle, patient and teachable
people.”

Lilias Underwood agreed. She argued that Koreans, contrary to some people’s
assertions, were not inherently “listless, dull, stupid, lazy, an inferior race” (and we might
add “criminal”), but were instead products of their environment. Comparing Koreans to
Irish, another “happy-go-lucky” people, she explained:

Take either in the midst of his native bogs, untutored, without incentive, [sic]—he is thoughtless,
careless, dirty; drinking, smoking and gambling away his time with apparently little ambition for
anything better. Remove this same man…place him in a stimulating environment, educate him,
instil [sic] the principles of Protestant Christianity, give him a chance to make a good living…and
you will not find a better citizen, a more brilliant scholar, a finer Christian.

After all, the bandits that waylaid her traveling party and kidnapped her servants were not
typical Koreans, but “wild men, many of them fugitives from justice.” She and her
husband even stayed in the village following the attack for several hours, attending to
those in need of medical care. Indeed, she saw Koreans as eminently curable. They
simply needed exposure to the “light” of civilization. It is no coincidence, perhaps, that
many writers placed their observations of crime in the same chapters as their descriptions
of education in Korea.

106 Griffis and Hamel, Corea, Without and Within, 292.
107 Underwood, Fifteen Years Among the Top-Knots, 273-274.
108 Ibid., 69.
109 See George Trumbull Ladd, In Korea with Marquis Ito (New York: C. Scribner’s sons, 1908); Angus
Hamilton, Herbert Henry Austin, and Masatake Terauchi, Korea: Its History, Its People, and Its Commerce
(Boston, Tokyo; J.B. Millet company, 1910).
Accuracy and Representation

Were these representations of Korean crime and punishment accurate? Having sketched the basic contours of the Chosŏn penal system, certainly we can say that many of them were not. Many were, as we have seen, based on second-hand information or simply creative imagination. Others “saw” Korea through the lens of preconceived notions about the Orient, informed by earlier travel narratives, such as Hamel’s journal or George Henry Mason’s already classic, well-illustrated work, The Punishments of China.110 Many observations were made without any cultural context, leading to quite false conclusions being drawn, often in an effort to “render the novel and exotic more familiar by attaching it to the cultural norms and epistemological systems of Western Europe.”111

Take W.E. Griffis’s 1882 observation on capital punishment: “When an offender in the military or literary class is sentenced to death, decapitation is the rather honorable method employed.”112 While this logic may have resonated with his own conceptions of chivalrous, masculine honor, in Korea, as we have seen, the very opposite was true. Similarly, Percival Lowell made the practical and logical assumption that waiting until autumn to execute penal sentences was a simple matter of economy and convenience rather than part of a deliberate effort to avoid any unnecessary and distracting business during the growing season.113


112 Griffis, Corea, the Hermit Nation, 235.

113 Lowell, Chosŏn: The Land of the Morning Calm, 303.
Regardless of their accuracy, these representations collectively portrayed Korea as a backward land of rampant crime, brutal, cruel punishments, low collective morality, and, ultimately, barbarity. Indeed, Griffis captured the overall sentiment when he noted that “the vocabulary of torture is sufficiently copious to stamp Chōsen as still a semi-civilized nation.” Nearly all foreign observers agreed that essential changes in Korean attitudes toward crime were necessary. The implied question thus became whether, once shown the light, Koreans could change their own customs and eliminate their criminal tendencies, or whether foreign intervention was needed beyond mere tutelage.

**Colonizing Punishment**

**Observing Reform**

Korean officials and intellectuals in the late Chosŏn period were, of course, neither deaf nor mute on the subjects of crime and punishment. They were quite aware of the criticisms being made by foreigners about Korean crime and punishment, and it was impossible to not notice how such representations translated into diplomatic agreements with other nations. In the 1870s and 1880s, Korea, with Chinese encouragement, signed trade agreements with all the major powers in the hopes that it would be able to play these powers off one another and maintain the status quo. Each of these treaties contained a clause granting extraterritorial privileges to the citizens of the signing country in Korea, on the grounds that Korean punishments and judicial procedures were simply not up to international standards. The Schufeldt Treaty between Korea and the United States (1882), for example, stated quite clearly:

---

114 Griffis, *Corea, the Hermit Nation*, 234.
It is...mutually agreed between the High Contracting Powers, that whenever the King of Chosen [sic] shall have so far modified and reformed the statutes and judicial procedure of his kingdom that, in the judgment of the United States, they conform to the laws and courts in the United States, the right of extraterritorial jurisdiction of the United States’ citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.  

Such provisions drew the attention of both Korean officials and intellectuals and stimulated debate about the need for penal reform. Some thought the answer lay in a return to moral Confucian leadership. Take, for example, the 1881 memorial to the throne written by Song Pyŏng-sŏn, a highly regarded Confucian scholar who, in the Confucian tradition of pure scholarship, repeatedly refused appointments to high ranking positions in the government. In his memorial, Song noted eight pressing matters he thought the king needed to address. Among these was “ensuring public order by establishing reliable rewards and punishments.” In the current situation, Song argued, “rapacious officials” (changni) felt little fear of punishment, even in cases of serious crimes. Only by all officials, beginning with Kojong himself, purging themselves of all selfish thoughts, and applying laws indiscriminately, could public order be re-established. As Zhu Xi himself said, Song reminded the king, Chosŏn officials must “examine merit and sin, and thereby apply rewards and punishments impartially.”

Others believed Korea’s situation demanded reform on Western models. In order to begin such a process, they contended, Korean officials needed more detailed knowledge of Western penal systems. In response to such demands, the Korean court sent an unofficial delegation to Japan in 1881 to inspect the Western-inspired modernization

---


116 KJSL, 18 kwŏn, 62a (1881.11.30, article 2). Song, a prolific writer and thinker, is perhaps best-known for taking his own life in protest of the signing of the Ŭlsa Protectorate Treaty in 1905, which effectively surrendered Korean sovereignty to Japan.
projects underway there. Each of the twelve mid-level officials leading this delegation, the so-called *Sinsa yuram-dan* (Gentlemen’s Sightseeing Group), was given orders to thoroughly inspect and report back on certain aspects of Japan’s state-building efforts.

Observation of the Meiji justice system was charged to the experienced bureaucrat, Ŭm Se-yŏng, who had held a number of important positions in the Royal Secretariat (Sŭngjongwŏn), the Office of Special Counselors (Hongmun’gwan), and the Office of the Inspector General (Sahŏnbu). In addition, in 1866 and 1867, Ŭm had been appointed a member of the winter solstice embassy to China, making him particularly well-qualified for this assignment. Over the course of just four months in Japan, Ŭm inspected Japanese courts, prisons, and the Ministry of Justice (*Seihōshō*), and analyzed and critiqued changes to the Japanese penal code. Upon returning to Korea, he submitted his opinions to the king, expressing qualms about what he perceived to be the Japanese abandonment of their Confucian heritage, but general optimism about the potential of Japanese-style penal reform to both alleviate foreign pressure on Korea and, perhaps, to improve peace and order in Korean society.

Other members of the 1881 mission commented on penal reform in their reports to the King as well. Ŭ Yun-jung, a mid-level bureaucrat in the Ministry of Finance at the time of the mission, was impressed by many of the Meiji social, economic, and political changes, including its new penal system. After touring Japanese prisons, notes Donghyun

---

117 Hö Tong-hyon, “1881 nyŏn chosa sich’aldan ŭi myŏngch’i ilbon sabŏp chedo ihae—Ŭm Se-yŏng ŭi Sabŏpsŏng sich’algi wa Mun’gyŏn sakŏn ŭl chungsim ŭro” [The 1881 Investigative Sightseeing Group’s Understanding of Meiji Japan’s Penal System, With Special Reference to Ŭm Se-yŏng’s Record of the Observation of the Ministry of Justice and The Observation Mission], *Chindan hakpo* 84 (1997): 135-149.

Huh (Hŏ Tong-hyŏn), Ŭ was “especially preoccupied with abolishing the cruel “feudal” punishments that had become a pretext for unequal treaties.”119

Korean officials were also sent to the West to observe institutional reforms. Having visited Japan, the United States, and Europe, for example, Yu Kil-chun, another Sinsa Yuramdan alumnus, strongly advocated penal and judicial reform in his famous 1889 treatise, Sŏyu kyŏnmun (Observations on a Journey to the West). “The Western countries,” he noted, “are a hundred times richer and stronger than the Asian countries…such a disparity derives from the difference in institutions and laws. It is not due to the innate ability of the people.” He lamented that Korea’s legal codes had such an “inconstant effect,” blaming the fact that “the officials and the people neglect observing them,” and that “the rich and powerful violate laws with impunity.” Yu thus believed it essential for Korea to establish consistent and fair legal codes, like those of the West, which, properly enforced, “would lead to the enlightenment of law,” and thus to the enlightenment of the country.120

**Korean Reform Efforts**

Following the Japanese-supported Kapsin Coup attempt in 1884, the influence of reform-minded officials in the Chosŏn government waned, and though proposals for and debate about the need for penal reform continued, actual reforms would not be realized for another decade.121 In the midst of the Sino-Japanese War (1894-1895), the Japanese-

---

119 Ibid., 41.

120 As cited in Young Ick Lew, “The Kabo Reform Movement: Korean and Japanese Reform Efforts in Korea, 1894” (Ph.D. diss., Harvard University, 1972), 313-316.

121 In fact, many reform-minded officials were forced into exile at this time, including much of the Sinsa Yuramdan contingent.
supported Kim Hong-jip cabinet, which included many Sinsa Sichaldan alumni, pushed through a wide range of reforms, known collectively as the Kabo Reforms. Among the great number of reforms undertaken during these years, many targeted penal institutions, practices, and procedures, and were clearly intended to address the concerns of foreign travelers and diplomats, as well as those of would-be Korean reformers.

The significance of punishment to the overall program of reform undertaken in 1894-1895 can be seen in its inclusion in King Kojong’s famous “Fourteen Article Oath” in January 1895, meant to be a declaration of Korean independence as a modern nation-state, though clearly influenced by Japanese diplomats underwriting many of the reforms it announced. Kojong announced in clear language (it was quickly translated and sent to foreign embassies) that Korea was to establish, among other reforms, modern legal and penal systems based on Western principles, such as *nulla poena sine lege* (no punishment without a corresponding law). Subsequent reforms backed this claim, at least on paper establishing limited judicial independence in a new Ministry of Justice, abolishing judicial torture and cruel punishments, including the punishment of a convict’s relatives and heavy flogging, replacing penal servitude (*tohyŏng*) with incarceration with labor, and limiting the use of exile to political criminals.

---


124 For a complete list of punishment-related reforms during the Kabo period, see Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, *Han’guk kyojŏngsa*, 202, 207.
Among these reforms, the Korean government also adopted new regulations establishing a more unified prison system, modeled closely on Japan’s, including Korea’s first “Prison Rules” (Kamok kyuch’ik) in November 1894. These rules brought the Korean penal system—on paper at least—more in line with contemporary international penal practice, calling for the strict separation of convicts and suspects, regular inspections of prisons by the responsible authorities, and the constant surveillance of prisoners and the prison surroundings night and day. They also laid out registration and record-keeping procedures concerning prisoners’ sentences, possessions, and health, and established regulations for prisoners’ dress, food allowance, and allowable provisions. In addition, they established standard protocols for emergencies (fires, floods) and outbreaks of disease, and laid out the daily responsibilities of inmates, which were to be posted in the prison and explained to each inmate individually upon incarceration (for those prisoners who were illiterate).125

The prison rules were accompanied by a remarkably progressive reform designed to encourage convicts to reform themselves. This “Chingyŏkp’yo” (Chart of Penal Servitude) divided convicts into four categories (regular, specially skilled, seniors/minors, and women), and established what the colonial government would later call a progressive stage system, wherein convicts would advance through between two and five stages (depending on category), each marked by reduced restraint. For example, a “regular” convict sentenced to two years, would spend the first 100 days in a heavy cangue, before he could advance to the next stage (light cangue, followed by double fetters and single fetter), depending on his behavior. The final stage for all convicts meant no restraints at

125 See “Kamok kyuch’ik,” in Ibid., 222-224.
all (besides the prison walls, of course). In a nod perhaps, to Confucian values, seniors (over the age of seventy), minors (fifteen and younger), and women had much lighter restraints and fewer stages to progress through, as did “specially skilled” convicts. This last category highlights the transitional phase of Korean society at the time, as it included artisans and craftsmen, whose labor might be useful to the state, but also court musicians and astronomers.126

In the years following the Kabo Reforms, control of the Korean government reverted to more conservative forces for reasons discussed elsewhere; but while some of the reforms were repealed, penal reform continued throughout the next decade, including significant revisions of both the prison rules and the chingyŏkp’yo in 1898.

Another important line of reform for the Korean government in these years was the revision of its penal code. In April 1896, just as the Kabo reform movement was ending, the government announced the promulgation of a new penal code, the Hyŏngnyul myŏngnye (General Penal Regulations), a simple code (just twenty-seven articles), but one that addressed many of the complaints and demands of Korea’s foreign critics. While some have criticized the code as “still being rooted in Korea’s old system,” it in fact was quite progressive by the standards of the time.127 It clearly laid out four types of punishment: death (by hanging), exile (for official criminals), imprisonment with labor, and flogging; the latter three with multiple gradations.128 It also mandated the division of


127 Ibid., 235.

128 “Hyŏngnyul myŏngnye,” Articles 3-5.
convicts according to the seriousness of their crime and reduced the number of penal implements to just three—still including the cangue.\textsuperscript{129}

The \textit{Hyŏngnyul myŏngnye} was not a total reform of Korean penal law, however; it was still dependent on other Korean codes and laws.\textsuperscript{130} A more complete reform would only come ten years later, with the promulgation of the \textit{Hyongbŏp taejŏn} (Korean Criminal Code) in 1905. This represented the culmination of nine years of drafting, debating, and revising among Korean officials and a shifting group of foreign advisors. The employment of such advisors from various countries allowed the Korean government, with some success to play foreign powers off against one another. The politics of this process were on full display in the revision process of the new penal code. The first draft, the \textit{Hyŏngbŏp ch’oan}, was, in fact, authored by Takanozawa Keiichi, a Japanese advisor to the Korean government, from 1896-1897. This first draft, which was eventually discarded, excised all references to Chinese penal law, upon which centuries of Korean legislation and case law had been based. By the time Takanozawa submitted the draft, however, the pro-Japanese, pro-reform climate of 1894-1895 had long passed, as King Kojong favored the Russian and American delegations in the hopes of balancing Japan’s power in Korea.\textsuperscript{131}

Over the following years, several versions of the penal code were proposed and revised, with the announcement of the new code anticipated in 1902.\textsuperscript{132} The revision of

\begin{footnotesize}
\begin{enumerate}
\item Ibid., Article 25.
\item Ibid., Article 31.
\item Ibid., 43-44.
\end{enumerate}
\end{footnotesize}
this code, the *Taehan hyŏngbŏp* (Korean criminal law) had been undertaken in consultation with both American and French legal advisors, though it maintained significant portions of the traditional code based on Chinese penal law. Drafts of the code were criticized for being too conservative and for even introducing some brutal penal measures that had been eliminated by the *Hyŏngnyul myŏngnye*. Some of these controversial measures, as it turns out, including the re-introduction of beheading, had been insisted upon by a French legal advisor, Laurent Crémazy, against the wishes of Korean reformers.133

For reasons unknown (likely diplomatic), the *Taehan hyŏngbŏp* was never adopted as expected, and code revision continued. With the advent of the Russo-Japanese War and Japan’s reassertion of supreme influence in Korea, Western advisors were replaced by Japanese, and once again the course of penal code revision changed.134 When the *Hyŏngbŏp taejŏn* was finally announced in April 1905, it showed traces of the various influences that had shaped it over a decade of revision.135

Unlike the *Hyŏngnyul myŏngnye*, the new code was comprehensive, its 680 articles encompassing criminal and civil law, procedure, and administration, replacing all prior Korean laws and codes. It was not all new, however; in many ways, it represented a mixing of traditional Korean punishment with the more liberal revisions of the Kabo Reforms. It set forth five basic punishments, now consisting of death (by hanging only),

---

133 In fact, Crémazy apparently convinced the Korean government to revise the *Hyŏngnyul myŏngnye* to re-introduce beheading in the meantime. See Ibid., 46-47. For more on Crémazy, see also Soohn-ho Hong, “Foreign Advisors in the Late Korean Monarchy: Dr. Laurent Crémazy,” *Korea Journal* 20, no. 10 (October 1980): 25-29.

134 Ibid., 29.

exile, imprisonment with labor (yŏkhyŏng), short-term confinement (kŭmok), and flogging, which were supplemented by confiscation, dismissal from public office, and public labor. In answer to the many critics who had lambasted Korean judicial corruption, the new code showed a concern for rationalization and standardization, with each main punishment (except death) featuring ten grades, and punishments being prescribed to correspond to the seriousness of the crime. No longer was there room for variation (i.e., official corruption), as sentences for most crimes could only be reduced up to two degrees, while those for serious crimes, including rebellion, murder, arson, and rape, among others, could not be reduced at all.

But for all of its modern trappings, the new code, like many of the reforms the Koreans had made since the 1890s, still had many features foreigners, including the Japanese, who were now on the verge of playing a much larger role in Korea’s domestic affairs, found objectionable. In a 1907 report published in English and distributed to foreign governments, the Japanese Residency-General criticized the Hyŏngbŏp taejŏn as being “intolerably severe in the punishments in prescribes,” and full of “defects in many other ways.” Indeed, if the new code had mitigated some past brutalities in the application of capital punishments, many critics still found the large number of crimes to


137 Ibid., Articles 96, 125.

which it was applied particularly egregious, which included not just murder, but also armed robbery and even theft under certain circumstances.\footnote{139}{For a complete list of crimes and their corresponding punishments, see Hyŏngbŏp taejŏn, Section IV and Section V.}

In addition, the new code still featured many of the aspects of traditional Korean punishment that foreigners had found to be backward, quaint, or downright barbaric. Traditional penal implements (hyŏnggu), for example, were still allowed by the new code, including two types of cangue, manacles (ch’u), shackles, chains (ch’ŏlsak), whips (ch’u), and leather whips (hyŏk ’yŏn).\footnote{140}{Ibid., Article 100.} In addition, the code still legislated Confucian morality, prescribing stiff penalties for the violation of filial mourning obligations or divorce without just cause, and showed partiality to wealthy yangban, allowing commutation by payment for many crimes at fairly agreeable rates.\footnote{141}{See Ibid., Article 182.}

Some scholars have argued that many of the reforms undertaken by the Korean government between 1894 and 1905, were essentially conservative—that is, they used new political and legal institutions to perpetuate the political and social status quo. In his massive study on the Kabo reforms, for example, Young Ick Lew charges that by establishing a powerful, bureaucratically controlled Metropolitan Police Board and State Tribunal Office (Ŭigŭmsa), which had jurisdiction over the investigation and prosecution of crimes committed by government officials, in addition to the nominally independent Ministry of Justice, Korean reformers “did not envisage the growth of an independent judiciary system separate from the executive branch of the government,” but merely
“wanted to wield judiciary power with their own hands.”142 In fact, many Korean reforms were dismissed by foreign observers and Koreans alike at the time as mere window dressing for continued yangban manipulation and control of the Korean governmental apparatus.

Though such conclusions intimate a Korean “failure” to reform its institutions (and were perceived as such), such self-conscious and self-serving adoption of Western judicial and penal institutions would certainly not have been unique to Korea. Recent studies suggest, in fact, that both Chinese and Japanese ruling elites actively adopted Western penal methods and institutions for their own political purposes, rather than mere emulation of Western civilization. In these countries, as elsewhere, notes Frank Dikötter, “Modernising elites did not merely ‘respond’ to a Western ‘impact’; they actively appropriated globally circulating ideas and technologies from within their own moral and cognitive traditions.” Thus, he continues, “the prison was a modern tool used to pursue a more traditional vision of an ordered and cohesive social body governed by virtue.”143

In Korea, the results of reforms were mixed, making it hard to say for certain that the reformers had solely such conservative motives. A perusal of newspaper headlines from the late 1890s, for example, suggests that the aforementioned Ŭigŭmsa was actually quite busy prosecuting corrupt officials. Regardless, the passing of laws and regulations was not matched by institutional reform, largely for reasons of cost. Establishing an incarceration-based penal system was expensive, and tight Korean finances were pulled

143 Dikötter, Crime, Punishment and the Prison in Modern China, 7. On Japan, see Botsman, Punishment and Power; Umemori, “Modernization through Colonial Mediations: The Establishment of the Police and Prison System in Meiji Japan.”
in a number of different directions during these years. Tellingly, just a few days after the government proudly announced the revision of its prison rules in April 1898, the *Tongnip sinmun* reported matter-of-factly that a certain Kim Hwa-sam, a convict incarcerated at the prison in Seoul (*kamoksŏ*, formerly the *chŏnoksŏ*), had simply broken down part of the prison wall in broad daylight and escaped.144

**Conclusion**

To truly serve their purpose, penal reforms in Korea needed not only to be effective against crime, they also needed to win over international opinion. Unlike the Japanese, Korean reformers were unable to convince foreign powers that they were capable of reforming their own legal and penal systems, though some observers were impressed with early reform efforts. Referring to the changes to the penal system undertaken between her first visit to Korea in 1894 and her second in 1897, Isabella Bird Bishop observed the following:

> Much has been done in the way of prison reform, and much remains to be done, specially in the direction of classification, but still the great Seoul prison contrasts most favourably with the prisons of China and other unreformed Oriental countries. Torture is at least nominally abolished, and brutal exposures of severed heads and headless trunks, and beating and slicing to death, were made an end of during the ascendency of Japan. After an afternoon in the prison of Seoul, I could hardly believe it possible that only two years before I had seen severed human heads hanging from tripod stands and lying on the ground in the throng of a business street, and headless bodies lying in their blood on the road outside the East Gate.145

Significantly, however, even such favorable accounts of Korean penal reforms rarely attributed positive changes to Koreans themselves, but rather credited Japanese encouragement or the work of foreign advisors. In this case, Mrs. Bishop claimed that the

144 *Tongnip sinmun*, 07 April 1898, 4.

“striking changes” to the penal system were “greatly owing” to an American advisor to the Korean government, A.B. Stripling, who was “carrying out prison reforms, originally suggested by the Japanese, in a humane and enlightened manner.”

Most foreign visitors did not share even Mrs. Bishop’s limited approval of Korean penal reforms, however. Writing in 1904, Angus Hamilton noted: “If some little improvement has become noticeable in educational matters under the enlightening influence of the missionaries, great fault must be found with the condition of the law.” He recognized that in 1895, “some attempt was made to abolish practices opposed to the spirit of progress.” But, he qualified, it is “not always possible to graft upon the legal procedure of one country a system of administration which works well in another.” Indeed in Korea, he noted, “with improved internal administration many of the abuses which existed under the old system have disappeared.” But, there were still “many grievances” with the Korean penal system: “Justice is still hedged about with bribery; official corruptness admits of the venal purchase of office. Much outcry accompanies the sweeping of the Augean stables.” And, though he lauded the recent restriction of royal authority and believed that justice could prevail in Korea, he pointed out that without foreign advisors, the experiment would likely collapse immediately.

Every attempt of the system to serve justice, especially in instances directly involving foreigners, was magnified both in diplomacy and in print. Following the attempted assassination of its official interpreter, Kim Hong-yuk, in 1898, for example, the Russian legation issued a statement to the foreign office demanding “proper” justice:

---

146 Ibid., 2:273.
147 Hamilton, Korea, 107, 111.
"It is necessary not only to punish the actual culprits but to find out the instigators of the crime. Even if the instigators be high in rank their station must not be considered in the proper administration of justice." As a result, the Korean government gave the Metropolitan Police a mandate to capture the culprits within three days, leading to a flurry of arrests and the implication of a high-ranking official and relative of Emperor Kwangmu (King Kojong). This again stirred up controversy over the scope of police and penal authority, the use of torture, and the potential for blind justice in Korea.

Such purported failures not only impugned the Korean penal system, they threatened the Korean government’s already tenuous hold on penal authority. In 1904, Japanese officials made a similar demand for justice “to the extreme limit of the law” for “miscreants” who had cut the telegraph line between Seoul and Wŏnsan. This demand was even more problematic in that the Japanese threatened to “seize [the miscreants] and inflict capital punishment” themselves if Korean authorities were not able to arrest and punish them.

Challenges to Korean penal authority were not limited to the representatives of foreign governments, either. “Missionaries and other foreigners,” noted George William Gilmore, “have in isolated cases so brought influence to bear on officials as to release from prison and punishment persons charged with misdemeanors.” Even reform-

---


149 Ibid.


minded Koreans questioned the efficacy of early reforms and Koreans’ very ability to carry out effective reform themselves. Sŏ Chae-p’’il (Phillip Jaisohn), for example, the well-known and internationally-respected reformer and editor of the bilingual newspaper *The Independent* (Tongnip sinmun), noted in 1896 that “the civilization of any country is measured pretty accurately by the treatment that criminals receive at the hands of the government.” But, for Sŏ, this did not mean Korea was ready for or capable of Western style penal reforms. Sŏ defended aspects of the traditional Korean penal system: not as civilized, but as necessary and practical. “Severity of punishment,” he contended, “is not a mark of low civilization, but is necessitated by that civilization.” For Sŏ, “the cangue, the cage, the knout, and the bastinado” were merely “preventive rather than punitive.” “So long,” he continued, “as Korea is in such a condition that a man who commits a crime in Seoul can run to the country and be perfectly safe from capture, the margin, so to speak, of preventive punishment cannot be raised.”

As Japanese dominance was firmly established in East Asia following the Russo-Japanese war, and it appeared to the Japanese that a sufficiently strong, allied Korea was long in coming, Japanese authorities began taking more active steps to directly reform and strengthen their neighbor.\(^{153}\) This they deemed essential for Japanese security, economic development, and international prestige. Having worked for four decades to rid their own country of undue foreign influence, including extraterritorial legal jurisdiction, Japanese officials now hoped to eliminate foreign privilege and competition in their

---

\(^{152}\) *Tongnip sinmun*, September 26, 1896.

\(^{153}\) Peter Duus has argued convincingly that the Russo-Japanese War (1904-1905) marked a critical turning point in Japan’s relationship with Korea. See Duus, *The Abacus and the Sword*, 173-176.
Almost as important to the Japanese as ridding their own country of unequal treaties with foreign powers was eliminating foreign privilege and competition in Korea. In order to do this, the Japanese had to show, just as they had in Japan, that the Korean penal system, among other institutions, could meet international standards with their help. Before long, this led them to take direct control of it.

Following the signing of the Protectorate Treaty in 1905, which granted Japan control over Korea’s foreign affairs, the Japanese gradually began to exert more direct influence over other aspects of Korean government, including policing and punishment. By 1907, this influence became dominant, as Japanese advisors began to play a greater role in influencing the course of Korean penal reform. To justify their usurpation of Korean penal authority both at home and to the international community, Japanese officials drew on what were by now familiar arguments, using familiar language. In its first annual report, for example, published in English and Japanese in 1908, the Japanese Residency-General (Tōkanbu) in Korea decried Korean punishments “almost too unsavory to describe,” including “floggings…so severe as to render the victim a cripple for life,” “confinement in the stocks,” and hangings “most cruelly carried out.”¹⁵⁴ They described a penal system wrought with “corruption” (fuhai binran), wherein punishment was “prostituted to private ends,” being a mere tool of “political or personal vengeance.” Here, unfortunate persons (muki no min) were at constant risk of being accosted and thrown into dungeon-like prisons (goku), where they would be subject to “brutal” (sankokuna) treatment and harsh conditions, and their only way out lay in whether or not

they had political power (kensei) or money to pay a bribe.\textsuperscript{155} Within just a few months, the report continued, Japanese advisors had achieved considerable improvements (kaizen), separating convicts from remanded suspects, abolishing torture, improving sanitation and nutrition in prisons, and constructing a new prison in Seoul.\textsuperscript{156}

Japan’s encroachment and eventual takeover of Korean penal authority met remarkably little resistance from either Korean reformers or the foreign community.\textsuperscript{157} With the common perception that Korean officials were at best dragging their feet, and with even Korean pundits calling for penal reform and criticizing Koreans’ inability to effect it, the Japanese did not have to do much to convince foreign governments, the Japanese at home, and even many Koreans that, since the Koreans seemed incapable of effective legal or penal reform, they had no choice but to take formal control of the Korean judicial and penal systems.

This they did on 12 July 1909, via the “Memorandum Concerning the Transfer of Korean Law Courts and Prisons to Japan,” or Kiyu Protocol, as it came to be known in Korea.\textsuperscript{158} This agreement also drew on the common, international consensus, created over the past several decades, that Koreans were incapable of reform on their own and that, under the traditional Korean judicial-penal system, foreigners needed to fear for both

\textsuperscript{155} Ibid.; Tōkan kanbō, \textit{Kankoku shisei nenpō (Meiji 39-40)} (Keijō: 1908), 89, 103.

\textsuperscript{156} Tōkan kanbō, \textit{Kankoku shisei nenpō (Meiji 39-40)}, 89, 103.

\textsuperscript{157} For an emphatic exception to that rule, see F. A. McKenzie, \textit{The Tragedy of Korea} (London: Hodder and Stoughton, 1908), 120-121.

\textsuperscript{158} Residency-General Notice (kokujū) #66, “Kankoku no shihō oyobi kangoku jimu wo nihon seifu ni itakusuru no ken ni kansuru kakushō” [Memorandum concerning the transfer of the administration of justice and prisons in Korea to Japan], 12 July 1909; translated in Government-General of Korea, \textit{Third Annual Report on Reforms and Progress in Korea (1909-1910)} (Keijo (Seoul): 1910), Appendix A. Kiyu refers to the year (1909).
“life and property” (*seimei zaisan*). Thus the Korean government “entrusted” (*itaku*) its judicial and penal authority to Japan “until the systems of justice and prisons in Korea [could be] recognized as complete” (*kanbi*).  

---

159 “Kankoku no shihō oyobi kangoku jimun wo nihon seifu ni itakusuru no ken ni kansuru kakusho,” preface.

160 Ibid., Article 1.
CHAPTER 3 : CIVILIZING PUNISHMENT, 1905-1920

Introduction

On an early spring day in March, 1913, nearly four years after Japanese authorities had assumed control of the Korean penal system, the headman (*tongjang*) of a small village in Hwanghae Province, a certain Mr. Ch’oe, found himself strapped to a short, T-shaped bench. Just a few days earlier, Ch’oe had been humiliated by what he felt were slanderous remarks made by the township head (*myŏnjang*) at a local banquet. Enraged, and quite likely inebriated, Ch’oe struck the *myŏnjang* to the head with a wooden box.\(^1\) Unable to tolerate such an indignity, and undoubtedly smarting from the blow, the *myŏnjang* reported the assault to the local *gendarme* (*kenpei*) outstation. The *gendarmes*, after questioning Ch’oe, sent him under escort to the Hwangju substation, where he was jailed. There, instead of awaiting a trial as might be expected, Ch’oe was questioned by the substation chief, summarily judged guilty, and sentenced to be flogged fifty lashes.\(^2\)

This “flogging” was not to be a simple whipping, however. Ch’oe will have been secured, face-down, to a low, T-shaped platform made of two inter-locking boards, cut to exact specifications: the longer piece measuring 227 centimeters in length, 30 centimeters wide, and 6 centimeters thick; the shorter piece, of the same thickness, 182 centimeters long and 24.25 centimeters wide. The entire apparatus sat 36.35 centimeters off the

---

1 In fact, it was an *in’gue* (*印櫃*), or *induiungi*, a wooden box, often quite ornate, that held a personal or official seal (*tojang*).

2 “Myŏnjang ttaerin cha ŭi t’aehyŏng” [Man who struck township head flogged], *Maeil Sinbo*, 9 March 1913, 3.
ground and had slats for belts to constrain the prisoner at the wrists, ankles, and waist (see Figure 3-1). \(^3\) Having been so secured, his trousers will have been pulled down to expose his buttocks. \(^4\)

The flogging was likely administered by the substation chief himself, within the confines of the substation, with the audience limited to a doctor (if available) and perhaps a few other officers. Ideally, Ch’oe would have been examined by the doctor to ensure that he was physically capable of withstanding such a flogging, though given the rural setting and probable lack of an available physician, the chief would have been allowed to proceed on his own judgment. \(^5\) The whip, made of bamboo with the joints removed, was just over 54 centimeters long, .75 centimeters thick, 2.1 centimeters wide at the head, and 1.35 centimeters wide at the handle, wrapped tightly with hempen thread except for the top six centimeters. \(^6\)

If the substation chief followed regulations, he will have taken the rod in his right hand, and, keeping it below his waist, proceeded to Ch’oe’s left side, extended his right arm and placed the tip of the whip nine centimeters from Ch’oe’s right buttock, and stepped back on his left foot with his toes facing out. Grasping the hilt of his sword with his left hand, he will have then shifted his weight to his right foot, bending slightly at the

---


\(^4\) “Chikei shikkō kokoroe,” Article 1.


\(^6\) Ibid., Article 11.
Figure 3-1. Flogging Table. *Source:* Government-General Directive (*kunrei*) #40, “Chikei shikkō kokoroe” [Information Regarding the Administration of Flogging] (30 March, 1912).
knee, and leaning slightly forward. From this position, he will have raised the whip just above his head level before delivering a precise blow to Ch’oe’s right buttock while calling out the number of the stroke. When he finished, he will have completed paperwork noting the condition of Ch’oe’s body before and after, the number of strokes delivered, and the starting and ending times. As the number of strokes to be delivered in a single session was limited to thirty, Ch’oe will have had to endure a second session the following day to complete his sentence.

When the Japanese took formal control of the Korean penal system in July, 1909, they did so with a promise to “to improve the administration of justice and prisons in Korea, thereby assuring protection for persons and property of Korean subjects as well as the subjects and citizens of foreign Powers in Korea.” This burden, so graciously taken up by the Japanese, also featured prominently in the Treaty of Annexation a year later.

The *Proclamation of Annexation* opens with the following statement:

Notwithstanding the earnest and laborious work of reforms in the administration of Korea in which the Governments of Japan and Korea have been engaged for more than four years since the conclusion of the Agreement of 1905, the existing system of government in that country has not proved entirely equal to the duty of preserving public order and tranquility…

In order to maintain peace and stability in Korea, to promote the prosperity and welfare of Koreans, and at the same time to ensure the safety and repose of foreign residents, it has been made abundantly clear that fundamental changes in the actual regime of government are absolutely essential.

____________________

7 Ibid., Article 10.


Among such fundamental changes, of course, was a thoroughgoing reform of the Korean penal system.

This concern for improving the administration of justice, and thereby ensuring “public order and tranquility” for Koreans and foreigners alike, undergirded much of the official penal rhetoric during the early colonial period. Indeed, promises of penal modernization and boasts of its progress abounded in Government-General reports and in the writings of Japanese pundits, legal scholars, and penal administrators in the early colonial period. For many, this was an essential part of Japan’s imperial mission. Nitobe Inazō, for example, the internationally-renowned intellectual and self-proclaimed “bridge across the pacific,” declared one of the fundamental goals of the Japanese as colonizers to be the “protection of property and life, and the dissemination of legal institutions.” In fact, one of the Japanese’s most basic obligations as civilizers, he thought, was “to teach in Korea as well as in Formosa what government and what laws [were].”

Lying behind such concerns to “take up” such a “burden”—a legal mission civilisatrice—were, certainly, broader state interests. As Peter Duus has argued, macro forces affecting Japanese actions abroad at this time were manifold, and included what he calls “strategic anxiety” (i.e., security concerns), national and private economic interests, and an ongoing pursuit of international status, all of which mandated the elimination of (other) foreign influence in Korea. Punishment, as Japanese officials knew full well,


12 Duus, The Abacus and the Sword: The Japanese Penetration of Korea, 1895-1910, Introduction. For an excellent sociological model of imperial expansion that takes into account all these factors, see Doyle, Empires.
was particularly important to eliminating such influence, both in terms of extraterritorial legal privileges and the competing civilizing claims of Western diplomats and Christian missionaries, both of whom were in Korea in great numbers.\footnote{On the relationship between punishment and foreign influence in Japan, see Botsman, \textit{Punishment and Power}.}

The goals and motivations of the individuals peopling this penal “civilizing mission” were not necessarily aligned with those of the state, however. As we shall see in this and the following chapters, some were in fact true believers in the universal reformative effects of proper punishment, excited by the prospects of Korea as a laboratory for penal experimentation; others were pragmatic bureaucrats charged with controlling crime and dissent; many were self-interested opportunists and profit-seekers with agendas of their own. One of the nexuses where the goals and interests of these various actors intersected with those of the Japanese state was in the imperative to civilize Korean punishment. Given the international situation and Japanese authorities’ justifications for their takeover of the Korean justice system, it is not surprising that many of the early penal reforms undertaken by Japanese agents in Korea focused on visibly “civilizing” Korean penal codes, punishments, and institutions.

Some Japanese pundits quickly declared “success” in this “mission.” In 1912, Toyokichi Ienaga (Ienaga Toyokichi), a lecturer in political science at the University of Chicago, declared that “abuses” in the Korean penal system had already been “thoroughly reformed”:

Several well administered prisons have been opened, where sanitary measures are rigorously enforced; special rooms set apart for female prisoners and the sick; religious teaching given by Christian and Buddhist teachers; and out-door [sic] work introduced to give air and exercise to
prisoners…. Torture has been abolished…; and finally the rights of an individual to enjoy his life and property fully guaranteed.  

Ienaga’s optimism about Japan’s penal progress in Korea was, in fact, echoed by some foreign observers in Korea and Japan. Robert Percival Porter, the famous newsman, statesman, and traveler, noted Japan’s progress in penal reform in Korea in a massive, 1911 “industrial report” on Japan:

With regard to the new prison system it is pointed out that consequent upon law court reforms the progress achieved in grappling with crime has resulted in a considerable increase in the number of prisoners, a fact that but for this knowledge of its cause might not have been viewed as such a gratifying feature of prison reform. The improvement of prison buildings and prison routine and the decisive abolition of torture have secured for Korea a prison system which, if still open to certain criticism, can at least boast that it has almost entirely swept away the terrible evils and almost unspeakable brutalities which characterized the old administration.  

Yet, as illustrated by the case of Mr. Ch’oe, important contradictions plagued the early penal reform program of the colonial government, highlighting tensions among various interests and cultural processes being grafted together in the institution of punishment during the early years of Japanese penal administration in Korea. On the one hand, punishments were standardized, rationalized, and humanized; new prisons were built on internationally-accepted models; and penal administration was professionalized. On the other hand, prisons were terribly over-crowded and under-funded, and corporal punishment continued to be used along with incarceration.

---

14 Toyokichi Ienaga, “Japan’s Annexation of Korea,” *The Journal of Race Development* 3, no. 2 (1912): 208. Ienaga, who earned a Ph.D. from Johns Hopkins, went on to become an advisor to the Japan Society in 1914, and frequently lectured around the country emphasizing Japan’s progress in becoming a civilized nation on par with the West. He may very well have had official or semi-official ties to the Japanese government. In fact, Michael Auslin suggests that he may well have been a cultural plant of sorts, as he “apparently served the Japanese government by attempting to improve the image of Japan in the United States.” See Michael R. Auslin and Edwin O. Reischauer, *Japan Society: Celebrating a Century 1907-2007* (New York: Japan Society, 2007), 23.

It is tempting to dismiss these contradictions as symptoms of the colonial government’s simple lack of dedication to penal reform in Korea, a result of Japanese colonialists’ racial bias, apathy, or view of the colonial penal system as a mere “control mechanism.” Yi Chong-min, for example, disparages the penal regime that emerged in the first years of colonization, declaring it a mere continuation of a “traditional” mode of punishment centered around “the application of cruel punishments to the body.” Now couched in the “flowery rhetoric of reform and the façade of newly ordered penal apparatuses,” he argues, the early colonial penal system was but a tool utilized by colonial authorities to instill fear and obedience in Korean subjects.  

Similarly, Alexis Dudden portrays Japanese efforts to legally modernize Korea as mere pretense for colonizing ambitions.

While establishing and maintaining Japanese control in Korea, both within the country and in international terms, was certainly a high priority for Japanese colonizers, reducing early colonial legal and penal reform to this single function and dismissing other shaping factors does little to help us understand the particular forms, functions, and meanings of punishment that emerged in early colonial Korea. Even during this openly oppressive time, as the colonial government consolidated its control over every aspect of Korean society, the penal reform program was consistently couched in civilizational and progressive language. As we shall see, this program was driven and limited by a number of factors, which included idealistic ambitions to “civilize” and humanize Korean

---

16 Yi Chong-min, “1910 nyŏndae kŭndae kamok ŭi toip yŏn’gu [Introduction of Modern Prisons During the 1910s],” 204.

17 Dudden, Japan’s Colonization of Korea.
punishment firmly rooted in changing sensibilities about the value, meaning, and function of punishment. But shaping factors also included a continuing concern for convincing foreign states of Japan’s civilizing intentions, the colonial imperative to establish and maintain control, racial bias and racist notions manifest in a “politics of difference” at various levels of the penal system, and—not least—colonial financial constraints.

Civilizing Codes

One of the first projects Japanese advisors undertook in Korea, following their appointment in 1906, was the revision of Korea’s penal code. Indeed, this was an essential part of their self-claimed mandate: “Impressed by the urgent necessity of protecting life and property,” noted one Residency report, “the Resident General…caused the Korean Government…to engage a Japanese councillor [sic] and assistants in the Department of Judicial affairs, who should take an active part in the administration of judicial business and superintend the revision of laws and ordinances.” Among the laws and ordinances to be revised, the penal code was of particular urgency.

Revising the Korean Penal Code

As noted in Chapter Two, the Korean Criminal Code (Hyŏngbŏp taejŏn) had just been promulgated (and roundly criticized) in 1905. Residency officials complained that it

---


was “still intolerably severe” and full of “defects” that demanded reform. In addition, Japanese officials, now interested in consolidating Japanese authority on the peninsula, were keen to eliminate extraterritorial jurisdiction, and thus remove one of the last vestiges of (other) foreign influence in Korea. With all this in mind, Japanese “advisors,” many of whom now certainly anticipated a more direct role for Japan in Korea’s domestic and foreign affairs, wasted no time in attempting to reform those “defects” and more closely align Korea’s penal code with international standards.

In December 1907, a Code Investigation Bureau was formed by the Residency-General to review and reform both the civil and criminal codes. Responsibility for the investigation of criminal codes and procedures was given to Kuratomi Yuzaburō, a longtime legal bureaucrat and former chief prosecutor in Tokyo, now serving as Vice-Minister of Justice in Korea and “ex-officio chief” of the Code Investigation Bureau. Over the next six months, Kuratomi and his assistants dissected the Korean Penal code, eliminating any provisions they considered redundant, beyond the jurisdiction of a now-independent criminal justice system, or socially biased. They also added several provisions that strengthened public security. In the end, they abolished 263 of the original 680 articles of the code and amended ninety-nine, publishing a revised version of the code on July 23, 1908.

Despite the large number of revisions, the penal repertoire of the revised code differed little from the original. “Main punishments” still consisted of death (by hanging),

---

20 Ibid., 25.
21 Ibid., 26.
exile, penal servitude (yŏkhŏng), short-term confinement (kŭmok), flogging, and “supplemental punishments” of confiscation, dismissal from public office, and public labor.\(^{23}\) The code was still fairly harsh by international standards. The new Japanese penal code punished thirteen crimes with death, for example, and the United States’ just three, while the revised Korean code still listed dozens of crimes punishable with death by hanging.\(^{24}\) The original code’s unforgiving treatment of robbery and theft, noted in Chapter Two, was not mitigated at all, despite Japanese and other foreign criticisms of its severity, meaning that second-time armed robbers and third-time thieves, regardless of circumstances, would continue to be sentenced to death.\(^{25}\)

This is not to say that there were not substantial changes in the revised code, however. In fact, the revised code suggested the general direction punishment would take in Korea under Japanese rule. In keeping with Japan’s civilizing rhetoric, many provisions of the original code considered barbaric, backward, or impartial were either abolished or modified. The use of most traditional “penal instruments” (okku), for example, including cangues, manacles (ch’u), shackles, chains (ch’ŏlsak), whips (ch’u), and leather whips (hyŏkp’yŏn), was abolished, as were criminal penalties for improper moral behavior, such as violating mourning obligations or divorcing without just cause.\(^{26}\)

---

23 *Kaejŏng hyŏngpŏp taejŏn* [Revised Criminal Code] (Seoul: Ŭijinsa, 1908), Articles 92-99.


25 See *Kaejŏng hyŏngpŏp taejŏn*, Article 134. This was one of the points foreign pundits, including Japanese, found most egregious about the code. See Chapter One.

26 See *Kaejŏng Hyŏngbŏp taejŏn*, Article 100.
The Revised Code also eliminated or limited many provisions deemed impartial or unfair. Commutation by payment, for example, commonly perceived as a way for those with means to buy themselves out of punishment for even serious crimes, was limited to the elderly, minors, and women, and was allowed only for minor crimes punishable by flogging or short-term imprisonment. To “discourage this practice even further,” a Residency report explained to foreign officials, the rates of commutation were also raised, putting them well beyond the means of most Koreans. In addition, mandatory minimum periods of time served were established in order to prevent corruption. Convicts sentenced to between three and fifteen years penal servitude or exile had to complete at least one half of their sentence, while those sentenced to life terms had to serve at least ten years.

The revised code showed a noticeable trend toward the prescription of incarceration—and particularly penal servitude—as the main mode of punishment in Korea’s penal repertoire. A provision in the revised code allowed, for example, the substitution of confinement (sugŭm) in any prison for exile “as necessary,” whereas the original code had specified that such a substitution could only be made in cases where the risk of flight was great, and even then the convict was to be confined in a prison on the island of their sentenced exile. In addition, numerous revisions substituted penal

27 H.I.J.M.’s Residency General, Second Annual Report, 63. The rates were raised from 1 nyang 4 chŏn (14 chŏn) per day of incarceration/exile/penal servitude to 40 chŏn and from 3 chŏn 5 p’un per stroke of flogging to 10 chŏn. See Kaejŏng Hyŏngpŏp taejŏn, Article 182.

28 See Kaejŏng hyŏngpŏp taejŏn, Article 185. Exceptions to these rules had to have the direct authorization of the Minister of Justice.

29 Kaejŏng hyŏngpŏp taejŏn, Article 95.
servitude as the prescribed punishment for crimes that formerly warranted either flogging or incarceration without labor.  

Finally, the Revised Code revealed an effort to make punishments more precisely fit the crime. While the original code tidily featured ten degrees of exile, imprisonment, penal servitude, and flogging, the Revised Criminal Code added ten degrees to penal servitude for a total of twenty degrees ranging from one month to life. This, along with increased leeway in sentencing based on extenuating circumstances (from two degrees to seven), in theory at least, made it possible to sentence convicts to a punishment more precisely correlating to their crime, and more closely aligned the Korean code with its counterpart in Japan. This projection of penal precision would become a hallmark of early Japanese penal administration in Korea.

Who were the Japanese advisors shaping these reforms, and what explains these revisions? Most accounts of the period have dismissed these men as self-conscious servants of an expansionist Japanese state, working toward annexation while cloaking their actions in the guise of a civilizing mission. As Marie Seong-Hak Kim notes, however, “the view that Japan undertook modernizing Korean law merely to demonstrate

---

30 Kaejŏng hyŏngpŏp taejŏn, Articles 327 (Clause 4), 382, 392, 406, 408, 420, 425, 441, 480, 481, 511 (Clause 7), 529, 533 (Clause 3), 565, 603, 609.

31 Kaejŏng hyŏngpŏp taejŏn, Article 96.

32 Kaejŏng hyŏngpŏp taejŏn, Article 125. As we shall see, this mirrored contemporary changes in the Japanese penal code, influenced by German penology, giving judges more leeway in considering extenuating circumstances when sentencing convicts.

33 See esp. Dudden, Japan’s Colonization of Korea. Dudden portrays men like Ume Kenzaburō and Kuratomi Yuzaburō as “legal missionaries” on the surface only. They self-consciously helped to construct a façade of legal modernity, she asserts, behind which a national project of state aggrandizement operated. In the context of this argument, she contends that their legislative efforts in Korea were nothing more than “performatives displays.” For a critique of this position, see Marie Seong-Hak Kim, “Ume Kenjirō and the Making of Korean Civil Law, 1906-1910,” The Journal of Japanese Studies 34, no. 1 (2008): 6.
Its civilizing mission to other imperial powers appears overly simplistic and is often in conflict with empirical evidence.” Kim and other scholars have demonstrated that, in fact, many of the legal advisors who came to Korea during the residency period saw Korea as a legal laboratory—a blank slate on which they thought they could more perfectly graft legal modernity “without being restrained by the kind of virulent objections from conservative forces that Japan had experienced.”

Kuratomi Yuzaburō, who was given charge of the efforts to revise Korea’s penal code, was an important legal figure in Meiji Japan, having served in high positions in the Ministry of Justice and as chief prosecutor in Osaka and Tokyo, and having played an important role in the formulation of Japan’s own revised penal code, promulgated in 1907. Kuratomi has been labeled by some historians as “an upper-class disciplinary problem,” and his sojourn in Korea (1907-1913) has commonly been regarded as an exile imposed by the Japanese legal-bureaucratic community for his supposed mishandling of the high-profile Hibiya Riot trials.

Kuratomi had been the chief prosecutor of Tokyo at the time of the riots, and had been pressured by the Tokyo Metropolitan Police Department to prosecute the instigators as conspirators on the one hand, and by the Tokyo Lawyers’ Association to prosecute policemen for their abuses during the riot on the other. When neither went particularly well due to a lack of evidence, Kuratomi found himself the subject of very public harassment from both sides, leading some scholars to believe he was forced out of his

34 Ibid.


36 Dudden, Japan’s Colonization of Korea, 112.
position and exiled to Korea. In fact, as Nagai Kazu has shown, Kuratomi determinedly held onto his position following the trials, despite considerable pressure, and was supported by his superiors in the prosecutor’s office, only resigning his post eighteen months later. The timing of his departure, Nagai contends, coincided with the institution of Japan’s new Penal Code (Keihō, discussed below), a project in which he was intimately involved, leaving him free to leave Japan.37 His decision to go to Korea was just that: a conscious decision made in order to pursue the opportunity to revise Korea’s penal code. More than a “disciplinary problem” or a “territorial aggrandizer,” per se, Kuratomi, it would seem, was an ambitious, practical administrator who believed in the efficacy of law, and who, like Ume, saw Korea, at least at this point in his career, as a place he could participate in the civilization of the law.38

Kuratomi and Ume Kenzaburō were charged by Resident-General Itô Hirobumi with bringing Korean codes in line with international standards such that foreign nations, led by Japan, would withdraw their claims to extraterritorial privileges in Korea. Importantly, they undertook this revision project with the understanding that the codes they helped create would be for an independent Korea—not a Japanese colony. The revised code was produced with this in mind, not as a mere stop-gap measure or stepping stone to the extension of the Japanese penal code. It was only around the time of its promulgation that Kuratomi, for practical reasons more than ideological, began to voice

37 Nagai Kazu, “Hibiya yakiuchi jiken to Kuratomi Yuzaburo” [Kuratomi Yuzaburo and the Hibiya riot case], 170.

38 Ibid., esp. 169-170.
his opinion that the fastest way to eliminate foreign privileges in Korea would be for the Residency-General to extend Japanese codes to Korea:

We can use the example of the American-Japanese treaty . . . that led to the effect of subjecting foreigners to Japanese courts. If we establish Japanese courts and take over judicial affairs in Korea, it becomes possible to bring foreigners under Japanese jurisdiction and to obtain the same result as the abolition of extraterritoriality.39

But, as we shall see, such an extension, implying formal annexation and incorporation of Korea into the metropolitan legal system, would not come easily, even after annexation took place.40 As for Kuratomi and Ume’s codification project, it lost steam as Japan formally took control of the Korean judicial system. Ume passed away shortly after annexation while Kuratomi went on to become the first Minister of Justice under the new colonial Government-General, staying in Korea until 1913—just long enough to oversee the initial extension of the Japanese penal code to Korea in 1912.

**Extending the Japanese Code**

Despite promises of assimilation (and thus the unification of the Korean and Japanese legal systems) at the time of annexation, the *Revised Penal Code* was retained in Korea for a time after 1910.41 The colonial government recognized the contradiction, but justified it to the international community, not surprisingly, in civilizational terms:

As a sequel to annexation, laws or ordinances enforced in Japan proper ought naturally to be extended to Korea. But owing to the different grade of civilization and different standard of living,

---


40 See Ibid., 21-23.

41 For a complete discussion of issues surrounding assimilation at this time, see Mark Caprio, *Japanese Assimilation Policies in Colonial Korea, 1910-1945* (Seattle: University of Washington Press, 2009), Chapter 3.
they cannot be adopted in Korea as a general rule, except those purposely enacted for Korea itself.\textsuperscript{42}

The failure to apply the Japanese penal code to Korea at this time set a precedent of partiality that would characterize penal practice throughout the early colonial period, disappointing some observers as to Japan’s true dedication to civilizing Korea, and reflecting an ambivalence among Japanese administrators and thinkers concerning the proper legal relationship of their colonies to the metropole. This partiality was, however, neither static nor universal among Japanese colonial administrators and jurists, being shaped by what Frederick Cooper calls a “\textit{politics of difference},” since “the meanings of difference were always contested and rarely stable,” rather than a simple, unchanging prejudice.\textsuperscript{43} Indeed, “Where to find a balance between the poles of incorporation (the empire’s claim that its subjects belonged within the empire) and differentiation (the empire’s claim that different subjects should be governed differently) was a matter of dispute and shifting strategies” in empires around the world.\textsuperscript{44}

In this case, the justification of legal bias in civilizational terms reflected a paternalism toward Koreans held by many Japanese jurists and colonial theorists. Many, while at least outwardly expressing their belief in Japan’s responsibility and ability to civilize Korea, argued that it would take time. Takekoshi Yosaburō, for example, opined

\textsuperscript{42} Government-General of Chosen, \textit{Annual Report on Reforms and Progress in Chosen (Korea) (1910-1911)} (Keijo (Seoul), 1911), 30.


\textsuperscript{44} Cooper, \textit{Colonialism in Question}, 154.
that “the Koreans can be slowly and gradually led in the direction of progress, but it is against all laws of sociology and biology to make them enter a new life at once.”\textsuperscript{45} This gradualism coincided with the views of pragmatic administrators like Kuratomi, who, a year before annexation, had asserted that despite great progress in Korean penal code reform, certain distinctive aspects of the Korean code offensive to civilized sensibilities, such as the use of flogging, might have to continue indefinitely in Korea for practical reasons.\textsuperscript{46} But the debate around such decisions also included more purist “legal missionaries” and assimilationists, such as Ume Kenzaburō and Ōgawa Shigejirō, who, following the universalist theories of classical penologists such as Beccaria and Bentham, believed that rational law and penal practice, uniformly applied, would bring order and civilization to any society at any time.\textsuperscript{47}

At the crux of this issue were Japanese anxieties about the inclusion of colonial peoples in the national polity (\textit{kokutai}), which would, according to the Meiji Constitution, necessitate the extension of the rights and privileges of Japanese citizenship, including representation in the Diet.\textsuperscript{48} The tensions between legal universalists, particularists, and pragmatists were never completely settled, and ultimately, the Japanese took a piecemeal


\textsuperscript{46} Namely, a lack of adequate prison facilities. See \textit{Hōritsu shinbun}, 5 August 1909.


\textsuperscript{48} For more on this debate, see Chen, “The Attempt to Integrate the Empire: Legal Perspectives”; Chulwoo Lee, “Modernity, Legality, and Power in Korea Under Japanese Rule.”
approach, extending metropolitan laws to the colonies only by imperial decree (*chokurei*) and usually at the request of colonial governors, justifying their ambivalence with the argument that differing conditions in the various colonies required different government. When Japanese laws were extended to Korea, therefore, they were usually accompanied by or applied via decrees issued by the governor-general (*seirei*), which had the same effect as laws made by the Japanese Diet and usually qualified the application of the law in the colony. Such ordinances were subject to the approval of the Emperor only, giving governors-general, particularly in Korea, considerable power to legislate.49

Only in 1912 did the Government-General move to extend Japanese criminal law to Korea, and then it was indeed applied via edict (*seirei*), the “Ordinance on Penal Matters in Korea,” in which “limitations” and “exceptions” were made “in order to meet peculiar conditions existing in the Peninsula.”50 Such vague justifications masked the “politics of difference,” through which colonial administrators tried to reconcile Japan’s civilizing ambitions in Korea with racial prejudice and the financial limitations of the colonial government. Before considering the “limitations” and “exceptions” of its application in Korea and the “peculiar conditions” that justified them, let us examine some of the basic characteristics of the Japanese Penal Code (*Keihō*), which continues, with minor revisions, to govern Japanese punishment to this day.51


51 This is a topic that previous studies have wholly neglected. Focusing solely on the differences and exceptions in the application of Japanese law in Korea, which do say much about the intentions and interests shaping punishment in Korea, nonetheless leaves out a major part of the picture, since most crimes were, as of 1912, punished according to the Japanese Penal Code.
Japan’s Penal Code of 1907 was the crowning achievement of decades of revision and debate. As Daniel Botsman and Naoyuki Umemori have both noted, Meiji Japanese (1868-1912) penal reform took place in the context of Japan’s efforts to eliminate the “unequal treaties” that had opened its ports to commerce with the West in the 1850s, and thereby extricate itself from a semi-colonial relationship with the Western Powers. The Penal Code (Keihō), promulgated in 1880 and adopted in 1882, had been an important symbol of Japan’s dedication to its own penal “civilization,” and was cited in the extensive (though ultimately unsuccessful) treaty negotiations of the 1880s.52

Consciously formulated to follow the models of European penal codes, especially the French, with the assistance of the French advisor to the Japanese Ministry of Justice, Gustave Boissonade, the Penal Code of 1880 was largely perceived as a break with Chinese penal traditions. It categorized crimes into three basic types (crimes, misdemeanors, and contraventions) and prescribed minimum mandatory sentences for various circumstances of each. It reduced punishments to those generally acceptable in the West (various forms of imprisonment and death by hanging), eliminated inequalities based on status, and firmly established essential principles of modern penal law, such as *nulla crimen sine lege* (no punishment without a published, corresponding law) and *mens rea* (no crime without criminal intent), eliminating collective responsibility and other penal principles (and methods) offensive to Western sensibilities.53 It was generally well-

---


received by both Japanese and foreign pundits as a sign of substantial penal progress in Japan.

Yet the code alone failed to convince foreigners of Japan’s penal civility, and revision efforts began just as soon as the code was adopted in 1882.\(^{54}\) Indeed, foreign powers would continue to enjoy extraterritorial criminal jurisdiction in Japan for another nineteen years. During those years, Japanese politicians, penal reformers, and jurists proposed a number of revisions to the code with an eye to convincing the Western powers to accept treaty revisions.\(^{55}\) When extraterritorial jurisdiction finally ended in 1899, foreign concerns about Japanese punishment were largely allayed by these proposals, which would culminate in the development of a new criminal code in 1907, which was immediately published and translated into English.\(^{56}\)

The new code was hailed as “distinctly modern, with no savour of Asian prejudice,” and “giving little to be objected to by Europeans.”\(^{57}\) Unlike the Code of 1880, the Criminal Code of 1907 was heavily influenced by German penal legislation and thinking, which, as opposed to the French practice of fixed prescription of penalties, advocated giving judges more leeway to consider a wide variety of extenuating circumstances when sentencing a convict. In fact a good portion of the Penal Code of 1907 was devoted to the “exemptions and legal excuses and extenuating circumstances”


that might mitigate or aggravate a crime. 58 Where German codes were considered harsh (the continued use of decapitation as the main mode of capital punishment, long sentences), the Japanese Code borrowed from British and American (death by hanging, shorter sentences). 59 Even compared to its German model, the new code was remarkable for its flexibility and focus on precise punishment. In cases of homicide, for example, German codes did not generally allow for extenuating circumstances, while the Japanese code did, with punishments for homicide (with no differentiation between murder and manslaughter) ranging between three years (suspendable) and death. This meant, as Lenz notes, that in a case involving two defendants found guilty of homicide, “a judge might sentence one defendant to death and have another defendant leave the court room as a free person,” depending on their judgment of each convict’s actions, intentions, background, and potential for reform. 60

The flexibility of the Code, along with provisions for suspension of sentence and probation reflected a new dual focus of Japanese punishment, outlined here by none other than Kuratomi Yuzaburō:

The purpose of drafting a Penal Code for a nation, indicting and punishing crimes, is to uphold the order of society as a whole. The purpose is not to inflict pain on the criminal that is not necessary for upholding that order. That is, the purpose of the Penal Code is not to punish all criminals, but to punish only those criminals where it cannot be avoided to uphold the order of society. 61

58 Ibid.
59 Ibid.
60 Lenz, “Penal Law,” 617. This prefigured penal reforms of the 1920s in which positivist criminological theories, upon which German penal theory was based, were more formally applied in Japan.
61 Kuratomi Yuzaburō, quoted in Ibid., 619. Kuratomi’s explanation, and the code itself, contain strong notes of positivist penal policy—as the defense of society rather than the punishment of a guilty individual. This will be further explored in Chapter Four.
This dual focus on reforming the individual and (thereby) maintaining order in society formed the basis of Japanese and, by extension, Korean penal policy over the next several decades, although the balance between these two imperatives differed somewhat in the two locations.

The extension of the Japanese penal code to Korea, accomplished by Governor-General Decree #11, the “Korean Penal Ordinance” (Chōsen keijirei), was hailed by Japanese officials as a remarkable achievement of standardization, bringing “Koreans, Japanese, and foreigners under the application of laws prevailing in Japan as a general principle.” Yet, as noted above, its application to Koreans was qualified in several significant ways. Most significantly, colonial authorities decided to continue the use of the Korean code for the punishment of certain crimes, including homicide and armed robbery.

The difference between the two codes in their treatment of these crimes was considerable. The Japanese code, as mentioned above, allowed for a wide array of sentences for homicide, ranging from death by hanging to just three years penal servitude (suspendable), depending on the intent and actual participation of each individual involved in the crime. The Korean code, on the other hand, prescribed exact punishments for a host of circumstances, usually death by hanging for almost anyone involved in murder, manslaughter, and a number of other actions leading to death. The

---


63 Subsequent Edicts laid out other differences in penal practice, including the continued use of flogging, discussed below.

articles concerning homicide preserved by the Korean Penal Ordinance, for example, prescribed death by hanging for all cases of premeditated murder, culpable manslaughter, murder committed in the process of a robbery, and the killing of elder family members, including in-laws, by murder, manslaughter, as a result of fighting, or as a result of mistaken identity (killing the wrong person), not allowing for extenuating circumstances.  

For armed robbery, the Japanese code stipulated simply that “Whosoever shall have forcibly taken away the personal property of any individual by means of acts of violence or by the aid of threats shall be adjudged guilty of robbery and punished with limited penal servitude for a period of not less than five years,” again allowing for a range of actual penalties.  

Preserved articles of the Korean code, on the other hand, stipulated death by hanging in all cases of robbery or theft resulting in murder, assault causing injury, and rape, and for numerous circumstances of planned robbery.  

Such differential punishment of Koreans, which certainly contradicted Japanese claims of universal, civilizing ambitions, was justified in terms of racial capacity, as noted above, but also in baldly practical terms. Colonial authorities “deemed that the application of the [Korean] code to Korean criminals, who frequently repeat these crimes [(murder and robbery)] and are extremely cruel in the committal of them, would prove

---

65 Governor-General Decree (Seirei) #11, “Chōsen keijirei” [Decree on Penal Matters in Korea], Articles 473, 477, 478, 498-1, 516, 536, 593.  


67 Governor-General Decree (Seirei) #11, “Chōsen keijirei” [Ordinance on Penal Matters in Korea], Article 41; *Kaejŏng hyŏngpŏp taejŏn*, Articles 473, 477, 478, 498 (Clause 1), 516, 536, 593.
rather advantageous to the maintenance of peace and order.”

Recidivism was unlikely given the high rate of capital punishment for these crimes.

This hybrid version of the Japanese penal code would govern punishment in Korea for the next six years. Only in December 1917, with Korean discontent beginning to boil, was the differential punishment of homicide and robbery abolished, making the supersession of the Korean code nearly complete.

Civilizing Prisons

In 1924, the Korean Penal Society (Chōsen chikei kyōkai), recently established “for the improvement and progress of penal administration and for the mutual support of prison personnel,” published a volume entitled Pictorial of Korean Prisons (Chōsen keimusho shashinchō) detailing the progress of penal administration and facilities in Korea over the past twenty years. After introducing the founding leadership of the Society, the book opens with several pages of photographs and accompanying descriptions of Keijō (Seoul) Prison, a massive compound of gothic-style brick buildings surrounded by an impressive brick wall. Inside the walls, it displays a model of order, humanism, reform, and industry: long, clean hallways, straight, covered pathways leading from building to building, a grandiose office building with designated space for the prison’s numerous departments, a cathedral-like reformatory (kyōkaitō), sick prisoners


69 Government-General Decree (Seirei) #3, 8 December 1917.

getting fresh air in the beautifully landscaped gardens of the infirmary, and bellowing factory smoke-stacks dominating the skyline.71

At the time this book was published, Keijō Prison (not to be confused with Kyŏngsŏng/Sŏdaemun Prison described in the introduction) was indeed impressive, featuring four massive cell-blocks connected in a half-radial design, each with one or more factories attached perpendicularly, thirteen factory buildings in total, separate kitchen, bathing, and health care facilities, and a capacity of more than 1,500 prisoners. Its radial design allowed for optimal surveillance—blueprints feature a single panoptic eye gazing down all four hallways from the central guard station allowing warders to more closely watch over and guide inmates (see Figure 3-2)—and the reformatory more resembled a chapel than a prison.72 Surely this was a tangible symbol, not just of Japan’s civilizing ambitions in Korea, but of the realization of those ambitions.

In 1924, Keijō Prison was one of sixteen main prisons in Korea. Of these, it did not house the most prisoners, but was perhaps the most complete and certainly the most impressive, hence its prominent placement in the pictorial. When it had opened twelve years earlier, however, it had been but a skeleton of its future self. While its radial design and the Gothic façades of its main gate, central guard post, and reformatory were impressive, Keijō Prison, like its nearby neighbor (now redubbed Sŏdaemun Prison) and most other prisons in the country, initially featured a wooden outer wall covered by metal sheeting and reinforced by diagonally placed wooden posts every twenty meters or so.

71 Ibid., 5-14.
72 Ibid., 7-8.
Figure 3-2. Keijō Prison Central Guard Station. Source: “Kyŏngsŏng Kongdŏng-ni kamok sinch’uk sŏlgyedo 5-1” [Plan for new construction on Seoul Kongdŏng-ni prison], National Archives of Korea, Colonial Era Blueprint Collection.
Indeed, only the main gate and the guard posts flanking it were made of brick. While no less secure, such an arrangement, according to contemporary observers, gave early Korean prisons a “shabby” and decidedly less civilized appearance.

Keijō Prison’s transformation from “shabby” to exemplary was not a simple story of progress, however, and tells us something about the conflicting forces shaping punishment in early colonial Korea. Prisons, central to any incarceration-based penal system, were visible markers of Japan’s commitment to its civilizing mission, and were placed symbolically in very visible parts of the capital and main cities. As in other colonies, both Japanese and European, the “birth of the prison” was meant to “draw a line of demarcation between a colonial rule, which saw itself as uniquely rational and humane, and the ‘barbarism’ of an earlier age or ‘native’ society.” Indeed, considerable outlays were made in the first years of Japanese penal administration in Korea to establish the basic framework of prison infrastructure that would last throughout the colonial period. As we shall see, however, the first years of Japanese colonial rule displayed more conflict than conviction concerning the proper and necessary shape and function of Korea’s prison system.

---

73 Ibid., 5.

74 Nakahashi Masakichi, Chōsen kyūji no keisei, 127.

75 As noted in the introduction, the first modern prison in Seoul (Kyŏngsŏng Prison, later renamed Sŏdaemun Prison) was built just outside and above Seoul’s Independence Gate (Tongnimmun). Keijō Prison was originally planned to be built in Ch’ŏngp’a district, just outside Seoul’s Great South Gate (Namdaemun), which was and has remained one of Korea’s most important historical monuments (when South Korea designated official “National Treasures” in 1962, Namdaemun was listed first).

Building Prisons

The basic organization of Korea’s prison system was established even before annexation in 1910. In January, 1907, Maruyama Shigetoshi, a former section chief of the Tokyo Metropolitan Police Headquarters, then serving as chief advisor to the Korean Metropolitan Police Board, announced the formation of a Prison Division (Kangokuka) within the Japanese Advisory Police Department (Keimu kōmonbu), naming Miyagawa Takeyuki as its first chief. The purpose of this new division, according to Maruyama, was to plan for and implement the improvement of prison administration and the construction and expansion of prisons in Korea.\footnote{Hwangsŏng sinmun, 16 January 1907.} In December, on Maruyama and Miyagawa’s advice, the Korean government promulgated its first “Prison Organic Regulations” (Kamok kwanje), which transferred jurisdiction over prison administration from the Interior Ministry to the Ministry of Justice and outlined an administrative hierarchy for the penal system.\footnote{Imperial Edict (Chingnyŏng) #2, “Prison Organic Regulations,” 13 December 1907.}

The Ministry’s first order of business was to carry out Maruyama and Miyagawa’s plan to organize a system of prisons and penal administration. One of the Ministry’s very first actions, therefore, was to designate eight main prisons (kamok) to be located in Seoul, P’yŏngyang, Taegu, Kongju, Haeju, Kwangju, Chinju, and Hamhŭng, to begin operating as such in the summer of 1908.\footnote{Ministry of Justice Administrative Order (Puryŏng) #2, “Locations and names of prisons fixed as follows,” 11 April 1908.} These were organized into three administrative zones with Seoul, Kongju, and Hamhŭng prisons being placed under the jurisdiction of the Chief Procurator of the Court of Appeals in Seoul; P’yŏngyang and
Haeju under the jurisdiction of the Chief Procurator of the Court of Appeals in P’yŏngyang; and Taegu, Chinju, and Kwangju under the Chief Procurator of the Court of Appeals in Taegu.\textsuperscript{80}

All of the facilities initially designated as prisons, with the exception of Kyŏngsŏng (Seoul) Prison, which opened just after this order took effect, were converted jails (i.e., temporary holding cells for suspects awaiting trial and convicts awaiting punishment). P’yŏngyang Prison, for example, had been the jail facility of the headquarters of the provincial governor at P’yŏngyang, and Kongju Prison was formerly the jail of the Kongju Government Administration Building.\textsuperscript{81} Such facilities were ill-equipped to safely confine large numbers of prisoners for extended periods. Haeju Prison, in fact, formerly the jail facility of the provincial governor at Haeju, was reportedly made up of just a few traditional Korean-style buildings (hanok). Even after the swift construction of a temporary additional building that was used as both a factory and for cell space, such an arrangement made for overcrowded cells, poor ventilation, and insufficient surveillance.\textsuperscript{82} Early photographs of Kongju Prison show small Korean-style buildings with wooden bars lining the front.\textsuperscript{83} Not surprisingly, escapes, deaths from disease, and suicides were all prevalent during the first years of prison administration in Korea.\textsuperscript{84}

\textsuperscript{80} Ibid.

\textsuperscript{81} Chōsen Chikei Kyōkai, Chōsen keimusho shashinchō, 47-48.

\textsuperscript{82} Ibid., 89-90.

\textsuperscript{83} Ibid., 45-48.

\textsuperscript{84} Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 2.
Overcrowding and poor sanitation quickly became the most serious problems for the nascent prison system. Nakahashi Masakichi, then a clerk in the Ministry of Justice, later noted that by the end of 1908, the number of prisoners in Korea had already risen to 2,000, meaning there were seven prisoners for each p’yŏng of cell space in the country. This meant that, in many cases, prisoners could not all sleep at the same time, and had to sleep in shifts while the other prisoners stood or worked in rudimentary factory facilities. “In Kongju Prison,” Nakahashi noted, “as there was not room to put toilets in the cells, pots were placed outside and prisoners relieved themselves through hoses.”

Indeed the conditions of these early prisons were horrifically squalid. F.A. McKenzie, a British publisher residing in Korea with little appreciation for Japanese promises of improving Korea, described his visit to P’yŏngyang Prison during this period as follows:

I found eighteen men and one woman confined in one cell. Several of the men were fastened to the ground by wooden stocks. The prisoners were emaciated, and their bodies showed plain signs of horrible disease. Their clothing was of the poorest, the cell was indescribably filthy, and the prisoners were confined in it, without exercise and without employment, year after year. One man had been in the cell for six years.

At another “prison”—a small jail in Sunch’ŏn—he noted:

The second prison, Sun-chon [sic], was much worse. In the inner room there—so dark that for some moments I could see nothing—I found three men fastened flat on the ground, their heads and feet in stocks and their hands tied together. The room had no light or ventilation, save from a small hole in the wall. The men’s backs were fearfully scarred with cuts from beatings. Their arms were cut to the bone in many places by the ropes that had been tightly bound around them, and the wounds thus made were suppurating freely. The upper parts of the limbs were swollen; great weals and blisters could be seen on their flesh. One man’s eyes were closed, and the sight gone, heavy suppuration oozing from the closed lids. Presumably the eyes had been knocked in by blows. The men had lain thus confined without moving for days. I had them brought out into the sunshine. It was difficult work; one of them had already lost the use of his limbs, owing to their contraction. They were all starved and so broken that they had not even spirit to plead. The place was the nearest approach to hell I have ever seen.

85 Nakahashi Masakichi, Chōsen kyūji no keisei, 172-174.
86 F. A. McKenzie, The Tragedy of Korea, 120-121.
With main prisons, including the newly-opened facility in Seoul, already swelling with inmates by the fall of 1908, the Ministry of Justice announced the designation of eight branch prisons. These were to be smaller in scale and would be run by chief warders (kansu-jang) who would report to the warden of the main prison to which the branch was affiliated. Initially, the Ministry established branch prisons at Inch’ŏn and Ch’unch’ŏn (under the jurisdiction of Seoul Prison), Ch’ŏngju (Kongju), Kyŏngsŏng and Wŏnsan (Hamhŭng), Ŭiju (P’yŏngyang), Pusan (Chinju), and Chŏnju (Kwangju). All of these opened in the early months of 1909. Most were, again, converted jails, or, as in the case of Inch’ŏn Branch Prison, former consular prisons. This established the basic structure of the prison system that would last throughout the colonial period.

Following the conclusion of the Kiyu Protocol, by which the Korean government “entrusted” judicial and penal administration to Japan, the Korean Ministry of Justice was abolished, and responsibility for Korean courts and prisons was formally placed under the newly-formed Residency-General Bureau of Justice (Shihŏchō). Korean prison administration was to function exactly like its metropolitan counterpart, with the exceptions that the resident-general, and later the governor-general, would act in place of the Japanese Minister of Justice at the top of the penal hierarchy. Procurators of

---


88 See Ministry of Justice Notice (Kosi) #10, 17 February 1909 (Chŏnju, Pusan); Ministry of Justice Notice #12, 22 February 1909 (Ŭiju); Ministry of Justice Notice #14, 22 February 1909 (Ch’unch’ŏn); Ministry of Justice Notice #15, 26 February 1909 (Wŏnsan, Kyŏngsŏng); Ministry of Justice Notice #17, 5 March 1909 (Kongju).

89 Chōsen Chikei Kyōkai, Chōsen keimusho shashinchō, 87.

90 Residency Edict #239, “Articles Concerning the Handling of Residency Prison Affairs” (16 October 1909). This was symptomatic of the concentration of executive authority in the person of the governor-general, answerable only to the Emperor, that became a hallmark of Japanese colonial rule in Korea. See Peattie, “Introduction”; Chen, “The Attempt to Integrate the Empire: Legal Perspectives.”
regional appeals courts continued to oversee prison operations, meaning there was very little change in the day-to-day administration of prisons.\textsuperscript{91}

Though the period of Residency jurisdiction over Korean prisons was relatively short (July, 1909-August 1910), it was a period of rapid growth—both of prison facilities and of the numbers of prisoners populating them. Following the Kiyu Protocol, Residency officials prioritized the expansion, improvement, and construction of prisons throughout the country. In light of continuously rising numbers of prisoners, a number of annexes (\textit{ch’ulp’anso}) were added to both main and branch prisons. In Seoul, the new prison already well over-capacity, a former artillery barracks at Taep’yŏng-dong was converted into a prison annex, used to house suspects awaiting trial and sentencing—sometimes as many as 700 at a time. With barred windows lining Chongno, the main east-west thoroughfare in Seoul, this became one of the iconic structures of the early colonial period (see Figure 3-3).\textsuperscript{92} In addition, the consular prison at nearby Yŏngdŭngp’o was redesignated a main prison, giving the capital hundreds of new cells to accommodate rapidly increasing numbers of prisoners.\textsuperscript{93}

\textsuperscript{91} Residency Edict #243, “Residency-General Prison Organic Regulations” [Tōkanfu kangoku kansei], 16 October 1909.

\textsuperscript{92} Chōsen Chikei Kyōkai, \textit{Chōsen keimusho shashinchō}, 29-30.

\textsuperscript{93} Ibid., 29.
Figure 3-3. T'aep'yŏngdong Prison Annex on Chongno, the main thoroughfare through Seoul. *Source:* Chōsen Chikei Kyōkai, *Chōsen keimushō shashinchō*, 30.
Outside the capital as well, prisons were converted, expanded, and newly built: P’yŏngyang Prison was replaced by the remodeled facilities of the former consular jail, and the original prison was re-designated as an annex; Chinju Prison was demoted to a branch of Pusan Prison, which was expanded and promoted to a main prison; and a new branch prison was built in Ch’ŏngjin (Hamhŭng Province), and Kyŏngsŏng Branch Prison was made an annex to it. In September, Ch’unch’on Branch Prison was replaced by a new facility attached to a local courthouse. By November, 1909, there were a total of nine prisons and nine branch prisons operating in Korea.

While most of these facilities continued to be converted from former jails or other buildings, plans were announced for the construction of modern, large-scale prisons in Taegu and P’yŏngyang, and for a second modern facility in Seoul. But building new prisons in Korea was expensive, slow, and surprisingly mired in red tape. Construction costs for both Taegu and P’yŏngyang Prisons were projected at ¥70,000 each, while the new Keijō (Seoul) Prison was supposed to cost ¥270,000. These were not insignificant costs to the Residency-General, which committed a total of just ¥1.875 million to the building, operation, and maintenance of both law courts and prisons in 1909 (See Table 3-1). As a result, while Taegu Prison opened on time in April 1910 with an official

---

94 Ibid., 65, 75, 96, 101.


96 “Kamok to manhi chinnûnda” [More prisons to be built], Taehan Maeil Sinbo, 15 June 1910, 3.
capacity of 1,000 inmates, colonial officials ultimately balked at the cost of building a new prison at P’yŏngyang, and decided instead to remodel the former consular prison.  

Prison building projects also were subject to bureaucratic wrangling and effective community resistance, even in the oppressive climate of early colonial Korea. Such was the fate of the new prison planned for Seoul. Planned, announced, budgeted, and ground broken during the Residency period, the new, state-of-the art prison did not actually open until 1912. Originally slated to be built in Ch’ŏngp’a-dong, just outside the Great South Gate (Namdaemun), at a cost of ¥270,000, the prison project met considerable enough resistance from local residents that it had to be relocated outside the city to Kongdŏng-ni, even after the expenditure of more than ¥20,000 on ground-breaking work. It was eventually completed and, as noted above, opened in 1912, at a total cost of ¥300,000. Such community resistance, as we shall see in Chapter Five, contributed to the shape and cost of the penal system, and helps explain the sluggishness of the prison building project in early colonial Korea.

The new prisons that were built in these early years incorporated a variety of designs. While Sŏdaemun featured fan-shaped cell blocks and Keijō a half-radial design, Taegu Prison consisted of two long barracks, one for convicts, the other for remanded suspects, set perpendicularly but not connected. Inside the “L” formed by these two buildings were administrative buildings, kitchens, and bathing facilities. On the far side of the compound was a small building for female prisoners with separate areas for

---

97 Chōsen Chikei Kyōkai, Chōsen keimusho shashinchō, 71-76.

98 “Kamok to manhi chinnŭnda” [More prisons to be built], Taehan Maeil Sinbo, 15 June 1910, 3; Nakahashi Masakichi, Chōsen kyūji no keisei, 129. For reference, the Government-General’s entire expenditure on courts and prisons in the 1911-1912 fiscal year was ¥2.6 million. See Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1910-1911), 257.
125

convicts and suspects. On the perimeter of the “L” were factory buildings and an infirmary.\textsuperscript{99} Though this may seem like a less “modern” design than the prisons in Seoul, in fact it may have been used in order to limit potential fire damage to the wooden structures. Some slightly earlier prisons in Japan had utilized a similar design featuring disconnected, parallel cellblocks for this very reason.\textsuperscript{100}

These new prisons espoused the basic principle of solitary confinement with communal workshops and courtyards. None of them was able to achieve this, however, as prison populations continued to grow throughout the 1910s. They did significantly increase the available cell space: by the end of 1910 Taegu held over 800 prisoners, while the reconditioned prison at P’yŏngyang held more than 700.\textsuperscript{101} Any extra space this provided was quickly extinguished as the number of prisoners continued to increase rapidly.

Following annexation in August 1910, prison administration remained basically unchanged. The Residency-General Bureau of Justice became the Government-General Ministry of Justice (Sōtokufu shihōfu), and its four departments were streamlined into three, but its responsibilities remained more or less the same.\textsuperscript{102} Prison building and expansion remained a stated priority, but progress in this undertaking proved to be short-

\textsuperscript{99} See “Taegu kamoksŏ sinch’uk kōnmul paech’ido / 10” [Plot of new construction at Taegu Prison], ca. 1908-1910, KNA, Ilche sigi kŏnch’uk tomyŏn kŏllekshŏn.


\textsuperscript{102} These departments were reorganized in 1912 and again in 1915, and the Ministry of Justice was reorganized as the Bureau of Justice (Hōmukyoku) in 1919.
lived. Within weeks of annexation, Yŏngdŭngp’o Prison was demoted to a branch prison and new branch prisons were designated in Chinnamp’o, Masan, and Kunsan, making a total of eight main prisons and fourteen branch prisons throughout the country.\(^{103}\) The addition of Keijō Prison made nine main prisons and thirteen branches at the end of 1912.

All this might have been considered penal “progress” (and was, in Government-General publications), except for the fact that the number of inmates grew nearly as fast as cell space during these years. By the end of 1910, just a few months after Korea’s annexation, there were more than 7,000 prisoners held in just 52,311 square feet (1,470 tsubo) of cell space throughout the country, meaning there was an average of just 7.5 square feet for each prisoner, a far cry from the stated goal of providing one tsubo (thirty-six square feet) per prisoner.\(^{104}\) Even after the opening of Keijō Prison in 1912, more than 9,500 prisoners were held in just 63,972 square feet (1800 tsubo) of cell space throughout Korea (5.3 prisoners per tsubo).\(^{105}\) Overcrowding on a similar scale continued throughout the decade despite several imperial pardons and commutations accounting for thousands of prisoners being released early. 1912 also marked the end of the first wave of prison building and expansion in colonial Korea, and, after Keijō, another new main prison would not be built for almost six years.

---

\(^{103}\) Sōtoku Furei (Edict) #11, October 1, 1919.


<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Ordinary Expenditures: “Law Courts and Prisons”</th>
<th>Extraordinary Expenditures on Prisons</th>
<th>Total Government Expenditures</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1905-1906</td>
<td>¥34,336</td>
<td></td>
<td>¥9,556,836</td>
<td>0.36%</td>
</tr>
<tr>
<td>1906-1907</td>
<td>¥46,259</td>
<td></td>
<td>¥7,967,388</td>
<td>0.58%</td>
</tr>
<tr>
<td>1907-1908</td>
<td>¥186,473</td>
<td>¥8,117</td>
<td>¥17,375,951</td>
<td>1.11%</td>
</tr>
<tr>
<td>1908-1909</td>
<td>¥1,168,252</td>
<td></td>
<td>¥23,352,857</td>
<td>5.00%</td>
</tr>
<tr>
<td>1909-1910</td>
<td>¥1,873,904</td>
<td></td>
<td>¥29,227,549</td>
<td>6.41%</td>
</tr>
<tr>
<td>1910-1911</td>
<td>¥2,512,831</td>
<td></td>
<td>¥23,765,594</td>
<td>10.57%</td>
</tr>
<tr>
<td>1911-1912</td>
<td>¥2,610,244</td>
<td></td>
<td>¥48,741,782</td>
<td>5.36%</td>
</tr>
<tr>
<td>1912-1913</td>
<td>¥2,733,785</td>
<td></td>
<td>¥52,892,209</td>
<td>5.17%</td>
</tr>
<tr>
<td>1913-1914</td>
<td>¥2,579,039</td>
<td></td>
<td>¥57,989,610</td>
<td>4.45%</td>
</tr>
<tr>
<td>1914-1915</td>
<td>¥2,597,375</td>
<td></td>
<td>¥59,412,966</td>
<td>4.37%</td>
</tr>
<tr>
<td>1915-1916</td>
<td>¥2,588,022</td>
<td></td>
<td>¥58,873,403</td>
<td>4.40%</td>
</tr>
<tr>
<td>1916-1917</td>
<td>¥2,631,615</td>
<td></td>
<td>¥59,848,998</td>
<td>4.40%</td>
</tr>
<tr>
<td>1917-1918</td>
<td>¥2,746,176</td>
<td></td>
<td>¥62,642,899</td>
<td>4.38%</td>
</tr>
<tr>
<td>1918-1919</td>
<td>¥3,049,474</td>
<td></td>
<td>¥65,141,653</td>
<td>4.68%</td>
</tr>
<tr>
<td>1919-1920</td>
<td>¥3,614,914</td>
<td></td>
<td>¥77,560,690</td>
<td>4.66%</td>
</tr>
<tr>
<td>1920-1921</td>
<td>¥6,134,975</td>
<td>¥850,000</td>
<td>¥114,316,860</td>
<td>6.11%</td>
</tr>
<tr>
<td>1921-1922</td>
<td>¥7,228,936</td>
<td>¥1,153,046</td>
<td>¥162,474,208</td>
<td>5.16%</td>
</tr>
<tr>
<td>1922-1923</td>
<td>¥7,117,709</td>
<td></td>
<td>¥158,124,617</td>
<td>4.50%</td>
</tr>
<tr>
<td>1923-1924</td>
<td>¥7,454,106</td>
<td></td>
<td>¥146,007,225</td>
<td>4.38%</td>
</tr>
<tr>
<td>1924-1925</td>
<td>¥7,609,427</td>
<td></td>
<td>¥142,700,159</td>
<td>5.33%</td>
</tr>
<tr>
<td>1925-1926</td>
<td>¥6,957,131</td>
<td></td>
<td>¥178,083,382</td>
<td>3.91%</td>
</tr>
<tr>
<td>1926-1927</td>
<td>¥7,088,076</td>
<td></td>
<td>¥194,487,914</td>
<td>3.64%</td>
</tr>
<tr>
<td>1927-1928</td>
<td>¥7,639,862</td>
<td></td>
<td>¥210,910,111</td>
<td>3.63%</td>
</tr>
<tr>
<td>1928-1929</td>
<td>¥7,705,468</td>
<td></td>
<td>¥222,974,042</td>
<td>3.46%</td>
</tr>
<tr>
<td>1929-1930</td>
<td>¥8,254,330</td>
<td></td>
<td>¥246,852,843</td>
<td>3.34%</td>
</tr>
<tr>
<td>1930-1931</td>
<td>¥8,258,021</td>
<td></td>
<td>¥239,729,783</td>
<td>3.44%</td>
</tr>
<tr>
<td>1931-1932</td>
<td>¥7,816,864</td>
<td></td>
<td>¥238,923,617</td>
<td>3.27%</td>
</tr>
<tr>
<td>1932-1933</td>
<td>¥7,391,196</td>
<td></td>
<td>¥219,381,469</td>
<td>3.37%</td>
</tr>
<tr>
<td>1933-1934</td>
<td>¥7,504,748</td>
<td></td>
<td>¥232,026,949</td>
<td>3.23%</td>
</tr>
<tr>
<td>1934-1935</td>
<td>¥8,165,239</td>
<td></td>
<td>¥274,634,642</td>
<td>2.97%</td>
</tr>
<tr>
<td>1935-1936</td>
<td>¥8,949,426</td>
<td></td>
<td>¥290,267,414</td>
<td>3.08%</td>
</tr>
<tr>
<td>1936-1937</td>
<td>¥9,104,703</td>
<td></td>
<td>¥329,645,390</td>
<td>2.76%</td>
</tr>
<tr>
<td>1937-1938</td>
<td>¥10,196,585</td>
<td></td>
<td>¥425,123,781</td>
<td>2.40%</td>
</tr>
<tr>
<td>1938-1939</td>
<td>¥11,101,713</td>
<td></td>
<td>¥528,245,954</td>
<td>2.10%</td>
</tr>
</tbody>
</table>

Humane Treatment

“Civilizing” Korean prisons entailed more than building sanitary, secure prisons. Another essential—and well-publicized—component of this project was “the more humane treatment of criminals” incarcerated in these institutions. In accordance with internationally-recognized penal standards of the time, this meant providing for prisoners’ basic physical needs, education, and moral development. During the first decade of Japanese rule in Korea, colonial officials touted various programs along these lines, and prisons were staffed with medical physicians, pharmacists, chaplains, and teachers. Chapter Four details the content of these programs and the conceptions of “Korean criminals” they employed (and produced), but it is important to note their establishment and promotion as part of the penal civilizing project of the 1910s.

By the time of annexation, infirmaries had been established in all prisons throughout Korea, and separate isolation wards for prisoners with contagious diseases in the larger main prisons. Colonial authorities soon boasted of the contribution of these facilities and their personnel to the reduction of common prison diseases, such as scurvy and “prison fever” (typhus), and to the rapid decline of the prisoner death rate, from an astronomical 14% in 1907 to just 2.5% in 1911. Generally, however, just one “prison physician” (kangokuï) was attached to each main prison, likely because of the high salary.

106 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1912-1913) (Keijō (Seoul), 1913), 51.

107 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1922-1923) (Keijō (Seoul), 1923), 177-178; Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 48. Other sources support this claim as well. According to the government’s Statistical Yearbook (Chōsen sōtokufu tōkei nenpō), in 1910, 631 convicts or suspects reportedly died in custody, while in 1917, just 270 died despite a much higher number of inmates passing in and out of prisons. See Chōsen Sōtokufu, Chōsen sōtokufu tōkei nenpō: Meiji 43 nendō [Statistical yearbook of the Government-General of Chosen for 1910] (Keijō, 1912), 575; Chōsen sōtokufu tōkei nenpō: Taishō 6 nendō [Statistical yearbook for the Government-General of Chōsen for 1917] (Keijo, 1918), 830.
they commanded, which rivaled that of prison wardens.\(^{108}\) This meant that each physician was in charge of overseeing several hundred inmates at his main facility as well as those at its branches and annexes—only sometimes with the help of dedicated assistants. Thus, early prison physicians admittedly focused more on general improvements (facilities, sanitation, provisions) than on specific health concerns.\(^{109}\) This was no mean task, as severe overcrowding, which continued to plague prisons throughout the colonial period, made maintaining a truly sanitary and disease-free environment difficult, and made prisons prone to dangerous outbreaks of various diseases.

Another important part of caring for prisoners’ physical well-being was providing opportunities for regular physical exercise. While colonial authorities admitted that overcrowding limited such opportunities for most prisoners, they made a great effort to publicize the fact that prisoners not engaged in physical labor were provided such opportunities. In fact, a favorite image of colonial publications for both Japanese and foreign audiences was the exercise facility for convicts in solitary confinement at Sŏdaemun Prison, a fan-shaped arena with high brick walls separating narrow, individual exercise areas (see Image 3-4).\(^{110}\)

\(^{108}\) For a slightly later breakdown of the salaries of various penal personnel, see Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyojŏngsa, 360-361.

\(^{109}\) Chŏsen Sōtokufu Hōmukyoku Gyōkeika, Chŏsen no gyōkei seidō, 48.

\(^{110}\) See, for example, Chŏsen Chikei Kyōkai, Chŏsen keimusho shashinchō, 19 (plate 9); Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1917-1918) (Keijo (Seoul), 1918), 130-131.
Figure 3-4. Exercise ground at Sŏdaemun Prison. **Source:** Government-General of Chosen, *Annual Report on Reforms and Progress in Chosen (Korea) (1917-1918)* (Keijo (Seoul), 1918), 130-131.
For prisoners’ moral cultivation, penal officials appointed a number of prison chaplains (mostly Buddhist monks) and sometimes allowed Christian preachers to give sermons to Christian prisoners. For the first decade of colonial rule, the content of this “instruction” (kyōkai), given in individual and collective sessions, does not seem to have been particularly coordinated, and the textbooks used for it and the subjects of group lectures were left to be decided by individual prison wardens and chaplains. Colonial authorities also boasted of providing basic education for juvenile prisoners in Japanese, arithmetic, and ethics. For both of these programs, as with prisoners’ health care, the number of professionals assigned throughout the system was insufficient to have a major impact on the burgeoning number of prisoners incarcerated in Korea.

Finally, along with such educative programs, colonial officials publicized their encouragement of disciplined prison labor, purportedly to teach convicts the value of industry and “enable [them] to obtain a living by an acquired trade after their release.” The initial scale and profit of prison workshops was quite small, and prisoners were engaged in a variety of jobs, including making rice-straw, straw sandals, bricks, and netting, as well as carpentry, farming, stone cutting, and sewing. As the decade progressed, however, convict labor programs, unlike health care and education programs, expanded and grew more coordinated for reasons discussed below.

---

111 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 64.


114 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 33.
Budgeting Civilization

Following the opening of Keijō Prison, there was a noticeable pause in the construction of new prisons. There were minor projects—the addition of office buildings and the expansion of factory facilities and cell blocks—but no new main prisons or even branches would open for five years. The timing of this pause is curious, coming on the heals of the Conspiracy Trial of 1912, in which the various aspects of the colonial criminal justice system—and Japan’s competence as a bona fide, civilized colonial power—were discredited. The re-designation of old jails as prisons along with the construction of a few modern facilities which were instantly overcrowded was not the kind of infrastructural improvement Japanese colonizers had envisioned or promised. Even with the addition of the relatively massive Keijō prison in 1912, colonial prisons were terribly overcrowded, and despite emergency measures, including several mass pardons and commutations, as well as the widespread use of flogging in place of short-term incarceration, the number of prisoners in colonial prisons continued to rise throughout the decade, reaching 11,609 at the end of 1918. How could colonial authorities justify discontinuing prison building under such circumstances?

Some scholars have argued that such “underdevelopment” signified a simple lack of commitment to the project of penal reform, offering proof of Japanese colonial officials’ contempt for Koreans, and of their functionalist vision of punishment not as a reformatory or civilizing institution, but as a mere stop-gap measure for preventing

---

115 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 7.

116 Ibid., 20. More telling perhaps, are statistics that show the daily average number of prisoners incarcerated, which steadily rose to more than 12,000 by 1918 (same source).
widespread disorder. Indeed, Japanese colonial authorities, like imperial agents around the world, contradictorily sought “both to limit the costs of judicial [and penal] administration and to extend [their] jurisdiction” in Korea. In the case of Korea’s penal infrastructure in the 1910s, it would seem that the former goal took precedence, as greater economic trends in the empire significantly limited colonial officials’ civilizing projects, including the construction and expansion of prisons and the thorough implementation of reform programs. This should not necessarily be read as a lack of dedication to penal reform on the part of all colonial penal administrators, however. The tenor of governors-general’s instructions to prison wardens at their annual conferences during the 1910s suggests, rather, that many penal bureaucrats, including wardens, were eager to make more thoroughgoing changes, and that their hands were tied by higher colonial administrators and metropolitan authorities, and particularly by their control of the colonial budget.

From 1907-1912, the published budget for “Law Courts and Prisons” in Korea rose steadily, as Residency and, subsequently, Government-General officials reported overall budget surpluses (See Table 3-1). But these officials had, in fact, been counting as revenue significant sums of “Deficit Granted from the Imperial Treasury” (i.e., subsidies from the Japanese government)—amounting to 23% of total revenue (¥12.35 million) in

117 See, for example, Yi Chong-min, “Singminji ha kûndae gamok ūl t’onghan t’ongje mek’ŏnjûm yŏn’gu,” 75-76, 101-102. This has been observed in other empires around the world. In colonial Africa, for example, Florence Bernault notes, “punishment fulfilled in efficient and cost-effective ways, the task of routinised economic and political coercion.” See Florence Bernault, “The Shadow of Rule: Colonial Power and Modern Punishment in Africa,” in Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America, ed. Frank Dikötter and Ian Brown (Ithaca, N.Y.: Cornell University Press, 2007), 66.

This subsidy was reduced to ¥10 million in 1913, ¥9 million in 1914, and ¥8 million in 1915, as the metropolitan government, in the midst of financial retrenchment, demanded a three-year plan for Korea’s financial autonomy. While the Government-General was able to adjust to these changes (overall revenue actually increased slightly over these years), significant portions of that subsidy had been earmarked to finance “judicial administration” in Korea, including the construction and maintenance of prisons. This was immediately reflected in the budget for “Law Courts and Prisons,” which dropped from ¥2.73 million in 1912 to ¥2.58 million in 1913. It would hover around ¥2.55 million for the next two years, even as prices of building materials and most other commodities skyrocketed during the First World War, making major prison construction or expansion projects inconceivable.

Prison construction was not, of course, the only element of punishment affected by such economic trends. The price fluctuations of the war years also meant great variance in the amount and quality of food prisons could procure on their allocated budgets, which were eventually increased, though not in keeping with wartime

---


inflation. Colonial authorities admitted as much in their annual report for 1917, noting that in 1916, “excessive confinement and poorer food, a result of the high prices prevailing, caused the death-rate to rise somewhat higher among the prisoners.” In fact, the quantity and quality of food supplied by prisons would become an ongoing problem for colonial penal authorities, who would have to justify their budgets to both Korean and Japanese critics several times in the 1920s and 1930s (see Chapter Five).

In his annual meeting with prison wardens in 1914, Governor-General Terauchi acknowledged the financial difficulties penal administrators faced, but upbraided them for expecting more support from the state, urging them to make do with existing facilities. Though “[proper] prison administration and the building of prison houses has an increasingly close relationship,” he acknowledged, wardens should be careful not to “presume, year after year, large national [metropolitan] expenditures in order to build new prisons,” and assume that good penal administration would follow. Instead, he called on them to “make use of existing buildings,” until the colonial government could afford to build new prisons. This call to make do would be frequently echoed in governors-general’s official instructions (kunji) to wardens at various times throughout the colonial period, revealing a certain amount of tension between central administrators and prison wardens.

---

123 On the effects of the First World War on the Korean economy, see Eckert, Offspring of Empire, 36-38.


Such observations are not meant to excuse colonial penal authorities for the inhumane treatment of inmates in colonial prisons (see Chapter Five). Nor is it meant to deny the fact that many colonial officials, including Governor-General Terauchi (quite famously and openly), held Koreans in great contempt, and were concerned first and foremost with subduing resistance and dissent, especially during the early years of colonial rule.\textsuperscript{126} Recognizing as much should not lead us, however, to dismiss the efforts and ideas of all colonial administrators, many of whom, as Mark Peattie has observed, were known in Japan and internationally for their “intelligence, dedication, and integrity.”\textsuperscript{127} Many of the colonial bureaucrats that served in the Korean penal system, especially middle- and senior-level officials, including prison wardens, were in fact quite dedicated to their task, seeking out creative ways to maximize the “civilizing” potential of their underfunded prisons.

One way to do this was to utilize the resources prison officials had at hand—namely cheap labor. Prison labor began, as noted above, as a civilizing program with limited support, and netted quite meager profits through its first years. It is no coincidence that the production volume and profits from convict-made goods jumped considerably in 1912, just as prison budgets were being cut (See Table 3-1). By the end of the 1910s, prison factories produced a variety of goods and brought in steady profits. Following profitable models in Japan, colonial prisons also began to lease convict labor out to a variety of industries, and by 1917 colonial authorities boasted that, on average,


\textsuperscript{127} Ibid., 26.
more than 1,000 convicts worked outside prisons each day, with demand increasing yearly “throughout the country.”

The most profitable production facility in the penal system was the brick factory at Keijō Prison. Its massive smokestack dominated the skyline of southwestern Seoul, and within a few years of its establishment it was producing at high volume and making a tidy profit from sales to private companies and other government agencies. Perhaps even more valuable, however, was the contribution of the factory to prison building and expansion projects, including the completion of Keijō prison itself. Indeed, the impressive outer wall, which the Chikei Kyōkai so boasted of, along with all buildings in the compound added after 1912, were built using bricks from its own factory and prisoner labor. Such projects were not limited to Keijō Prison, as prisoner labor and prison-produced materials accounted for most (if not all) of the limited construction undertaken throughout the rest of the decade, according to plans drawn up by prison wardens in 1914. In this way, penal authorities utilized one “civilizing” project to complete another.

---

128 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1917-1918), 131. Such claims were repeated in Japanese-language reports as well. See Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 33-34, 46.

129 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1917-1918), 131. In fact, the report notes, the profits from the brick factory alone reached nearly ¥100,000 in 1917.

130 Chōsen Chikei Kyōkai, Chōsen keimusho shashinchō, 9.

131 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1916-1917), 130. Such projects included a new house of detention at Sŏdaemun, which would eventually replace the T’aebyeonsanp’ŏngdong Annex. Anyone who visits the Sŏdaemun Prison Museum today may notice that many of the remaining bricks still bear the engraving, “Keijō Keimusho” (Keijō Prison).
Civilizing Flogging

Nothing demonstrates the conflicting interests and forces shaping penal reform or the mixed results of Japanese claims to be “civilizing” punishment in Korea as well as the issue of flogging. Indeed, the lone surviving traditional “Korean” punishment after 1917 was, ironically, the one that had drawn the most negative international attention in the years leading up to Japanese colonization. The Japanese justified their involvement in Korean penal affairs largely by pointing out Koreans’ inability to abolish “barbaric” penal traditions, such as judicial torture, corporal punishments, and the use of various “penal instruments.” Many of these practices were abolished, though, as we shall see in the next chapter, physical violence (and the threat thereof) remained an essential part of the culture of punishment in Korea throughout the colonial period. Flogging, however, survived the revision of the Korean Penal Code undertaken by Kuratomi and his team in 1908, formal annexation in 1910, and the extension of the Japanese Penal Code and procedure to Korea in 1912.

Korea was not unique among Japanese or European colonies in the retention of flogging as a legal criminal punishment. In Taiwan, Japanese colonial penal authorities abolished flogging shortly after annexation in 1895, only to reintroduce it ten years later in 1905. In 1908, the same year it was “retained” in Korea, flogging was also reintroduced by Japanese authorities in the Kwantung Leased Territory of southern
Manchuria. European colonial regimes in Africa and Asia likewise retained various forms of corporal punishment well into the twentieth century, a fact not lost on the Japanese. As in Western colonies, the use of flogging in the Japanese Empire was certainly not without controversy. In Taiwan, as Daniel Botsman has noted, the Japanese Governor-General, Kodama Gentaro, reintroduced the practice in the face of considerable opposition in Japan, justifying it as a cost-saving measure to relieve over-burdened prisons, and also as a more effective way to deter Taiwanese natives, whose low “level of civilization” (mindo) purportedly made it difficult for them to fully appreciate the penalty of incarceration.

This was met with harsh opposition from many colonial jurists, who noted rightly that prison overcrowding in Taiwan had already been reduced and order established in the colony; as well as from metropolitan bureaucrats, including the internationally renowned penologist Ogawa Shigejirō, who contended that the introduction of such a “backward” practice was an affront to Japanese efforts to civilize their own society, let alone their civilizing claims in Taiwan. Against claims that punishment needed to be adjusted to a people’s “level of civilization,” Ogawa argued that civilized punishments would help bring about the civilization of any people, just as they had in Japan. It was

---


only hubris and thoughtless mimicry of the Western powers—which he noted had used such racist measures to subdue much of the world—that could justify such a measure. This last point stoked considerable debate about the kind of imperial power Japan would become: would it fulfill the Meiji Emperor’s pledge to treat colonial subjects with “impartiality and equal favor” (*isshi dōjin*)? Or would Japan follow Western examples of colonial brutality and exploitation?\(^{134}\)

The answer, as Botsman describes it, came from Suzuki Sōgen, then chief justice of the Taiwan Supreme Court, who argued that the decision to re-institute flogging in Taiwan was based on solid, practical reasoning. Flogging kept many minor offenders out of prisons, which often, as many penologists around the world agreed, constituted “schools for crime” (*hanzai gakkō*) rather than sites for rehabilitation. Flogging such offenders would thus apply a painful deterrent to recidivism while saving the colonial government money and keeping petty criminals from such dangerous influences.\(^{135}\)

But Suzuki did not stop there. He also noted that using flogging instead of incarceration allowed petty criminals to maintain their (and their family’s) livelihood, rather than taking them away from their farms, and kept them with their families, which he noted, in classic Confucian rhetoric, constituted the “source of all virtue.” This was not only better for the offender, but also for their families and, both in terms of social stability and productivity, society as a whole. Thus flogging, according to Suzuki, was

---

\(^{134}\) Ibid. For the original text, see Ogawa Shigejirō, “Chikeiron [On Flogging],” *Hōgaku kyōkai zasshi* 22, no. 4 (April 1904): 511-532; Ogawa Shigejirō, “Chikeiron [On Flogging],” *Hōgaku kyōkai zasshi* 22, no. 5 (May 1904): 697-719.

not only a more practical solution, it was also more humane and more socially responsible if done properly. To further justify his point, Suzuki cited a number of Western nations that were considering the use of flogging not just in their colonies, but in the metropole as well. Besides, Suzuki noted, the type of flogging to be practiced in Taiwan would be qualitatively different from that practiced historically in Asia and that brutishly applied by Western colonial regimes.\textsuperscript{136}

Similar justifications for the retention of flogging surfaced in Korea in the months following the adoption of the revised Korean Penal Code in 1908. One of the more practical justifications, published abroad as well as in the colony, was that the Japanese, having just been appointed advisors to the Korean judicial system, had simply not yet had the time to prepare adequate prison facilities. \textit{The Independent}, an evangelical-leaning weekly magazine published in New York (not to be confused with the Korean Tongnip sinmun of the 1890s), reporting on the upcoming promulgation of the revised code, noted flatly in May of 1908 that while the revised code was modeled on the Japanese penal code, “in Korea punishment by flogging will be retained for minor offenses,” due to the fact that “Korea is still without decent prisons.”\textsuperscript{137} This was indeed a problem for colonial penal administrators: building sanitary prisons with adequate cell space was costly, slow, and mired in red tape. But, as Ogawa pointed out during the debate surrounding flogging in Taiwan, such problems were common to the metropole as well and did not, therefore, constitute much of a defense on their own.

\textsuperscript{136} Ibid.

\textsuperscript{137} “Korea,” \textit{The Independent} 64, no. 3104 (28 May 1908): 1171.
More powerful and lasting were justifications based on a formulation of “civilization” similar to that made by Japanese officials in Taiwan. Few Japanese, foreigners, or even Koreans, disputed the fact that Korean society was, on the whole, of a “different grade of civilization” from Japan and the West.138 As they had in Taiwan, colonial officials in Korea cited this “low level of civilization” for the use of flogging, as did foreign pundits.139 Even if prisons were “much improved,” the editors of The Independent continued, for example, “they would not act as deterrents to crime” for Koreans.140 This echoed a sentiment quite common at the time, not just among Japanese colonial theorists, but among many Western colonizers and thinkers as well, neatly expressed by David Arnold: “the body of the “Oriental” might be disciplined, but his “soul” remained out of reach.”141 According to this narrative, in the universal, progressive scheme of civilization, Koreans, like the Taiwanese, simply had not attained a level that would allow them to fully appreciate the disciplinary implications of confinement.

Flogging was, after all, “a form of punishment practiced in Korea for ages past,” and therefore, argued colonial officials, “seemed likely to be more effective as a measure of punishment for trifling offences than short imprisonment or small fines.”142 But simply

138 For more on Koreans’ perceptions of “civilization,” see Schmid, Korea Between Empires, Introduction; Chapter 1.

139

140 “Korea,” 1171.


reverting to a traditional form of punishment was not consistent with the colonial civilizing imperative, prompting officials to add an important qualification, as they had in Taiwan: to be effective, flogging had to be “done in a proper manner.” This meant a qualitative change in the practice. But how to “civilize” a punishment based on the infliction of physical pain?

The answer, for colonial authorities, lay in the same principles that governed their reform of the Korean penal code and prison system: humanity, precision, and civilization. To truly justify the use of flogging, they needed to redefine it in these same terms, from “backward,” “arbitrary,” and “brutal,” to “civilized,” “humane,” and “scientific.”

Following the example of Suzuki Sōgen and other administrators in Taiwan, colonial officials in Korea attempted this qualitative and rhetorical conversion in a number of ways.

First, they emphasized that great care should be taken for both the physical and emotional health of the person being flogged. The penalty was only to be applied to Korean men between the ages of sixteen and sixty. As noted in the introduction, a doctor was to be present (if available) to check the convict’s physical and mental condition. If either was found lacking, the punishment could be delayed up to thirty days. In addition, the officer applying the penalty was to observe the convict’s physical and emotional state while delivering the lashes, watching for signs of injury or distress.

---


144 “Chōsen chikeirei,” Article 5.

145 “Chōsen chikeirei shikō kisoku,” Articles 1.

146 Ibid., Article 3.
To further prevent serious injury, the number of strokes delivered in a single day was limited to thirty, to be evenly distributed between the right and left buttocks, and ice was to be provided at the conclusion of the procedure.147 Finally, to minimize the convict’s discomfort, authorities were to ensure that he had not eaten for at least an hour before being flogged, and were to provide water for the convict during the punishment.148

Officials in charge of the flogging were also to pay close attention to the convict’s emotional state. Floggings were to be delivered in private, with only an official or two in attendance, and other prisoners were not to be present—these were not to be shameful or fearful spectacles.149 Thus, despite the corporal nature of the punishment, “unnecessary pain” could purportedly be avoided “as far as possible.”150

Japanese officials emphasized the measured, scientific nature of their new, civilized form of flogging. The exact measurements of the flogging stand and the precise movements of the flogger were all prescribed via Governor-General Directive (kunrei) #40, “Information Regarding the Administration of Flogging” (Chikei shikkō kokoroe), issued soon after the flogging ordinance.151 The detailed nature of these instructions was meant to leave little to chance, turning the flogger into a precision instrument delivering an exact measure of pain to the convict based on the severity of the crime he had committed.

---

147 “Chōsen chikeirei,” Article 7; “Chōsen chikeirei kokoroe,” Articles 5, 10.

148 “Chōsen chikeirei kokoroe,” Articles 8, 11.

149 “Chōsen chikeirei shikō kisoku,” Articles 7-8.

150 Government-General of Chosen, Annual Report on Reforms and Progress in Chosen (Korea) (1912-1913), 47.

151 “Chōsen chikeirei kokoroe” (30 March 1912).
committed. Naoyuki Umemori notes how the mechanistic demands of similar provisions in Taiwan prompted one observer to suggest the government “produce an automated machine for flogging people.”

The retention of flogging in Korea in 1912 did not stir up the same kind of debate its reapplication had in Taiwan eight years earlier. Simple justifications were made in the Government-General’s annual report, which, significantly, was published in both Japanese and English and sent to foreign governments to document the “reforms and progress” the Japanese were making in Korea. The *Annual Report* for 1912-1913 matter-of-factly noted the retention of flogging, noting its historic use in Korea, its higher potential for prevention of petty crimes, and the "improvements" the Japanese had made "in the measures hitherto practiced" and in "observing greater humanity" ("kakyūteki jindō wo omomusuru" in the Japanese report) in the application of this punishment. Significantly, no formal statement of justification was made to Koreans (in Korean) either at annexation or in 1912.

Flogging was not just one among many punishments in the early colonial penal repertoire. As Table 3-2 shows, it accounted for more than forty-five percent of all criminal sentences from 1911-1918. In sheer numbers, this meant that tens of thousands

---

152 Umemori, “Politics of Flogging,” 41.


155 No announcements or explanations were made in the Korean language government organ, the *Maeil Sinbo*, for example, either at the time of annexation or at the issuance of the flogging ordinance.
of Korean men were flogged each year throughout the decade, reaching a peak of almost
63,000 in 1917. These high numbers reflect, in part, an interesting aspect of Japanese
judicial procedure uniquely manifest in colonial Korea: the practice of “summary
judgment” (*sokketsu*). Shortly after annexation, in December 1910, the colonial
government entrusted police and *gendarme* officers with the power of summary judgment,
which allowed them, as in the case of Mr. Ch’oe, to adjudicate and punish crimes that
merited simple detention, incarceration (with or without labor) of three months or less,
small fines (¥100 or less), or flogging (for Koreans only, of course).156

Despite earlier criticisms of the lack of judicial independence in Chosŏn, colonial
authorities justified this practice to the international community on the grounds that it
would help “justice in the Peninsula…be more speedily and effectively carried out,” save
defendants “unnecessary expense and loss of time,” and “be convenient for the defendant
and effective in securing justice.”157 As Table 3-2 shows, summary judgments accounted
for the great majority of floggings (74.2% from 1911-1918). While this policy was used
in Japan and Taiwan as well, in Japan it had less broad application (only crimes
punishable up to 30 days imprisonment or ¥20) and in Taiwan it resulted in more fines
and less floggings. It thus became a symbol for many Koreans of the harsh and, ironically,
“uncivilized” nature of Japanese rule in Korea.

Notwithstanding this dispersal of judicial and penal authority, the use of flogging
seems to have reached a standard from 1912-1915, when it consistently accounted for 40-

156 Governor-General Edict (*seirei*) #12, “Hanzai sokketsurei” [Regulations Concerning the Summary
Judgment of Crimes], 15 December 1910.

157 Government-General of Chosen, *Annual Report on Reforms and Progress in Chosen (Korea) (1910-
1911)*, 70-71.
43% of all sentences (see Table 3-2). 1916-1918 saw a sudden increase in floggings, perhaps, as one Government-General official later suggested, as a result of increases in petty crime as wartime rises in grain prices, which helped stabilize colonial coffers, conversely impoverished poor farmers and tenants. This spike, along with the deteriorating economic situation that brought it on, evidently led to considerable public criticism of flogging (and particularly its application via summary judgment) both at home and in the colony, finally prompting colonial authorities to justify these policies in 1917 and 1918.

For Japanese readers (colonial officials, interested parties back home, and Korean intellectuals), the Prison Division of the Ministry of Justice (Shihōbu kangokuka) made a thorough effort to justify flogging in a two-part article, clearly based on Suzuki Sōgen’s defense of flogging in Taiwan, published in 1917 in the government-sponsored journal Chōsen Ihō (Korea Bulletin). This piece, “On Flogging” (Chikei ni tsuite), is remarkable for its structure, content, and audience. It mirrored to a great degree the reform writing common in Korea in the 1890s and early 1900s. A typical piece of such writing, notes Andre Schmid, “began with a laudatory description of some feature of the civilized world before shifting—usually after an exclamatory cry of despair, aigu! (alas)—to what was presented as the benighted or ignorant status of that same phenomenon in Korea.” This lamentation would then be followed by a series of proposals meant to “bridge the gap.”


159 See Schmid, Korea Between Empires, 34.
<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Criminal Trial</th>
<th>Summary Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convicts</td>
<td>Flogged</td>
<td>Percentage</td>
</tr>
<tr>
<td>1911</td>
<td>17,593</td>
<td>33,978</td>
<td>51.80%</td>
</tr>
<tr>
<td>1912</td>
<td>22,750</td>
<td>51,903</td>
<td>43.80%</td>
</tr>
<tr>
<td>1913</td>
<td>26,237</td>
<td>65,972</td>
<td>39.80%</td>
</tr>
<tr>
<td>1914</td>
<td>30,265</td>
<td>70,097</td>
<td>43.20%</td>
</tr>
<tr>
<td>1915</td>
<td>35,796</td>
<td>83,805</td>
<td>42.70%</td>
</tr>
<tr>
<td>1916</td>
<td>52,543</td>
<td>111,146</td>
<td>47.30%</td>
</tr>
<tr>
<td>1917</td>
<td>62,629</td>
<td>128,770</td>
<td>48.60%</td>
</tr>
<tr>
<td>1918</td>
<td>56,702</td>
<td>130,238</td>
<td>43.50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Convicts</th>
<th>Flogged</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1911</td>
<td>304,515</td>
<td>675,909</td>
<td>45.10%</td>
</tr>
<tr>
<td>1912</td>
<td>329,474</td>
<td>78,464</td>
<td>47.10%</td>
</tr>
<tr>
<td>1913</td>
<td>328,051</td>
<td>226,051</td>
<td>40.00%</td>
</tr>
<tr>
<td>1914</td>
<td>328,051</td>
<td>195,819</td>
<td>47.10%</td>
</tr>
<tr>
<td>1915</td>
<td>328,051</td>
<td>480,090</td>
<td>Total</td>
</tr>
</tbody>
</table>

Table 3-2: Flogging, 1911-1918. Adapted from Tables in Yi Cheong-min, "Singminji ha kŭndae kamok ŭl tonghan'gan yeonge mekandium yŏn'gu," 85-86.
Similarly, this article began with a description of the historical development of flogging around the world, both in countries that had achieved “civilized” status (European countries and the United States), and in those that had not (China), culminating with its widespread abolition over the previous century following the rise of the conception of “human rights” that had emerged from the French Revolution. This was not exactly a “Whiggish” history of Western progress, however, as Korean reform writing had often been. The article goes on, rather, to emphasize that this “natural” and “efficient” punishment was, intrinsically, no more cruel than incarceration, and had become the target of penal reformers only because of abuses, such as cruelty and arbitrariness in its application and especially its extra-legal use (as in the case of masters flogging slaves), not because it was intrinsically inhumane. To support this position, it cited Western jurists and penologists who had taken issue with the claims of proponents of incarceration, arguing that incarceration was in fact as brutal as corporal punishment in many ways. In using flogging as a criminal punishment, the article contended, Japanese colonizers were not maintaining or reverting to a barbaric practice, nor mindlessly imitating the West, but restoring a traditional, natural practice to its proper form. In fact, it purported, some Western nations were now re-considering its use.

The article then addressed several common concerns about flogging. Regarding criticisms that flogging endangered a convict’s health, for example, the article countered

161 Ibid., 52-53.
162 Ibid., 52.
163 Ibid.
that such an impression was largely based on a perversion of the practice: namely, the use of inhumane, flesh-tearing whips in the West. Such instruments of torture were, of course, not used in colonial Korea, where the size and shape of the rods used for flogging were precisely prescribed, and piercing the flesh was prohibited. In addition, the article noted the presence of doctors and the numerous regulations ensuring the physical and mental well-being of the convict.

The article also addressed claims that flogging shamed a prisoner and therefore damaged his honor, arguing first that flogging was not the only form of punishment that shamed the convict. In addition, it contended, such claims should not be made out of temporal or geographic context—one should take into account such factors as the “level of culture” (bunka no teido) and customs. In Chosŏn, as in Tokugawa Japan and the West, flogging had been a public spectacle, meant to incur shame. Even high officials in the Board of Justice could be flogged for dereliction of duty, it noted. Regardless of this heritage, which might justify such shaming, and a limited level of civilization that greatly precluded feelings of shame, flogging in colonial Korea was qualitatively different, being carried out in private, and thus sparing the convict such dishonor and preserving his dignity to the degree possible.

The latter part of the article considered those delivering the flogging. The article countered claims that flogging was unfair because of the variance of pain inflicted depending on the flogger by pointing out that only qualified officers were allowed to

---

165 Ibid., 84.
166 Ibid., 84-85.
perform floggings in colonial Korea and that the precise instructions given them on the administration of the punishment largely eliminated such arbitrariness.\footnote{Ibid., 85.} A second concern was with damage to the character or dignity of the flogger himself. After all, asking one member of society to “estrange” himself from others in the process of bringing order to society seemed at odds with the greater task of civilization. To this objection, the article noted the similarity between flogging and corporal punishment in schools (even in such civilized places as England and the United States), noting that while the flogger did inflict pain, he was at the same time working for the greater good of society and for the reform of the individual, a civilizing “burden” not unlike that the Japanese had taken on in Korea.\footnote{Ibid., 86.}

Finally, the article cited a number of positive reasons for the use of flogging: it was actually a better option for convicts’ health as they would avoid prisons, where, despite penal officials’ best efforts, dangerous diseases lurked; it had less impact on the convict’s family and livelihood; it boosted overall productivity in the colony by keeping men working rather than spending useless time in prison; it saved the state a considerable amount of money—money that could be used for “the benefit of the state and welfare of the people” (kokuri minpuku); and, not least, it was an effective deterrent to crime, as had already been proven in Taiwan.\footnote{Ibid., 86-87.}

*Chōsen Ihō*, the journal in which this article was featured, was published by the Government-General and distributed both in Korea and Japan, and was likely read by

---

\footnote{Ibid., 85.}

\footnote{Ibid., 86.}

\footnote{Ibid., 86-87.}
bureaucrats and intellectuals throughout the empire. Such an ambitious repackaging of flogging as a civilized punishment was thus not just for foreign consumption, but, perhaps in light of increasing unrest in the colony, was also needed to maintain support at home. By placing flogging in such a grand historical context and justifying its use in scientific, civilizing terms, this article attempted to mobilize the power of “civilization” for what was, in reality, clearly a discriminatory practice. It can thus be seen as an ambitious attempt to cover the “gap,” as Daniel Botsman puts it, “between high-minded principles and discriminatory realities.”

Despite this attempt, criticism of the colonial government’s policy continued to mount, both in Japan and in Korea, along with speculation about even further expansion of the use of flogging, prompting authorities to once again defend the practice the following year. This time, the defense appeared in a pair of articles in the Government-General’s Korean language organ, the Maeil Sinbo. These articles broadly addressed the concerns of “certain scholars” (ilbu hakcha) about the continued use corporal punishment, especially after almost a decade of Japanese rule during which, many felt, Koreans had been exposed to a higher level of civilization. On July 27, in response to such nebulous criticisms, the editors of the newspaper sounded a familiar refrain: “While there are certain scholars who criticize flogging in Korea, which continues to be practiced today, arguing that it is based on Korea’s ancient penal code, to abolish it in present-day Korea, with its level of civilization [(munmyŏng chŏngdo)] still in its infancy, would do much harm and bring little benefit.”

170 Botsman, Punishment and Power, 219.

171 “T’aehyŏng hwakchang ŭi” [Discussion of expanding flogging], Maeil sinbo, 27 July 1918, 2.
expanded and criminals should not be allowed to exchange fines for prison time. Allowing Korean thieves, for example, to serve time in prison rather than make restitution, merely provided them food and clothing (ŭibok singnyo)—an improvement over their everyday lives. This would hardly be deterrent, and if flogging were abolished, prisons would undoubtedly swell with those looking for handouts. Thus, the article asserted, authorities were considering not just continuing the use of flogging, but extending its use beyond petty crimes and in lieu of fines. Almost as an afterthought, the editors added that such an expansion of flogging would save as much as ¥800,000!\textsuperscript{172}

This last point, one that highlights some of the forces shaping punishment in the early part of the colonial period, was taken up a few days later, when the paper published a summary of an interview with the chief of the Prison Division of the Department of Justice (Shihōbu keimukyoku), Fukuzawa Shin’ichirō. Perhaps the previous article had stirred up emotions with its intimation that the government might expand the use of flogging, and Fukuzawa was quick to dispel this notion. He did not apologize for flogging, however, but defended the state’s position in economic, rather than civilizational terms.\textsuperscript{173}

Fukuzawa noted that prisoners had cumulatively spent more than 428,000 days in prisons in 1913, and that this number had more than tripled to over 1,455,000 in 1917. That same year, he argued, flogging had saved the system another 1,424,000 prison-days, which would have cost more than ¥447,000 in prison administration fees alone. In

\textsuperscript{172} Ibid.

\textsuperscript{173} “T’aehyŏng chiphaeng kwa chosa” [Survey on the performance of flogging], Maeil Sinbo, 01 August 1918, 2.
addition, the savings garnered by summarily judging many of those convicts, rather than
detaining them during trial, accounted for another ¥469,000, making a total of more than
¥913,500 saved in a single year by flogging and summary judgment. Adding in judicial
costs, the total would come to more than ¥1.2 million, and this did not take into account
the fifteen new prisons that would have to be built, each at a cost of more than ¥250,000,
and the more than five hundred warders that would have to be hired to accommodate an
increase of more than 7,000 in the daily average number of prisoners incarcerated in
Korean prisons! The abolition of flogging, Fukuzawa concluded, would thus trigger a
financial crisis for the colony. Besides, he noted, flogging had been proven to be more
effective in preventing crime than short-term imprisonment anyway.174

Despite these various efforts, colonial authorities were never very successful in
selling flogging as a scientific, humane, and efficient punishment. Criticisms of the
policy continued into the next year, then exploded when accounts of its use and abuse
circulated internationally during and following the March First Independence Movement.
Colonial authorities finally abolished flogging in April 1920, but even then did not
apologize for its use, noting, as ever, that, “when properly administered,” it was ideally
“suited to the mental condition of the people,” and, “in a majority of cases it proved more
effective than the infliction of short imprisonment or the imposition of a fine.” They did
admit that “a penal system permitting the infliction of direct pain on a person was really
at variance with modern ideas regarding punishment,” and that the “remarkable
awakening and progress of the Korean people made it more and more unsuitable.” But
more than anything, they contended, it was the “discrimination in penalty between

---

174 Ibid.
Japanese and Koreans” that was “absolutely contrary” to the “spirit” of the colonial regime. Here they tapped into a logic we shall see again in Chapter Five: Koreans and foreign observers did not object to the civilizing/modernizing program the Japanese proposed, per sé, but to its incompletion.

**Conclusion**

How can we assess the initial efforts of Japanese colonial administrators to reform the Korean penal system? Were the civilizing claims of colonial penal officials in Korea and colonial theorists throughout the empire sincere? Mere rhetoric masking less principled intentions? Both? Were the inconsistencies and contradictions of the early colonial penal system symptomatic of a universal aspect of colonialism: the “rule of difference,” which Partha Chatterjee argues is at the very core of colonialism? Was punishment in early colonial Korea a mere tool of oppression and control, or were idealistic notions of its civilizing potential, international pressure on the Japanese to perform well as “civilized” colonizers, and colonial financial limitations also important in shaping it? Much of the civilizing rhetoric employed in colonial reports amounted to little more than propaganda. Yet, perhaps we should not over-simplify the forces shaping early colonial penal reform. As Frederick Cooper has suggested:

> In juxtaposing the dream of using reason to make the world more prosperous, egalitarian, and responsive to the wishes of its inhabitants with the hubris of social engineering and the reinscription of hierarchy within nominally egalitarian systems, we risk missing the power and

---


poignancy of dreams and aspirations and the range and complexity of efforts at transforming colonial societies.177

As we have seen, for many Japanese jurists and penal bureaucrats, like Kuratomi Yuzaburō, Korea represented a frontier of great possibilities—a space for legal experimentation and professional application without the fetters of domestic Japanese politics.

Perhaps the conflicted nature of Korean punishment during the early colonial period reflects an even more essential characteristic of colonialism: ambivalence. As Jane Burbank and Frederick Cooper have argued, “The variety of repertoires of power and the diversity of interests in distant spaces made it hard for colonial powers to develop a coherent imperial imaginary.”178 Especially when it came to the civilizing potential of colonized peoples, they argue, modern empires were generally characterized by their lack of consensus, making it difficult to deploy consistent civilizing programs.

Such was certainly true when it came to early Japanese efforts to reform Korean punishment.179 As we have seen, there was little consensus between colonial officials and bureaucrats as to the applicability of Japanese penal codes, the continued use of corporal punishment, or the proper and sufficient construction and organization of colonial prisons. Both idealistic notions of punishment’s power to civilize and utilitarian conceptions of

---

177 Cooper, _Colonialism in Question_, 148.


179 Christine Gross-Loh has made the same observation about Japanese colonialism in Korea in general, opening her dissertation with the observation that “Japanese colonialism in Korea was riddled with ambivalence.” Christine Youngsun Gross-Loh, “Conflict and Accommodation in Taishō Japan: The Formation of Civil Rule (Bunka Seiji) in Colonial Korea, 1910-1925” (Ph.D. diss., Cambridge, Mass.: Harvard University, 2001), 1.
punishment as a mechanism of control were tempered by more mundane exigencies of colonial penal administration, such as the requirement of working within a budget. In Korea, as elsewhere around the world, financial limitations played a crucial role in determining the extent of penal reform, resulting in what Patricia O’Brien calls “a kind of institutional schizophrenia between articulated goals and economic realities.”

Confronted with financial constraints, colonial penal officials had to curtail their projects, attempt to make punishment pay for itself, and utilize alternative forms of punishment, such as flogging and fines, which reduced costs, but also cost the colonial regime considerable legitimacy as civilizers and led to a number of penal crises that would do even more damage.

Regardless of the financial limitations and their disagreements about methods, Japanese officials and bureaucrats in Korea generally hoped their “civilizing” efforts would at the very least convince foreign observers of their noble intentions and competence as imperial administrators. Indeed, Japanese concern with international approval did not end with the revision of the so-called “unequal treaties” with the West (completed in 1911), nor with Japan’s emergence as a true imperial power from 1895-1910. As Daniel Botsman has noted, the Japanese found themselves “haunted by the specter of ‘Oriental barbarism,’” well into the twentieth century.

In this context, colonial penal authorities in Korea were eager to publish their progress both in Japan and to the international community. Already, by the end of 1910,

---


181 Botsman, Punishment and Power, 225.
they boasted, “not only were safer and more orderly means of keeping prisoners maintained, but the capacity for receiving them was also increased in spite of the gradual growth of prisoners year by year.” 182 The purpose of such reports was not just to publish Japan’s success, but to prevent foreign interference in their colonies. This meant convincing foreign governments that their citizens would be treated civilly in Korean prisons. Thus, special accommodations were made for “prisoners of western nationality or other civilized people” (not Koreans) to be “taken to jails having modern equipment as far as possible.” 183

The actual results of colonial officials’ ambivalent early efforts, both in terms of penal effectiveness and international impressions, were, not surprisingly, mixed. While they established the basic infrastructure of punishment that would last throughout the colonial period, and initially convinced some foreign observers (and perhaps some Koreans as well) of their dedication to civilizing penal practices and institutions in Korea, colonial authorities were generally frustrated by their lack of resources and financial support; and further, were humiliated on an international stage by two major crises during the first decade of colonial rule that threatened to negate any “progress” they might have made in Korea. These crises came, ultimately, to define Korean and foreign perceptions and memory of the colonial penal system. 184


183 Ibid.

184 Indeed, these two incidents dominate Korean accounts of the colonial penal system, both academic and popular. See, for example, Yang Sŏng-suk, “Ilche ha sŏdaemun hyŏngmuso yŏn’gu”; Kim Sang-ung, Sŏdaemun hyŏngmuso kŭnhyŏndaesa: Ilche sidae p’yon [History of Sŏdaemun Prison in modern times: the Japanese colonial period] (Seoul: Nanam Ch’ulp’an, 2000).
The first of these incidents, the so-called “Case of the 105” (Paego-in sakkôn) or “Korean Conspiracy Trial,” was the highly publicized criminal trial of 123 Koreans on suspicion of conspiring to assassinate Governor-General Terauchi Masatake in December 1910. Many of the accused were members and leaders of the Sinminhoe (New People’s Association), a nationalist, self-strengthening society founded by An Ch’ang-ho in 1907. The subsequent trial, which spanned 1911-1912 and resulted in the initial conviction of 105 of the defendants, drew international attention due to the Christian ties of the Sinminhoe and the broad perception that the whole affair constituted a thinly veiled attack on the Christian church in Korea. Consequently, detailed reports of the proceedings were published around the world by foreign missionaries and diplomats in Seoul. These reports painted a less-than-favorable picture of the Japanese colonial regime as a whole, and of its purportedly civilized criminal justice system in particular, mobilizing international opinion against this miscarriage of justice and forcing colonial authorities to re-open the case.\(^{185}\)

Particularly damning were graphic revelations of the widespread use of a variety of tortures to extract confessions from the defendants. While this had occurred in police holding cells and was administered by policemen (not in prisons by penal officials), the line, as we have seen, between police and penal authority in the colony was often blurred. The same police officers who oversaw this torture, after all, had authority to summarily judge petty crimes and execute sentences of flogging. This led many foreign observers to

---

\(^{185}\) For a detailed account of the trial, see Japan Chronicle, *The Korean Conspiracy Trial: Full Report of the Proceedings* (Kobe, Japan: Japan Chronicle, 1913). Eventually, all but six of the defendants were acquitted, and even they were released by Imperial pardon in 1915. On the relationship between this trial and Christianity, see Kenneth M. Wells, *New God, New Nation: Protestants and Self-Reconstruction Nationalism in Korea, 1896-1937* (Honolulu: University of Hawaii Press, 1990), 75-78.
conflate police torture with legalized penal brutality.\textsuperscript{186} With the foreign community appalled by such inhumane, uncivilized acts (and reporting them abroad), colonial authorities were put on the defensive in a case that could have showcased Japan’s civilizing influence in Korea.

Far more damaging to the international reputation of Japanese colonial rule was the Japanese handling of the March First independence demonstrations in 1919.\textsuperscript{187} As is well-known, the colonial government’s reaction to these demonstrations, which were overwhelmingly peaceful but widespread, was violent suppression: tens of thousands of demonstrators were beaten and arrested by police, leading to thousands of injuries and (at least) hundreds of deaths; police tortured prisoners in order to extract confessions or information on the organizers of the rally; thousands of Koreans were summarily judged and flogged or imprisoned for their participation.\textsuperscript{188}

This “orgy” of violence, like the “conspiracy trial” of 1912, was witnessed by foreign missionaries and diplomats, and reports were published in newspapers around the world.\textsuperscript{189} In fact, one Canadian missionary immediately connected the two events, noting, “The tortures which the Koreans suffer at the hands of the police and gendarmes are

\textsuperscript{186} Even contemporary scholars confuse the two. See, for example, Dudden, \textit{Japan’s Colonization of Korea}, 128-129. Dudden confuses the legal punishment of flogging with legalized judicial torture.

\textsuperscript{187} For the most thorough account of the events surrounding the demonstrations, see Frank Prentiss Baldwin, “The March First Movement: Korean Challenge and Japanese Response” (Ph.D. diss., New York: Columbia University, 1969).

\textsuperscript{188} Michael Robinson goes so far as to say the Japanese response “bordered on hysteria.” Michael Edson Robinson, \textit{Korea’s Twentieth-Century Odyssey: A Short History} (Honolulu: University of Hawai‘i Press, 2007), 48.

\textsuperscript{189} Homer B. Hulbert, the historian and long-time advisor to Korea, described Japanese actions as an “orgy.” See “Accuses Japanese of ‘Orgy’ in Korea,” \textit{New York Times}, 17 August 1919.
identical to those employed in the famous ‘conspiracy trials.’”\(^{190}\) The New York Times reported a host of “horrors in Korea,” including “many cases of torture” and “revolting treatment of women” by Japanese police and prison guards.\(^{191}\) Prisoners reported foul conditions, physical abuse, and even sexual assault in colonial prisons. Particularly shocking to foreign readers were numerous complaints made by female inmates, many of them young students at missionary schools, of being repeatedly strip-searched and fondled by prison guards at Sŏdaemun Prison and elsewhere.\(^{192}\)

These revelations prompted the publication of several exposés of Japanese abuses in Korea, written by missionaries, diplomats, and Korean ex-patriots. Just as it had in early Western travel-writing about Chosŏn, punishment featured prominently in these works. Henry Chung, a Korean expatriate who had gone to the United States to pursue his education prior to annexation and remained there until liberation, for example, included a full chapter on flogging (“The Official Paddle”), and another on “Prisons and Prison Tortures” in his 1921 polemic, The Case of Korea. “If ever there were a place on earth that could be called hell,” he noted grimly, “it is the Japanese prison in Korea.”\(^{193}\) Frederick McKenzie, one of the few early critics of Japanese colonial rule in Korea,


included a chapter entitled “Torture a la Mode” in his 1920 book, Korea’s Fight for Freedom.194

The allegations of torture and abuse in these volumes challenged Japan’s civilizing claims. After all, as McKenzie, noted, “Who talks of torture in these enlightened days?”195 Indeed, it was the Japanese’s turn, as it had been the Koreans’ a decade earlier, to answer to “world public opinion,” which, as United States Senator Selden P. Spencer noted in his foreword to Chung’s book, “in the last analysis is absolutely controlling.”196 In the end, the colonial government would have to respond to these outrages, proclaiming a “new administration” in Korea, and reforming many of its policies and institutions, including punishment. Flogging would be abolished, significant new funding set aside for the construction and improvement of colonial prisons, and renewed emphasis placed on prisoner rehabilitation programs; many of the challenges and conflicting interests shaping punishment, however, would remain.

Perhaps Japanese colonial authorities’ responses to these “crises” should not be surprising. “Empires perpetrated violence,” notes Cooper, “because they were strong and because they were weak.” Indeed, he continues, “terror tactics…were hallmarks of colonization and lasting features of maintaining control”; and in Korea as elsewhere, “reflected the weakness of routinized administration and policing in colonial territories,” and, significantly, “the need to keep the costs of administration and discipline low,

194 F. A. McKenzie, Korea’s Fight for Freedom.

195 Ibid., 218.

whatever the claims of civilizing missions or rule of law."\textsuperscript{197} The common perception of the early colonial period is that Japanese colonizers ruthlessly subdued Korean dissent from a position of total power. Yet, recent studies have shown that many colonial officials, including even Governor-General Terauchi himself, were anxious and insecure about Japan’s position in Korea, and that the first decade of colonial rule was in fact a time of “urgent anxiety” more than unfettered confidence.\textsuperscript{198} Despite their outward show of force, perhaps Japanese colonial officials in Korea, like other colonizers, felt the “hidden force” Louis Couperus wrote of: that “vague dread” of a people which, “down in its soul…had never been conquered.”\textsuperscript{199}

Finally, it is tempting to dismiss the civilizing rhetoric of colonial penal officials as just that: mere rhetoric thinly masking political ambitions of social control. It is worth noting, however, that many of the crises and problems that plagued the early (and later) colonial penal system were not attributed (either by Koreans or Japanese) to the civilizing/modernizing project itself, but on failures to fulfill it. As we have already seen, colonial penal authorities, regardless of their intentions, failed to establish and maintain the kind of “total control” environment understood to be essential to modern, “civilized” punishment. To cut costs, prisons leased out prisoners, allowed Koreans to have their own “private food” (\textit{shishoku}) sent in, and allowed flogging to be administered most often by police officers in police stations following summary judgments, rather than by

\textsuperscript{197} Cooper, \textit{Colonialism in Question}, 157.

\textsuperscript{198} See, for example, Matsuda Toshihiko, \textit{Governance and Policing of Colonial Korea, 1904-1919}, Nichibunken Monograph Series No. 12 (Kyoto: International Research Center for Japanese Studies, 2011), esp. Chapters 3-4.

trained penal professionals inside dedicated penal institutions after the due process of a full trial. In addition, to control political dissent, colonial officials allowed police to utilize judicial torture (despite nominal legislation to the contrary). Such compromises contributed to a number of political and diplomatic crises, such as the March First Independence Movement, and led to widespread questioning of Japanese civilizing intentions by Korean and foreign critics and significant challenges to its penal authority in Korea.

This is not to justify the civilizing project itself, which, as Andre Schmid has noted, with its universal but progressive and hierarchical narrative, provided imperial powers (both Western and Japanese) “a useful rationale for both protecting their citizens in faraway lands and using force to extend their political and economic interests,” and, as we saw in Chapter Two, provided justification (as well as real force) for Japan’s colonization of Korea.200 What civilizing crises such as the “Case of the 105” and the March First Movement illustrate, in terms of this study, is the “reality and force” of changing sensibilities about “civilized” punishment. As David Garland points out:

Sentiments and sensibilities sometimes neatly coincide with interests of a political, economic, or ideological kind, as, for example, when humane measures also produce greater control and enhanced legitimacy. But sometimes the two pull in opposite directions, and this is where the reality of sensibilities is best revealed: where they show themselves to be a genuine force and not just ‘incidental music’. 201

As we shall see in Chapter Five, the idea of penal civilization was much more than “incidental music” in colonial Korea.


CHAPTER 4 : REFORMING PUNISHMENT, 1920-1941

Introduction

On the morning of 29 April 1932, Pak Sŏng-hŭi, a poor farmer from Korea’s eastern Kangwŏn Province, left his home in Kanhyŏn-ni, a small mountain hamlet on the Sŏm River about five kilometers west of Wŏnju, carrying his daughter, Ŭn-sun, on his back. Ŭn-sun had been born to Pak and his wife, Yi Sŏng-nyŏl, in November 1917. Within a few years it was apparent that she was not only deaf and mute, but also severely mentally challenged and physically handicapped; she would have a difficult time walking. These symptoms combined to make her dangerous to herself and others. According to court records, she was “entirely mad,” spending each day “following the whim of her mind” and “doing the most deranged things,” such as “smashing windows until she was bloody and sucking on the blood that gushed forth, or eating her own defecation.”¹

Pak, Yi, and Pak’s mother, An Sŭng-han, had all cared for Ŭn-sun until Sŏng-nyŏl died in 1929. Suffering the terrible burden of caring for her granddaughter and the scorn of her neighbors, An had committed suicide in February of 1932, leaving Pak alone to attend to Ŭn-sun. This had soon proven untenable, and though Pak had wished Ŭn-sun would eventually be put out of her misery, she had shown no signs of imminent decline. By April, evidently, Pak resigned himself to the fact that he had to do something in order to “save his household from its misfortune and rescue it from further suffering.”²

² Ibid., 24b.
That morning, bearing the weight of Ŭn-sun’s deformed body, Pak left his home in Kanhyŏn-ni, and took the road for Wŏlsong-ni, which lay some three-and-a-half kilometers away. Somewhere in the vicinity of Songho-dong, not far from a temporary bridge that led across the river to Wŏrho-dong, Pak veered off the road into the woods. There, he let Ŭn-sun down, turned, and headed for Wŏrho-dong. He apparently figured that Ŭn-sun, with her limited mobility, would not be able to make it back to the road, and would mercifully die there in the forest, finally bringing an end to their mutual suffering. In a final bit of bad fortune for Pak, however, Ŭn-sun, once abandoned, apparently called out for her father and, following his tracks, was able to make it back to the road. There, she stumbled to the bridge, and, misjudging the edge, lost her footing and fell into the river, hitting her head on a boulder and dying instantly.³

Ŭn-sun’s body was soon discovered, and Pak was arrested and charged with “abandonment resulting in death” (iki chishi). Though he was not brought to trial until nearly a year later—likely a product of judicial backlogging—the trial itself was brief: Pak admitted everything, was pronounced guilty, and was sentenced to two years imprisonment with hard labor and three years suspended.⁴ The details of this case are clearly heart-wrenching and tragic. Of most interest to this study, however, are the ways this crime and criminal were perceived, represented, and punished. Contemporary judges, newspaper accounts, and even prosecutors portrayed this case not as the brutal murder of a handicapped, sixteen year-old girl; this crime was, rather, representative of broader and

³ Ibid., 24b-25b.

⁴ “Saenghwalgo ro pyŏnga yugi: hogok kkŭt e yakkyŏng ch’amsa [Abandonment of afflicted child due to life hardships: tragic death at the end of a loud cry],” Tonga ilbo, 14 March 1933, 2.
deeper trends in Korean society—trends, some argued, that needed to be addressed as much as the acts of individual “criminals” like Pak Sŏng-hŭi.

This attitude was revealed in Pak’s sentencing, which was quite lenient due to the particular “circumstances” of the crime. These circumstances included not just the specific details of the case (Ŭn-sun’s condition and Pak’s inability to care for her), but also broader factors in Korean society—especially the widespread poverty in the countryside—which made it difficult for poor farmers like Pak to take care of themselves (let alone a crippled, mentally impaired girl), and “cultural” factors, such as low levels of education and a lack of religious conviction. Such conditions were believed by many to have determined this crime as much as (or more than) Pak’s personal decision to leave Ŭn-sun in the woods.

It was these circumstances and greater social trends that the press and colonial officials picked up on as well. In newspaper reports, this was a “tragic death,” a “tragic tale of an impoverished farmer,” caused not by malice, criminal intent, or inherent racial proclivities, but by the “hardships of life” (saenghwalgo): life in colonial Korea. Penal officials likewise were struck by the social conditions that brought about this crime, rather than the inherent criminality or poor judgment of Pak Sŏng-hŭi. In fact, a few years later this case was included in a selective collection of “distinctive Korean crimes” (Chŏsen tokushu hanzai), which was circulated among judicial and penal officials in order to help them better understand “Korean” crimes and criminals, and, with that knowledge, help them better reform Korean criminals and, by extension, Korean society.

---

5 Ibid.

6 Chŏsen Sŏtokufu Keihō Kenkyûshitsu, Chŏsen tokushu hanzai shiryō (1933), Preface.
If “civilization” defined the possibilities, expectations, and measurement of penal progress in early colonial Korea, “reform” became the watchword of punishment in the 1920s and 1930s. Penal officials, facing continuing scrutiny from metropolitan pundits, international observers, and now from a more vocal Korean colonial public, redoubled efforts to attain the reformatory potential of penal confinement: they built and expanded prisons, updated and attempted to more fully implement prison rules and administrative regulations, devoted significant resources to recruiting and training professional prison staffs, and renewed emphasis on education, discipline, and labor as universal keys to personal rehabilitation (the latter having the positive side effect of partially financing the penal system).

At the same time, many colonial officials, Japanese penologists and criminologists, and both Japanese and Korean intellectuals attempted to quantify, qualify, and classify specifically “Korean” types of crime and criminality, and expressed various and often contradictory visions of the role and potential of colonial penal practices and institutions to “reform” such criminals into law-abiding, productive, and loyal colonial subjects. European theories about criminal anthropology and sociology, which had begun to circulate in Japanese penal circles a decade earlier, were introduced and applied to Korea in the 1920s. Over the following two decades, both professional and would-be criminologists utilized a variety of positivist theories to analyze crime trends in Korea that differed greatly from those in metropolitan Japan, and which had not, they contended, responded well to the universalist reformatory program of classical penology. Many of these theorists, though certainly not all, did not see criminality in expressly racial terms. In fact, most of them advocated a shift towards more individualized treatment of Korean
criminals on the one hand, and colony-wide economic improvements on the other. Collectively, however, they nonetheless formed general conclusions about specifically Korean types of crime and criminality that became accepted as common knowledge, and which became the foci of governmental penal reform efforts in the 1930s.7

Penal reform efforts in colonial Korea came, then, to coalesce around these two interrelated projects: 1) The more complete implementation of classical rehabilitation programs based on segregation, discipline, education, and labor; and 2) the conceptualization of specifically Korean types of crime and criminality and the tailoring of penal programs to those forms. These two thrusts of reform coincided with, reflected, and contributed to a shift towards greater integration, coordination, and management of economy and society at both the colonial and imperial levels—the emergence of what Bruce Cumings calls Japan’s “architectonic” coordination of resources in Northeast Asia.8

At the imperial level, continuing recession in the metropole was compounded by the advent of the Great Depression and the closing off of international markets, while army actions in Manchuria led to the extension of Japanese control on the continent and international rebuke. This, along with the rise of militant nationalism in Japanese politics,

---

7 In effect, these studies, and their interpretations by colonial penal officials, reduced Korean crime and criminals to more knowable, and therefore more governable, entities. See James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven: Yale University Press, 1998), 3.

8 Cumings, Korea’s Place in the Sun, 163; see also Cumings, “The origins and development of the Northeast Asian political economy.”
prompted Japan to withdraw from the League of Nations in 1933 and to seek to create its own autarkic zone in Asia, and soon, the Pacific.9

In the colony, demand from above for greater economic integration prompted officials to seek ways to better quantify, qualify, organize, and mobilize Korean resources for the greater imperial project. They approached this through what James Scott calls “an ideology of high-modernism,” common to many governments throughout the twentieth century, which he defines as “a strong, one might even say muscle-bound, version of the self-confidence about scientific and technical progress, the expansion of production, the growing satisfaction of human needs, the mastery of nature (including human nature), and, above all, the rational design of social order commensurate with the scientific understanding of natural laws.”10 Such designs were dependent upon, and, in truth, the product of, detailed knowledge of Korean society, which made Korea more “legible,” and therefore, quantifiable and mobilizable.

Within such an economic mode of government, punishment became part of a broader effort to control and mobilize the Korean population, and penal administrators sought to “cast a broader net,” looking increasingly to society to help manage crime and criminals. But the managerialism that this project entailed in the late 1920s and early 1930s did not begin to approach the integrated planning, technocratic rule, and mobilization reached in the late 1930s and 1940s.11 The period from 1920 through the

---

9 For more on Japan’s search for economic security during these years, see Michael A. Barnhart, Japan Prepares for Total War: The Search for Economic Security, 1919-1941 (Ithaca: Cornell University Press, 1987).

10 Scott, Seeing Like a State, 4.

11 Janice Mimura refers to this “transwar embrace of technocratic rule” as “techno-fascism.” See Mimura, Planning for Empire.
mid-1930s was, for penal reformers in Korea, still a time for optimistic experimentation, as colonial authorities and intellectuals envisioned and advocated various reforms that would make the colony safer, more stable, and more productive. Even as Japan expanded into Manchuria in the early 1930s, beginning what would become a total war in Asia and the Pacific, penologists and colonial penal officials in Korea remained optimistic. Although frustrated by limited resources, they planned for and eventually implemented a number of significant penal reforms based on the results of their examinations of Korean society, Japanese and international trends in penology and criminology, and the resources available to them.

This chapter examines various approaches to “reforming” punishment, criminals, and society in Korea from 1919 through the mid-1930s, a time characterized by a less overt form of colonial governance that authorities referred to as “cultural” or “civil” rule (bunka seiji). As with initial efforts to “civilize” Korean penal infrastructure, practice, and criminals, the results of these reformative projects were limited and compromised by a number of conflicting interests and cultural forces. Among these, immediate financial considerations continued to play an important role, limiting the extent of government-run programs and increasing colonial authorities’ reliance on public cooperation. Greater economic changes in the colony and throughout the empire were also important, as Korea was more fully integrated into the imperial economy, leading at once to an increased demand for cheap Korean labor (both free and convict) and to the impoverishment and uprooting of Korea’s rural population. Likewise, empire-wide policies, such as the Peace Preservation Law of 1925, which criminalized speech, associations, and publications whose content could be deemed threatening to the “national polity” (kokutaï) of Japan
(i.e., communists and socialists in Japan, any radical nationalists in Korea), had important implications for penal policy and practice in the colony.

Equally significant to such top-down factors, however, was the emergence of a more vibrant and vocal colonial Korean public, encouraged by the relaxation of restrictions on speech, publication, and organization that formed the core of the transition to “civil rule” following the upheavals of the 1919 March First Movement. Indeed, punishment continued throughout the colonial period to be an area where the legitimacy of Japanese civilizing and reforming (i.e., modernizing) claims were contested and, as we shall see in this and the following chapter, negotiated at multiple levels.

Reforming Prisons

As in other penal systems of the early twentieth century (and since), “well-run penitentiaries” were clearly meant to be the “showcase institutions” of punishment in colonial Korea. And, from the beginning, colonial prisons were organized around the principles of differentiation, education, discipline, and industry. These were, of course, principles: ideals touted in government rhetoric; goals outlined and regularly re-asserted by colonial administrators. It should come as no surprise that such ideals were not realized in colonial Korean prisons; they were rarely, if ever, accomplished in prisons.

---


around the world.\textsuperscript{14} Regardless, these principles were important to the policies and debates that shaped punishment as an institution throughout the colonial period, and, as elsewhere, were believed to have the potential to reform belligerent criminals, enabling them to return to society as peaceful, obedient, and productive subjects.\textsuperscript{15}

\textbf{The Korean Prison Ordinance and Criminal Reform}

When the Japanese assumed control of the Korean penal system in 1909, they immediately abolished the Korean “Prison Rules,” replacing them neither with a comprehensive new set of prison rules for Korea nor by extending the Japanese prison law, but with a series of ad-hoc metropolitan administrative regulations. This has drawn scrutiny from Korean historians, who have taken this as evidence of the blatant use of prisons as tools of political oppression.\textsuperscript{16} Without question, Japanese colonial authorities utilized prisons to incarcerate political dissidents as they consolidated political control over the peninsula from 1907-1912, and the lack of specific rules regulating the functioning of prisons may have provided some useful leeway for police (both military and civilian) to incarcerate suspects and convicts. Quite likely, however, the lack of urgency to replace the prison rules stemmed from the same logic that prompted the abolition of the Korean prison rules in the first place: the facilities available, along with heightening overcrowding, made the implementation of a strict reformatory program

\textsuperscript{14} See Dikötter, “Introduction.”


\textsuperscript{16} See, for example, Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, \textit{Han’guk kyojŏngsa}, 208.
difficult, to say the least.\textsuperscript{17} Even after Japanese prison regulations were introduced, and new prisons built in Seoul, P’yŏngyang, and Taegu, colonial penal authorities often lamented the fact that overcrowding prohibited them from implementing prison rules consistently.\textsuperscript{18}

Formal prison regulations were re-established in Korea in 1912 via the “Korean Prison Ordinance” (Chōsen kangokurei), which applied Japan’s “Prison Law” (Kangokuhō) with a few seemingly innocuous provisos.\textsuperscript{19} This “Prison Law,” supplemented by the “Rules Governing the Administration of the Korean Prison Ordinance” (Chōsen kangokurei shikō kisoku), modeled closely on its metropolitan counterpart, was meant to govern every aspect of prison life, and was divided into thirteen sections: general rules, incarceration, detention (kōkin), safe custody, labor, moral instruction and education, provisions, sanitation and health, visits and correspondence, custody of possessions, rewards and punishments, release, and death.\textsuperscript{20} These rules laid out the rights and responsibilities of various types of inmates (convicts, remanded suspects, youth, women) as well as prison warders, officers, and other personnel (prison physicians, teachers, “moral instructors”), and established the basic

\begin{flushleft}
\textsuperscript{17} Government-General of Chosen, \textit{Annual Report on Reforms and Progress in Chosen (Korea) (1914-1915)}, 46.
\end{flushleft}

\begin{flushleft}
\textsuperscript{18} Ibid.
\end{flushleft}

\begin{flushleft}
\textsuperscript{19} Governor-General Edict (seirei) #14, “Chōsen kangokurei” [Korean Prison Ordinance] (18 March 1912), Articles 1, 5. Some scholars have made much of the connection between this ordinance and the use of flogging during the early colonial period, but, in fact, the prison ordinance merely mentioned that convicts awaiting flogging should be kept in custody until the execution of their sentences (See Article 3).
\end{flushleft}

\begin{flushleft}
\end{flushleft}
program of reform by which criminals were, ideally, to be rehabilitated. This program, based on strict differentiation, moral instruction and education, discipline, and labor, was consistent with contemporaneous prison reform programs in Japan and around the world, although it was established in Korea just as many Western penal reformers were losing faith in the reformative potential of such programs and were beginning to experiment with alternative punishments, such as suspended sentences, the broader use of fines, and individualized treatment plans.21

At the heart of the colonial reform program was the strict classification and separation of prisoners. Such differentiation, Governor-General Saitō Makoto reminded prison wardens in 1921, was “necessary in order to simplify the organization of penal administration and to make it more effective.”22 Ideally, perhaps, prisoners would have been isolated from one another completely, as in the famous Pennsylvania system of the early nineteenth century. As is well known, however, such a system was prohibitively expensive, and its reformative advantage was debatable. Thus it had never been widely adopted. Most prison authorities around the world, including colonial officials in Korea, instead utilized variations of the “Auburn” or “silent” system, which stressed isolation in cells at night and silent industry during the day.23 Under this system, contact between prisoners was inevitable, and prison officials and reform advocates around the world had

---


22 “Tengoku kaigi shiji” [Instructions to Wardens’ Conference], 1921, in Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen keimu gaiyō, 949.

long promoted classifying and separating prisoners by their legal status (convict vs. remanded suspect), crime, sex, and age in order to keep prisons from becoming mere schools of crime, where remanded suspects or petty criminals might be contaminated by more hardened criminals and recidivists. Accordingly, Japan’s prison law mandated that men’s and women’s areas be strictly delimited in all prisons and holding cells, and, when housed in group cells, as most Korean convicts were, inmates be grouped and separated by the type of crime they had committed, their characteristics, the number of crimes they had committed, and their age.

Due to the rapid increase in the number of prisoners throughout Korea and the failure of early efforts to adequately expand prisons, overcrowding made such separation impractical during the early years of colonial penal administration. While female prisoners were strictly separated from male, and underage convicts were generally housed separately from adults, further differentiation was declared (regretfully) impractical in the 1910s. “It is still a matter for regret,” government officials admitted in 1915, “that the grouping of prisoners according to the nature of the crime, age, individual disposition, etc., in most of the prisons…is rather difficult at present.” Two years later, foreshadowing changes to come, Governor-General Hasegawa Yoshimichi enjoined prison wardens to redouble their efforts in this area, noting that effective treatment

---

24 Even worse, lacking proper classification, separation, and isolation, prisons could become sites where class or anti-colonial national consciousness could ferment. See, for example, Zinoman, *The Colonial Bastille*.

25 “Kangokuho,” Articles 3, 16.

(shogū) of criminals depended on it. Perhaps the greatest success during the 1910s was the separation of convicts with long-term prison sentences (ten years or more) from the rest of the prison population, accomplished by the completion of Keijō Prison in 1912, which housed only male convicts with such long-term sentences.

Following the March First protests, many prison administrators and higher colonial officials, still adhering to classical penal theories, continued to put faith in the reformative potential of penal confinement. Reacting to criticisms that emerged during the demonstrations, officials increased efforts to realize the reform program laid out in the early years of colonial penal administration, including differentiation. In 1923, the newly built branch prison at Kaesŏng was redesignated a “juvenile prison” (shōnen keimusho), and male convicts under the age of eighteen with a sentence of one year or more were sent there from around the country. The following year, another youth prison was established in Kimch’ŏn, this one to handle male convicts between the ages of eighteen and twenty-two, though under certain circumstances, convicts up to twenty-five years old could be housed there.

Juvenile prisons differed not only in the makeup of their populations, of course, but in their daily routines and the emphases of their reform programs as well. Just a few

28 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 12.
29 Minister of Justice Official Memorandum (kantsūchō) #86, “Tokushu jukeisha no shūkin ni kansuru no ken” [Articles related to the group incarceration of special types of convicts], 21 September 1922, in Chōsen Sōtokufu Kanpō 3034 (22 September 1922), 205-206.
30 Minister of Justice Official Memorandum (kantsūchō) #8, “Tokushu jukeisha no shūkin ni kansuru ken” [Articles on the group incarceration of special types of convicts], 29 January 1924, in Chōsen Sōtokufu Kanpō 3436 (30 January 1924), 281.
months after the establishment of Kaesŏng Juvenile Prison, the Minister of Justice issued special “Standard Regulations Concerning the Treatment of Juvenile Convicts,” which, foreshadowing changes (eventually) to come to the entire penal system, established a progressive-stage treatment program for juvenile inmates. Based on similar regulations in Japan, these rules set out a program by which juvenile convicts graduated through four levels, each with progressively more privileges and fewer restrictions. Their graduation from one level to another was based on regular reports issued by warders on their overall conduct and the amount and quality of work they performed in prison factories. Progress in the system affected how often the convicts were allowed to bathe, whether and how often they were allowed to eat meat, exercise, and receive prizes for their work, whether they could participate in classes or not, what kind of cell they were housed in, and whether they could buy items at the prison store using either personal funds or money earned in the factory.31

Penal authorities attempted to segregate other groups as well. Women were segregated from the male population, and regulations were enacted to funnel long-term convicts to certain prisons around the country.32 But female prisoners were invariably housed in a single ward, meaning that, at major prisons like Sōdaemun, women convicted of theft, thought crimes, or even remanded suspects not yet convicted of any crime, were

31 Minister of Justice Legal Memorandum (hōtsūchō), “Shōnen jukeisha shōgu kitei junsoku ni kansuru ken” [Articles related to standard regulations for the treatment of juvenile convicts] (February 1923), in Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen keimu gaiyō, 1004-1007.

32 See Minister of Justice Official Memorandum (kantsūchō) #8, “Tokushu jukeisha no shūkin ni kansuru ken” [Articles on the group incarceration of special types of convicts], 29 January 1924, in Chōsen Sōtokufu Kanpō 3436 (30 January 1924), 281.
housed together with convicted murderers and arsonists (the two most common crimes for women).

Male inmates convicted of so-called thought crimes (*sisōhan*) were also targeted for segregation from the general convict population for obvious reasons. In the mid-1920s, in fact, colonial officials, at the request of prison wardens, considered designating an entire prison solely for such offenders.\(^3\) Ultimately, however, the costs and coordination of doing so proved to be prohibitive, and wardens had to be content to utilize precious solitary cells for thought criminals, though even these often proved to be less isolated than wardens would have preferred.\(^4\) On multiple occasions, in fact, thought criminals housed in solitary cells or in remand wards either instigated or co-opted disturbances involving the general prison population.

In addition to differentiation and segregation, education and moral admonition (*kyōkai*) were also central to the reformative program codified in colonial prison regulations. Basic education (reading, writing, arithmetic) was to be provided for all prisoners under the age of eighteen, and additional subjects could be taught at the discretion of the instructor and prison warden.\(^5\) Though the scale of education efforts never grew remarkably (there were still just twelve full-time teachers employed in colonial prisons in 1937), it became considerably more efficient with the more complete

---

\(^3\) “Sasangbŏm hyŏngmuso” [Prison for political offenders], *Chōsen sisō tsūsin*, no. 665 (29 May 1928), 198.

\(^4\) “Governor-General Instructions (*kunji*) to Wardens,” 5 June 1928, in *Chōsen Sōtokufu Kanbo* 430 (6 May 1928).

\(^5\) “Chōsen kangokurei shikō kisoku,” Article 85.
separation of underage convicts from the general prison population noted above. Even so, many young convicts still emerged from colonial prisons illiterate or semi-literate.36

The prison law also required moral instruction for all convicts, and for remanded suspects that requested it.37 Such instruction, regulations further stipulated, was to be provided in individual, small group, and prison-wide sessions on Sundays, holidays, and other non-working days as seen fit by the prison warden, and at moments of special significance to prisoners, such as the pronouncement of general pardons.38 Prisoners who were in the infirmary or in solitary confinement were to receive their instruction there, while others would gather in designated areas where available, such as the cathedral-like chapel or “moral instruction hall” (kyōkaitō) at Keijō Prison.39

This instruction, “meant to cultivate a convict’s sense of morality,” was heavily Buddhist in content, though many of the sermons also focused on Confucian themes, such as the “Five Moral Imperatives” (Gorin) of proper human relationships.40 The group lectures also contained Shintō elements, and, especially in the 1930s, featured patriotic messages meant to instill “national morals” and loyalty to the Emperor.41 Positions as “moral instructors” (kyōkaishi) were dominated by monks of the two main branches of the Japanese Jōdō Shin (True Pure Land) sect. Yi Chong-min notes that this near-

36 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 65, 78.
37 “Kangokuhō,” Article 29.
38 “Chōsen kangokurei shikō kisoku,” Article 80.
39 Ibid., Article 81.
40 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 65.
41 Ibid., 64-65.
monopoly was likely a product of the sect’s proselytizing in Korea prior to colonization, giving many monks knowledge of Korean language and customs, a requirement for official instructor positions. But this sect also dominated moral instruction in prisons in Japan, Taiwan, and the Kwantung Leased Territory, suggesting that its monopoly in Korea was, perhaps, more the product of politics and established relationships than of particular qualifications.

The colonial government’s commitment to and coordination of “moral admonition” during the first decade of colonial rule was less than full, and the results, not surprisingly, were somewhat underwhelming. “As for the present state of moral instruction,” noted Governor-General Terauchi Masatake in 1916, “while formally it seems to be going well, the actual result is lacking.” Part of the problem, according to Terauchi, was, of course, the overcrowded state of Korean prisons and insufficient number of instructors, which made regular individual instruction (the most effective form in his view) simply impractical. But the real problem, he argued, was in the messages being delivered by “instructors” in group sessions, which were often esoteric and difficult for prisoners to comprehend, either for linguistic reasons or because they were simply not “appropriately conceived according to the type and understanding of the convicts being addressed.”

---


43 See Shinjong Honganjipa Honganji, ed., Nihon kangoku kyōkaishi [History of moral instruction in Japanese prisons] (Kyōto: Shinjong Honganjipa Honganji, 1927). Interestingly, Korean prisons were not included in this volume, though Taiwanese and even Kwantung Leased Territory prisons were.

44 “Tengoku kaigi kunji” [Instructions to the Conference of Warders], 1916, republished in Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen keimu gaiyō, 1055.
In the 1920s, penal officials increased efforts to coordinate moral instruction and cater it more to the understanding of the majority of prisoners, who had little education and very little ability in Japanese. Consistent with his “cultural policy,” Governor-General Saitō Makoto encouraged the use of the Korean language in group lectures. Also under his direction, Ministry of Justice (Shihōbu) officials required instructors to fill out a form for each individual instruction session detailing the lesson plan, as it were, which had to be approved by a supervisor beforehand, and recording the results of the instruction, to be kept as part of the inmate’s personal record. In addition, in 1924 the Ministry of Justice began publishing and distributing a bi-monthly magazine for prisoners, entitled Michi (“The Way”), which not only helped standardize the moral messages being delivered to convicts, but also provided materials for both informal and formal Japanese language instruction, which was re-emphasized in the 1930s.

Equally indispensable to reform, of course, was strict discipline. In fact, the Japanese “Prison Law,” which would continue to be used in Japan with only minor modifications until the year 2007, became quite (in)famous internationally for the rigidity of its disciplinary program. Like prisoners in the metropole, inmates in Korea were expected to learn obedience and deference to authority, to adjust themselves to a strict time schedule, and to follow the rules of the prison. Prison regulations sought to govern

---

45 “Tengoku kaigi shiji” [Instructions to Wardens’ Conference], 1921; Hōmukyoku, “Kyōkai an ni kansuru ken” [Matters related to the articles on moral instruction], September 1924, in Ibid., 1055-156.

46 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 64-66.

47 In the postwar years, in fact, it was often the target of human rights activists, who contended that many of its provisions violated the human rights of prisoners. See, for example, Human Rights Watch/Asia and Human Rights Watch Prison Project, Prison conditions in Japan (New York, Washington, Los Angeles, London, Brussels: Human Rights Watch, March 1995). At the time of its implementation, however, no such objections were made by the international community.
every aspect of prisoners’ conduct: how many hours prisoners worked, ate, and slept; what implements they could have in their cells and how they were to be arranged; when and where they should sit and stand in various circumstances throughout the prison.48

Prisoners were encouraged to keep these rules by a system of “rewards and punishments” (shōbatsu). “Rewarding treatment” (shōgū) “could” be given to prisoners who showed “signs of repentance” (kaishun no jō), and rewards were to be posted on signs throughout the prison.49 Possible rewards included the allowance of extra visitors or letters, the allowance of new underwear (at the prisoner’s expense), an incremental raise in wage for labor, or a one-time cash prize of up to fifty sen for certain exemplary behaviors (reporting a planned escape attempt, saving someone’s life, helping prison staff in an emergency).50

If inmates disobeyed the rules, they could be punished in a variety of ways. Punishments were supposed to be decided by the warden only, though this was not always the case. Codified punishments included verbal reprimand, reduction of food rations, suspension or elimination of rewards previously earned, and suspension of certain privileges, including correspondence, receiving visitors, reading, and self-provision of food, clothing, or implements.51 For particularly grievous violations, prisoners could also be placed in solitary cells around the clock or just at night, and if they posed a threat to guards or other prisoners or posed a suicide or escape risk, they

48 “Chōsen kangokurei shikō kisoku,” Section 3, “Kōkin”; Section 7, “Kyūyō.”


50 Ibid., Section 11, “Shōbatsu.”

51 Ibid.
could be shackled using a limited number of “restraints” (kaigu). All such punishments were to be documented and included in the convict’s dossier (discussed later).

Table 4-1 reproduces the daily schedule of Kwangju Prison in 1933. Most remarkable, perhaps, are the utter lack of free time and the sheer amount of time that was dedicated to labor. Indeed, beginning in the 1920s, labor was the defining feature of the reform program in colonial prisons. As the table shows, convicts in Kwangju spent between seven-and-a-half and ten-and-a-half hours per day working, depending on the season (colonial prisons were remarkably vulnerable to variations in temperature and light brought on by the changes in seasons). Echoing earlier Western penal reformers, colonial authorities repeatedly emphasized the link between consistent labor and reform, arguing that hard labor was essential to attaining the “effectiveness of punishment” (gyōkei no kōka).

Constructing Reformatory Prisons

Consistent with the reform program laid out in the prison rules, the prison law stipulated four basic types of carceral incarcerative penal facilities to be used in Korea: two types of prisons (one for convicts sentenced to labor (chōekikan), another for those not sentenced to labor (kinkōkan)); detention centers (kōryūjō), where convicts with short sentences (less than one year) could be confined; and lockups (kōchikan), where remanded suspects and convicts condemned to death were to be held while they awaited

---

52 “Kangokuho,” Article 60. Kaigu were officially limited to the straitjacket, stocks, handcuffs, shackles, chains, and ropes.

53 Chōsen Sōtoku Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 33.
Table 4-1. Daily Schedule, Kwangju Prison, 1933.

<table>
<thead>
<tr>
<th>Month</th>
<th>Wake</th>
<th>Begin Work</th>
<th>Morning Break</th>
<th>Lunch Break</th>
<th>Afternoon Break</th>
<th>Finish Work</th>
<th>Retire</th>
<th>Total Work Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>07:30</td>
<td>08:30</td>
<td>10:00-10:15</td>
<td>12:00-12:30</td>
<td>14:30-14:45</td>
<td>17:30</td>
<td>20:00</td>
<td>8:00</td>
</tr>
<tr>
<td>February</td>
<td>07:00</td>
<td>08:00</td>
<td>Same</td>
<td>Same</td>
<td>15:00-15:15</td>
<td>18:00</td>
<td>21:00</td>
<td>9:00</td>
</tr>
<tr>
<td>March</td>
<td>06:30</td>
<td>07:30</td>
<td>09:30-09:45</td>
<td>Same</td>
<td>15:30-15:45</td>
<td>18:30</td>
<td>Same</td>
<td>10:00</td>
</tr>
<tr>
<td>April</td>
<td>06:00</td>
<td>07:00</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>10:30</td>
</tr>
<tr>
<td>May</td>
<td>05:00</td>
<td>06:30</td>
<td>09:00-09:15</td>
<td>Same</td>
<td>15:00-15:15</td>
<td>18:00</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>June</td>
<td>05:00</td>
<td>06:00</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>17:30</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>July</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>August</td>
<td>05:30</td>
<td>06:30</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>18:00</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>September</td>
<td>06:00</td>
<td>07:00</td>
<td>09:30-09:45</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>10:00</td>
</tr>
<tr>
<td>October</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>17:30</td>
<td>20:00</td>
<td>09:30</td>
</tr>
<tr>
<td>November</td>
<td>07:00</td>
<td>08:00</td>
<td>10:00-10:15</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>08:30</td>
</tr>
<tr>
<td>December</td>
<td>07:30</td>
<td>08:30</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>17:00</td>
<td>Same</td>
<td>07:30</td>
</tr>
</tbody>
</table>

trial, sentencing, and execution. In actual practice, many facilities carried more than one of these designations, and the lines between them were often blurred. Sŏdaemun Prison, for example, housed convicts sentenced to incarceration with and without labor in different cell blocks, and featured a separate lockup, as well.

Even before the March First Movement, growing social discontent, increasingly overcrowded prisons, and the planned (eventual) abolition of flogging forced colonial authorities to look for ways to increase available cell space and make prisons more effective spaces for reform. As the wartime boom temporarily loosened government purse strings (see Table 3-1 on p. 130), colonial officials began to plan for new construction and expansion of existing prisons. The first project on the docket was the construction of a massive new prison at Taejŏn, which opened in the midst of the March First demonstrations, in late spring, 1919.

But it was the March First Movement itself that finally spurred significant expansion. From his very first meetings with provincial governors and other officials in October 1919, Saitō Makoto, appointed Governor-General in the wake of the demonstrations and charged with establishing a less militaristic style of colonial governance, hinted at the abolition of flogging and the dedication of significant funds for the construction and expansion of prisons. Abolition was formally announced in

54 “Kangokuhō,” Article 1.

55 Governor-General Administrative Ordinance (Furei) #86, “Chōsen sōtokofu kangoku oyobi bunkan no meishō ichi kaisei” [Revision of names and locations of prisons and branch prisons of the Government-General of Korea], 8 May 1919. This made for a total of ten main prisons, thirteen branch prisons, and five prison annexes at the end of 1919 (See Table 4-2).

56 See “T’aehyŏng chedo p’yeji?” [Flogging to be abolished?], Maeil Sinbo, 16 October 1919, 3.
November and realized at the end of March the following year. By the end of 1920, no
less than five branch prisons (Yŏngdŭngp’o, Chŏngjin, Sinŭiju, Mokp’o, Chŏnju) were
elevated to main prisons and expanded in hopes of dealing with the resulting
overcrowding crisis (See Table 4-2).

That Saitō’s self-styled “new administration” took expansion of the penal
infrastructure seriously is evident in the budget allocations for prisons, which rose
significantly for the first time since 1912. But colonial officials were also realistic about
the costs of thoroughgoing penal reform. Government-General reports in the 1920s
relinquished, for example, the impractical goal of allocating one p’yŏng of cell space per
inmate. In addition, new prison plans featured fewer solitary cells, dedicating more space
to group cells which could more effectively alleviate overcrowding. Moreover, much of
the new construction undertaken from the early twenties onward focused on prison
factories rather than cell blocks. As Table 3-1 shows (p. 130), the Government-General
budget for “Law Courts and Prisons” nearly doubled in 1920 compared to the previous
year, and the new administration also set aside well over ¥2 million specifically for the
building and expansion of prisons over three years. As a result, seven more branch
prisons were added in 1921, cell blocks were added to several prisons, and Pusan Prison
was replaced with a new, state-of-the-art facility.

57 Governor-General Decree (Seirei) #5, “Chŏsen chikeirei haishi no ken” [On the matter of the abolition of
flogging], 31 March 1920.

58 Governor-General Administrative Ordinance (Furei) #158, “Chŏsen sŏtokofu kangoku oyobi bunkan no
meishō ichi kaisei” [Revision of names and locations of prisons and branch prisons of the Government-
General of Korea], 27 October 1920.

59 Governor-General Administrative Ordinance (Furei) #41, 25 March 1921.
<table>
<thead>
<tr>
<th>Year</th>
<th>Main Prisons</th>
<th>Branch Prisons</th>
<th>Total</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>8</td>
<td>14</td>
<td>22</td>
<td>Main Prisons: Kyŏngsŏng, Kongju, Hamhŭng, P’’yŏngyang, Haeju, Taegu, Pusan, Kwangju Branch Prisons: Inch’ŏn, Ch’unch’ŏn, Ch’ŏngju, Wŏnsan, Ùiju, Sinŭiju, Mokp’o, Chŏnju, Chinju, Yŏngdŭngp’o, Ch’ŏngjin, Ch’innamp’o, Masan, Kunsan</td>
</tr>
<tr>
<td>1911</td>
<td>8</td>
<td>14</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1913</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td>Branch prison at Ùiju closed.</td>
</tr>
<tr>
<td>1914</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1915</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1917</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1918</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>10</td>
<td>13</td>
<td>23</td>
<td>Main prison built at Taejŏn.</td>
</tr>
<tr>
<td>1920</td>
<td>15</td>
<td>8</td>
<td>23</td>
<td>Branch prisons at Yŏngdŭngp’o, Ch’ŏngjin, Sinŭiju, Mokp’o, and Chŏnju promoted to main prisons.</td>
</tr>
<tr>
<td>1921</td>
<td>15</td>
<td>14</td>
<td>29</td>
<td>Branch prisons built at Kangnŭng, Andong, Kimch’ŏn, Kŭmsanp’o, and Sŏhŭng.</td>
</tr>
<tr>
<td>1922</td>
<td>15</td>
<td>15</td>
<td>30</td>
<td>Branch prison built at Kaesŏng.</td>
</tr>
<tr>
<td>1923</td>
<td>16</td>
<td>13</td>
<td>29</td>
<td>Kaesŏng Branch Prison promoted, redesignated as Kaesŏng Youth Prison; Inch’ŏn Branch Prison closed.</td>
</tr>
<tr>
<td>1924</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td>Kimch’ŏn Branch Prison promoted, redesignated as Kimch’ŏn Youth Prison; Yŏngdŭngp’o Prison and branch prisons at Kangnŭng and Ch’ŏngju closed.</td>
</tr>
<tr>
<td>1925</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1928</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1932</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>16</td>
<td>10</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>1935</td>
<td>16</td>
<td>11</td>
<td>27</td>
<td>Branch Prison opened at Sorok Island.</td>
</tr>
<tr>
<td>1936</td>
<td>17</td>
<td>11</td>
<td>28</td>
<td>Youth Prison opened at Inch’ŏn.</td>
</tr>
<tr>
<td>1937</td>
<td>17</td>
<td>11</td>
<td>28</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seido, 18-19.*
Following international and metropolitan trends, colonial penal officials touted this expansion and differentiation of prisons as part of a greater shift in prison administration. Prisons were no longer to be sites of punishment, but places where penal administrators “managed” and “treated” criminals in order to facilitate their rehabilitation back into society. As such, following the metropolitan example, the very word used for colonial prisons was changed from the traditional “kangoku” (Kor. kamok) to “keimusho” (“place of penal administration”). The former, it noted, conjured images of ancient dungeons, and by changing the name, penal officials hoped “to cultivate a better understanding” of the “complete reform of both substance and outward appearance” wrought by the “modern penal system” of the colonial government.\(^{60}\) The rationalizing ideal represented by this semantic change found more concrete expression in the reform of prison rules and daily regimens, and in efforts to train professional warders in the science of proper custody.

**Training Prison Personnel**

In October 1910, Sanagi Takashi, Prison Commissioner of the Japanese Ministry of Justice, addressed the Eighth International Prison Congress in Washington, D.C. After detailing the implementation of Japan’s new penal code and prison law, he noted: “It need hardly be stated that since laws and regulations are lifeless things, they will be of no effect unless there are proper men to put them to practical use.”\(^{61}\) A decade later, penal

---

\(^{60}\) Chōsen Sōtokufu Hōmukyoku Gyōkeika, *Chōsen no gyōkei seidō*, 13-14.

officials throughout the empire still touted the reformative potential of custodial punishment and the need for “proper men” to administer it.

Nakahashi Masakichi, a long-time penal administrator and prison warden in Korea, emphasized this point in his 1934 book, Chōsen gyōkei jitsumu kaigo shiyō (Outline of Custody, the Practical Business of Penal Administration in Korea). “Safe custody,” he argued, “is the basis of penal administration. Thus, should we fail to achieve success, or lack care, in our provision of this, not only do we cause any success we have achieved in penal administration to evaporate, we invite the downfall of the entire penal system we have built.” Indeed, he thought, the importance of properly fulfilling the responsibility of custody was such that even such a dramatic declaration as “the life and death of penal administration hangs solely on whether or not custody is properly handled,” was “decidedly not an exaggeration.”

Like Sanagi, Nakahashi contended that success in the “life and death” undertaking of reformative punishment relied not only on the building of modern prisons and the establishment of proper penal codes and prison rules, but also on the consistent and unbiased application of these rules by dedicated, professional personnel. As such, he thought, those who pursued careers in the custodial penal system needed to understand the “seriousness of this duty,” and, “in view of this…individually undertake further study related to this duty and continually practice [what they learn], thus working towards mastery concerning the performance of their professional duties.”

62 Nakahashi Masakichi, Chōsen gyōkei jitsumu kaigo shiyō [An outline of custody, the true endeavor of penal administration in Korea] (Keijō (Seoul): Chōsen chikei kyōkai, 1934), 3.

63 Ibid.
individual study and formal training in warder training programs, Nakahashi urged those in administrative positions to ensure daily training and cultivation of the personnel under their supervision; his text was meant to comprise a curriculum for such training.

This professional ideal was an important characteristic of Japanese penal practice both in its colonies and at home. In fact, Japan had garnered international praise for having “taken advanced ground in the education of its prison officers” well before its colonization of Korea. In the early 1910s, Robert Percival Porter evaluated such training programs as “instance[s] of the Japanese Government's appreciation of the fact that prison regulations, however wisely framed, inevitably fall short of their aim unless executed by individuals who have been brought into real, not mechanical, contact with the principles that inspired those regulations.” He further observed that this training, along with the Japanese “national characteristics of simplicity and lightheartedness,” made Japanese prisons “less abodes of gloom and iron rigour than they are in Western countries.”

The professionalization of prison personnel was a stated goal of penal authorities in Korea throughout the colonial period. In 1911, the Government-General established basic qualifications for employment as a warder. Successful candidates had to be between twenty-one and forty-five years old, be free from debt and draft obligations, and have

---


65 Ibid., 576-577.
never been convicted of a serious crime.\textsuperscript{66} In addition, they were required to pass both a physical exam and a written technical exam.

Physically, warders were expected to:

1. Be in good health, without symptoms of disease or anxiety.
2. Be at least 148.5 cm tall (4’10”); with a chest measuring approximately half his height, expanding at least 3.3 cm upon inhalation.
3. Have at least 2/3 vision in both eyes and be able to distinguish colors perfectly.
4. Be able to hear a whisper from 182 cm (71.5 inches).
5. Be able to answer clearly and sustain an utterance.
6. Have no psychological or emotional problems.\textsuperscript{67}

The written exam tested candidates’ knowledge of laws and regulations related to crime and punishment, and their ability to fill out basic ledgers and reports, and read and write both standard and cursive Chinese characters.\textsuperscript{68} In 1918, warders were further required to be able to understand basic Korean (for Japanese candidates) or Japanese (for Korean).\textsuperscript{69}

Colonial authorities made some exceptions to these requirements, however—exceptions that came to define the popular perception of colonial warders and prisons in general. Most importantly, they allowed individuals with certain qualifications to be employed as warders without taking the written exam. These included individuals with previous experience as warders, those who had attained the rank of junior official in

\textsuperscript{66} Chōsen Sōtokufu, \textit{Furei} #58 “Chōsen sōtokufu kanshu sai'yō kisoku” [Rules concerning the employment of warders by the Korean government-general], 6 May 1911, Article 1. The age range was later adjusted to twenty through forty-five, then twenty through forty. See GGK, \textit{Furei} #61, 7 June 1915; GGK, \textit{Furei} #55, 30 April 1931.

\textsuperscript{67} Ibid., Article 3.

\textsuperscript{68} Sōtokufurei #58 (1911), Article 4.

\textsuperscript{69} Sōtokufurei #45 (1918).
either the Japanese or former Korean bureaucracy, and importantly, those who had fulfilled their required active service in the Japanese army.\(^{70}\)

In fact, there is good evidence to suggest that such former soldiers—often those who had been stationed in Korea or Machuria—accounted for a good number of Japanese guards in Korean prisons. Warders’ tenures were generally not very long; most moved on after just a few years, suggesting that many may have been more interested in the relatively high wages—especially for Japanese warders, who received a bonus for service abroad—than in the moral duty of custody.

Empirical observations by colonial officials support this theory as well. In describing the type of Japanese who would want to become a policeman or prison warder in Korea, for example, Tsuboi Sachio, a teacher at the colonial police training center in the 1930s, noted the prevalence of poor farmers and those who had served in Korea in the military, both of which would be attracted by the high wages (warders and policemen earned more in Korea than in Japan), limitless possibilities in the Korean “frontier,” and the unencumbered lifestyle in Korea. “While living in Korea for two years or more,” he explained, “soldiers stationed there would get used to the climate and natural features, and would begin to feel a fondness for the place. Those not bound by such things as inheritance or succession thus hoped to remain in Korea,” and often did so as policemen or warders.\(^{71}\) As we shall see in Chapter Five, part of the “unencumbered” lifestyle many

\(^{70}\) Chōsen Sōtokufu, Furei #58, Article 1.

of these warders and patrolmen enjoyed was their position of power over prisoners and Korean warders.\textsuperscript{72}

Despite standardized requirements for employment, the actual hiring and training of warders and other prison personnel was conducted separately by each prison, and it was not until 1918, at the request of prison wardens, that a centralized recruitment program was adopted. At the same time, a permanent Warder Training Center (\textit{Kanshu kyōshūsho}) was established in Seoul for the training of those already working as warders.\textsuperscript{73} Its first class, featuring thirty-four warders, entered in September, graduating on the eve of the March First demonstrations.\textsuperscript{74}

In the wake of the uprising, and the well-publicized cases of prisoner abuse during the protests, the proper training of prison personnel was scrutinized, and became a subject of immediate attention by Governor-General Saitō Makoto as he took control of the colonial administration in 1919. In November, Saitō outlined reforms necessary to effect the change from “military rule” (\textit{budan seiji}) to “cultural” or “civil rule” (\textit{bunka seiji}).\textsuperscript{75}

Regarding punishment, he noted the modest progress of infrastructural improvements, but, in light of continuously rising crime rates, emphasized the necessity of abolishing the


\textsuperscript{73} \textit{Chōsen Sōtokufu kunrei} #23, “Kanshu kyōshūsho kitei” [Regulations regarding the Warder Training Center] (May 9, 1918)

\textsuperscript{74} Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, \textit{Han’guk kyojŏnsa}, 369.

\textsuperscript{75} “\textit{Bunka seiji}” is often translated as “cultural rule,” but the Chinese characters “bu” and “bun” (\textit{mu} and \textit{mun} in Korean) have been used, since ancient times, to contrast between military and civil officials throughout East Asia. Thanks to Professor Hugh Kang for suggesting this translation/interpretation. See also Christine Youngsun Gross-Loh, “Conflict and Accommodation in Taishō Japan: The Formation of Civil Rule (\textit{Bunka Seiji}) in Colonial Korea, 1910-1925” (Cambridge, Mass.: Harvard University, 2001).
differential application of criminal law, building more and better prison facilities, and, notably, increasing the number of prison personnel and improving their training. Indeed, he contended, it was the “unification and propagation of [proper] instruction” for prison guards, along with new buildings, that was vital for the “improvement of prison affairs.”

This call for more and better-trained prison personnel in the early 1920s coincided with economic recession in Japan, which began in the wake of World War I and was exacerbated by the Great Kantō Earthquake in 1923. This economic downturn, which would continue throughout the 1920s and worsen with the advent of the world-wide Great Depression at the end of the decade, particularly affected tenant farmers in the Japanese countryside, many of whom sought to escape from increasingly dire conditions. Such conditions in the metropole increased interest in employment in Japan’s colonies, meaning more competition for positions in the colonial criminal justice system, especially as prison warders and patrolmen.

The degree of this competition is illustrated by the development of a thriving business in the publication of exam study guides and career guides for aspiring warders in Korea in the early 1920s. These guidebooks, published by a number of Japanese and Korean joint-stock publishing companies, contained detailed information about requisite qualifications to become a warder, the content of the warder exam, application forms and procedures, the employment process, pay scales, and even the “path to promotion”

---


77 For a description of conditions in the Japanese countryside and the relationships between tenants and landlords during the 1920s and 1930s, see Hane, Peasants, Rebels, Women, and Outcastes, 103-137.
(shōshin no michi). Most included actual questions from previous exams with detailed explanations of the correct answers. Some even featured sections on the financial and lifestyle implications of becoming a prison guard.78

These guidebooks, like Nakahashi’s later training manual, emphasized the nobility and responsibility of taking up such a profession. According to one, while warders, like patrolmen, had the “double headache” of “dealing with prisoners on the one hand, [and] the general public on the other,” they also had a crucial mission to fulfill. This “vital duty” was also dual: 1) “to give compassion to” and 2) “to cultivate and guide” criminals, including those who “naturally committed crime” and were thus “persecuted in society.”79

Penal officials, for their part, expanded and refined personnel training programs. In 1925, the “Warder Training Center” was renamed the “Penal Officer Training Center” (Keimukan Renshūsho), and now featured separate training programs for newly hired warders and those who had passed the chief warder exam.80 The course for warders lasted four months, and consisted of instruction in discipline (kun’iku), legal theory, penal procedure, criminal law, accounting, hygiene, identification, administration, and either Korean or Japanese, with training in martial arts and military drill. The course for chief warders consisted of one year of training, with much of the instruction provided by high

78 See, for example, Chōsen Juken Kenkyūkai, Chōsen Sōtokufu junsa-kanshu juken junbisho [Preparation book for taking the Government-General of Korea patrolman or warder qualification exam] (Keijō (Seoul): Tokyōtō Shoten, 1923); Yoshigawa, Shintei junsa-kanshu juken mohan junbisho [Newly revised preparation book for the patrolman and warder qualification exams, including examples] (Keijō (Seoul): Ibundō, 1928).

79 Chōsen Juken Kenkyūkai, Chōsen Sōtokufu junsa-kanshu juken junbisho, 145.

80 Chōsen Sōtokufu Kunrei #9, “Chōsen Sōtokufu kanshu kyōshusho kitei chūkaisei” [Revised regulations regarding the Government-General Warder Training Center] (April 1, 1925).
penal officials and prison wardens, who were required to hold joint appointments as instructors at the Center. The Center also offered “special courses” (tokuka) on such technical subjects as fingerprinting, statistics, and accounting, provided in accordance with interest and demand from prison wardens.81

Penal personnel in colonial Korea were supposed to be impersonal technicians, delivering precise punishment according to rational laws without emotion. Indeed, warder training programs stressed discipline, precision and control of emotions. The success of such training is debatable. Colonial prisons certainly never achieved the kind of emotionless, technical environment that officials and training manuals publicly encouraged. If anything, the opposite seems to have been true, as colonial prisons developed a culture of fear, violence, and visceral emotion. We should not conclude from this, however, that colonial Korea was somehow unique in a “persistence of non-rational and irrational forces in penalty.” As David Garland has noted, “The ‘triumph of the therapeutic’ is only ever a partial one, especially in the penal realm.” “Rationalized forms,” he continues, “for all their importance and consequences, have never fully monopolized the realm of penalty.”82 Colonial Korean prisons were far from mechanistic, rationalized institutions, and warders were not disinterested mechanical arms of penal discipline or state power.

In fact, despite efforts to professionalize colonial warders, they never earned much of a reputation for professionalism and emotional detachment. Stories of prisoner

---

81 For a useful breakdown of both programs, see chart in Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyojŏngsa, 371-372.

abuse, violence, and corruption by warders, both Japanese and Korean, abounded in colonial newspapers throughout the 1920s and 1930s. One result of warders’ lack of discipline and culture of violence was that they faced the constant physical threat and fear of violence just as prisoners did. This was not a job for the faint of heart, though most often for less noble reasons than Nakahashi described in his training manual. Colonial-era newspapers are replete with stories of prison violence, and not just cases of prisoners being beaten or abused by guards; the opposite was also quite common. Even outside the workplace, warders—especially Koreans—seem to have become a target of violence.

Take the example of Kim Kŭm-su, a warder at Keijō Prison. On the night of 20 February 1921, Kim was walking through the streets of Kongdŏng-ni after finishing his shift at the prison when he came across a group of laborers who had been out drinking. These laborers evidently targeted Kim for no other reason than his warder’s uniform, beating him thoroughly, and leaving him hospitalized for a week.83

The stress of such a constant threat likely contributed to violent tendencies among both Japanese and Korean warders, and certainly led to mental anguish for many of them, as well. For some, it was too much. Yi Il-lyong, for example, a twenty-nine year old warder with several years’ experience at Sŏdaemun Prison, apparently had a mental breakdown in the summer of 1921. Showing signs of mental distress (chŏngsin e isang), Yi was eventually relieved of his duties and sent home to recover. Ten days later, he went to the banks of the Mapo stream and shot himself in the chest with his warder’s pistol. After interviewing his wife, authorities concluded that the cause of his suicide was that he

83 Tonga ilbo, 5 March 1921, 3.
had a “gloomy outlook on life” (*sesang ŭl pigwanham*). Similar stories appeared in colonial newspapers quite frequently; so much for Japanese prisons being “less abodes of gloom!”

Warders were not the only personnel employed in colonial prisons, but they were those charged with the everyday task of reforming criminals. Prisons also featured teachers, chaplains or “moral instructors,” and work trainers, as well as physicians. Indeed, in the 1920s and 1930s, “reform” and “treatment” gradually displaced mere custody as the rhetorical ideal of punishment, adding sociologists and penologists to the mix of people more or less directly involved in the shaping of penal policy and the practice of punishment; but none of those dislodged warders as the everyday practitioners of “reform.” Many have seen the outsize role of prison warders as an unfortunate legacy of the colonial penal system in postwar Korea.

**Reforming Criminals**

Such efforts to “totalize” punishment (i.e., make it rational, uniform, and disciplined) were still largely based on the classical notion that “each individual

---

84 *Tonga ilbo*, 22 July 1921, 3.

85 See, for example, *Tonga ilbo*, December 28, 1921, 3; *Chosŏn ilbo*, August 24, 1926, Evening Edition, 2; *Tonga ilbo*, November 8, 1928, 5; *Tonga ilbo*, June 25, 1929, 5; *Chosŏn ilbo*, March 26, 1931, Evening Edition 2, 7.

86 Sŏ Sŭng, a South Korean dissident incarcerated in Sŏdaemun Prison during the 1970s and 1980s, noted that while the warden ruled “as an absolute tyrant,” the warder sergeant (*kansu bujang*) was “the person most intimately involved with the lives of the prisoners and the one they fear[ed] the most. Sergeants were the big bosses in prison. They conducted roll call, and it was they who decided almost everything that had to do with the day-to-day workings of the prison.” Before a supervising sergeant, he continues, even regular warders were “like mice before the cat.” Sŭng believed this to be a legacy of colonial prisons. See Sŏ Sŭng, *Unbroken Spirits: Nineteen Years in South Korea’s Gulag* (Lanham, MD: Rowman & Littlefield, 2001), 12-13.
(excepting the mad and the infant),” as David Garland describes it, “possessed the faculties of will, responsibility and reason.”87 But at the same time many colonial penal officials worked toward rationalizing the system in the hopes that doing so would bring about the original promise of confinement (isolation, discipline, rehabilitation), others began to question the very premise of this practice and its actual potential to reform Korean criminals.88

Colonial penal policy and reform in the 1920s and 1930s were also influenced by changing conceptions of criminality, which were, in turn, largely the product of knowledge about Korean crime and criminals collected in colonial prisons. In spite of the reforms and prison expansion in the early 1920s, crime rates increased. The concomitant rise in number of inmates confined in colonial prisons provided a great amount of data on Korean criminals (their backgrounds and motives), prompting and enabling both official and unofficial efforts to quantify and qualify specifically Korean forms of crime and criminality.89


88 Patricia O’Brien argues that this “promise,” which was never fulfilled, ultimately constituted a “code of action for institutional efficiency” in nineteenth-century France (rather than an accomplishable goal). See O’Brien, *The Promise of Punishment*, 304. Michel Foucault expresses a similar sentiment, noting that “for a century and a half the prison [was] offered as its own remedy,” but to this adds a darker assertion that this “promise” was/is not the actual motive of penal reform (regardless of immediate intentions). See Foucault, *Discipline & Punish: The Birth of the Prison*, 268-271.

89 See Ibid., 248-255. Foucault rightly points out the relationship between prisons, where individual knowledge about convicts was collected and analyzed, and the birth of criminology. See also Garland, “The Criminal and His Science,” 114-115.
In 1915, Governor-General Terauchi Masatake issued an order (kunrei) requiring prisons to keep individual dossiers for each inmate.\(^90\) These dossiers were to contain dozens of prescribed forms, which were to be completed by prison officials upon a prisoner’s admittance to the prison, regularly throughout the course of his or her incarceration, and upon discharge. These forms detailed every aspect of the prisoner’s life: his or her background, including occupation and family situation; the crime(s) he or she committed, motives for those crimes, and the names of all accomplices; medical history, physical condition upon entry, the results of all physical exams throughout his or her incarceration, and details of any illnesses suffered while in prison; his or her conduct while in prison, including the results of daily cell inspections, periodic interviews, and individual sessions of “moral admonition,” rewards and punishments earned, work performance, visits and correspondence, and special requests made throughout his or her stay; and details about his or her release, behavior on parole, or death (if applicable).\(^91\) Should the inmate be transferred to another facility, or to commit another crime after release, this dossier was to accompany him, a mandate made more practical by the advent of fingerprinting, which began in colonial prisons in 1910.\(^92\) By the mid-1920s colonial penal authorities had amassed a large amount of information about Korean criminals via these dossiers, information that would furnish the first large-scale analyses of crime and criminality in Korea.

---

\(^{90}\) Governor-General Directive (Kunrei) #6, February 1915, in Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen keimu gaiyō, 949-950.

\(^{91}\) For the actual forms and instructions for completing them and maintaining the dossier, see Ibid., 949-982.

Japan’s annexation of Korea in 1910 coincided with rising interest in positivist criminology in Japan.\textsuperscript{93} Yoji Nakatani has described the reception and application of positivist criminology in Japan in the 1910s and 1920s, noting a general trend among Japanese “criminologists” (which included scholars, physicians, and interested members of the general public) toward the integration of biological and environmental explanations of criminality.\textsuperscript{94} Psychiatrists, such as Yoshimasu Shūfu, Nakatani notes, conducted large-scale surveys of prisoners, based on German models, in order to develop explanatory schemas of criminal behavior, which took into account such factors as an individual’s family, educational, and occupational background, criminal history, and psychological condition, and suggested a need for individualized care for criminals rather than a universal approach.\textsuperscript{95} Yoshimasu’s formulations were echoed by penal scholars and officials like Masaki Akira, a prosecutor and official in the Japanese Ministry of Justice and editor of an influential criminological journal, who urged reform of the penal system along educationalist lines, emphasizing individualized punishment aimed at the rehabilitation and socialization of individual criminals.\textsuperscript{96}

As Nakatani and Yi Chong-min have both noted, this re-conceptualization of criminal behavior translated into practical penal reforms in Japan, such as separate

\textsuperscript{93} Positivism, as opposed to classical theories of crime and punishment (Beccaria, Bentham), understood crime not as the result of a moral decision made by individual actors, but rather as a phenomenon largely determined by biological or social circumstances. See Garland, “The Criminal and His Science.”


\textsuperscript{95} Ibid., 285-286.

\textsuperscript{96} See Ibid., 286. Masaki was a major advocate of penal reform in inter-war and postwar Japan who wrote extensively on criminal reform and proper punishment. Nakatani mistakenly refers to him as Masaki Ryō.
incarceration and treatment for juvenile offenders, the utilization of probationary supervision and suspended sentences in place of incarceration, the implementation of a “progressive stage system” and “parole examination system” whereby convicts could gradually display their personal transformation and thereby “graduate” from prison.97 Yi observes that this also led to a reduction of both long (five years or more) and short (less than six months) incarcerative sentences and to an increased use of fines and other non-incarcerative punishments in Japan, though he may overstate the practical significance of this trend when he refers to it as a general “relaxation” of punishment.98 Nakatani shows, to the contrary, that this “relaxation” was accompanied by an intensification of policing, the institution of stricter controls on speech and assembly via the Peace Preservation Law of 1925, and an increasing number of arrests and convictions throughout the 1920s and early 1930s.99 In addition, calls for reform along individualist and educationalist lines continued in Japan throughout the 1930s, indicating that their implementation was far from complete.100

But there was another, quite distinct, trend in Japanese criminology in the inter-war years relevant to this discussion: the conceptualization of criminality in racial terms. As Nakatani points out, some Japanese criminologists were drawn to the study of fingerprints and blood types, “not only as tools of criminal investigation but also as

---


100 See, for example, Masaki Akira, Gyŏkei no hensen wo tazunete [Investigating changes in penal practice] (Tokyo: Gansuido Shoten, 1933).
means for identifying the specific characteristics of race.”101 In the wake of the shocking and bloody Musha aboriginal uprising in Taiwan (1930), for example, Furukawa Takeji performed a large-scale blood-type study on Taiwanese aborigines and the Ainu people of Hokkaidō, concluding that the Taiwanese, with a high percentage of O blood type were genetically programmed to be intransigent, while the Ainu, among whom just 24% were type O, were essentially more peaceful.102 Pseudo-scientific racialist thinking of this kind led many to construct a racial hierarchy of criminality, with the Yamato (Japanese) race naturally at the top (least criminal).

**Korean Environment, Korean Crime**

In Korea, positivist criminological theories began to circulate amongst penal officials and intellectuals, and to influence debates about punishment and reform from the early 1920s. Many jurists and penal officials echoed the concerns of Western criminologists, such as Enrico Ferri, who, in 1917 had observed: “It is our experience (noted every day, in every country, on both sides of the ocean) that the penal laws inspired as they still are by the traditional doctrines, are powerless to preserve civil society from the scourge of criminality.”103 In 1926, for example, Itō Kenrō, then a judge in the Seoul Court of Appeals and a lecturer at Keijō Imperial University, argued that rising crime rates in colonial Korea were, ultimately, the product of the “failure of penal sanctions” to react to and keep pace with changes in Korean society and crime, and

---


102 Ibid.

thereby protect it from the “flood of crime” inundating it. The real answer to this crime problem, following positivist logic, thus lay not in perfecting prisons, per sé, but in isolating and addressing the actual causes of crime in Korean society and taking positive action to protect society from crime and criminals.

Perhaps most influential in the introduction of criminological theory and analysis to Korea was the Japanese journalist and sociologist Yoshiki Eisuke. Yoshiki graduated from Waseda University with a degree in political economy in 1910, then pursued a career in journalism, starting as a reporter for the Nagoya branch of the Osaka mainichi shimbun, and eventually becoming editor of the newspaper’s newly launched business magazine, Ekonomisuto (“Economist,” not to be confused with the English publication of the same name), in 1923. Concurrently, he accepted an appointment with the Ministry of Agriculture and Commerce conducting surveys and statistical analysis of regional agricultural production. Shortly after his promotion to editor of Ekonomisuto, Yoshiki accepted an invitation to go to Korea to head up a project surveying the “conditions of Korean society.”

In connection with this position, Yoshiki published dozens of studies on a wide range of subjects related to Korean society and economy, such as the current state of Korea’s fish and cattle markets, population distribution, and marriage, divorce, and death rates. Within a few years, his research led him to more historical and anthropological subjects (“Products of the Mid-Chosŏn Dynasty,” “The Structure of Korea’s Single-

---


Family Villages”). From the mid 1920s through the early 1930s, Yoshiki trained his
sights on Korean crime, publishing several articles in government-sponsored journals and
a full-length study commissioned and edited by the Government-General.

Yoshiki’s studies on crime introduced Korean and Japanese readers in Korea to
positivist theories about “criminals” and the origins of crime, dividing them broadly
between the Italian school of criminal anthropology (Lombroso, Ferri, Garofalo) and the
French/German school of criminal sociology (Durkheim, Quetelet), and staking out a
position clearly favoring the latter: “While the origins of crime naturally derive from both
individual factors found in the criminal himself and societal factors,” he declared, “the
most influential factors in the production of crime are societal.”

For Yoshiki, like Quetelet, to whom he was most indebted intellectually, the proof
was in the statistics, and the statistics he compiled confirmed what many evidently
already feared: despite intensified efforts by colonial authorities to improve policing,
prison facilities, and rehabilitation programs, Korea was in the midst of a crime wave, or
“flood of crime” (hanzai no kōzui), as many referred to it. Indeed, as figure 4-1 shows,
the number of crimes committed per year had generally risen in the years since
annexation, with significant spikes in 1916 and 1917 as wartime inflation led to economic

---

106 See, for example, Yoshiki Eisuke, “Chosŏn chunggi ŭi mulsan [Products of the Mid-Chosŏn Period],” Chosŏn 142 (March 1927).

107 See Yoshiki Eisuke, “Chosŏn ŭi pŏmchoe ch’uhyang (sang) [Crime trends in Korea (part I)],” Chosŏn 157 (June 1928): 48-54; Yoshiki Eisuke, “Chosŏn ŭi pŏmchŏe ch’uhyang (ha) [Crime trends in Korea (part II)],” Chosŏn 158 (June 1928): 52-63.


109 Ibid., 24.
Figure 4-1: Total Number of Crimes per Year in Korea, 1912-1929. Source: Yoshiki Eisuke, “Chosŏn ŭi saenghwal kwa pŏmchoe.”
difficulties in the Korean countryside. But beginning in 1923, crime had entered a period of rapid proliferation that would ultimately continue throughout the decade. This meant dramatic increases in the number of Korean criminals being arrested and punished, which, unremedied, would necessitate a significant allocation of funds to house, feed, and guard rising prison populations. This had prompted the Government-General to seek the source of this “flood.”

One of Yoshiki’s important contributions (and legacies) was his formulation of “distinctive” (tokushu) Korean crimes and criminals. He created a statistical profile of a distinctively Korean criminal in the mid-1920s, for example: most were first-time offenders in their twenties or thirties; most committed their crimes out of greed, habit, or poverty; and most were illiterate, semi-literate, or literate with no formal education. He also established the most common Korean crimes. In 1925, when Yoshiki performed his major study, theft was, by far, the most common crime, with more than 48,000 cases. Other common crimes included fraud (20,621), assault causing injury (13,221), usurpation (12,091), gambling (4,041), forgery (2,804), accidentally starting a fire (2,443), and robbery (2,191), as well as violations of “special” laws—especially the forestry law—and administrative ordinances.

---

110 Interestingly, even with the recent increase, as Yoshiki noted, the rate of crime among Koreans was still considerably lower than that among Japanese and foreigners living in Korea. He explained this by pointing out similar trends among immigrants and colonialists around the world, who, he noted, were often “unable to adjust to the social environment.” Indeed, it was the Korean “social environment,” and changes in it, that most interested (and troubled) Yoshiki. See Chōsen Sōtokufu, ed., Chōsen no hanzai to kankyō [Korean Crime and Environment] (Keijō (Seoul): Daikaitō, 1928), 16.

111 Ibid., 21.

112 Ibid., 16-17.
Yoshiki’s main intent, however, was to discover the social conditions that might lead Koreans to commit certain crimes. To do this he examined crime trends (see Figures 4-2 and 4-3) and compared them to other variables in Korean society. He divided his analysis between economic and cultural factors, arguing that certain crimes correlated more or less to changes in each category.

His statistical analysis of economic factors was not particularly flattering to the colonial government: despite a decade and a half of Japanese rule, the vast majority of Koreans were still poor farmers or tenants, with a very slim margin of survival.113 Such circumstances made many Koreans particularly sensitive to economic downturns, such as that being experienced in Korea in the 1920s, which imperiled the ability of tenants, small farmers, and even minor land-owners to make ends meet, let alone save for the future, invest in their children’s education, or contribute significant taxes to the colonial government.114

Thus, it was not just poverty that led to crime in Korea, Yoshiki emphasized.115 Rather, he contended, economic changes had aggravated individual circumstances, driving some to commit crimes out of desperation. Circumstances that made certain individuals vulnerable to criminality, he argued, might include a large number of

113 So poor were most Koreans, Yoshiki noted, that a great majority paid less than one yen per year in taxes. See Ibid., 38.

114 Ibid., 30.

115 In fact, Yoshiki criticized Caesare Lombroso’s analysis of economic factors in crime in Italy, which simply divided urban spaces into three zones (affluent, middle-class, and poor), coming to what Yoshiki thought was a rather obvious conclusion: more crime occurred in the poor zones. Lombroso did make an important contribution, Yoshiki thought, by highlighting the qualitative differences in crimes committed by members of the different socio-economic groups. See Yoshiki Eisuke, “Chosŏn ŭi pŏmchoe ch’uhyang (sang),” 49.
Figure 4-2: Incidents of Major Crimes per Year in Korea, 1921-1929. Source: Yoshiki Eisuke, “Chosŏn ŭi saenghwal kwa pŏmchoe”
Figure 4-3: Incidents of Theft, Usurpation, and Violations of Administrative Laws per Year in Korea, 1921-1929. Source: Chōsen Sōtokufu, ed., Chōsen no hanzai to kankyō.
dependents in one’s household or limited options for regular employment. In Korea, the economic downturn of the early 1920s had triggered just such a reaction, Yoshiki argued, as poor farmers and tenants, lacking alternate skills for employment, much less opportunities, and often maintaining traditional large households, found themselves in incredibly dire circumstances, a situation reflected in the precipitous rise in theft, usurpation, extortion, and gambling (see Charts 3-2 and 3-3). But crime was not solely determined by economic conditions or changes. “Culture,” which he defined quite broadly, also played an important role in determining crime. He considered access to education to be important, for example, by which he meant both formal education in colonial schools and traditional Korean education in village schools (sŏdang) or private Confucian academies (sŏwŏn). The moralizing force of religion was also important, including Shintō and Japanese sects of Buddhism as well as Korean Buddhism, Confucianism, and Christianity. Other important “cultural” factors included access to transportation and communication networks, the circulation of newspapers and magazines, and opportunities for Japanese language education. Areas where these cultural factors were well developed, he illustrated, generally had lower crime rates. As with economic determinants, however, there was not always such a simple correlation. Some crimes, such as forgery and fraud, had actually increased along

---

116 Ibid.
117 Chōsen Sōtokufu, Chōsen no hanzai to kankyō, 69.
118 Ibid., 78-91.
119 Ibid., 98-103.
120 Ibid., 91-98.
with the “advances in culture and progress in human intellect” in Korea; others, like robbery, which, by all accounts, should have increased because of worsening economic conditions, had actually decreased due to the “spread of culture.”

In the end, Yoshiki’s studies yielded no simple formula to address Korea’s growing crime problem:

Is crime in Korea due to the incredibly large number of poor people? Is it a result of the gap between rich and poor, which has become so marked? Is it rooted in the fact that [so many] desire to work but cannot gain employment? Is it due to a sudden rise in living standards, the abrupt changes in the industrial situation, or the pressure of the remarkable growth of capitalism?

His work is remarkable for its lack of racial rhetoric. “Korean crime,” for Yoshiki, was “Korean” because of historical circumstances, which could be remedied, rather than the racial proclivities or peculiar “national characteristics” of Koreans. He nonetheless drew broad conclusions about unique aspects of Korean crime, conclusions that became ingrained in much of the subsequent discussion on crime and punishment in colonial Korea. Yoshiki recognized this possibility, noting that “it is regretful that, as a result of examining large volumes of statistical and geographic data, it is naturally impossible to provide a detailed explanation for each individual criminal.” In the end, the generalizations he drew about Korean crime and criminality, along with the criminological vocabulary he introduced, would be Yoshiki’s greatest legacy.

\[121\] Ibid., 77.

\[122\] Yoshiki Eisuke, “Chosŏn ŭi pŏmchoe ch’uhyang (sang),” 49.

\[123\] Ibid.
Debating Korean Criminality

Many Korean intellectuals embraced the social determinist thread of Yoshiki’s work, emphasizing the relationship between the current state of the Korean economy and surging crime rates. In a fascinating 1931 article in the journal *Pip’an*, for example, Im In-jik illustrated the criminalizing effects of the hopeless economic situation in Korea through the story of Kim T’ae-su, a pseudonymous “deaf-mute” he first encountered at Chongno Police Station, “a place where the air is close and even innocent people lose heart.” Kim was being interrogated by increasingly frustrated detectives demanding he confess to swindling a jewelry shop owner out of a gold ring. After two days of fruitless interrogation, “the only reward to speak of being flowing sweat,” the police reportedly began to feel compassion for Kim, whose only response to the extended barrage of questions (and other forms of “encouragement”) was wordless bawling, and eventually decided to let him go, warning him (through body language) never to repeat his crime. Kim was elated, “as though he had returned to life after being dead,” and humbly bowed and left the station.124

Evidently, one of the detectives was not convinced of Kim’s penitence and decided to follow him when he left the station. He trailed Kim straight to the Chongno jewelry district, where he observed Kim repeating his apparently well-practiced swindle, substituting a gold-plated ring for a solid gold ring when the shop-keeper was not looking. The policeman immediately swooped in, made the arrest, and took Kim back to the police station, where he was greeted with considerably less compassion than on his previous

124 Im In-jik, “Pŏngŏri wa kŭm panji” [The deaf-mute and the gold ring], *Pip’an* 3, no. 4 (August 1931): 103-104.
visit. This time, Kim confessed: he was not deaf at all—he had feigned deafness to get out of similar binds multiple times over the course of his criminal life.\textsuperscript{125}

But Kim had not always been a criminal, which was the point of the article. In fact, Im reveals, Kim T’ae-su had been raised in a family of good reputation, influence, and wealth, never knowing the “fearful or difficult things of the world.” He had lived a pampered life, indulging his proclivities for women and liquor. But, noted Im, “just as the Earth continues to spin without rest, the world is a place of change.” Just as Kim had reached his twenties, his family fortunes had begun to decline, and “the influence and power of old had turned only to ruins and emptiness.”\textsuperscript{126} Before long, Kim had found himself begging on the street, and, just as Yoshiki might have guessed, since he had no practical skills, he had soon turned to theft. Once he had gotten over the pangs of guilt, he had discovered that he had a talent for it.\textsuperscript{127}

Other social commentators, both Korean and Japanese, rejected such social determinism. Many Korean Christians, for example, saw crime as a simple moral issue. They encouraged personal responsibility, calling upon wayward Koreans to reform themselves. In a 1933 article, for example, the editors of Sijo, a Korean Seventh Day Adventist journal, proffered “youths’ neglect of religious cultivation” and “parents’ failure to properly educate and guide their children” as the main reasons for the recent rise in crime. Indeed, it laid the blame on parents’ failure to teach their children proper values, which “can only be taught in the home,” such as “honesty, obedience, and

\textsuperscript{125} Ibid., 105.

\textsuperscript{126} Ibid.

\textsuperscript{127} Ibid., 105-106.
kindness.” In another article a few years later, the editors of the same journal suggested that the way to prevent crime was simple: “While teaching children that violating God’s laws is wrong, we must also teach them that if one commits a crime, first, the happiness of the perpetrator will be extinguished, and also, the well-being of society will be destroyed.”

Most Korean intellectuals, like Yoshiki, were dubious of such declarations of moral agency when it came to Korean crime. In contrast to Yoshiki’s social determinism, however, some looked to emerging Western theories about biological determinants of crime. In a 1930 article in the Korean journal Pyŏlgŏn’gon, translated by U Sŏk (Pak Chin), the author, citing ongoing studies being conducted by researchers in San Francisco on criminals and juvenile delinquents, suggested that most crime was caused not by malice or evil choices or even social conditions, but by an imbalance in certain hormone levels. For such persons, “even if they commit evil and immoral crimes,” he continued, “those crimes are not theirs, but the crimes of a diseased thyroid.” The way to prevent crime and handle criminals, then, was not to lock them away, but to isolate these imbalances and treat them. Proper treatment, he argued, promised to turn even the most violent criminal into “good, law-abiding people, like lambs or like doves,” eventually obviating the need for prisons altogether.

---

128 “Pŏmchoe ŭi wŏn’in kwa kuigyŏl [The origins of crime and its solution],” Sijo 23, no. 6 (June 1933): 179.


130 U Sŏk, trans., “Kamok muyong sidae: hoeksidaejŏk holmon yubŏp [An age when prisons are no longer needed, and the epoch-making hormone treatment],” Pyŏlgŏn’gon 32, no. 9 (September 1930): 80-86.
Many Japanese writers, on the other hand, followed the lead of early criminologists like Furukawa Takeji, tying Korean crime to more innate “national characteristics” (*minzokusei*), which could be either biological/genetic or, more often, historical. In a 1931 article in the Government-General journal *Keimu Ihō*, for example, Ōmura Gyōshin, a Japanese sociologist who had briefly toured Korea, suggested the Korean natural environment and Korean history as determining factors in crime. His conception of “national characteristics” was not dissimilar from Yoshiki’s idea of “culture,” but was more durable, being shaped by hundreds of years of backwardness, which had made Koreans, he argued, unable to adjust to the rapid changes of the twentieth century. Thus theft, for example, which occurred in Korea at a frequency “utterly unseen in Japan,” according to Ōyama, was a product not of ill will or criminal nature, per se, but of a “pastoral loneliness,” a longing for the agrarian past, and by Koreans’ (historically conditioned) inability to recognize private property. More specifically, Ōyama argued, Korean history and culture, which were defined by the natural environment, had led to rampant social crimes, such as child marriage and bigamy, and prevalent superstitious beliefs invited white collar crimes, such as fraud.\(^{131}\)

Though few of these analyses explained Korean crime trends in explicitly racial terms, they nonetheless contributed to a strong association of certain crimes with Korean culture and customs, associations that often outlived changes in crime trends, influencing both Korean and Japanese perceptions of Korean crime and official efforts to prevent it.

---

\(^{131}\) Ōmura Gyōshin, “Minzokusei to hanzai keitai no kankei: sono ichirei to shite Chōsen no hanzai [The relationship between national characteristics and the shape of crime: taking crime in Korea as one example],” *Keimu ihō* 300 (15 April 1931): 88-92. This idea of quaint Koreans being overrun by modern society was one government officials and picked up on as well, blaming rising crime rates in the 1920s on the “march of modern material civilization” and Koreans’ inability to adjust. See Government-General of Chosen, *Annual Report on Reforms and Progress in Chosen (Korea) (1922-1923)*, 189.
and punish criminals. Two of the starkest examples of this enduring identification of certain crimes with Korean culture were armed robbery and husband murder.

While a common perception of foreign travelers around the turn of the century was that banditry and armed robbery were rampant, everyday crimes in Korea, Yoshiki’s statistics illustrated that the occurrence of armed robbery steadily decreased throughout the first two decades of colonial rule (see Figure 4-2), a point colonial administrators were quick to boast about in their annual reports. In the 1920s, in fact, even as the Korean population increased, the incidence of armed robbery decreased dramatically, from 3,023 cases in 1921 to just 1,730 in 1929. Meanwhile, other crimes, such as murder, arson, and the violation of administrative ordinances, not to mention theft, rose considerably. While some of these “new” crimes came to be identified as “Korean” in the 1930s, armed robbery never seems to have shed the label despite the actual trend. Throughout the 1930s, in fact, both government sources and popular media continued to refer to armed robbery as a “distinctive Korean crime.”

Another interesting example of the association of certain crimes with Korean culture was the crime of husband murder (ponbu sarhae). Though women in fact constituted a very small percentage of convicted criminals throughout the colonial period, an overwhelming proportion of female offenders were convicted of murder, arson, or

---

132 See, for example, “Chōsen tokushu no hanzai gōtōhan ga genshō” [Armed robbery, typical Korean crime, decreases], Keijō nippō, 19 February 1932.
other violent crimes. Many of these cases were sensational, involving love triangles, physical or sexual abuse, or conspiracy, and in fact highlighted many of the sweeping social changes underway in Korean society (the emergence of the educated “new woman”, changes in marriage and family patterns).

In the late 1930s, colonial penal authorities commissioned a series of reports detailing individual cases of “distinctive Korean crimes,” purportedly for the purposes of better understanding the peculiarities of Korean crime and aiding in the “calculation of punishment” (kei no ryōtei). These handwritten volumes contained summaries of dozens of cases tried in the Keijō Regional Court, selected—it appears—for their representativeness of “Korean crime.” Interestingly, almost all of the cases included in these highly selective volumes involved violent crimes, such as arson, murder, and armed robbery, despite the fact—well documented by Yoshiki and others and even boasted of by the Government-General—that violent crime was generally decreasing. What united them, in fact, was not the type of crime, per sé, but the circumstances that “determined” it, which represented something of a merging of Yoshiki’s ideas about poverty and sudden economic changes and more essentialized notions of Korean culture (i.e., the backwardness of Korean customs and reasoning).

---

133 One visitor to the women’s ward at Sōdaemun Prison in 1936 observed that of the 150 female prisoners incarcerated there, the overwhelming majority had been convicted of murder (sixty-four) and arson (fifty-five), while just thirteen were imprisoned for theft and six for assault leading to injury (seventeen were remanded suspects still awaiting trial and/or sentence). See Yi Chong-mo, “Sōdaemun yōja kamok pangmun’gi: sarin choein ka chaeil mantta [Record of a visit to Sōdaemun Prison women’s ward: most are murderers],” Yōsŏng 1, no. 6 (September 1936): 322-323.

134 For more on the controversial emergence of the “new woman” and the sweeping social changes involving women during the colonial period, see Yoo, The Politics of Gender in Colonial Korea, esp. Chapter 2.

135 See Chōsen Sōtokufu Keihō Kenkyūshitsu, Chōsen tokushu hanzai shiryō (1933), Preface.
Any official who read these volumes, which were full of sensational cases, would have been left with quite a distorted view of Korean crime and society: armed bands roaming the countryside, backwards farmers mercifully killing their handicapped children, women burning down their houses in an attempt to kill their husbands or plotting with lovers to murder their husbands. Despite the evenhandedness of Yoshiki and some other criminological researchers, the impression these volumes created was that Koreans were not only inherently and hopelessly backward, but violent as well. More importantly, as Yoshiki himself had lamented, these generalizations overshadowed the individual aspects of each case. Criminology, both formal and informal, had, in fact, taken the complex host of factors contributing to crime in Korea and reduced them to a simple explanatory schema. Such a schema made Korean crime and society more legible and, therefore, more governable.

Perhaps we should not be surprised by the Government-General’s interest in criminology. After all, as David Garland has pointed out, “for most of its history, criminology has been a knowledge for power—a subject which is primarily useful rather than true.” Indeed, he notes, the ultimate objective of criminology is “not to understand the human beings involved, but to know them in order to control them,” and thereby protect society from them.

---


137 Scott, Seeing Like a State, 3.

Conclusion

Changing perceptions of Korean criminality were gradually reflected in the language of penal reform in Korea and in colonial penal policy and practice. Whereas the early 1920s brought a shift from the infliction of physical pain embodied in the practice of flogging (“scientific” as it had been) to the more measured, scientific, and professional “administration of punishment” (keimu) and “custody” (kaigō), by the early 1930s the language of punishment began to change once again, this time emphasizing progressive, individual “treatment” on the one hand; broader community involvement on the other.

This shift was not just the product of criminological analysis and theorizing, but was also spurred on internally by what could only have been viewed as major failures of the colonial penal system, and by the demands of a vocal colonial public. Korean-language newspapers and journals in the early 1930s were replete with calls for penal reform based on the very criminological studies the Government-General had published, and on reforms being undertaken in the metropole. Sweeping changes in this vein were, as ever, limited by budget allocations and, in this case, by time. Changes in thinking about crime and criminality were reflected at the level of theory, judgment, and even public sentiment before they were applied in penal practice. By the time penal institutions in Korea began to implement such progressive practices, Japan was inextricably involved in a full-scale conflict in China, once again prompting major changes in both overall imperial strategies and colonial policy in Korea.

One of the issues that vexed penal authorities and the public alike was recidivism. It was not just that crime rates continued to rise into the 1930s. As Yoshiki had suggested, this phenomenon could be explained by the drastic economic changes triggered by a
worldwide depression. More problematic for penal authorities was the continuous rise in the percentage of convicts who were repeat-offenders. By 1936, fully forty-eight percent of convicts incarcerated in colonial prisons were at least second-time offenders, up from forty-two percent in 1926 and forty-four percent in 1931. Not only did this concern penal authorities; it also mobilized public opinion, as Koreans demanded that the colonial government live up to the reformative, modernizing promises it had been declaring since 1919. In response to such public and internal pressure, in 1935, penal authorities announced plans to reform the penal system and combat recidivism on two fronts: in prisons and in the community.

One of the areas penal authorities targeted in this effort was convicts’ education. If the origins of Korean crime, as Yoshiki and others had suggested, were to be found in the impoverished condition of Korean society and in a general lack of cultural refinement, education was a natural way to address the problem. Despite efforts to separate juvenile prisoners from the adult population and provide educational opportunities, as the 1930s progressed, penal authorities and the Korean public both recognized that the juvenile reform program was neither educating young criminals nor lowering general crime rates or recidivism. One report, published in 1938, which otherwise celebrated penal progress

---

139 “Suhyŏngja ŭi taedasu nŭn chaebŏmja wa nubŏmja” [A Great Number of Convicts are Repeat Offenders or Recidivists], Chosŏn ilbo, 19 December 1936, Morning Edition, 2.


141 “Chaebŏm pangsi haenghyŏng tang’guk ŭi kyehoek” [Penal Authorities’ Plans to Stop Recidivism], Tonga ilbo, 19 June 1935, 2.
during the colonial period, admitted that fully one third of juvenile convicts confined in colonial prisons were illiterate in 1935, and another third only semi-literate.\textsuperscript{142}

In 1936, penal authorities opened a new juvenile prison at Inch’ŏn. In part, this merely addressed the demand for more cell space caused by rising rates of juvenile crime, but this was also promoted as part of the colonial penal system’s efforts to combat illiteracy and recidivism. Like Kaesŏng Juvenile Prison, it was designated to house only male convicts under the age of eighteen with sentences over one year. Unlike Kaesŏng, however, the new prison at Inch’ŏn only accepted convicts with a third-grade education or higher.\textsuperscript{143} Authorities professed hope that this further differentiation would give juveniles with potential a better chance to escape the system and rejoin society as productive members. Penal officials also recognized the failure of limiting education to juvenile convicts, and from the mid-1930s, encouraged education for adult inmates as well, declaring the advent of a new, educative phase of punishment in Korea (\textit{kyōiku gyōkei jidai}).\textsuperscript{144}

Perhaps the most anticipated application of positivist criminology, however, was the introduction of the so-called “progressive-stage system” (\textit{ruishin shogū seido}). Since the introduction of such a system for juvenile convicts in both Korea and Japan in the early 1920s, there had been considerable interest in and debate about introducing a similar system for adult convicts. By the early 1930s, word began to spread that the colonial state was planning to implement such a system in Korea (though it had not, in

\begin{flushleft}
\textsuperscript{142} Chŏsen Sŏtokufu Hŏmukyoku Gyōkeika, \textit{Chŏsen no gyōkei seidō}, 65.
\textsuperscript{143} Ibid., 80.
\textsuperscript{144} Ibid., 14.
\end{flushleft}
fact, been implemented in Japan yet), and reactions were favorable. In 1933, the Chosŏn ilbo heralded the coming of the system, which it mistakenly believed to be imminent, as an important progressive reform of the penal system. 145

When the system was implemented in Japan the following year, but not in Korea, there was an immediate clamor in the Korean press, calling for reforms that would allow its implementation in Korea as well: namely, the expansion of prisons and community support programs. 146 Colonial officials countered that the costs and logistics of immediate implementation simply made it impractical. 147 Indeed, the progressive stage system would require not only a massive expansion of prison space, which would be prohibitively expensive, but also a greater use of parole and community support groups, which existed in Korea, but had not been developed in the colony to the same extent they had been in metropolitan Japan. 148

Though some scholars have questioned the timing of the extension of the progressive stage system to Korea, which was finally undertaken just as Japan began large-scale mobilization of population and resources for war in China, at the time, it was hailed by Korean newspapers as a significant transformation of penal policy, from

---

145 “Haenghyŏng nujin ch’ŏuryŏng 14-5 ilgyŏng palp’yo” [Penal progressive treatment ordinance to be announced on the 14th or 15th], Chosŏn ilbo, 12 October 1933, Morning Edition, 2.

146 “Haenghyŏng chedo rŭl kaesŏn hara” [Reform the penal system!], Chosŏn ilbo, 30 October 1934, Morning Edition 1; “Suin taeu kaesŏn munje: haenghyŏng tang’guk e irŏn ham” [Improving the treatment of prisoners: a word to penal officials], Chosŏn ilbo, 9 August 1935, Morning Edition, 1.

147 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 65-66.

148 See Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyojŏngsa, 392-393.
“suppression” of crime and recidivism to “prevention.” And, at least on paper, the progressive-stage system drew on many of the principles of positivist criminology. Much like the system for juvenile convicts after which it was patterned, convicts progressed through four levels, each with fewer restrictions and more privileges and rewards, which could, at the higher levels, include furloughs and even early release. Prisoners advanced (or did not) based on regular evaluations by warders, teachers, chaplains (kyōkaishi), and administrators. Along the way, convicts would have more opportunities for education and vocational training, and would have more say in the kind of work they did and what they did with their free time.

The progressive stage system did not have much chance to function due to the demands of war mobilization, which over the next few years radically altered the constellation of forces shaping punishment, and society in general, in Korea. Just as professionally penologists in Korea were celebrating their accomplishments with the publication of yet another pictorial retrospective, the demands and constraints being placed on their system from above were shifting considerably. Some aspects of the penal system that had emerged by the mid-1930s continued during wartime; but many were altered in important ways, as the forms, functions, and meanings of punishment once again adapted to changes in the dynamic politics of empire.

149 “Chikei chŏngch’aek tae hyŏkshin: chingbŏrhyŏng esŏ kyoyukhyŏng uro” [Major reform of penal policy: from disciplinary to educative punishment], Tonga ilbo, 10 November 1937, 2. Yi Chong-min contends that the implementation of this policy, finally coming just as Japan became embroiled in war, could only have been intended for more nefarious purposes, such as promoting wartime allegiance and, through probation, providing a source of easily mobilizable workers, and later, soldiers. See Yi Chong-min, “Singminji ha kündae gamok ūl t’onghan t’ongje mek’ŏnjūm yŏn’gu,” 127-128.

150 Governor-General Edict (seirei) #178, “Chŏsen gyŏkei ruishin shogū kisoku” [Korean penal progressive treatment regulations], 9 November 1937.
CHAPTER 5: NEGOTIATING PUNISHMENT

Introduction

On a cold, late-December morning in 1924, male prisoners dressed in red uniforms shuffled into factory number five of P’yŏngyang Prison. The weather that week was calm, overcast, and relatively warm, as it had been much of the winter, but the factory, unheated, was undoubtedly icy.¹ The prisoners manned their stations and set to work, probably making silk cloth, furniture, Western-style clothing, bricks, or bamboo piping.² At some point during the shift, a fight broke out when three Japanese prisoners reportedly attacked about twenty Korean prisoners. The fight was serious enough to stop work, reportedly turning the factory into a “scene of carnage” (surajang). With some difficulty, warders were able to quell the disturbance, which left three prisoners (two Japanese, one Korean) seriously wounded, and many more with minor injuries.³

This was not the first trouble to beset P’yŏngyang prison that year; nor would it be the last. In the spring, the prison was engulfed in a month-long scandal when reports surfaced in several of the major dailies that two prisoners had died after being dragged from their cells in the night, beaten, and forced by warders to bath in icy water as punishment for leading a chant of “*manse*” (“long live Korea”) on the anniversary of the

---


² These were the major products produced at P’yŏngyang Prison that year. See “P’yŏngyang hyŏngmu chep’um” [Products of P’yŏngyang Prison], *Tonga ilbo*, 23 February 1924, 3.

³ “P’yŏngyang hyŏngmuso e hyŏru” [Blood rains at P’yŏngyang Prison], *Chosŏn ilbo*, 1 January 1925, Morning Edition, 3.
March First Movement. If true, the papers charged, this was an “unforgivable act”; “no different than a fire brigade setting a fire.”\(^5\) Prison officials issued conflicting reports, with the warden denying vehemently that any such incidents (even the shouting of “\textit{manse!}!”) had occurred at all, while other officials admitted that a coordinated show of patriotism had occurred on March 1, but denied that the instigators had been punished, much less beaten or killed; the two prisoners who had died the night in question (March 7), they claimed, had both been convicted thieves with persistent health problems.\(^6\)

Just as the furor over this purported incident was dying down, P’yŏngyang Prison made the papers again. This time, several dozen prisoners on an extramural work detail transporting sand from the Pot’ong River had reportedly fainted. Prisoners complained that prison officials had reduced their rations without explanation. Officials retorted that they had recently replaced boiled rice and beans (standard prison fare), with boiled rice and millet, but had not reduced the amount of food prisoners received. Nonetheless, in the press it was “yet another incident at P’yŏngyang Prison.”\(^7\)

As a fitting end to a rough year for the prison, just a few days after the factory fight, on December 27, a much larger riot broke out, this time pitting Korean and

---

\(^4\) “Kinyŏm manse purŭn cha i myŏng ŭl hyŏngmuso esŏ akhyŏng ch’isa sŏl” [Report of two who had shouted “manse” killed while receiving severe punishment], \textit{Tonga ilbo}, 06 April 1924, 2; “P’yŏngyang hyŏngmuso ka suin i myŏng ŭl hyŏngsal” [Two prisoners punished and killed], \textit{Sidae ilbo}, 06 April 1924, 1. “Sa myŏng do widok, pam saedorok kkŭlu go tanimyŏ ttarigo, tu saram i chugun kŏn hwaksirhan sasil: P’yŏngyang hyŏngmuso oksal sakkŏn” [Four critically ill, dragged away and beaten in the middle of the night, that two are dead is an established fact: prison death at P’yŏngyang Prison], \textit{Sidae ilbo}, 02 May 1924, 1.

\(^5\) “P’yŏngyang hyŏngmuso silt’ae” [Conditions at P’yŏngyang prison], \textit{Sidae ilbo}, 06 April 1924, 1.

\(^6\) “Kinyŏm manse purŭn cha i myŏng ŭl hyŏngmuso esŏ akhyŏng ch’isa sŏl,” \textit{Tonga ilbo}, 06 April 1924, 2

\(^7\) “Kamsik ŭro susimmyŏng ŭi suin ch’uiŏpchung hondo” [Tens of inmates faint due to reduced food rations], \textit{Sidae ilbo}, 11 May 1924, 1.
Japanese prisoners together against prison staff and officials. In this case, fourteen Japanese prisoners who had just been transferred to the prison from Yŏngdŭngp’o (on the outskirts of Seoul) were said to be the instigators. Upon arriving, they were reportedly taken aback by the relatively wretched conditions and poor treatment accorded prisoners in P’yŏngyang, and caused a commotion when they expressed as much. Others prisoners quickly joined the protest, bringing the entire prison to a standstill as they broke down doors and shattered glass windows in the prison offices. Prison officials, appalled at the destruction, reportedly granted the prisoners their demands, promising to treat them just as prisoners were treated in Yŏngdŭngp’o.8

Within a few days, however, it became clear to Korean prisoners that officials’ promises of better treatment applied only to Japanese inmates. Resentful of such discrimination, Korean prisoners refused to work en masse, again causing a major disruption in the operation of the prison. Facing such unified resistance, and the threat of a prolonged work stoppage to an already tight operating budget, prison officials reportedly “had no choice but to concede to all the prisoners’ demands.”9

Such reports contrast greatly with the official reports of penal progress published by the Government-General, and likely better capture the reality of everyday life in colonial prisons. These facilities were underfunded, overcrowded, and often overwhelmed by the multiple and competing demands placed upon them. Despite efforts to establish adequate facilities and consistent discipline, train professional warders, and

8 “P’yŏngyang hyŏngmuso e hyŏru” [Blood rains at P’yŏngyang Prison], Chosŏn ilbo, 1 January 1925, Morning Edition, 3.

9 Ibid.
encourage good behavior among prisoners, such newspaper reports, along with prisoners’
diaries and memoirs, reveal quite a different image of the colonial penal system: prison
administrators harried by the press to explain mishaps and inconsistencies to the public;
prisons rife with security breaches, various types of resistance, and collusion between
guards and inmates; prisoners actively contesting, confronting, and compromising penal
authority. Indeed, prisons in colonial Korea, like those elsewhere, were “not models of
social order and discipline,” but were, as Patricia O’Brien writes of nineteenth-century
French prisons, “most often centers of contained disorder and chaos.”

As the incidents at P’yŏngyang Prison demonstrate, prisoners—often with the help of guards, the press, or
other sub-state actors—not only disrupted, but meaningfully negotiated the terms of their
punishment.

Importantly, changes in penal practice did not always come as a result of outright
rebellion. In Korea, as elsewhere, successfully negotiating punishment required the
skillful deployment of both conformity and opposition.” In addition, resistance to penal
authority was not organized solely along ethnic lines, and was not always motivated by
anti-colonial sentiment. As Frank Dikötter notes, “a narrow focus on the formation of
oppositional strategies by political prisoners would result in a biased interpretation of
prison life.” In fact, prisoners organized themselves in various configurations in order


11 Erving Goffman’s conception of the relationship between self and organization may be useful here. He
defines the individual as “a stance-taking entity, a something that takes up a position somewhere between
identification with an organization and opposition to it, and is ready at the slightest pressure to regain its
balance by shifting its involvement in either direction.” See Erving Goffman, *Asylums: Essays on the

to accomplish very specific objectives, most of which had more to do with making prison life bearable than with higher ideological goals.

This chapter explores various means by which prisoners and other sub-state actors experienced and, when necessary, challenged and negotiated colonial punishment. Such methods included everyday tactics of resistance to authority in colonial prisons (feigning illness to avoid work, colluding with guards to obtain contraband and special privileges), more overt forms of rebellion (riots, work stoppages, hunger strikes, escapes), and working within the rules of the penal system to advance their own interests, often involving the press, lawyers, and the general public. Through such means, prisoners were able to carve out “spaces for manoeuver and resistance” in what was otherwise a strictly oppressive environment, challenge the legitimacy and modernity of colonial institutions, and often negotiate significant changes in penal practice and policy.\(^\text{13}\)

While imperial and colonial exigencies (military, political, and economic), along with emerging penological theories, were primary drivers in the formation and development of the colonial penal system, the actions of prisoners and guards should not be dismissed. “Prisoners were never,” Dikötter reminds us, “the passive subjects of a great ‘disciplinary project’ or a ‘civilizing process.’”\(^\text{14}\) Rather than being mere objects of penal discipline or colonial oppression, prisoners constituted, in the words of Patricia O’Brien, “an active force in the evolution of prison life.”\(^\text{15}\) Prisoners and guards were also self-interested human beings in very difficult circumstances. “How perplexing it

\(^{13}\) Mitchell, *Colonising Egypt*, xi.


\(^{15}\) O’Brien, *The Promise of Punishment*, 76.
was,” wrote Kim Kwang-sŏp, a famous poet and intellectual imprisoned for so-called thought crimes (sisŏhan) in the 1940s, “to be human in a place where one shouldn’t be.”

This chapter focuses on the so-called period of “cultural” or “civil” rule (bunka seiji, 1920-1937), when the colonial government engaged in a less overt, more sophisticated brand of governance allowing Koreans broader rights of publication and assembly. This led to a boom in Korean language publications and various kinds of civic and professional associations, all of which played important roles in the negotiation process that is the focus of this chapter. In addition, these newspapers and journals regularly featured former prisoners’ memoirs, reports on various prison incidents, and exposés of prison conditions and scandals involving prisoners, guards, and officials, providing a more nuanced picture of prison life.

**Negotiating Prison Conditions**

Despite the construction of modern facilities and the trappings of reform-oriented penal practice, severe overcrowding, budget limitations, the natural severity of the Korean climate, and tense human relationships made colonial prisons difficult to navigate safely. For one thing, Prisoners lived in constant fear of physical violence. Kim Tong-in, an important literary figure and intellectual who was arrested and imprisoned for four months in 1919 for violating the publication law, referred to this heart-trembling fear in

---

his short story, “T’aehyŏng” (The Flogging), based on his experience in Sŏdaemun Prison:

It is a strange thing, but when one of us is punished, all of us in the cell tremble. (This is by no means out of righteous indignation or sympathy). It is not just our bodies that shake, but even our hearts. The first time I experienced this trembling was while I sat in a holding cell after being beaten for three straight hours in the police station. I quivered like an aspen for two hours, wondering if I would live or die. (Now I experience that same fear two or three times a day).  

Such fear reinforced prison rules and discipline, deterring prisoners from even minor infractions, such as speaking aloud. Even in a cell crowded with more than forty prisoners, noted Kim, “as in a death chamber, there was not a sound.”

Torture in pre-trial interrogations and physical abuse by warders after sentencing were reportedly common throughout the period, especially for those accused of political crimes. Kim Ch’ang-suk, for example, a member of the Yurim-dan, a Confucian nationalist group, was purportedly beaten so badly during interrogation following his arrest in 1927 that he had to be sent home temporarily for medical care before spending most of his fourteen-year prison sentence in the medical ward of Taejŏn Prison.

Such violence was, of course, prohibited by penal regulations, and penal authorities officially enjoined warders to avoid such behavior. The warder’s charge, after all, noted Nakahashi Masakichi, was not punishment at all, but custody (kaigo), which he

---

17 Kim was arrested on suspicion of breaking the colonial publication law and served four months in Sŏdaemun.


19 Ibid.

defined as a combination of vigilance (keikai) and guardianship (hogo). That colonial prisons nonetheless developed a culture of violence may be attributed to a number of factors. To begin with, despite increasingly demanding qualifying standards and training for warders, many continued to come from the ranks of Japanese soldiers who had been stationed in Korea, or from destitute rural regions of Japan, hoping to make good on relatively high wages, including a bonus for service abroad. But this was not, as Nakahashi warned, work for the faint of heart. As warders found themselves outnumbered and targets of violent attacks, many responded in kind, resorting to arbitrary shows of force (and mercy) rather than enforcing the rules of the prison. As one prisoner in the Chongno police lockup (kōchikan) observed of the actions of warders, “far from being of a dutiful nature according to some regulation, all seemed to be mere displays of their authority or mercy.”

In addition, the turnover rate among warders was quite high, as Government-General reports confirm that very few warders lasted more than a few years, a trend that undoubtedly contributed to the institutional culture of colonial prisons. During such short tenures they would have inherited certain assumptions, such as acceptable uses of violence, from their predecessors and passed them on to other newcomers. The basic assumptions of a particular organization, notes Isabel Hull, “are the results of past learning”; and such assumptions are especially influenced by learning that “occurs in

---

21 Nakahashi Masakichi, Chōsen gyōkei jitsumu kaigo shiyō, 1-3.

22 Anonymous, “Kukchang chŏnhu ūi yuch’ijang saenghwal chapki [Notes on Life in a Holding Cell During the State Funeral],” Kaeb’yŏk 71 (1 July 1926): 84.

23 See Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 28.
times of existential threat.”

It is not hard to see how warders, often trained as soldiers rather than guards, and informed by their predecessors of previous incidents of violent confrontation or personal attack, might adopt a hypervigilant mentality.

What is certain is that tensions between warders and prisoners frequently erupted into violent attacks. Such violence was only documented when it resulted in serious injuries or deaths. In 1924, for example, an investigation was launched when Cho Ki-su, a convict serving a six month sentence in Kwangju Prison for gambling, died suddenly. The investigation revealed that Cho had, in fact, been beaten by a Japanese warder several days earlier for not doing his assigned work well. After the beating, he was helped back to his cell, where he died three days later from internal bleeding. In this case, the warder in question, Tanaka Muneyoshi, was actually brought to public trial, convicted, and punished, but the fact that no action was taken against him until Cho died hints at the commonness of such incidents and the violent relationship between prisoners and guards in colonial prisons.

It should be noted that violence and corruption were not the exclusive domains of Japanese warders. Many warders throughout the colonial period were Korean (perhaps as many as 45%), and they were certainly no more above vice than their Japanese

---


25 “Suin t’asahan kansu yesim ūl mach’igo kongp’an e puch’ŏ” [Preliminary Hearing of Guard Who Beat Prisoner to Death Completed; Case Forwarded to Public Trial], *Chosŏn ilbo*, 27 November 1924, Evening Edition, 3.
counterparts. In a major scandal in 1936, for example, it was revealed that several Korean warders had been extracting bribes, and perhaps even sexual favors, from prisoners’ wives, promising to provide special protection for their husbands and even to destroy evidence. The scandal broke when the guards were caught stealing food and other items the wives sent in for their husbands.

In addition, the threat of physical violence came not just from guards. Violence among prisoners, it seems, was also quite frequent. Such violence could break out quite suddenly, and often led to serious injuries. Such was the case on 15 September 1937, when a fight broke out among prisoners making bricks at Ch’ŏngju Prison, injuring one prisoner seriously. The cause of the fight was never clear to prison authorities, who surmised that it must have begun over some trivial personal conflict. Prisoners’ diaries and memoirs reveal that such violence was an everyday possibility in colonial prisons, and that fights could break out between rival cliques, Japanese and Korean prisoners, or simply between individual inmates with a personal grudge.

This culture of violence, which prevailed in prisons throughout the colony, was undoubtedly exacerbated by severe overcrowding. Halting and underfunded construction and expansion efforts meant that overcrowding was a serious problem throughout the colonial period. Citing Kaesŏng and Kŭmsŏng Juvenile Prisons, where the number of

---

26 While comprehensive statistics on the numbers of Korean warders are not available, of the 2118 warders hired between 1929 and 1937 throughout the country, 987 (47%) of them were Korean (selected out of more than 14,000 applicants). Over the same period, 1131 Japanese warders were hired out of more than 22,000 applicants. See Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 29-30.

27 “Suin ŭi kajok kwa t’ongmo, ok oe ŭi ch’onggŏ yŏnmyŏl” [Plotting with Prisoners’ Families, Destroying Evidence Outside the Prison], Chosŏn ilbo, 16 October 1936, 2.

28 “Ch’ŏngju hyŏngmuso suin kkiri kyŏkt’u” [Fight among prisoners at Ch’ŏngju Prison], Tonga ilbo, 19 September 1937, 4.
inmates stood at more than double capacity in 1928, one journalist went so far as to declare it a “humanitarian crisis.”

Such overcrowding strained prison resources, often making food scarce and of poor quality, and sanitation and medical treatment insufficient. Yi A-ju, imprisoned for her participation in the March First Movement, noted the following: “After dressing me in red they gave me a fistful of boiled rice and beans, some brine, and a few pieces of smelly radish… I wondered how I could live eating that; wondered how they could feed human beings that which a common dog probably wouldn’t eat.”

Similarly, Hwang Esther, who spent three years in the female convict ward at Taegu Prison for her involvement in the Patriotic Wives Association (Aeguk puinhoe), noted that between the food and the unsanitary conditions, it was pointless to worry about hygiene. Eating prison food (boiled rice and beans in brine) did such damage to her digestive tract, she claimed, that even months after being released it was still not healthy. Indeed, she declared, “anyone who survived despite eating [such food] is laudable!”

As for sanitation, prisoners often complained of, among other discomforts, the lack of ventilation, the omnipresence of bedbugs and lice, prevalence of scabies, and a short supply of toilet paper, which made it, in the words of Hwang Esther, “more precious than money.” The common perception among prisoners was evidently that police lockups (yuch’ijang) were full of lice, while prisons (hyŏngmuso) were the domain

---

29 “Chōsen kangoku no jindō mondai” [Humanitarian crisis in Korean prisons], Chōsen sisō tsūsin, no. 675 (June 9, 1928), 62.

30 Yi A-ju, “Ch’urokcha ŭi kamsang 2” [Impressions of a Released Convict 2], Tonga ilbo, 20 April 1920, 3.

31 Hwang Esther, “Taegu yŏgam ŭi 0141 ho” [Taegu Prison Female Prisoner #0141], Tonggwang 27 (10 November 1931): 48-49. Hwang was incarcerated in the ward for thieves as there was no separate housing for female political prisoners.
of bedbugs.\textsuperscript{32} Indeed, noted Hwang, bedbugs streamed in steadily through cracks in the walls of Taegu Prison, “lined up in ranks, as if they were about to launch an attack.”\textsuperscript{33}

But most egregious, “the thing most hated in the world,” according to Hwang, was, ironically, bathing. Each week, all 120-130 female inmates in Taegu Prison were required to take a bath. Since they all used the same water, by the end of the process the water was black. Given three minutes to bathe, Hwang refused to be in the water longer than one.\textsuperscript{34}

During particularly crowded and hot times, such as the summer of 1919, conditions in colonial prisons could get much worse. “In the summer,” noted Kim Chŏng-nyŏn, “sweat flowed in streams as in a sauna and we all suffered from skin diseases.”\textsuperscript{35} Kim Tong-in described how the “stench of ripe feces and urine, the stink of rotten rice and scabies medication, and the reek of putrid sweat, which flowed daily without ceasing, combined to form a heavy fog—a kind of noxious gas, which settled in the room and never ventilated.” Ironically, Kim noted, such foul conditions actually provided prisoners some limited privacy as “it was thus natural that guards would not come close to look in.”\textsuperscript{36}

\textsuperscript{32} Pak Chae-il, “Musŏun siŏmi Pusan hyŏngmuso” [Frightening Mother-in-law, Pusan Prison], Tonggwang 27 (10 November 1931): 46-47.

\textsuperscript{33} Hwang Esther, “Taegu yŏgam ŭi 0141 ho,” 48-49.

\textsuperscript{34} Ibid.


\textsuperscript{36} Kim Tong-in, “T’aehyŏng,” 104-105.
Heat could, of course, be deadly, and even prison staffs’ best efforts were sometimes not enough to prevent serious illnesses. Such was the case on 1 August 1920, when conditions in Sinŭiju Branch Prison became so stifling that by 8:30 a.m. ten prisoners were already showing symptoms of heat stroke. Prison officials hurriedly called in extra staff to bolster security and threw open the doors of the prison to let in fresh air, but many prisoners continued to report dizziness and confusion throughout the day.\(^\text{37}\)

Winter, on the other hand, brought frigid cold. Of a November night in Chongno police lockup, Sŏnu Hun noted: “Starlight shone upon the cold-as-ice room; the cold wind blew in unceasingly.”\(^\text{38}\) And in December: “The room was cold like the inside of an ice house.”\(^\text{39}\) For Sin Kwan-bin, imprisoned for a year for her participation in the March First protests of 1919, despite blankets (one for every four prisoners), nights were so cold she thought her “entire body would freeze and break into little pieces.”\(^\text{40}\) To make matters worse, prisoners rarely were given clothing appropriate for the season, meaning they would often face winter temperatures wearing only light cotton uniforms.\(^\text{41}\)

In all seasons, disease circulated freely, especially in the early years of colonial prison administration, and a high number of prisoners suffered and died from various

---

\(^{37}\) “Kamok nae e ilsabyŏng” [Heatstroke in Prison], Tonga ilbo, 5 August 1920, 3.


\(^{39}\) Ibid., 124.

\(^{40}\) Shin Kwan-bin, “Ch’urokcha ŭi kamsang 1” [Impressions of a Released Prisoner 1], Tonga ilbo, 18 April 1920, 3.

\(^{41}\) Hwang Esther, “Taegu yŏgam ŭi 0141 ho,” 49.
ailments. Yi A-ju likened the contraction of diseases in addition to the pervasive loneliness experienced in prison to “adding frost on top of snow” (sŏl sang ga sang).42

**Negotiating Everyday Life**

Over the course of the colonial period, the vast majority of the tens of thousands of convicts in Korea were sentenced, punished (by flogging, fines, and/or incarceration), and released without incident. Those who completed their sentences relatively unscathed had become well-practiced in what James C. Scott might call the “public transcript” of prison life: they had recognized the overwhelming differential in overt power relations between themselves and prison authorities, and had convincingly acted the part of the repentant, subservient prisoner.43 Behind the façade, however, inmates in colonial Korean prisons, as those elsewhere, found ways to deflect, defy, disrupt, and absorb the disciplinary forces directed at them without overtly challenging penal authorities. They developed covert means of communication, formed and maintained networks of interpersonal relationships, and used prison rules and regulations to protect themselves from abuses, avoid work, and maintain personal relationships despite prohibitions.44 Such

---

42 Yi A-ju, “Ch’urokcha ŭi kamsang 2.”


“weapons of the weak” were important means by which prisoners negotiated everyday life in colonial prisons.⁴⁵

One of the most basic ways prisoners subverted penal authority was by finding ways to communicate with each other and with the outside world. While prison rules mandated complete silence within the prison and censored communications between prisoners and the outside world, the walls between prison cells and those surrounding colonial prisons could be remarkably porous, allowing a steady, if covert, flow of information (as well as contraband) in and out of colonial prisons. Kim Ku, who served multiple stints spanning several years in colonial prisons, recalled prisoners in one lockup developing a covert system of communication whereby inmates would quietly pass information from one cell to the next until as many as forty prisoners in twenty different cells were informed. In this way, prisoners could warn each other about interrogations, commiserate with other inmates, and discuss ways to “alleviate, to the extent possible, the sacrifices of [their] comrades”—at least until they discovered that one among them was informing guards of their conversations.⁴⁶

Several ex-prisoners described using what they called the “t’abyŏk t’ongbobŏp” (literally, “method of passing information by striking the walls”), a code in which the letters of the Korean alphabet were evidently numbered (1 = ㄱ, 2 = ㄴ, etc.) and tapped

---

⁴⁵ For a thorough discussion of such everyday forms of resistance, see James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (Yale University Press, 1990), Chapter 2. As Scott notes, A further limitation in the sources lies in the fact that, as elsewhere, the experience of colonial punishment in Korea has been “colonized by middle class nationalists...through the publication of prison diaries and memoirs recounting their experiences and struggles with prison authorities.” See Arnold, “The Colonial Prison,” 155.

on the concrete walls between cells. By means of this code, important information could be relayed from cell to cell in a code largely indecipherable to Japanese guards and from a source difficult to pinpoint. Like other forms of clandestine communication, this required escaping the gaze of watchful guards for moments at a time, something made possible by colonial prisons’ cellular construction and long hallways. The information being passed, of course, was not always accurate. Kim Tong-in described such a phenomenon in “T’aehyŏng.” In the story, news circulated among prisoners locked up during the March First Movement that the demonstrations had succeeded and that independence from Japan had been won, which, of course, proved to be disappointingly false.

Such covert communication carried risks, of course. Getting caught could mean serious punishment, such as long-term solitary confinement, heavy shackles, or an extension of sentence, not to mention possible physical punishment by warders. Kim Chŏng-nyŏn recalled his experience teaching the t’abyŏk t’ongbobŏp to An Ch’ang-ho, the famous Korean nationalist, who was imprisoned in the cell next to his. So great was the threat of punishment, according to Kim, that midway through the instruction, he got nervous, stumbled down from the window through which he had been whispering to An, and knocked over the chamber pot in his cell, drawing the attention of guards outside. Scrambling, Kim reportedly did the only thing he could think of to avoid punishment for himself and An: feigning insanity, he began to yell at the top of his lungs, and just as the

---

47 See Kim Chŏng-nyŏn, “Tosan sŏnsaeng ŭl kuhan inbun kŭk,” 165; Kim Tong-in, “T’aehyŏng,” 103. Obviously this method of communication was only useful among prisoners with at least basic literacy.

48 See Kim Tong-in, “T’aehyŏng,” 103.
guards arrived at his cell, he scooped up the spilled contents of the chamber pot with both hands and began to fling it around the cell. Kim’s act was evidently convincing—he was shortly escorted (by Korean prisoners—the Japanese guards wanted nothing to do with him) to an interrogation room where he was questioned, judged insane, and shackled in a solitary cell. After three days in solitary confinement, evidently, he was miraculously cured and returned to his cell.49

Information about the outside world also made its way into prisons through a variety of means. Prisoners up for trial or parole hearings brought back various information gleaned during their brief trips outside the prison.50 Prisoners also learned about outside events and sometimes passed information to friends and loved ones outside or in other parts of the prison via helpful or oblivious warders, visitors, and janitors and other prison staff.

While prison rules were generally enforced quite strictly, overcrowding meant that prisoners were usually housed in small groups, rather than individually. Such close quarters allowed prisoners to socialize and form relationships of various kinds. Prison memoirs and diaries are, in fact, full of accounts of prisoners helping one another in a spirit of brotherly love, but also reveal other priorities in prison life.

Kim Ku recalled two experiences that illustrate the dynamics of human relationships in colonial prisons. Korean prisoners were allowed to have food sent in if they chose, rather than eat the standard prison rations, which were generally considered insufficient and unnutritious. In some facilities, this outside food (sasik), had to be eaten


50 Kim Tong-in, “T’aehyŏng,” 102-103.
in a separate room, meaning inmates could not share with their less fortunate cellmates. Some prisoners reportedly found ways to get around this rule, smuggling food back to his their cells by various means. Pitying a young cellmate named Yi Chong-nok, Kim Ku claimed he would stuff his mouth full of rice and side dishes, go back to his cell, and feed the poor youth “mouth to mouth, as a dove feeds her young.”

Relationships between inmates were not always so benevolent, however, and such generosity often might go unrequited. Upon being transferred to Sŏdaemun Prison in 1912, where the sharing of outside food was allowed, Kim reported a very different experience. Since he received two meals a day from outside, he magnanimously decided to give one of them to a different prison-mate each day. This soon became a problem, however:

> When they received and ate the food, they humbly bowed as though they would never forget my grace for as long as they lived, but the next time, when I gave not to them but to another, they showered me with invective: “What is he, your stepfather? Will he confer upon you the gate of the filial son?”

On one occasion at least, this led to a fight, and to two of his “beneficiaries” being thoroughly beaten by guards. “Thinking I was doing good,” Kim lamented, “it turned, rather, to evil.” Individual survival, it would seem, often trumped any sense of loyalty or obligation in prison.

Indeed, the unity or mutual identification of prisoners should not be overstated. Each had his own set of guiding motivations, which often clashed with those of fellow inmates. For many, simply surviving their prison sentence was paramount, though some professed high ideological goals. Sŏnu Hun recalled a “vulgar scene” (salp’'unggyŏng)

---


52 Ibid., 88.
when a certain prisoner by the name of An tried to convince another inmate, Yi Ch’ang-sŏk, to confess his involvement in the famous “case of the 105” in 1912 (discussed in Chapter Three) so that all of the accused could be sentenced and have some resolution. Yi evidently was so offended by the suggestion that he managed to steal a saber from the warder’s station and slash An’s throat three or four times.\textsuperscript{53}

Prisoners seem to have formed their own social hierarchies, which could disregard entirely an inmate’s status on the outside.\textsuperscript{54} So noted Kim Ku, who expected his reputation outside the prison—he was already well-known throughout Korea for his patriotic activities, including the assassination of a Japanese Army lieutenant—would merit respect inside when he arrived at Sŏdaemun in 1912. To the contrary, he complained, he was initially treated with contempt by the other prisoners. As it became known that he was a political prisoner, however, they began to show him more respect, and he was soon courted as an ally by various prison cliques. But this was not because of his patriotic reputation; rather because of his presumed ability to speak Japanese (it was assumed that all political prisoners could), and thereby intervene with guards if a problem arose.\textsuperscript{55}

But prison relationships were not limited to politics and paternalism. Homosexual relationships were also reportedly common. Despite the crowds, colonial prisons were

\textsuperscript{53} Sŏnu Hun, “Saeng kwa sa ŭi kallimgil esŏ,” 150.

\textsuperscript{54} This may have approached what Patricia O’Brien describes as “prison subcultures,” though the degree to which they were unified or organized is difficult to render from the sources available on everyday life in colonial Korean prisons, which are dominated by the observations of thought criminals, who were highly ideologically motivated and frequently showed contempt for other convicts in their writings. On prison subcultures in nineteenth-century French prisons, see O’Brien, \textit{The Promise of Punishment}, 77.

\textsuperscript{55} Kim Ku, \textit{Paekpŏm Ilchi}, 88-89.
lonely places; places where, as Han Yong-un, the famous poet, put it, one “could not but anguish over being human.” Im Wŏn-gŭn, who served two stints in colonial prisons totaling five years, noted how prisons provided food, clothing, and shelter (ŭisikju), the “three great necessities of humanity.” But prisoners, he argued, like all human beings also had “basic human instincts” (ponnŭng, i.e., sexual desire), about which “nothing could be done.” Instead of providing some kind of outlet for such needs, he complained, prison rules tried to stifle them completely; so much so that he claimed to have seen prisoners caught engaging in homosexual acts punished on several occasions, while most prisoners—including himself, he confessed with a giggle—found less noticeable ways of relieving their urges.

In addition to subverting prison rules by communicating with one another and maintaining friendships and other relationships, prisoners negotiated everyday life in colonial prisons by manipulating the rules of the prison to their own advantage. Many were aware of the strict regulations concerning hygiene and contagious diseases, for instance, and often tried to manipulate such rules to avoid work, to keep up with friends, or simply for a change of scenery. Kim Ku claimed an “embarrassing talent, learned in prison,” of fabricating scabies, which he used to meet friends in quarantine: “About thirty minutes before the doctor’s rounds, if I pricked myself firmly between my fingers with the end of a wire, the whole area would swell up, blister, and emit a clear discharge, making it look just like natural scabies.” On one occasion, using this ruse, Kim was

56 Han Yong-un, “Sudo sŭng kwa kŭmyok [The ascetic monk and celibacy],” Samch’ŏlli 13 (1 March 1931): 52.

57 Im Wŏn-gŭn, “Ŭisikju ŭi anjŏng kwa sŏng ŭi komin [Steady provision of clothing, food, and shelter; anguish over sex],” Samch’ŏlli 13 (1 March 1931): 52-53.
transferred to the scabies quarantine room, where he enjoyed a joyful reunion with a friend. Such operations were never without potential consequences however: Kim and his friend were caught talking late that night and Kim was given a sound beating by a Japanese guard (for talking, not for feigning scabies), leaving a scar on his ear he would bear the rest of his life.\(^{58}\)

Feigning illness often wasn’t necessary, as extreme temperatures and unsanitary conditions made prisoners prone to various illnesses, boils, and scabies. Between the summer heat, poisonous fumes, and bedbugs, noted Kim Tong-in, “there was no one [prisoner] who was not covered in boils.” Such conditions could earn prisoners a trip to the infirmary, which meant a respite from labor and also a break from the noxious air of overcrowded cells. Prisoners made good use of these health regulations, savoring the “sweet air” of the medical ward.\(^{59}\) In fact, feigning illness became such a serious problem that penal authorities had to establish strict standards for who could be excused from work, especially when contagious epidemics invaded colonial prisons.\(^{60}\)

Educated prisoners (almost exclusively thought criminals) could also exploit rules about judicial procedure, habeas corpus, and sentencing to their favor. Sometimes it was merely a matter of getting the attention of the prison warden or the chief prosecutor in charge of one’s case. Pak Hyŏn-suk, for example, was arrested, like Yi A-ju, for her involvement in the Patriotic Wives Association, and sentenced to eighteen months in P’yŏngyang Prison. After serving two months, however, the chief warder came to her cell

---

\(^{58}\) Kim Ku, *Paekpŏm ilchi*, 89-90.

\(^{59}\) Kim Tong-in, “T’aehyŏng,” 105-106.

\(^{60}\) “Sŏdaemun hyŏngmuso e tokkam ch’anggwŏl” [Influenza Rampant at Sŏdaemun Prison], *Chosŏn ilbo*, 10 March 1925, Evening Edition, 2.
and replaced the nameplate on her door, which clearly stated her sentence of eighteen months, with one that read “Two Years Six Months,” adding a full year to her sentence. Unable to conceive of serving an additional year after already spending close to a year in lockup during legal proceedings (which had not been counted towards her sentence) and still looking at sixteen months of her sentence, Pak wrote a letter detailing her case to the Prison Warden. Well educated, she had the luxury (which most prisoners did not) of writing her petition in Japanese. The letter got the attention of the warden who investigated the incident and personally interviewed Pak herself, then sent her to speak with the regional chief prosecutor. During both interviews, according to her account, Pak invoked the law and appealed to the concept of justice, accusing the Japanese bureaucrats of abusing both. In her own words, she spoke (in Japanese) “half persuasively, half defiantly.” After the interviews, the Chief Prosecutor assured her it was all an “administrative error,” and that he would correct it and have her released soon, which he evidently did.61 Pak was quite proud of her defiance and rhetorical victory, perhaps taking for granted her knowledge of the law and of Japanese; most prisoners had neither.

Negotiating everyday life in colonial prisons was no easy task, of course. In addition to playing the part of the obedient, repentant, or at least resigned prisoner in front of guards, inmates often felt ideological pressure from their peers. Nationalists and communists prided themselves on their patriotic defiance, and often demanded the same from other inmates. Some reported having to put on such façades (of obedience and orderliness on the one hand, toughness and patriotism on the other) that they began to see

their public selves as entirely separate entities from their inner, private selves. One anonymous writer from Taejŏn, reflecting upon his prison experience, wrote of himself as “the two people [he] met in prison.”

**Resisting Punishment**

From the beginning of Japanese prison administration in Korea, escapes, violent protests, and various other forms of overt resistance were constant concerns for authorities. The immediate stimulus for such actions varied widely, from outrage stemming from abuse by guards, to indignation at racial inequality, to annoyance with subtle changes in prison routine and cultural differences. The goals and results of such open protests varied as well: many acts of overt resistance were relatively spontaneous and targeted specific policies or practices within the prison that inmates found intolerable; others addressed more general egregious aspects of the colonial penal system, such as institutionalized racism; and many demonstrations included ideological content, such as the shouting of “manse” (long live Korea), but this was often not the primary purpose for most participants.

Hunger strikes, work stoppages, and prison riots all struck at key elements of the colonial penal system: its claim as a site of humane, rehabilitative treatment; and its finances. Prisoners often used hunger strikes to draw public attention to problems and inconsistencies in prison conditions or policies, unsanitary conditions, or abuse by guards; work stoppages, on the other hand, were sure to get the attention of prison

---

officials, who were constantly constrained by limited budgets and could ill afford even short shutdowns. When protests turned violent, they threatened costly damage to the prisons, unwanted public scrutiny, and harm to prison personnel. While such means often gained at least promises of better treatment from prison authorities, they could also lead to harsh additional punishment for unruly prisoners.

Overt resistance to penal authorities was most often staged over issues surrounding conditions within the prisons, especially food. More than 400 prisoners at Hamhŭng Prison, for example, participated in a hunger strike in April 1931, protesting a change to lower quality rice. The strike began the morning of 17 April, when the remanded suspects being held in the prison’s lock-up uniformly refused to eat. By that evening, word of the strike had spread to other parts of the prison (reportedly, via the janitorial staff), and convicts in several cell blocks joined in the protest. Over the next few days prisoners working in the prison’s various factories joined in the protest, and, by 21 April, more than 400 prisoners were involved (out of a total of around 600). Finally, on the morning of 22 April, prison authorities gave in to the prisoners’ demands and replaced the rice stores.\(^\text{63}\) This was already the third hunger strike by remanded suspects protesting poor conditions at the prison that year.\(^\text{64}\)

On another occasion, in January 1925, more than 100 prisoners from Kūmsan’o Branch Prison in Hwanghae Province working in a mine outside the town rioted when their requests for an increase in their food allowance were denied by the branch chief,


\(^\text{64}\) “Sabæk suin tungs yogu rul kwanch’ŏl” [Four Hundred Prisoners Realize Their Demands], \textit{Chosŏn ilbo}, 1 May 1931, Evening Edition, 2.
who said he could not give them more than regulations prescribed. Hearing this, the
convicts reportedly threw down their tools, refused to do any more work, and threatened
the guards who were supervising them, who in turn quickly called the local police station
for reinforcements. After several hours of rioting, prisoners were evidently convinced by
the Korean Assistant Chief Warder, Im Tŏk-cho, to return to the prison.65

Another common reason for overt acts of resistance was differential treatment
based on race. Real or perceived, racial prejudice by prison staff and administrators
fostered considerable resentment, which could explode unexpectedly into violence. Such
was the case in P’yŏngyang Prison in May of 1926, where Korean prisoners’ resentment
over differential treatment still festered despite the events of December 1924. On 7 May,
this indignation finally exploded when sixty Korean prisoners attacked six Japanese
prisoners and several Japanese guards, beating them with clubs and inflicting serious
injuries.66

Protests and riots did not always have clearly defined motives or goals, however,
and political criminals, who played important roles in protests by writing up prisoners’
grievances, often incited other prisoners to riot, then co-opted the protest to make
political demands or demonstrations. In May 1932, for example, several hundred
prisoners in Taegu Prison, spurred on by political criminals, staged a massive riot, listing
as their grievances: 1) the practice of skipping meals for prisoners on extramural work
assignments; 2) a policy of “extraordinary neglect” by prison medical staff; and 3) the

66 “P’yŏngyang kamok suin sodong” [Prisoners riot at P’yŏngyang Prison], Chosŏn ilbo, 10 May 1926, Morning Edition, 2.
housing of political criminals among the general population (they evidently wanted to be housed together, separate from other prisoners). 67

A few months later, more than 1,100 prisoners in Keijō Prison staged a protest that followed a similar pattern. On Sunday, 17 August, the prison warden addressed prisoners, admonishing them in several areas, and apparently stirring up resentment among political offenders. The following morning, eighty-two prisoners joined in a hunger strike, which continued throughout the day despite prison officials’ efforts to quell the protesters by removing their leaders to solitary cells. After dinner, however, the remaining protesters began to shout and were quickly joined by other prisoners.

Evidently the shouting grew so loud, according to one newspaper account, that it “carried over the prison walls,” causing neighboring residents to gather outside the prison gate. For the next three hours, prisoners continued to riot and extra guards had to be called in. According to prison authorities, the majority of the prisoners were expressing discontent with the prison food, and the small number of politically motivated prisoners would be punished separately. 68

While some inmates boldly defied penal authority, others simply rejected it, choosing to risk dangerous escape attempts or—out of defiance or total submission—to commit suicide. Escape attempts were frequent in the early years of penal administration, a trend Japanese officials claimed was due to “the inadequacy of prison buildings, not on


68 "Kyŏngsŏng hyŏngmu chaegamjung ch’onyŏ myŏng suin i sodong” [1,000+ Prisoners Riot at Keijō Prison], Tonga ilbo, 20 July 1932, 2.
account of negligence on the part of the officials concerned.” Over the following decades, the number of successful escapes declined drastically, but there were still numerous attempts each year.

Most escape attempts were spontaneous acts of opportunity, committed while prisoners were outside the prison walls on extramural work detail, or when unwary warders turned their backs. Truly desperate prisoners, such as those serving life sentences, might plan and attempt even more daring escapes, a proposition invariably fraught with danger. Such was the case on 8 July 1923, when fourteen convicts serving life sentences conspired to break out of Ch’ŏngjin Prison. Somehow, these prisoners managed to escape their regular routine and avoid detection until they got to the prison wall. As they were attempting to scale the wall (in broad daylight!), however, they were spotted and engaged by warders armed with sabers and pistols. After a brief fight, the prisoners managed to steal one of the warder’s sabers and rouse other prisoners to riot. In the confusion, prisoners broke through both the front and rear gates of the prison and headed for Ansan on the East Sea. Prison warders followed the escapees and eventually engaged them again, this time using their pistols, killing four on the spot and wounding another three. As night fell, the warders sent an emergency message to the Ch’ŏngjin Police Station, which quickly organized a manhunt. It is not clear whether these three were later caught, but successful escapes were, overall, few and far between.


Interestingly, although initial newspaper reports of this incident were quite matter-of-fact, later articles in the Korean press criticized prison officials’ handling of this case. Despite the fact that all fourteen of the perpetrators were hardened criminals serving life sentences (certainly a dangerous crew), articles appearing in the days that followed condemned authorities’ use of deadly force, and depicted the convicts who had died as national martyrs and filial sons.71 Such public contests over the meaning and significance of resistance were, as we shall see, quite common.

Negotiating Public Opinion

Many protests, riots, and escape attempts were, of course, never publicized, and few official records of such incidents remain. As one newspaper report on a prison riot noted, “as it was something that happened in the separate world of a prison, most details disappeared inside.”72 Indeed, although prisons were usually located in urban centers, their high walls and grand architecture were meant to symbolize the power of the state, and penal authorities made great efforts to maintain a “separate world” within those walls. The most successful protests were therefore those that managed to bridge that separation, drawing public attention to unfair, unsafe, and uncivilized conditions in colonial prisons. Such incidents contributed to a public dialogue, largely carried out in the press, in which punishment became a site where Japan’s colonial policies and modernizing claims were challenged.

71 See, for example, “Ch’ŏngjin hyŏngmuso esŏ tarok toju haryŏda ch’ongt’an e maja chûksahan Ch’oe Ik-yong yuhae toch’ak (Sŏngjin)” [Remains of Ch’oe Ik-yong, shot and killed instantly while trying to break out and flee from Ch’ŏngjin Prison, arrive (at Sŏngjin)], Tonga ilbo, 28 July 1928, 4.

72 “P’yŏngyang hyŏngmuso e hyŏru” [Bloodshed in P’yŏngyang Prison], Chosŏn ilbo, January 1, 1925, Morning Edition, 3.
Prisons in the Public

Most colonial prisons in Korea were located within or near major cities. This meant, as David Arnold has pointed out for colonial Indian prisons, that there would inevitably be interaction of various kinds between the prison and the outside community.73 Most basically, and very importantly, prisoners and members of the general public could hear and often see one another over or through prison walls. Prisoners in the Chongno police lockup, for example, which was located right on Seoul’s busiest thoroughfare, told of how the sounds of passing streetcars and automobiles, and the joyous hymns of a nearby Christian congregation, all made them melancholy: “We are all the same Korean people, yet who are we that we are locked up in here? And who are they, so many met together, free and happily singing?”74

Such audible as well as visual contact could also bring solace, according to some prisoners, though it was often fleeting and could turn quickly bitter-sweet. One female prisoner at Sŏdaemun Prison wrote of the various passersby she saw through the small window in her cell.75 Some of them, it turns out, regularly made the trip in order to see her, waving from afar, while others became fodder for her imagination and emotions. One woman, for example, whom she saw only once, but heard frequently, who regularly climbed up into the hills around the prison to practice singing, particularly captured her

74 Anonymous, “Kukchang chŏnhu ŭi yuch’ijang saenghwal chapki,” 87.
75 Unlike male inmates who worked in factories or workshops, most female prisoners remained in their cells much of the time, their labor often consisting of sewing and mending prisoners’ uniforms. For more on women’s experiences in colonial prisons, see HCS Student, “Pyŏryu ch’ŏnji piin’gan: yŏgamok saenghwal” [Between heaven and earth, not of this world: life in a women’s prison], Hyesŏng 1, no. 1 (March 1931): 89-91.
imagination. “Seeing how complete her effort and devotion was, I believed she would surely succeed—no, I prayed that she would succeed. I wanted to help her…if only I had the means…”  

The proximity between prisoners and public had significance beyond stirring up feelings of melancholy and hope, of course. This was illustrated by an incident in Andong in October 1927, where prisoners in Andong branch prison, located in the Shinse district in downtown Andong, rioted for a week. The exact cause of the rioting is not clear, but newspapers reported that it was serious enough that guards were expelled from several parts of the prison. According to the reports, more than one hundred prisoners formed a band and initiated a work stoppage. At some point prisoners began shouting, and, realizing that people outside the prison might be able to hear them, called for help: “Save us! Are there no human beings in Andong?”

The citizens of Andong could hear very well what was happening, and when prison officials dismissed the incident as a minor disturbance after a full week of loud, violent confrontation, citizens groups launched investigations, demanding interviews with the Branch Prison Chief (hyŏngmu chisojang). The Chosŏn ilbo printed one of these interviews, conducted by a representative of the local branch of the Sin’ganhoe (New Korea Society), a united front nationalist organization. Though the interview shed little light on what occurred during the riots, the questions posed by the interviewer and the

76 Kim Il-sŏng, “Kamok esŏ podŭn yŏsaeng” [Women’s lives as seen from prison], Hyesŏng 1, no. 6 (September 1931): 101.


78 For a description of the Sin’ganhoe and its activities, see Michael Edson Robinson, Cultural Nationalism in Colonial Korea, 1920-1925, 153-156.
chief’s responses exposed a tense and tenuous relationship between community and prison. After the chief refused to respond to the interviewer’s initial request for more details about the riot, the interviewer explained that since they could hear the commotion going on for well over a week, it was only natural for the public to speculate about what had happened, and that the best way to allay public concerns would be to simply explain what happened. The chief’s response was dismissive, but could hardly have been sincere: “As a prison, there is no need to even think about public opinion. Even if I were to speak about this case, there would be absolutely no benefit to the public.”

In fact, colonial penal officials clearly did care about public opinion, and took actions to temper criticism from both the Korean public and the international community in Korea for good reason. The Korean press and civic groups could be quite persistent, often creating public relations disasters for colonial officials. In addition, the public was often able to influence the location of new prisons. In the case of Keijō Prison, for example, the public successfully pressured the state to relocate the prison from the Yongsan area of Seoul to Kongdŏng-ni, just outside the city proper, causing costly delays in the completion of the prison.

Similarly, concerned citizens in Sinŭiju, a city on the Yalu River, petitioned the government to relocate Sinŭiju Prison in the early 1920s. In this case, civic leaders argued that the prison, located near the new railway station, was “a major impediment to development,” that it “corrupted public morals,” and that it was a bad influence on

79 Ibid.
children living nearby.\textsuperscript{80} With their complaints falling on deaf ears in the provincial government, local officials and civic leaders, spurred on by the recent relocation of the North P’yŏngan Provincial Office, presented their case directly to Governor-General Saitō Makoto, who in turn ordered the head of the Prison Bureau to personally investigate the situation. Meanwhile, the mayor of Sinŭiju, along with other concerned citizens, visited the provincial governor, urging him to quickly relocate the prison. They even provided several alternative locations, the most promising of which being a plot of land outside the city in Kwangsŏng township which the Government had purchased for a cattle inspection and quarantine center.\textsuperscript{81}

In early March, 1921, the mayor received a telegram requesting that he send a delegation to Seoul to work out the details with the General Police Bureau and the Ministry of Justice. In response, the mayor and several prominent Japanese and Korean members of the community traveled to Seoul where their proposal was reportedly “received coldly” (naengdae) by the Ministry of Justice, and its proposal was initially rejected by the General Police Bureau, which argued that the cattle inspection center was vital to maintaining the national border.\textsuperscript{82} But by April, the Sinŭiju group had succeeded in securing a promise from the government to perform an official study, and by May, the

\textsuperscript{80} “Sinŭiju kamok ijŏn ŭn k’un munje ka toeatta: kwanmin ilban i yŏlsimjung” [Relocation of Sinŭiju Prison has become a big problem: officials and citizens making diligent efforts], \textit{Chosŏn ilbo}, 21 March 1921, Evening Edition, 3.

\textsuperscript{81} “Sinŭiju kamok ijŏn ŭn k’un munje ka toeatta: kwanmin ilban i yŏlsimjung” [Relocating Sinŭiju Prison has become a big problem: officials and citizens eager], \textit{Chosŏn ilbo}, 21 March 1921, Evening Edition, 3.

\textsuperscript{82} Ibid.
decision was made to relocate the prison to the Kwangsŏng site, with construction to begin immediately and completion scheduled for the following July.\textsuperscript{83}

**Prisons and the Press**

The press could be a powerful ally to inmates in colonial prisoners; and the reverse might be said as well. Though Korean newspapers and journals were subject to Government-General censors (as were Japanese and foreign publications), a vibrant print culture nonetheless emerged as publication laws in the colony were relaxed in the 1920s as part the colonial government’s shift to “cultural” or “civil” rule (\textit{bunka seiji}). Following this relaxation, newspaper and magazine readership skyrocketed, with the four major daily newspapers reaching a readership of 100,000 by 1929.\textsuperscript{84}

We might say that the colonial press formed a public sphere—a “space between government and society”\textsuperscript{85}—in which colonial policies and practices, including punishment, were published, discussed, and contested.\textsuperscript{86} Indeed, newspapers and journals

\textsuperscript{83} See “Sinŭiju kamok ijŏn kyŏljŏng ho” [Decision to move Sinŭiju Prison!], \textit{Maeil Sinbo}, 3 April 1921, 4.

\textsuperscript{84} See Michael Robinson, “Mass Media and Popular Culture in 1930s Korea,” 66-71. By the end of the 1930s, Robinson notes, this number had climbed above 200,000. In addition, readership of Japanese newspapers and journals was quite high. Special thanks to Dr. Hugh Kang for suggesting that in the context of colonial Korea, \textit{bunka seiji} may best be thought of as “civil rule,” as opposed to the “military rule” (\textit{budan seiji}) that preceded it.


in colonial Korea were, as elsewhere, peerless in “eliciting and shaping public opinion,” and were thus powerful agents in the negotiation of punishment. For one thing, the press provided a forum for Korean and Japanese intellectuals and bureaucrats to define and debate Korean crime and criminality, and to suggest broad lines of penal reform. In addition, the Korean press participated more directly in the shaping of colonial penal policies and practices by publicizing particular cases of abuse or neglect and mobilizing public opinion to force government action. It may be (and has been) argued that the Government-General’s shift to “cultural rule” was simply a cosmetic change, behind which the government developed more sophisticated measures to suppress dissent and maintain order. But by promoting a more transparent, legally grounded policy, the colonial government also bound itself to act according to its laws. As E.P. Thompson once noted, “the law may be rhetoric, but it need not be empty rhetoric.”

The potential influence of the press on penal reform was manifest in numerous cases during the 1920s and 1930s. Within just a few months of their initial publication, for example, several of the major dailies featured a number of stories covering the decision by Sŏdaemun Prison authorities to standardize the tray used for private food (sasik) being sent into the prison. The seemingly trivial switch to a lacquered, Japanese-style tray aroused considerable anger among prisoners’ families, who complained to prison officials (and journalists) that the now-mandatory trays reeked of lacquer, and that the smell rubbed off on the food, making it entirely inedible. In addition, they complained,

---


the trays did not accommodate soup or side dishes—essential parts of any Korean meal—making it difficult for families to provide prisoners with adequate nourishment. Finally, they argued, with daily washing, the poor-quality lacquer would quickly wash off completely and the trays would rot. The Tonga ilbo called the prison’s unilateral policy change “contrary to the prison's stated intention to be considerate of prisoners' accommodations,” and demanded penal officials reconsider it. 89 Over the next several days, the Tonga ilbo continued its attack on the prison’s new policy, interviewing prisoners’ families and private food suppliers, who blasted the prison’s claims that the new policy was more sanitary and convenient. “Who would serve food to their family member who is doing time in prison using dishes that are not washed well?” asked the paper. 90

In contrast to the Andong Branch Prison chief’s nonchalant attitude about public opinion, penal officials moved quickly in this case to diffuse the situation. Within a few days, prison authorities suspended the use of the lacquered trays, promising to conduct a thorough investigation into the issue. Only after several weeks, when the public furor had died down, did prison officials quietly reintroduce the trays; this time, with guarantees of providing hygienic trays. 91 This time, though prisoners’ wives banded together and refused to send in lunches unless the trays were eliminated, and colonial newspapers again published complaints (two full columns in the Tonga ilbo), prison authorities held

89 “Kamok sikki pyŏn’gyŏng munje” [The prison dish change problem], Tonga ilbo, 25 May 1920, 3; “Kamok sikki pyŏn’gyŏng munje” Tonga ilbo, 26 May 1920, 3; 90 “Kamok sikki pyŏn’gyŏng munje,” Tonga ilbo, 27 May 1920, 3.
91 “Kujejung idŭn kamok sikki munje onŭl put’ŏ tasi namu kŭrŭt sayong” [Prison dish problem, which had been suspended: wooden trays to be used again from today], Chosŏn ilbo, 17 June 1920, Evening Edition, 3.
firm, confident in the cleanliness and hygiene of their trays, having reasserted their claims to be providing modern, humane penal practice.\textsuperscript{92}

While this may have seemed like a futile effort in the end, this case illustrates how the press contested colonial penal authorities’ claims to modernity, forcing them to justify their policies, often with scientific proof. Such contests were costly, both in terms of the Government-General’s meager budget and Japan’s legitimacy as a modern, civilizing force in Korea.

The Korean press was quick to dispute penal authorities’ representations of all kinds of incidents that occurred in colonial prisons, often recasting them, as in the case of the dish crisis, in national terms. Likewise, many acts of overt resistance to penal authority were grounded in quite quotidian concerns (food, sanitation, basic treatment); yet, in Korean papers, there was often an assertion or at least an intimation of ideological motivations and implications. Hence, new dishes in Sŏdaemun became an attack on Korean culture; convicted robbers killed while trying to escape became national martyrs and filial sons.

Human lives were often caught up in this contest over meaning. Take, for example, the case of Kim Se-sun. Overcome by the nationalist fervor aroused by the March First Movement in 1919—he was just twenty-four years old at the time—Kim had impulsively, perhaps rashly, decided to escape to China and join anti-Japanese guerilla forces in southern Manchuria. Within just a few years, however, he was arrested in North

\textsuperscript{92} “Sipch’iril Sŏdaemun kamok esŏ oban ch’aip ūl chungsì” [Prisoners’ wives] suspend private lunches from the seventeenth], Tonga ilbo, 18 June 1920, 3.
P’yŏngan Province, tried as a thought criminal, and sentenced to two years in prison with labor.

After spending a few months in P’yŏngyang Prison, Kim was transferred to Keijō Prison, the model prison of the colonial system, governed by none other than Nakahashi Masakichi. The account of Kim’s demise is limited, but we know that he was involved in a series of confrontations with warders at Keijō Prison. Perhaps this was the result of penal practices at Keijō that differed from those in P’yŏngyang Prison as prison authorities suggested; perhaps it was a sign of Kim’s patriotism and refusal to submit to colonial authority as newspapers intimated. The last of these confrontations, however, was evidently over a cigarette case, and Kim’s refusal to hand it over to a guard landed him in solitary confinement for several days, until August 25, the anniversary of his father’s death. Both prison authorities and the press agreed that Kim spent that day weeping and bemoaning his inability to perform proper rites to his father (chesa). In the dead of night, when, as one account put it, “even the footsteps of warders, those malignant snakes and scorpions, grew faint,” Kim removed his belt and hung himself. The Korean press claimed that his death was a result of his single-minded devotion to the independence movement and his cruel treatment by prison guards; Warden Nakahashi Masakichi claimed it was a result of his “gloomy outlook” on the anniversary of his father’s death. Kim Se-sun was only twenty-seven years old and had just five months left on his sentence when he hanged himself.93

These incidents were not trivial affairs for colonial authorities either. As we have seen, a common complaint among inmates in colonial prisons, one that fueled many of

93 “Kambang esŏ kyosu chasal” [Suicide by hanging in prison cell], Tonga ilbo, 30 August 1922, 3.
the instances of overt resistance to penal authority, and one that repeatedly made newspaper headlines, was that prison food was insufficient and non-nutritious. The prevalence of such reports indicates not only a public concern with criminals’ nutrition (in fact, around the world, the public has more often complained that prison fare was too extravagant), but also how, as in other colonies, “the prison often became…a focus or symbol of wider defiance” and contestation of colonial rule in general.  

In Korea, as evidenced by the dish scandal, this persisted as a point of public interest, and was often portrayed both as a humane concern and a cultural one. It was not just that prison food was insufficient or not nutritious, but that it was not Korean. Hence the general approval of the “private food” (sasik) policy, which was proferred as a benevolent policy allowing for Korean cultural differences (it was also a measure that saved financially strapped prisons considerable funds, especially with fluctuating rice prices in the 1920s and 1930s).

Despite the fact that many Koreans availed themselves of the sasik policy, complaints about prison food were frequent and powerful enough to prompt the colonial government to defend its policy. Beginning in 1923, the Prison Bureau published detailed, annual reports on the quantity and quality of food being provided to prisoners in prisons around the colony. In scientific detail, these reports laid out the caloric intake of prisoners in various circumstances (the amount of food provided depended on the type of labor the prisoner performed, for example), the origins of this food (Korean farmers), and its nutritional breakdown (how much protein, fat, and particular vitamins it contained). In


95 Private food was not allowed in metropolitan Japanese prisons.
the introduction to the first report, Satō Gōzō, the lead researcher, cited public criticism as one of the justifications for the studies, which were published annually for the next ten years at considerable cost to the colonial government.\footnote{Satō Gōzō, Chōsen no jukeishashoku no kenkyū; tsuketari Chōsen nōmin no shushokubutsu ni tsuiteno hiken [Research on convicts’ rations in Korea; including a comparison with the staple foods of Korean farmers], 10 vols. (Keijo: Chōsen Chikei Kyōkai, 1923).}

\textbf{Conclusion}

It may seem that many of the “negotiations” prisoners undertook were insignificant, both in terms of accomplishment and scope. Indeed, many acts of resistance, especially those that directly challenged prison authorities, were not entirely successful. Nonetheless, these acts contributed to the reshaping of punishment in colonial Korea in significant ways. Acts of resistance, both overt and covert, often alleviated the harshness of everyday conditions in colonial prisons. By covertly communicating with other inmates, forming personal relationships with both prisoners and guards, and using prison rules to their advantage, prisoners found “ways of using the constraining order of the place.”\footnote{Certeau, \textit{The Practice of Everyday Life}, ix, 30.} Such “ways of using” constituted, for many, tactics of physical and emotional survival.

In addition, such resistance often steered the greater course of penal reform closer to the proclaimed goals of penal officials by making punishment accountable to public opinion. Acts of resistance were clearly most effective when they publicly challenged colonial officials’ claims to modern, humane penal practice. It is important to consider the cumulative effects of what, at least by the number of cases, constituted fairly open,
widespread, and frequent resistance, and, perhaps more significantly, the challenges and opinions expressed in the Korean press. Colonial penal officials were apt to dismiss the idea that they were concerned about public perceptions of their administration; their actions suggest otherwise.
CONCLUSION

In 1938, thirty years after the opening of Kyŏngsŏng (Sŏdaemun) Prison, the Government-General of Korea published a pictorial retrospective of Japan’s penal reforms in Korea, entitled Chōsen no gyōkei seido (The Penal System of Korea). It was unabashedly celebratory, hailing the “firm and resolute efforts” of Japanese colonial penal officials, who had managed, over the course of just thirty years, to transform Korea’s “incomplete and unregulated prison system” into a humane, rational, and civilized penal system, a “progression that was decidedly remarkable.”\(^1\) Hundreds of photographs, interspersed with concise, adulatory prose, collectively portrayed an idyllic vision of order and discipline: prison cell blocks featuring long, clean hallways; massive prison complexes made of brick and cement with billowing smoke stacks; industrious, penitent convicts, heads bowed humbly, hard at work in mechanized factories; teachers instructing attentive, young convict-students; physicians giving personal attention to patients; wardens in full regalia seated in linen-covered chairs around wide tables, consulting with one another about future plans for penal reform in Korea. Indeed, this volume was as much about the future of colonial punishment as it was a celebration of its progress.

Such idyllic images do little to capture the harsh realities of the preceding thirty years of punishment in colonial Korea. Punishment is always, as David Garland has noted, “better viewed in terms of tragedy than of comedy,” or of an epic heroic drama in

---

\(^1\) Chōsen Sōtokufu Hōmukyoku Gyōkeika, *Chōsen no gyōkei seidō*, 2, 14.
this case. Colonial prisons in Korea, like those elsewhere, were more often “centers of disorder and chaos,” than they were such “models of discipline and order” as those depicted in the pictorial. This should come as no surprise. “Discipline, isolation, and rehabilitation,” as Patricia O’Brien notes of French prisons, have always had “a rhetorical reality and an institutional one” in the penal realm. Colonial Korean prisons were, without question, better characterized by violence, racism, disease, disorder, and human struggle, than by blueprints of panoptic guard stations or the glossy images of self-congratulatory retrospectives; those who survived them were truly, as Hwang Esther pointed out, “laudable.”

In making such observations, however, it is not necessary to assume that colonial punishment was a simple instrument of political suppression, that colonial prisons were mere warehouses for political criminals, or that colonial penal administrators had no interest in the high-minded principles that fill the pages of Chōsen no gyōkei seido. Many colonial penal officials were dreamers, even if they dreamed in paternalistic, racially informed terms; and Korea was the setting where they tried to realize those dreams. Many, like Nakahashi Masakichi, spent much of their lives in the colony, fancying themselves civilizers, purveyors of modernity to a backward people and culture; and believing in the promise of punishment to bring about a significant transformation in both individual criminals and society in general. They embraced internationally circulating

---

4 Ibid.
penological and criminological theories, much like their counterparts in the metropole, and attempted to implement them in many of the same ways. Many prided themselves on the accomplishment of such lofty goals in such an inhospitable environment. Indeed, a major theme of Chōsen no gyōkei seido was that colonial penal administrators, despite having to manage unruly and backward Korean prisoners, had created a penal system at least on par with that in Japan.6

Certainly, not all colonial administrators were so idealistic, or so benign in their paternalism; and to say that some were is not to excuse the violence (both cultural and physical) of Japanese colonial rule in Korea or the part the colonial penal system played in perpetuating that violence. As Nicholas Thomas has noted, “an argument that draws attention to positive imaginings of colonialism in the discourses of colonizers should not be mistaken for one that rereads the relationships in positive terms.”7 In accepting the idealistic ambitions of colonial penal administrators as one force (among many) shaping colonial punishment, the aim of this study was not to showcase the Japanese colonial project, but rather to try to account for the particular forms, functions, and meanings punishment embodied in Korea under Japanese colonial rule. Penal reform in Korea was a colonial project par excellence, exhibiting contradictions, ambiguities, and tensions that have characterized colonialism around the world.

Even the best intentions of colonial penal administrators were severely constrained by the limitations of the overall colonial mandate, by shifts in the world economy and imperial strategy, and by prevalent racialist notions of Korea’s potential

---

6 Chōsen Sōtokufu Hōmukyoku Gyōkeika, Chōsen no gyōkei seidō, 14.

7 Thomas, Colonialism’s Culture, 17.
and rightful place in the empire. In addition, colonial officials’ paternalist claims were often challenged by a belligerent Korean public, both at the level of everyday penal practice and in the colonial public sphere. Prison wardens, for example, had not only to manage constantly inadequate budgets and changing demands from above; but also unruly prisoners and a badgering nationalist Korean press quick to find fault, point out contradictions between modernizing claims and penal realities, and turn the colonial prison into a symbolic site of colonial resistance.

Such contestation was not insignificant. One of the goals of this study was to examine colonial punishment not as a simple imperial imposition, a system superimposed onto a thoroughly oppressed, colonized society; but rather as a complex, compromised institution bearing all the markings of the vibrant, dynamic society into which it was incorporated. Like colonial Korea in general, the colonial penal system was neither a site of utter colonial domination, nor one of absolute anti-colonial resistance. Seeing it, rather, as a site of conflict, accommodation, and negotiation helps one better appreciate not just the violence of the colonial experience to Korean society, but the struggles, clashes, and contradictions that were part of everyday life in colonial Korea.

In the years that followed the publication of Chōsen no gyōkei seido, the constellation of forces shaping punishment in Korea would change dramatically, as preparation for and the execution of an all-out war on multiple fronts demanded the total mobilization of resources, including human, throughout the Japanese empire. Just as colonial penal administrators were unveiling their showcase policy, the progressive-stage system, and celebrating their progress, a shift in imperial exigencies altered, once again, the nexus of forces shaping punishment, changing in important ways the forms, functions,
and meanings of punishment in Korea, resulting in quite different patterns of incarceration, a higher proportion of political criminals filling colonial prisons, and changes to the basic meaning of criminality and reform.

While a detailed analysis of these changes is beyond the scope of this study, a brief sketch of some of the effects of wartime mobilization on punishment in Korea may highlight the complex forces shaping and balancing it prior to mobilization. Take, for example, convict labor, which penal officials had worked to establish, both rhetorically and structurally, as the backbone of its penal reform program, and which served as a vital source of revenue for the penal system. As the war crisis deepened, additional demands were placed upon it, as prison factories were reconditioned to produce munitions, uniforms, and other materiel for the war effort. In addition, as in other sectors of Korean society, so-called Patriotic Societies (hokokutai) were established at each prison, and convicts were mobilized for a variety of extramural labor projects, such as constructing landing strips and working in nearby munitions factories or mines.8 Such changes transformed not only the products of convict labor, but the meanings attached to it even by penal authorities. As one former penal official later observed, with the outbreak of war in the Pacific, “penal labor” (keimu sagyō), which had been rhetorically focused on the discipline and personal reform (kyōsei), now became “military provision labor” (gunju sagyō), which clearly focused on mobilizing resources for the empire.9

---

8 For an outline of these changes and a description of the various projects undertaken by prison Patriotic Corps, see Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyōjŏngsa, 401.

9 Ôm Yong-sin, quoted in Ibid.
Wartime exigencies also significantly altered the meanings of criminality and reform, as both the colonial and metropolitan governments cracked down on political dissent, significantly tightening restrictions on speech and publication in the late 1930s, and broadening the powers of the police to arrest and confine those suspected of harboring thoughts deemed threatening to the state. This trend culminated with the establishment of the Government-General Protective Reformatory (Chōsen sōtokufu hogo kyōdōsho), a re-education center for political criminals, at Sōdaemun Prison, and the announcement of the Korean Thought Crimes Prevention Law (Chōsen sisōhan yobō kōkinrei) in 1941.10 The colonial government touted such measures as being necessary during wartime for national security, but importantly noted that the goal of both the thought crimes law and the reformatory was not personal improvement or reform (kyōsei), but ideological conversion.

Caught in the midst of these changes in penal policy was a Korean English teacher at a middle school in Seoul and budding poet by the name of Kim Kwang-sŏp. Kim was arrested in February, 1941, just after the announcement of the new thought crimes law, for his public criticism of the Government-General’s assimilationist wartime policies.11 During his three year stay at Sōdaemun (without trial), Kim observed a number of qualitative changes to colonial penal policy and practice as the war dragged on.

---

10 On the establishment of the Chōsen sōtokufu hogo kyōdōsho, see Chōsen sōtokufu, Chōsen sisei nenpō (1941) (Keijō: 1942), 384. For the thought crimes law, see Governor-General Edict (seirei) #8, “Chōsen sisōhan yobō kōkinrei,” 12 February 1941.

and demand for resources increased. Such changes included the gradual reduction of rations, increased violence among warders, and the increased focus on the production of war goods.¹²

After receiving a pencil and notebook after nearly two years of incarceration, Kim recorded his observations of day-to-day life in prison. One of his most interesting observations, and one which tells us much about the changing meanings and dire conditions of punishment during this period, was from an entry dated 14 November 1943. That afternoon, he notes, a peculiar announcement was made, calling for volunteers to join the Imperial army as “South Seas shock troops.” The reward for volunteers was “probation, if they didn't die in the war, that is….” Kim watched as many of his fellow prisoners thought over the options and decided to volunteer. “They obviously preferred,” he surmises, “a free life to being cooped up in the cell doing monotonous work in the factory under the terrible rules and with an empty stomach.” And for this, they were willing to risk their lives.¹³

In addition to the stark picture Kim’s journal provides of the deteriorating conditions in colonial prisons, this incident stands out for the equation of devotion to the state with personal rehabilitation. This starkly contrasts with the positivist, reformist rhetoric of colonial penal reformers during the 1920s and 1930s, which emphasized

---

¹² See, for example, Kim Kwang-sŏp, “Diary of a Prisoner: Korea Under Japan (III),” 16. Such observations on deteriorating conditions in Korean prisons are confirmed by other sources, which also note a significant decline in the number of warders on staff, forcing prisons to employ prisoner-guards as assistants to the remaining warders. See Han’guk Kyojŏngsa P’yŏnch’an Wiwŏnhoe, Han’guk kyojŏngsa, 401.

education, the encouragement of labor, and good custody as keys to reforming criminals on an individual basis, and for improving the condition of Korean society more generally.

Such a cursory glance at the complex changes that took place during the wartime period hardly does them justice. A more thorough analysis is warranted, but lies beyond the scope of this study. This brief sketch does, however, suggest the degree to which wartime mobilization altered the forces that had shaped penal practice and policy over the previous decades. From the late nineteenth century to the mid 1930s, the forms, functions, and meanings of punishment changed drastically. This dissertation has examined political, social, economic, and cultural factors that affected the way crime and punishment were conceived during this period and how these concepts were manifest in the colonial penal system. Throughout the period under study, there was balance in the molding of this institution: between the political needs of the colonial state to maintain control in the colony; imperial exigencies to maintain the colony within a tight budget; internationally circulating ideas about the potential of penal methods to reform individuals and better society, and the resistance of criminals and the Korean public to colonial impositions. As Japan mobilized for war in from the late 1930s, this balance was lost. By 1943, clearly, the needs of the imperial state for resources clearly outweighed the demands of modern penalty, the aspirations of penal reformers, and the protests of the Korean public.
BIBLIOGRAPHY

Newspapers and Journals

Chōsen oyobi Manchū
Chōsen Sōtokufu Kanpō
Chosŏn
Chosŏn ilbo
Chung’ang sinmun
Hwangsŏng Sinbo
Keijō nippō
Keimu ihō
Korea Repository
Maeil Sinbo
Pip’an
Pyŏlgŏn ‘gon
Siyo
Taehan Cheguk Kwanbo
The Economist
The Independent
The Oriental Review
Tonga ilbo
Tonggwang
Tongnip sinmun
Transactions of the Royal Asiatic Society Korea Branch
Yŏsŏng

Archival Materials

“Mokpo-Kwangju kangoku sun’etsu fukumeisho” [Patrol report for Mokp’o and Kwangju Prisons] (1933), National Archives of Korea, #CJA0004456, 108.

"Kyŏngsŏng kamoksŏ pusok kigyŏlsu kambang kūp migiyyŏl yŏgam sinch’ukdo-1" [Plan for new construction of male convict ward and female remand and convict ward at Kyŏngsŏng Prison-1]. 1908. National Archives of Korea Colonial Era Blueprints Collection (Ilche sīgi kŏnch’uk tomyŏn k’ölleksŏn).

Official and Professional Association Documents


Books and Articles in Japanese


Satō Gōzō. *Chōsen no jukeishashoku no kenkyū; tsuketari Chōsen nōmin no shushokubutsu ni tsuiten hiken* [Research on convicts’ rations in Korea; including a comparison with the staple foods of Korean farmers]. 10 vols. Keijo: Chōsŏn Chiket Kyōkai, 1923.

Suzuki Sōgen. “Ogawa shi no chikeiron o yomu” [Reading Ogawa’s ‘On flogging’]. *Hōgaku kyōkai zasshi* 22, no. 6 (June 1904): 821-836.

———. “Ogawa shi no chikeiron o yomu” [Reading Ogawa’s ‘On flogging’]. *Hōgaku kyōkai zasshi* 22, no. 7 (July 1904): 941-959.


**Books and Articles in Korean**


To Myŏn-hoe. “Singmin juŭi ka nuraktoen ‘singminji kundaiŏng’” [“Colonial modernity” without the colonialism], *Yŏksa munje yŏn’gu* 7 (2001).

Anonymous. “Kukchang chŏnhu ŭi yuch’ijang saengghwal chapki” [Notes on Life in a Holding Cell During the State Funeral]. *Kaeb’yŏk* 71 (July 1, 1926): 79-89.


Han Yong-un. “Sudo sŭng kwa kŭmyok” [The ascetic monk and celibacy]. *Samchŏlli* 13 (March 1, 1931): 52.


Hong Hyang-hŭi, “Singminji chosŏn ŭi ponbu sarhae sagŏn kwa chaehyŏn ŭi chŏngch’ihak” [Cases of husband murders and the politics of representation in colonial Korea], *Sahak yŏn’gu* 102 (2011).

Hŏ Tong-hyŏn. “1881 nyŏn chosa sŏch’aldan ŭi myŏngch’i ilbon sabŏp chedo ihae—Ŏm Se-yŏng ŭi Sabŏpsŏng sŏch’al ga Mun’gyŏn sakŏn ŭl chungsim ŭro” [The 1881 Investigative Sightseeing Group’s Understanding of Meiji Japan’s Penal System, With Special Reference to Ŭm Se-yŏng’s Record of the Observation of the Ministry of Justice and The Observation Mission]. *Chindan hakpo* 84 (1997): 135-149.


Im Wŏn-gŭn. “Ŭisikju úi anjŏng kwa sŏng úi komin” [Steady provision of clothing, food, and shelter; anguish over sex]. Samch’ŏlli 13 (March 1, 1931): 52-53.


Kang Tong-jin. Ilche úi han’guk chimnyak chŏngch’aeksa [History of Japan’s invasive policy toward Korea]. Seoul: Han’gilsa, 1980


———. “Chŏngjo sidae úi ŏsa samok (II): tojisa, sijang, kunsu, ilban kongmuwŏn mit paeksŏngdŭl úi pŏmchoe haengwi (sang)” [Regulations for Special Inspectors During the Reign of King Chŏngjo (II): Crimes of Provincial Governors, Mayors, County Magistrates, Regular Officials, and Commoners (Part II)]. Sabŏp haengjŏng (September 2003): 15-34.


Kim Il-sŏng. “Kamok esŏ podŭn yŏsaeng [Women’s lives as seen from prison].” Hyesŏng 1, no. 6 (September 1931): 100-101; 115-116.


———. *Chŏsen gyŏkei jitsumu kaigo shiyŏ* [An Outline of Custody, the True Endeavor of Penal Administration in Korea]. Keijō: Chŏsen chikei kyōkai, 1934.


“Pŏmchoe ŭi wŏn’in kwa kuigyŏl” [The origins of crime and its solution]. *Sijo* 23, no. 6 (June 1933): 179.


U Sŏk, trans. “Kamok muyong sidae: hoeksidaejŏk holmon yubŏp” [An age when prisons are no longer needed, and the epoch-making hormone treatment]. Pyŏlgon ’gon 32, no. 9 (September 1930): 80-86.


Yi Chong-mo. “Sŏdaemun yŏja kamok pangmun’gi: sarin choein ka chaeil manta” [Record of a visit to Sŏdaemun Prison women’s ward: most are murderers]. Yŏsŏng 1, no. 6 (September 1936): 322-323.

Books and Articles in English


