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Prison Modernisation in the Empire of Japan: A Comparative Study on the Development of Colonial Prisons in Korea and Taiwan

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Prison Modernisation in the Empire of Japan

A Comparative Study on the Development of Colonial
Prisons in Korea and Taiwan

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Abstract

This thesis will study the influence of different colonial ruling by Japan on the modernising of prison systems in its colonies. The period of enlightenment saw the change from flogging based punishment to penal servitude. As imperial power started to venture around the world, modern thought was able to reach as far as East Asia and thus Japan. After a victory over China, it came in the possession of Taiwan, its first colony and not much later Korea too became part of the Japanese empire. Both of the newly acquired colonies were put through modernising reforms on prisons constructing new modern buildings and adjusting the treatment to be more humane and implementing prison labour but were not the same in the end. This thesis argues that there are multiple reasons for the differences such as the national unity of Korea that caused resistance and subsequently military oppression. Although Taiwan had a less modernised prison system, they also had less problems within the prisons as resistance was less frequent. This would mean that the way of ruling did not in so far influence the modernisation of prisons, as it did the treatment of prisoners.

Keywords: Japan; Korea; Taiwan; Colony; Modernisation; Prisons; Oppression

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Introduction

When talking about colonial times, European countries first come to mind. However, it was not just Europe that colonised Asian countries, Japan too participated. During the modernisation period European countries came to Asia for exploration and to establish trade through treaties. These treaties were often detrimental towards the Asian nation in question and created an aversion towards the West. The Western orientalist saw the Asians as primitive and backwards, seeing themselves as the superiors.

In this background, Japan decided to modernise. If they were to be considered more advanced and modern by the Western nations, unequal treaties might be revised, and the chances of colonisation would be minimised. Japan saw the strength of the Western countries and realised it would be better to join than to resist. The Meiji restoration saw the end of the Edo period and the start of the empire of Japan. Reforms and modernisations were instigated throughout the whole country, ultimately resulting in the creation of the imperial nation Japan. The Island of Taiwan and the Korean peninsula would become the very first colonies of the Japanese empire and would be for almost fifty years. Both of the colonised countries had not been modernised in the Western way, thus giving the task to the new Japanese led government.

The biggest change in the modern societies of East Asia was the change from Chinese centred laws to West centred laws. Instead of relying on the old ways of the Chinese nation, the laws and customs from European countries were now held in high regard. One of the most noteworthy being the transformation of the penal code, namely the change from flogging based punishments to prison-based punishments. Both Korea and Taiwan followed the old 'Great Ming Code' when it came to punishment. Japan, however, had modernised and reformed their own system

into a modern prison system comparable to European counterparts, and implemented this in the colonies as well. Even though the system was to be more humane than the system in use before the colonisation, sentiment from both colonies vary. Where the Taiwanese look back with a certain feeling of content seeing the economic development, Koreans often look back with resentment as the treatment of prisoners was horrendous at times and military aggression was frequent.

There are multiple possible answers for the differences of results in both colonies that this thesis will try and answer. Focussing on the modernisation of the prison system, something the Japanese were rather proud of, the following chapters will try and find the reason to the different situation in the colonial prisons. Central will be the status of Taiwan as a model colony, while Korea's colonial period was full of uprisings and unrest comparing the way both colonies were ruled and the subsequent state of the prisons.

As sources concerning this specific topic are scarce, not all details of the prison system can be taken into account and the available information is not the same for both countries. This, however, also shows the need for more research in order to someday be able to give a complete comparison of the situation.

Literature Review

As mentioned before, the topic of this paper does not have much literature written about it. However, there are many sources that include a smaller part of information interesting for this research. This literature review focuses on the primary sources used for the thesis, excluding sources with minimal content related to the topic.

The source most important to this research, is the only source concerning the specific topic of the thesis: “A Comparative History of Prisons in Korea and Taiwan under Japanese Colonial Rule” written by Cheng Yu-Lin. The chapter is very closely related to the research question of this thesis. In the chapter, Cheng mentioned the “colonizer-colonized” binary in the sense that stark differences between the colonial prisons and the prisons on mainland Japan are important to understand how these colonies were considered by Japan. He also refers to concepts used by Michael Mann ‘despotic power,’ which refers to a repression of the people that is not approved by these same people, and ‘infrastructural power,’ which refers to this same repression, but built on a certain approval by the citizens. He uses these power structures to understand the different ways prisons were regulated during the colonial era, since both penal systems showed signs of both these power structures. The article does not describe the full prison treatment, but rather focuses on three key aspects: prison education, prison labour and prison guards. Concerning the first aspect, Cheng mentions how the differences between Taiwan and Korea could be explained by the orientalist view of the Japanese towards the colonies, and more intensely so towards the Taiwanese. However, he fails to elaborate on the subject when it comes to the reasons why the education in Korean prisons was more progressive, and simply names four reasons without explanation or illustration. The second chapter, prison labour, explains that the regulations in Taiwan and Korea were very similar,

if not the same, as in Japan. The only big difference was that some changes made in Japan and Korea, such as the ability for prisoners close to release to obtain a certificate for construction work, were not implemented in Taiwan. The different uses of prison labour are described, but a detailed reasoning why the earlier named structure was not implemented in Taiwan is not given. The last chapter concerns the prison guards. Cheng talks about the different ethnicity of the prison guards and how this may influence their sentiment towards the native inmates. Since Taiwan had no prisons prior to the Japanese colonization, a great majority of the guards was Japanese, as opposed to Korea where there were already some prisons, and the percentage of Japanese guards was 60 percent. Although the chapter mentions that cruel behaviour of guards might not be entirely connected to ethnic difference, it fails to show what then was causing this friction. Overall, the chapter gives a good description of both of the prisons systems but tends to leave out some detailed descriptions and reasoning.

What this chapter lacks in its description is the architectural form of the prisons and the theory this is based on: the panoptic prison. A panoptic-style prison has a central observation point for guards from where they are able to see every prisoner, fostering self-discipline as the prisoner has the constantly feels like he is being looked at. When looking at the biggest prison in both Taiwan and Korea built during the Japanese colonization, Taipei prison in Taiwan and Sōdaemun Prison in Korea, the distinct form of a panoptic prison can be seen. This is important to show what the Japanese considered the modern way of prison building. Lei Song in his article “Panoptic apparatus: a study of the Japanese-built prisons in colonial Taiwan (1895–1945)” discusses this very topic. The article solely focuses on the architectural part of Taiwanese colonial prisons and does not mention the treatment or condition of the prisoners unless related to the form of the prison. Lei Song mentions how the Japanese built all their modern prisons based on the panoptic format and saw this as the best form of prison. This form of prison building was used throughout the whole of

Taiwan and not just reserved for the main prison. The constant observation had negative influences on the subjects' emotions, and this was used to create docile subjects to the Japanese state by also including them in in pro-Japanese lectures and workshops to lift their spirits. Additionally, the article mentions how not just the prison, but also the rebuilt city centre was based on the panoptic model in order to create the same intimidating effect on regular citizens. When looking at the biggest colonial prison on the Korean peninsula, Sōdaemun prison, the same panoptic format can be seen. In chapter 3 of Lee Hyun Kyung's book 'Difficult Heritage' in *Nation Building: South Korea and Post-Conflict Japanese Colonial Occupation Architecture*, the Sōdaemun prison and its architecture is described. Although the chapter mostly focuses on the change of the prison into a museum at the end of the 20th century, the article is useful to this research for the most part, as it describes the building of the prison by the Japanese government and why and how it happened. He gives a detailed description of the development of the site and the additional building that came along over the years. This chapter, much like the previously mentioned one, explains the reason for the use of the panoptic style prison and the fear the subjects felt because of this.

When taking all useful sources to this research topic into consideration, it becomes clear that there are not many sources that can be used fully. Many sources have a small portion dedicated to the right time frame, making constructing the full picture of that time hard. It also becomes clear that some sources focus more on the terrible behaviour and torture exhibited by some Japanese prison guards, while other articles only mention a vague harsh treatment, not specify what this entails.

Theoretical framework

The modernization of prisons during the beginning of the 19th and 20th century

During the age of enlightenment perceptions on what was right and wrong changed drastically. Science and reason replaced faith and superstition in the leading reasoning for how countries were run. The idea of abolishing arbitrary power and punishment gave way to a reform of the current prison systems. Instead of a simple punishment, the convict should be repairing the damage done to society through work and imprisonment.

Before being able to understand the motifs and reasons behind the prison system that the Japanese empire installed in its colonies, it is crucial to understand the changes the regime went through in terms of prison modernization. Since Japan was developing into a world power, it became evident that its laws needed adjustments to fit in with what the Western powers deemed appropriate. One of the areas that needed change was the prisons system, namely gore punishments as the displaying of severed heads after the death penalty appalled the West and called for abolishing this in favour of imprisonment.¹ The person in charge of many of the changes in this area was Ohara Shigechika, who took his inspiration from prison in mainly British colonies before formatting a penal code for Japan. Later more on him, but lets first look at the changes happening in England and what inspired Ohara in his search for a modern prison system.

The modernization of prisons was not something that happened overnight. It was also not one uniform process that was the same around the world. Rather it depended on the country itself, the political situation within, and the people in charge of reforming the prison legislation and rebuilding or refurbishing the older prison buildings.

¹ Röhl Wilhelm and Karl-Friedrich Lenz, "Penal Law," in History of Law in Japan since 1868, vol. 12 (Brill, 2005) p.610

In England the first steps to what we find in present day prisons were taking place at the end of the 18th century. Before that, prison buildings were not common and most towns only had one lock up room for people to be put away a few days before being released again.² Other prisons were owned by one person that took care of the prisoners the way an innkeeper looks after its guests. The prisoners had to pay a fee for all amenities provided including food bedding and light. This also meant that rich (and generous) inmates had it relatively easy compare to other prisoners, as the gaoler turned a blind eye to their activities and at times even joined them by allowing gambling and other games.³ Over the years this casual way of treating prisoners changed as the system was centralized and laws on treatment of prisoners were introduced.

The birth of the modern prison is often placed around the years 1760 to 1840 during the period of enlightenment and revolutions as the people became more concerned with their rights and the way they were ruled.⁴ New prison regulations were introduced in England in 1779 and were supposed to ensure liveable conditions for the prisoners, as well as separation of prisoners according to sex and sentence. The person who set all this in motion was John Howard. Born in a rich family, Howard was able to travel around the continent and observe and was locked up himself by French privateers as he was travelling to Portugal, but not long after was exchanged for a French officer and returned to England.⁵ This experience is believed to have been his incentive to reform the prisons in his home country. Howard was appointed High Sheriff of Bedfordshire in 1773 and did not take this role lightly. Although he was not highly educated on the topic he was determined to improve the conditions of prisoners, visiting and observing in person himself, rather than sending

2 Allan Brodie, Jane Croom, and James O. Davies, *English Prisons: An Architectural History* (Swindon: English Heritage, 2002), p.23

3 Sydney Webb and Beatrice Webb, *English Prisons under Local Government* (London: Longmans, Green, and Co., 1922), p.5

4 Mary Gibson, "Global Perspectives on the Birth of the Prison," *The American Historical Review* 116, no. 4 (October 2011): p.1044

5 "John Howard," The Howard League, accessed May 15, 2024, <https://howardleague.org/john-howard/>.

subordinates as was usual. As sheriff he was in charge of the county gaol and upon inspection found the horrid state of the place fit for reforms. He concluded that the state of the gaol was caused by it being a profitable system. Howard proceeded to travel around the country to compare his gaol to other counties and found Bedfordshire was not an exemption but a standard. Meanwhile, in the parliament too there were concerns about the current treatment of prisoners and calls to pay the fees out of state funds. Finally, around 1774, Howard was able to present a factual explanation on the current situation in all the gaols he had visited as well as suggestions for improvements. The four main reforms he proposed were as follows: to make the gaoler a public servant rather than an independent profit maker; to subject all prisoners to a reformatory regimen including work, religion and diet; to have regular mandatory inspection by an independent person; to have sanitary and secure cells. During the following decades these regulations would be implemented around the country.⁶ While this all happened in the 18th century, the 19th century was when the prisons started physically changing. Older prisons were being demolished and new modern prisons were built with bigger capacity and better separation according to sex and conviction. Most of the new prisons were built following radial plans, where cell blocks radiate from the central building so that the doors of every cell are in view.⁷ This type of prisons, with the guards office at the centre, was an idea of Jeremy Bentham. Bentham was inspired by the new enlightenment movement and was one of the pioneers of prison reforms as well as founder of utilitarianism. His idea of the panopticon prison, although never directly built, was an inspiration to the modified radial prison designs.⁸

Many radial prisons can be described as a panopticon prison, as they have a central point from which the guards can look at the cells. However, true panopticon prisons were supposed to

6 Webb and Webb, *English Prisons under Local Government*, p.37

7 Philip Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary 1," *Journal of Bentham Studies*, January 1, 2007

8 John P Plamenatz and Brian Duignan, "Jeremy Bentham: British Philosopher and Economist," *Encyclopædia Britannica*, June 2, 2024

make sure the guards could see every part of the cell from this centre position. Bentham had proposed a true panoptic prison design to be build in England, but this was never passed through. Not because of the principle, but because of the space consuming design that leaves an empty dome between the guard tower and the cells.⁹ There were only few ‘real’ panoptic prisons built, but are all out of use now.¹⁰

Not only were prisoners now accommodated in proper cells, they were also expected to be active during the day. Prison labour was introduced starting with one month of punitive labour to subjugate the new prisoners, followed by useful industrial work with the prospect of work after prison. Additionally, hard and proper work could ameliorate one’s conditions thus encouraging good behaviour.¹¹

For future reference and a more detailed understanding of the situation on prisons an outline of Foucault’s book on discipline and punishment is needed. In both Korea and Taiwan, Japan built prisons based on the panoptic design of Jeremy Bentham. This type of prison was known to be influential on taming inmates and creating docile citizens and for that reason used in longer term colonies, but also in Japan itself.¹² During the second half of the 20th century Foucault published a book on the changes the Western penal system went through in the modernization era and focuses on how discipline is the incentive of prisons instead of humanity or modern thoughts on corporal punishment. The humanitarian changes in thought that happened during the enlightenment called

9 Ibid.

10 Most notably, in Cuba under the rule of Gerardo Machuda five panoptic prisons were built and connected through tunnels. In the Netherlands three panoptic prisons were build, and in France one.

Luca Onniboni, “The Panopticon in the French Prison of Auntun,” *Archiobjects*, June 26, 2022

John Ryle, “A Visit to the Panopticon,” *A visit to the Panopticon*, December 29, 2019

11 Webb and Webb, *English Prisons under Local Government*, p.61

12 Jin Woong Kang, “The Prison and Power in Colonial Korea,” *Asian Studies Review* 40, no. 3 (2016)

Michael L. Sprunger, “Grafting justice: Crime and the politics of punishment in Korea, 1875–1938,” *Diss.* University of Hawai’i at Manoa, (2011) p.414

Lei Song, “Panoptic Apparatus: A Study of the Japanese-Built Prisons in Colonial Taiwan (1895–1945),” *Journal of Asian Architecture and Building Engineering* 21, no. 4 (March 2021), p.1246; p.1247

for less barbaric ways of disciplining criminals, resulting in the modern prison sentence rather than flogging or being strapped to a pillory.

Foucault also explains how the panopticon is not the perfect shaped prisons for keeping prisoners in check. It is, however, the perfect example of a diagram of power. The panopticon makes that the inmate is in a constant state of restraint as they do not know whether a guard is currently looking at them but knows they can be seen at any time. There is almost no privacy due to the shape of the building and are therefore easily controlled. Through this many prisoners can be controlled via just a few guards, thus increasing the power of the guards on the inmates' mind. It is the most efficient ways to exercise power. Foucault mentions how this type of prison comes forth from the need for surveillance in times where plagues and epidemics were spreading like wildfire, as no strict supervision on the infected was in place, but in the case of Japan it might be more closely related to colonialism and the amount of discipline needed to keep a whole society in check and not just the prisoners. By making rebellious citizens docile before releasing them back into society, a certain power is exceeded into regular people who become scared of having to go the prison. This can result in a calmer reign as citizens are more prone to keeping to the law.

The Modernising of Japanese Prisons

During the second half of the 19th century, it was Ohara who is foremost known for his research and ideas on a modernized penal system for Japan. At this time there was a change in treatment of prisoners in Europe from simple punishment to punishment with a prospect of rehabilitation. No longer were criminals simply thrown into a cell to sit out their punishment, they were put to work and learned valuable manual skills that could lead to a job after prison. As mentioned prior, Ohara visited prisons in British colonies to compare and contrast. He preferred these countries over Europe as the prisons included Asian citizens and Western citizens and therefore were an equivalent to what Japanese prison should come to look like, as Western presence grew on.¹³ Ohara was in charge of drafting the first revised prison law, which gave the need for these visits. Ohara was able to not only observe the prisons itself, but also gain information on the whole of the British legal system, including court houses and proceedings.¹⁴ He did not simply copy the British rules but adjusted them to fit in with Japan's own laws, customs, and culture making it their own. For example, the gaoler who became a public servant in England, was not present in the modern Japanese prison system.

Ohara's 'Prison Rules' was published in 1872 and showed ambitious plans for change including the change from corporal punishment to penal service. The length of the newly imposed penal service was still based on flogging with the length varying on how many hits a convict would have gotten before. Added to this was the industrial aspect of prisons and prisoners. Not only were convicts locked up instead of beaten, they now had to work on a regular schedule. New prisons were built close to mines to battle staff shortages. This did not just resolve the lack of workers;

13 Yoshiro Hiramatsu, "History of Penal Institutions: Japan," *Law in Japan* 6 (1973), p.25

14 *Ibid.* p.26

prisoners were also significantly cheaper than regular workers creating higher profits for the companies.¹⁵ Not all of Ohara's ideas were implemented right away, but slow change was being made, such as the abolishment of flogging, while other things stayed the same. For example, Ohara was deeply in favour of educating prisoners to help them stay out of the criminal circuit once they were free. Not only did he want them to learn useful skills, they also needed guidance on their journey to change for the better. At this time, there was no punitive labour in Japanese prisons, rather the labour was seen as an opportunity for the convicts to better themselves.¹⁶ Unfortunately, prisoners working in mines were succumbed to bad treatment and questionable working environments as they were seen as expendable compared to the economical profit the company could get out of them.

About a decade later Ohara would be working on a revision on his prison rules alongside Onoda Motohiro. Onoda had been involved in the building of the new industrial prisons where labour played a major part in the everyday life. Compared to Ohara's primary ideas, Onoda had opposing views on the treatment of prisoners. He too had been studying European prisons, but instead of staying in Asia, Onoda had been sent to Europe alongside his mentor for research. He had found that there were two distinct ways of prison rule. One was the guidance-based approach that Ohara had adopted, and the second being of disciplinary base above all, that focused on punishment. The second approach is meant to scare people away from criminal offences by harsh treatment.¹⁷ This was the approach that Onoda liked best. He had high praise for the English prisons, that also followed this ideology, and wanted to implement this style in Japan too. Although Ohara was at first advocating for a rehabilitation policy, their revised prison rules of 1881 followed

15 Daniel V. Botsman, "Punishment and Prisons in the Era of Enlightenment," in *Punishment and Power in the Making of Modern Japan* (Princeton, NJ: Princeton University Press, 2007), p.148

16 Elmer H. Johnson, "Opposing Outcomes of the Industrial Prison: Japan and the United States Compared," *International Criminal Justice Review* 4, no. 1 (1994), p.62

17 Botsman, "Punishment and Prisons in the Era of Enlightenment," p.189

the “living hell” that the English prisons came to be known as and shifted the treatment to a disciplinary focus.¹⁸ He was also the one advocating for more punitive labour.

The harsher treatment that came forth from this revision did not get accepted by Japanese prisoners without a fight. During the last two decades of the 19th century, there were numerous riots and attacks on guards coming forth of the dire situation of convicts. There were frequent breakouts and skirmishes on prison grounds, often leading to casualties. This, however, only caused the government to quell the revolts with aggression. Prison guards were told to not let profit get in the way of discipline, meaning that even when revolts were frequent and the private institutions that employed the prisoners wanted to spare them, the guards continued their harsh suppression.¹⁹

It is important to notice that the aggression against prisoners was not common, unless there was a riot. The bad livelihood of prisoners that caused them to rise up was usually due to bad living environments and hard labour rather than aggression from guards. Prisons were expected to provide a big part of the money needed to sustain by making prisoners work, thus exhausting them and creating docile bodies. The government was hesitant at first to implement rules that actually harmed the prisoners, such as punitive labour, as they were in the midst of negotiating treaties with the west also concerning the exemption of westerners citizens to face trial under Japanese law.²⁰ Dire living environments in Japanese prisons could cause these negotiations to fail. The bad living environments was mostly caused by bad maintenance of older buildings and not specified in the prison rules as was the case with punitive labour.

The ultimate goal of reforming the prisons was to show a modernised Japan to the Western world. Japan had seen other Asian countries colonised by European powers and did not want to be

18 Botsman, “Punishment and Prisons in the Era of Enlightenment,” p.190

19 Ibid. p.190

20 Ibid. p.194

next. Primitiveness was often the legitimising reason for colonisation.²¹ Through reforming the way of punishing, what was seen as primitive in that aspect (corporal punishment, torture), Japan came a step closer to being considered modern in the eyes of the West.

21 Ruiping Ye, "Japanese Colonisation," *The Colonisation and Settlement of Taiwan, 1684–1945*, September 3, 2018, p.185

The Colonising Journey of Japan

The Colonisation of Taiwan

During the 19th century, Japan was well on its way to claim land outside of their main islands. The Japanese empire took part in multiple wars on Chinese and Korean territory.

The Sino-Japanese War and its Consequences

The first big expansion of the Japanese empire took place in 1895 following the first Sino-Japanese war. At the centre of this war lay the Korean peninsula where the Chosŏn state was in control. China had been recognized as the superior to Korea, but mutual respect of Confucian values created a peaceful tributary relationship. Korea would send tribute to the Chinese state, and in return China allowed Korea to rule in its own way.²² This status of tribute state was a disputed subject in Korean politics as the current leaders were conservative pro-Chinese who wanted to keep the Qing values at the centre of their civilization and did not feel much for modernisation and change. Others, however, saw the need to open the country up to more trade with not only Japan, but also Western countries. They realised good relations with the Japanese Empire could not only be economically beneficial, it would also create room for modern reforms and self-strengthening as a sovereign country.²³ They saw the changing of power from the former almighty Chinese dynasties to the Japanese empire as Western power successfully defeated China on multiple occasions.²⁴ These tensions invoked a (successful) coup from the pro-Japanese side, which then caused China to help with a counter coup (also successful) making no change to the status quo. It did change how Japan felt about the Qing influence on the Korean peninsula, as the counter coup included the burning of

22 Kirk W. Larsen, "Comforting Fictions: The Tribute System, the Westphalian Order, and Sino-Korean Relations," *Journal of East Asian Studies* 13, no. 2 (August 2013), p.237

23 Kyung Moon Hwang, *A History of Korea* (London: Palgrave Essential Histories, 2017), p.115

24 Andrew Q. Greve and Jack S. Levy, "Power Transitions, Status Dissatisfaction, and War: The Sino-Japanese War of 1894–1895," *Security Studies* 27, no. 1 (September 15, 2017), p.158
Xiaobing Li, *The History of Taiwan* (Santa Barbara, CA: Greenwood Publishing Group, an imprint of ABC-CLIO, LLC, 2019), p.96

the Japanese embassy and the death of Japanese security guards. This led to the Tianjin convention, which ensured the absence of military troops from both countries, and a mandatory heads-up if either does send troops. During an anti-government rebellion (Tonghak) on the peninsula, China did send troops to help regain control without notice, breaching the convention, making Japan send double the troops in response. The claim that Korea had asked for back-up from the Qing evoked an anti-Korean sentiment in the Japanese ranks feeling disgraced.²⁵ This was not the only time Japan had felt this way. In 1876, when Japan formed a treaty on Korea to open up the country, it recognized Korea as an independent state. However, the Korean government of that time did not want to be separated from the state of China, that was held in such high regard and followed the same Confucian values as Chosŏn. This again, or for the first time, felt disrespectful to the Japanese especially when they were steadily becoming the biggest power in the East.²⁶

The 8,000 troops that Japan had send as a reaction to Qing intervention had little trouble defeating the opposing army. It would take less than a year for the Japanese army to seize control of the Korean peninsula, Manchuria and the strategic Penghu Islands of the coast of China. After defeat in Pyongyang, the Qing army had retreated north and was eventually defeated in Manchuria, after which the Japanese initiated to draw up a treaty. The treaty of Shimonoseki would be signed on April 17 in 1895 and saw the Taiwan and Penghu Islands officially fall into the hands of Japan, The official recognition of Chosŏn as a sovereign country, reparation money to be paid to Japan, and the forced opening of ports in China controlled by Japan with factories and preferential treatment as a trade partner.²⁷ This treaty saw the creation of Japan's first colony Taiwan.

25 Greve and Levy, ““Power Transitions, Status Dissatisfaction, and War: The Sino-Japanese War of 1894–1895,” p.160

Li, *The History of Taiwan*, p.97

26 Greve and Levy, ““Power Transitions, Status Dissatisfaction, and War: The Sino-Japanese War of 1894–1895,” p.159

27 Li, *The History of Taiwan*, p.98

State of Taiwan Before Colonisation

After the victory in the Sino-Japanese war of 1895 on the Korean peninsula, Japan became entitled to the Taiwanese island through the treaty of Shimonoseki. Before this, Taiwan followed the Chinese rules of the Qing dynasty who had control on the island. In 1662, Qing forces were steadily beating the then ruling Ming dynasty, while at the same time Zheng Chenggong, a Ming follower and pirate, decided to attack the then Dutch (VOC) controlled island of contemporary Taiwan as he had to flee the mainland. The island was ruled as a separate kingdom for twenty years by his son up until the Qing dynasty decided to cross the Taiwan strait to annex the island.²⁸ Although at first contact between Taiwan and the mainland of China was forbidden, it was officially seen as a province of the Qing dynasty in 1886. This no contact policy at the start of Qing rule was mainly due to the anti Qing rule of the preceding government. Things like iron making were forbidden to prevent the availability of weapon production and officials had to come from the mainland to ensure collaboration. Moreover, migration to the island was forbidden although this did not stop some Chinese citizens to move as the population expanded on the mainland. It was seen as a fresh start for those who struggled on the mainland, causing rapid growth both population wise and economically as the immigrants were willing to work hard to a better life.²⁹ The native Taiwanese tribes that lived in the mountainous area were officially Qing territory, but did not fall under Qing law as they were considered too different from mainland Chinese³⁰

The measures for cooperation the Qing government took on Taiwan would not be successful as multiple big riots broke out on the island. There were over seventy uprisings during the Qing rule with some end in a violent conflict with attacks on Qing administrations and a two-year period of great military presence by the Qing army.³¹ Since the island had been ruled over by different

28 Li, *The History of Taiwan*, p.73

29 Ibid. p.80

30 Ye, "Japanese Colonisation," p.187

31 Ibid. p.83

groupings and housed many immigrants, it had not formed a sense of unity or nationality until the colonisation by Japan. Already in the 15th century the immigration began as more and more Hakka Chinese (coming from provinces on the south-east coast of China) crossed the Taiwan strait to come and live on the island. Around 1672 the number of Chinese citizens was almost double compared to the indigenous population.³²

How Japan Conquered the Island

When Japan came to be in control of the island, they immediately showcased their strength to the inhabitants. Although hesitant at first for it being Japan's first colony and the West watching them closely, the Japanese were not afraid to show their strength.³³ Around the time of colonisation, Japan had sent researchers and officials around Western colonies such as Dutch Java and British India to be able to follow their way. In the end the West would have praise for the way Taiwan was functioning as a colony (profitable for the empire, proper infrastructure, and law and order), but it did not go without a hitch.³⁴

In May of 1895, about a month after the treaty of Shimonoseki was signed, the Taiwanese governor of that time (Tang Jingsong) proclaimed the island a separate entity under the name of 'Taiwan Republic' to try and dissuade the Japanese to annex the island. It was only a few days later Japanese forces, as many as 200.000, arrived on the island initiating Japanese rule. Almost instantly the Taiwanese rulers of that time (Qing officers including Tang) fled away as defeat was imminent. Only one general, Liu Guoquan, stayed and went on to lead the Hakka people in guerrilla warfare until they too were backed into a corner and Liu escaped to the mainland. The short-lived resistance of the Taiwan Republic ended in November of the same year and had cost the lives of about 14.000

32 Li, *The History of Taiwan*, p.76

Meiyao Wu, "Moral Education and the Aboriginal Peoples of Taiwan: From Sino-Centrism to the Ethic of Multiculturalism," *Journal of Moral Education* 46, no. 1 (January 2, 2017), p.71

33 Ramon H. Meyers, "Taiwan as an Imperial Colony of Japan: 1895-1945," p.426

34 E. Patricia Tsurumi, "Colonizer and Colonized in Taiwan," *Japan Examined*, December 31, 1983, p.217

Taiwanese. However, this loss did not mean the end of bloodshed and tensions. It might even be because of this initial fierce resistance that Japan saw the need for clear military presence on the island during the early years of the colonisation. Reinforcements of army officers had been sent to the island to end the resistance and stayed to ensure peace. Many more Taiwanese that were somehow involved in the resistance were arrested or executed, resulting in the rise of anti-Japanese sentiment. The Governor-General (GG) in charge also had to be an army officer. He would, therefore, not only have military power, but also executive, judicial and legislative power. It was only in 1922 that the legislative power of the GG was abolished.³⁵

How Japan Controlled the Island (Policies and Development)

When the Japanese empire came to be in control of the island an immediate difference with the Qing became clear. The Qing had ruled Taiwan loosely and as a prefecture, whereas Japan ruled it as a modern colony. The Japanese based themselves completely on Western international law and had people such as former US consultant Charles Le Gendre to help them justify their occupation following the legitimisation of Western imperial powers. This became most clear in their dealing with the aboriginals of Taiwan's mountainous areas. Where the Qing government had seen the aboriginals as a sovereign entity not subjected to their laws and entitled to their own land, the Japanese followed the West's international laws that classified the aboriginals as animals (although still biologically recognized as humans) and therefore not subjected to laws of landownership. This inability for aboriginals to have landownership was mainly to profit the Japanese empire.³⁶

Taiwanese law in general were different from Japanese laws and were made especially to fit the

35 Li, *The History of Taiwan*, p.99

36 Ye, "Japanese Colonisation," p.192

colony. As mentioned before, the GG had legislative powers and thus the ability to tailor laws for the benefit of the Japanese empire.³⁷

During the start of the colonisations of Taiwan, Japanese officials and elite made it clear that the intention of the annexation should be profit for the mainland, and the native inhabitants should be an afterthought. This was in line with the Western view on colonisation, which saw profit for the empire as the benchmark for success. The ultimately decided approach to the first Japanese colony, profitable with the ultimate goal of integration to the empire, was a mix of British and French approaches to their colonies, decided on after inspecting and analysing the different Western approaches to colonies by a group of Japanese officials.³⁸ For this reason, most reforms and laws were for exploitation of the agricultural aspect of Taiwan. Landownership was simplified and landowners were no longer allowed to charge rent, but instead the rent had to be paid to the (Japanese) government.³⁹

37 Ye, "Japanese Colonisation," p.189

38 Ibid. p.188

39 Ibid. p.192

The Colonisation of Korea

Before the final invasion by Japan that saw the peninsula fall under their rule, the Chosŏn empire was its own state, albeit also a tribute state of the Qing dynasty.

State of Korea Before Colonisation (protectorate)

The 19th century as a whole was one of unrest on the Korean peninsula. There were religious uprisings, small invasions of Western powers and social unrest.

Before forced opening of trade ports with Western countries and Japan, Korea was sceptical of Western influences and tried to stay closed for the many ships wanting to take harbour on the peninsula. In the second half of the 19th century, multiple countries had tried to enter Korea by ship in order to establish a trade route in Asia. The first attempt of this sort was done by an American ship. Korea was known to have forbidden any interaction with foreign trade ships and most definitely forbid the entering of the country by hostile ships.⁴⁰ This did not stop the steadfast Americans from sailing on until eventually the ship got caught up in shallow waters. When negotiation failed and the representative of the Korean government was held hostage, aggression broke out on both sides ultimately ending in the killing of the ship's crew.⁴¹

This was not the only instance where a Western imperial power forced entry on the Korean territory demanding trades but ending up in a bloody fight and numerous casualties. The French had attempted something similar after establishing an outpost on the island of Ganghwa. The prince regent of the time was not fond of outsiders and saw the foreign traders as a grave threat. He was also the one (ruling in the place of the under-aged king) who had given the order for execution of catholic priest earlier. This invasion of the French forces only fuelled his exceeding aggression

40 Michael J. Seth, *A Concise History of Korea: From the Neolithic Period through the Nineteenth Century* (Lanham, Md: Rowman & Littlefield Publishers, 2006), p.234

41 Hwang, *A History of Korea*, p.102

towards the west and the Catholics as he saw the invasions as a danger to the country. The want of Western powers to open up trade ports on the peninsula was paired with aggression giving rise to a fear of war. This prospect gave reason to the Prince Regent of Chosŏn to keep the country close and ensure national security. Although both the French and the Americans did not fulfil their goals of establishing a trade route, they did manage to leave a trail of destruction on their way, ever increasing the support for the closed off policy of the Chosŏn government.⁴²

Social unrest was not to that extent caused by the external governing, but more so by the internal state of affairs. Mainly weak leaders. When king Chŏngjo died, his eleven-year-old son gained control in so far that he had the title of king. There would be a line of boy kings that were led by their in-laws or family members, while having close to no power on their own. There were a total of four young boys ‘leading’ the country during the 19th century. The (extended) families of these boys would make alliances among their clans to ensure influence on the governing body, with no regards for the well-being of the peasants.⁴³ This unrest among the citizens led to uprisings and aggression in various provinces around the 1860’s. Poverty among farmers, stagnating agricultural development and unrest among officials that lost their control through the ever-changing power dynamics were showing the decline of the kingdom of Chosŏn. Although the situation was not dire, it was certainly not a prospering country economically (culturally it was still quite flourishing). Meaning that all in all, the country was not doing so bad.

How Japan Gained Full Control

This, in short, was the situation on the Korean peninsula before the Japanese came to be in control.

As mentioned at the beginning of this chapter, it was after the Tonghak rebellion in 1894 that

Japanese influence started. After the rebellion was put down, Korea was focusing on the Kabo

42 Kyung Moon Hwang, *A History of Korea*, London: Palgrave Essential Histories, 2017, p.107

43 Seth, *A Concise History of Korea: From the Neolithic Period through the Nineteenth Century*, p.234-5

reforms which saw the Korean kingdom slowly develop into a sovereign state, cutting ties with the declining Chinese empire. The reforms saw a loss of power of the king and elite in general, as now the class system was abandoned, as well as ensuring the sovereignty of Korea (losing all ties to China). At the same time tensions rose between Russia and Japan causing the start of the Russo-Japanese war and the establishing of multiple treaties about the Korean peninsula, which saw it become a protectorate of Japan in 1905 seeing the Japanese victory over Russia, and finally the official annexation of Korea in 1910.⁴⁴ A secret expedition of Korean officials to The Hague to find support against this protectorate treaty would only seal the end of its sovereignty, as the present Western countries did not acknowledge Korea as an independent country.⁴⁵

The Japanese Rule of Korea

From 1910 until the liberation in 1945, the Japanese rule over the peninsula can be divided into three distinct periods. The first period, 1910-1919, saw the start of the annexation period and the subsequent changes to the social order and governmental institutions. The Governor General (Terauchi Masatake) was installed to rule the country and was, as in Taiwan, chosen from army and navy generals. He had legislative, judicial and executive power and had to report to the emperor. Interesting enough, the Japanese cabinet of Tokyo had no supervision on the GG and he did not have to answer to them.⁴⁶ There were reforms on landownership that took the land away from (lower class) Koreans and a general fear was induced on the citizens through showing of power. It was a period of military rule by the former minister of war Masatake.

The second period (1919-1936) would be characterized by the famous March first movement of 1919. The movement called for independence, which was not achieved, but there

44 Hwang, *A History of Korea*, p. 115-8

Han-Kyo Kim, "Japanese Colonialism in Korea," *Japan Examined*, December 31, 1983, p.222

45 Alexis Dudden, "Illegal Korea," *Japan's Colonization of Korea*, December 31, 2017, p.8-9

46 Kim, "Japanese Colonialism in Korea," p.223

would be a period of relative free colonial rule, where self-expression would be tolerated. This was also caused by the backlash Japan received from Western countries on their aggressive reaction to the widespread movement as 7.500 Koreans were killed in the process and an additional 47.000 were arrested.⁴⁷ During both periods, the Japanese had worked on enhancing the industrial sectors that were useful (agriculture, mines, industrial production) which would come to be incredibly useful in the last years of the colonisation.⁴⁸

The final period lasted until the liberation and was one based on the state of war the Japanese empire was in. Korea would be utilized for its manpower and industrial power with the subsequent cause of a totalitarian regime. Before, the Korean agricultural sector was already exploited to feed Japan, but now everyone was mobilized to support the war. Young Koreans had to serve in the army, work at factories and mines would be increased, and to ensure the docility of Koreans, glorification of the emperor and Shinto rituals would become mandatory for all.⁴⁹

47 Encyclopædia Britannica, May 31, 2024, <https://www.britannica.com/place/Korea/The-Korean-War>.

48 Kim, "Japanese Colonialism in Korea," p.223

49 Ibid. p.244-5

Korea's Rising Significance

These three periods of different rule are comparable to the rule in Taiwan of the same period, but still the overall sentiment towards the colonial period after liberation is quite the opposite in both countries. To understand this difference the different ruling periods need to be discussed in greater depth.

A significant difference can already be seen during the very first years of Taiwan's colonisation. During the first two years of Japanese rule, Chinese-Taiwanese were allowed to leave the island if they did not approve of this new regime. This did not mean all citizens left on the island were pro-Japanese, it just meant those who were actively against the new rulers and were thus more prone to action would not be instigating mass protests on the island.⁵⁰ However, those who stayed could also have stayed for their attachment to the land they grew up on, even if they did not support the Japanese annexation of the island. There were still numerous uprisings and incidents on the island meaning Taiwan too was subordinate to an aggressive and oppressive military regime. Even so there was less resistance as compared to in Korea. The biggest uprising in Taiwan was the Wushe incident of 1930. Rather than a nationwide protest, this was a clash between aboriginals and Japanese military that ended with 197 casualties amongst Japanese, and 644 amongst the aboriginals. However, since it was a native tribe, rather than imprisoning everyone involved, the tribe was put under military supervision.⁵¹

National unity plays a big part in this. Where Taiwan had been dominated by many different rulers in its history, Korea had been under stable rule of the Chosŏn dynasty for around five hundred years as a nominal vassal state to Chinese dynasties while still being autonomous on many levels in

50 Gunnar Abramson, "Comparative Colonialisms: Variations in Japanese Colonial Policy in Taiwan and Korea, 1895 - 1945," *McNair Scholars Online Journal* 1, no. 1 (2005), p.18

51 Li, *The History of Taiwan*, p.100

their ways of governing. This means national unity on the Korean peninsula was significant not just through ethnicity, but also through political past. This contrasts with Taiwan, where most of the inhabitants had migrated to the island looking for a new life, and where there had been political unrest for many decades to the point that the island became known for this during the Qing dynasty.⁵² The xenophobic attitude of the Koreans (especially towards Western countries) was virtually non-existent among the Taiwanese.⁵³ After the Qing take over there had been no foreign powers wanting to take control over the island by force and the only instability were the constant struggles between Qing officials, immigrated Han-Chinese, and the aboriginals.⁵⁴ This cultural hegemony of Korean can also be seen during the last period of military war rule, as the reaction of Koreans to the forced Japanisation and assimilation of their culture was met with intense resistance, whereas the Taiwanese were, be it unhappy, remarkably less prone to protest.⁵⁵

Another important factor is the value put on the West's perception of Japan as an imperial power. Taiwan was the first colony of the Japanese empire and thus a way for Japan to show its status of a modern imperial power. The fear of negative judgment by Western powers influenced the cautious approach of Taiwan, but it also gave way to a suppressive regime of the island as control and power over a colony gave high esteem to the coloniser.⁵⁶ Nonetheless, apart from a quick implementation of modern Japanese law, this factor seems to not have been of much influence on the different way of ruling either colony.

As mentioned before the overall way of ruling both colonies are quite similar. Nonetheless, there are some clear differences to be discussed regarding the GGs and their individual power. Prior,

52 Ibid. p.11; p.14

53 Ibid. p.28

54 Li, *The History of Taiwan*, p.74

55 Abramson, "Comparative Colonialisms," p.29 p.24

56 Tsurumi, "Colonizer and Colonized in Taiwan," p.215

the power of the GG has been discussed along with his alteration from military officer to civilian. These two aspects are what distinguish the rules of both colonies most.

Starting with the power of the GG, it is no surprise that the GG of Korea carried more prestige than the GGs of Taiwan, seeing the surface area of Korea is four times bigger than that of Taiwan.⁵⁷ Not only that, being GG of Korea was seen as the ‘stepping stone’ to becoming prime minister in Japan, whereas former GG of Taiwan rarely made it to the position of minister.⁵⁸ The higher level of autonomy Korean GGs enjoyed can also be seen in who they must answer to for events as revolts or legislative changes. Where Taiwan was supervised by the Premier and under direction of ministries, the Korean GG solely had to address the throne directly. Korea’s GG had much more freedom when it came to ruling the colony and did not have to wait for approval for trivial matters.⁵⁹ Moreover, legislative power in Taiwan was meticulously followed by the Japanese ministries and the overwhelming majority of laws implemented were extensions of the Japanese law adjusted to the colonial status of Taiwan. In Korea, on the other hand, many laws were extensions of the original Japanese law, formulated under Korea’s GG, rather than adjusted laws created by the Imperial Diet of Japan.⁶⁰ Additionally, the power to create legislation carrying the same power as Japanese law was granted to Korea for an undisclosed time period as opposed to in Taiwan where this power was granted from short periods of three years, after which the GG had to ask for extension. In reality, this power was scarcely used in Taiwan as it was only to be used when no comparable Japanese law could be found, whereas it was standard use in Korea for implementing new (Japanese) laws⁶¹

57 Edward I-te Chen, “Japanese Colonialism in Korea and Formosa: A Comparison of the Systems of Political Control,” *Harvard Journal of Asiatic Studies* 30 (1970), p.127

58 Ibid. p.132

59 Chen, “Japanese Colonialism in Korea and Formosa: A Comparison of the Systems of Political Control,” p.133

60 Ibid. p.140

61 This was also the case in Korea, but Korea’s GG was not supervised by ministries and was granted more leniency. It was easier to simply formulate a new law comparable to the Japanese law
Ibid. p.139

Lastly there are two important differences regarding power positions. Firstly, Taiwanese nationals were not present in positions above head of county, where Korean nationals sometimes made it to government positions in the Government-General itself. Secondly, even though the era of civilian governing that was instigated after the March First movements saw the appointing of civilian GGs in Taiwan for almost twenty years, Korea had not seen any civilian GGs during the whole of the colonisation. There, the only difference was the swapping of military uniforms for civilian clothing.⁶² This meant that the GGs of Korea enjoyed a higher status and influence as they were still top men from the military.

All these aspects together show an explicit difference in not only the rule of both colonies themselves, but also the contradicting policies coming from the Japanese government. Korea saw a GG with more direct power and the lasting influence of military men in charge, where Taiwan was closely supervised by Japanese ministries and saw a split between the power of the GG and the power of the military. Although war saw a regression into military oppression and the forced imposing of Japanese values on the colonial citizens, the civilian period of Taiwan and Korea saw a vastly different rule. This saw easier implementation of modern laws in Korea, and more power and prestige for the Korean GG seeing their military rank. Nonetheless, Taiwan would see the implementation of Japanese laws that were only amended in wording of government institutions and was ruled with less military oppression.

62 Ito Hirobumi (GG 1904 – 1909) was a civilian ruler, but before the official annexation of Korea

Prisons Systems in Japanese Colonies

State of Punishment in Taiwan

One of the first thing the new colonial government of Taiwan did after arrival on the island, is securing power through penal service. Before this, punishment was done according to the Qing code. The Qing code came forth of the Great Ming code of the preceding dynasty and was the basis for their legislation. The Great Ming Code was central for its “five punishments” that were administered based on the severity and quantity of offences. The five punishments included corporal punishments through beatings with a stick (heavy or light stick), forced labour paired with penal servitude, exile, and execution.⁶³

The lightest punishment was beatings with a light stick ranging from 10 strokes to 50 strokes. After that came punishment with a heavier stick ranging from 60 strokes to 100 strokes. A crime worthy of a severer punishment would add penal servitude to the beatings with a heavy stick. For one year with 60 strokes, to three years with 100 strokes. Exile had three levels based on distances (2.000; 2.500; 3.000 li) but was also paired with 100 strokes of the heavy stick. The last category, death penalty, would be done either through strangulation or decapitation. It is important to note the possibility of payment instead. The amount one had to pay in order to opt out of punishment was also established by law, making it easy for rich families to avoid punishment of any degree.⁶⁴ Although the number of beatings and the ground on which the punishments were granted changed through the centuries, the basis of these five punishments stayed intact until the start of the 20th century, when Western pressure to modernize the legal system rose.

63 Xiangyu Hu, “Reinstating the Authority of the Five Punishments: A New Perspective on Legal Privilege for Bannermen,” *Late Imperial China* 34, no. 2 (December 2013), p.29

64 *The Great Ming Code / Da Ming Lu*, January 1, 2005, p.17-18

The regiments for granting certain punishments were not strictly monitored and often also depended on the state of the convict. For example, if the convicted crime was punishable by penal servitude but the convict was the man of the house and the only income, a beating would be given instead as to not create unnecessary problems for the family through poverty.⁶⁵ Penal servitude in general was not all that common as it created a hassle for the concerning family and often beatings were the preferred punishment. This was also possible seeing the loose control China exerted on the island where the native tribes of the island were not even considered to be under the Chinese law.⁶⁶

All together it made the conviction process of criminals rather loose and left the aboriginals to their own customs. In Taiwan the five punishments were put out of use by the Japanese government at the very start of their colonial rule. The new modern way that based punishment on scientific research of prison systems and had a strict way of assigning punishment was to be the new standard.

65 Xue Yang, "The Confucianization of Law and the Lenient Punishments in China," *International Journal of Criminal Justice Sciences* 10, no. 1 (January 2015), p.38

66 Gregg Barak, *Crime and Crime Control: A Global View* (Westport, Conn: Greenwood Press, 2000), p.200

Power Through Prisons: The Western State of Mind

When Japan was in charge of the penal code the way of punishing changed immediately. One of the first things the new government did was build an impressive modern style prison in Taipei. The prison was completed in 1904, just nine years after officially acceding power on the island and even before the completion of the GG's house (completed in 1912).⁶⁷ After the violence that commenced following the occupation, Japan wanted to emanate power and control in the turbulent period. Japan saw its renewed prison system as the prime example of their modernisation and used it to impress the West. They showed their adaption of Western penal codes and prisons, modifying them to fit their ideals.

The Taipei prison really was a splendid building at the centre of the city. There had been many Western specialists involved in the creating of the blueprints, while also using the knowledge of Japanese scholars who studied in Europe or European colonies. The prison followed a radial floor plan, as had become the standard in the West.⁶⁸ It was not just another modern prison building build during the modernisation period in Japan, it was incredibly well designed and executed, impressing not just the Western countries, but also Japanese experts. It had all the amenities common included within the demarcated prison site. Residences and a training centre for the many prison staff, baths and even a farm to help sustain themselves. In the designated area for prisoners there were factories and hospital facilities.⁶⁹ It was especially the inclusion of all these modern elements in a colonial prison that created amazement.

Colonial prisons, in for example British Burma, were far from the ideal that rehabilitated the prisoners into bettering their lives. The prisons there had not yet been able to construct a system that

67 Shu-Mei Huang, "Ethics of Heritage: Locating the Punitive State in the Historical Penal Landscape of Taipei," *International Journal of Heritage Studies* 23, no. 2 (October 20, 2016), p.114

68 Song, "Panoptic Apparatus: A Study of the Japanese-Built Prisons in Colonial Taiwan (1895–1945)," p.1249

69 Huang, "Ethics of Heritage: Locating the Punitive State in the Historical Penal Landscape of Taipei," p.113

would see this goal succeed, for it was simply not the priority of the colonial government. Prison staff was underpaid and under supervised giving way to all sorts of bribing and abuse of inmates as well as little respect for them from the inmates' side. There was no education given to the inmates regularly and in some cases not at all.⁷⁰ Reform that saw prisons focus on rehabilitation among Asian prisons only took off around 1920's when prison buildings in the Netherlands East Indies and the Philippines were refurbished and the living conditions of the inmates improved.⁷¹ An outcast when it comes to these prison reforms are those in Indochina. The prisons there were formed from prisoner-of-war camp which were not in the slightest focused on rehabilitation. Along with the 'native' prison guards that did not believe in rehabilitation and the prominent influence of the Lombroso theory in French criminology saw the lack of attention to facilitate inmates and helping them live a better life in the future.⁷²

With this background, the amount of effort and research the Japanese government put in impressed other imperial states. In Japan, where most prisons were composed of wood and only some of bricks, most reaction were about the stone used for the majority of the buildings.⁷³ Since the island of Taiwan did not yet have proper prisons before their colonisation, the Japanese used it as a showing of their undisputed power over the inhabitants. The old city wall of Taipei that was intended to keep invaders out, was now repurposed into prison walls. Japan had taken pride in their prison reforms and was now able to utilize it an establish themselves among Western imperial powers. In 1911 the prison even was Japan's contribution to the International Hygiene Exhibition in Dresden, creating a stark contrast with the prisons in Indochina who were ridden with epidemics

70 The lack of commitment in the case of Burma was not just caused by the lack of funds, it was mainly the lack of will. The Inspector-General had strong doubts on the effectiveness of prisons as compared to outside labour
Ian Brown, "7. South East Asia: Reform and the Colonial Prison," *Cultures of Confinement*, December 31, 2019, p.152

71 Ibid. p.258; p.264

72 Ibid. p.265

73 Huang, "Ethics of Heritage," p.114

and diseases.⁷⁴ The exhibition was a place to show medical improvement and saw mainly European countries exhibiting. Though China was also represented it was not considered a showcase of its medical skills, but rather an opportunity for them to study Western hygiene. Japan's exhibition on Taiwan, on the other hand, "served to show the great sanitary improvements made by the government of Japan since it had taken possession of that island."⁷⁵ meaning the Japanese were seen as adding value to the exhibition, where China was not. It was also an opportunity for Japan to make the Western powers understand their position in the Modern society, and their distance from the Asian 'other' and establishing themselves as a modern Western nation state by adopting and adapting European prison reforms.⁷⁶ The idea of distancing themselves from the rest of Asia had gotten a name in an article published in 1885 in a Japanese newspaper titled *Datsu-A Ron*.⁷⁷ *Datsu-a ron* was a political theory that wanted Japan to follow along with Western ideas as it was the way of the future. States like Korea and China had not been able to progress in the Western way, and Japan should be the one to liberate them. It was also stressed that Japan should treat these countries in the same way Western powers would, but still serve as the axle for a modern Asia.⁷⁸

Becoming Part of the Japanese Empire

China had long been the epicentre of civilisation to Japan for its culture, power and sheer size. Japanese culture had been heavily influenced by China such as ideologies and religion. When the feared Qing army was seen beaten by Western powers, and Japan too managed to find success, the dynamic changed. Japan now wanted to separate themselves from China and focus on their unique

74 Ibid. p.114

Henry G Beyer, "The International Hygiene Exhibition at Dresden," *Popular Science Monthly* 80 (February 1912), p.125

75 Beyer, "The International Hygiene Exhibition at Dresden," p.127

76 Ibid. 126

77 Pekka Korhonen, "Leaving Asia? The Meaning of *Datsu-A* and Japan's Modern History アジアを去る? 脱亜の意味と日本の近代史," *The Asia-Pacific Journal* 11, no. 50 (December 15, 2013), p.4

78 Kweku Ampiah, "The Discourse of 'Datsu-A Ron': Japan and Africa in the Network of Modern History and Contemporary Politics," *Routledge Handbook of Africa-Asia Relations*, October 30, 2017, p.113-4

and distinct development over the centuries.⁷⁹ Showing their distinct identity was crucial to separate themselves from the weakening Qing state.

Already during the treaty negotiations of Shimonoseki Japan had been citing international laws stemming from Western imperial countries, confusing the Chinese delegation as they were based on different norms and values. This became clear in the earlier discussed dispute of power over the Taiwanese island, where the Qing did not grasp that it was permitted for a civilised country to claim land at will. Although conquering land was understandable, simply laying claim on it had the Chinese confused.⁸⁰ The change from Chinese centred thinking to Western thinking gave way for Japanese to become an imperial power.

From the start of the colonial period in Taiwan, the appointed GGs had to be some sort of army official in order to gain the position. This made the first fifteen years of the Taiwanese colonial period of military oppression. This was caused by the still frequent disturbances of the Taiwanese, giving reason for the GG to exert power and restore peace on the island. Although Taiwan was rarely referred to as 'colony' by the Japanese government, its prisons were also not equal to the Japanese prisons.⁸¹ It was thought that the island would not immediately need the modern Japanese laws, but rather needed some changes and additions to its penal system. As mentioned before, the Taiwanese followed the Great Ming Code, which saw barely anyone having to be locked up for extended period of times. The building of prisons was therefore prioritized along with implementing a court system. This was to alter the arbitrary way of appointing sentences of the old times, into the wester calculable way of deciding sentences through laws and judges. It was also a way to show their superiority in civilisation as corporal punishment was swiftly abandoned.⁸²

79 Stefan Tanaka, *Japan's Orient: Rendering Past into History* (Berkeley, Calif: Univ. of Calif. Press, 1993), p.154

80 Ye, "Japanese Colonisation," p.187

81 Nadin Hee, "Japan's Double Bind: 'civilised' punishment in colonial Taiwan," 19, no. 1 (2009), p.79

82 Hua-Fu Hsu, "State Power and Penal Rhetoric: A Historical Analysis of the Prison System in Taiwan," *Asian Journal of Criminology* 1, no. 1 (September 1, 2006), p.29

Nevertheless, flogging was reinstated in Taiwan in 1904 for offenders of small crimes. The Taiwanese were placed outside of the Japanese law system and their still uncivilised nature saw the reinstatement of corporal punishment, albeit with strict rules for their execution.⁸³ The ruling within the prisons were strict with almost no outside activities and suppressive supervision all around.

After 1920 there was a slight shift in the treatment of Taiwanese civilians. The military regime came to an end, and a civilian period dawned. After a tumultuous start the island was now relatively stable led by a civilian GG and penal code started to focus more on rehabilitation, getting more comparable with the Japanese penal system, but Taiwan still did not fall under Japanese regulations and followed its own set of laws.⁸⁴ The biggest change was in terms of registration of who was punished, why, and the personal information of the convicts. Additionally, clothing, food, and medicine were better regulated improving the overall life of the inmates.⁸⁵ In 1926 juvenile prisons were built to separate them from adults giving way for better rehabilitation. Moreover, associations that helped ex-inmates were established in all towns and cities to ensure full rehabilitation.⁸⁶ Even though this period saw some changes in the regulation towards a Western model prison, Taiwan was still not fully under Japanese law. The changes made during this period were already in place in Japan from the early 19th century. Taiwan was referred to as an extension of the Japanese empire, but that was mainly in name rather than law.

In the last stretch of the colonisation a clear change in public policy can be seen. From 1937 onwards Japan was getting entangled in the second world war and its wanting to become the main imperial power in Asia saw a need for resources. This was a period of cultural assimilation where the Taiwanese citizens were forced to adopt Japanese names and speak only Japanese. Taiwanese

83 N. Umemori, "Politics of flogging: The making of Japanese colonial governmentality," *The Waseda Journal of Political Science and Economics*, 363, (2006), p.39

A rulebook was made to ensure equal execution of corporal punishment for every convict.

84 Ling-Shi Meng, "Japanese Rule (1895~1945)," *Historical Facts*, n.d., 30–49, p.36

85 Hsu, "State Power and Penal Rhetoric: A Historical Analysis of the Prison System in Taiwan," p.30

86 *Ibid.* p.30

prison labour was overseen directly by the Japanese government, who also utilized prisoners to build fortifications on islands in the region.⁸⁷ In this aspect the Taiwanese prisoners were of less importance to Japan and changes to the manufacturing of military equipment only really started from 1937.⁸⁸

Although many changes were made to the penal system of the island from the Qing dynasty, Taiwan was left behind on full implementation of reforms. Both the position and the natural resources and size of the Korean peninsula made it strategically more important to Japan.

87 Cheng-Yu Lin, "A Comparative History of Prisons in Korea and Taiwan under Japanese Colonial Rule," *Transnationalism and Migration in Global Korea*, September 29, 2023, p.82

88 Ibid. p.80

Punishment in Chosŏn Korea

The state of punishment in Chosŏn Korea was not all that different from that in Taiwan. The Korean state too based their punishment on the Great Ming Code and the five punishments mentioned therein. These punishments could not be imposed upon convicts by everyone. The local government could only impose corporal punishments, as for more serious offences the central government had to get involved in order to assign the penal servitude or banishment. Execution could only be imposed by the king himself.⁸⁹ This system distributed the power so that local authorities could not banish or execute prisoners at will, but rather had to go to the central government that will condemn the convict without prejudices.

The local governments in the Chosŏn era often did not fully comply with the rules set out by the central government. Convicts who were condemned to beatings with a light stick were often hit with the heavy stick, officials were easily bribed into lighter or no sentences, and official duration of prison sentences were often ignored letting inmates go after just a few days.⁹⁰ This was not just because of the lenient wardens; the prisons were often in such terrible conditions that a few days there would be seen as sufficient to teach someone a lesson. The law did stipulate the renovating of existing prisons and the necessary ventilation to ensure a doable stay for prisoners during both the winter and the summer, but there regularly was a lack of funds to implement these changes in smaller villages.⁹¹ Additionally, local government did not always feel the pressure to alter their way of governing as there was close to no supervision on the regulations.

It was only during the 18th and 19th century that proper change was made to the penal system. Before that, torture was common practice when questioning a suspect and was seen as way

89 Jae-woo Sim, "The Penal System," *Everyday Life in Joseon-Era Korea*. Global Oriental (2014), p.217

90 It was not the official fee, but a bribe to avoid official ruling

91 Park, "chosŏnch'ogi kamok chedoŭi chŏngbiwa kŭ unyŏng," p.69-70

of confirming one's innocence or guilt.⁹² It was used to get confessions and to show power, therefore undermining the law that was in place to ensure proper punishments based on the committed crimes. This was all supervised by secret royal inspectors who would travel around the country to keep an eye out for unjust conduct. The legal books commenting on how to treat inmates and the correct way to carry out caning would be rewritten and distributed over the land.⁹³

The biggest changes envisioned right before the official annexation of the peninsula. During the Kabo Reforms pro-Japanese were keen to modernise the prisons system to Japanese standards. This would be a big leap, and the first step would be to focus less on corporal punishment and more on the actual imprisonment. Before this time caning was the primary form of punishment as it was done quickly and saw the convict return home on the same day.⁹⁴ As the modern prison systems of Europe, and subsequently the modern system of Japan, had deemed corporal punishment as pointless and the systems started focussing on rehabilitation and discipline, there had to be fundamental changes made to the Korean prison system.

However, these changes were just that, envisioned, as Japan's growing control on the peninsula and government created difficulty when implementing new regulations. The Japanese government started the implementing of their modern views of prison rule during that same period. It would see the building of new prisons as the buildings from the Chosŏn period were in poor shape and not fit for the increase of prisoners the abolishing of canning would result in.⁹⁵

92 Jae-woo Sim, "The Penal System," *Everyday Life in Joseon-Era Korea*. Global Oriental (2014), p.219

93 Sim, "The Penal System," p.222

94 E.S. Lee. "chosŏnsidae og(獄)e kwanhan koch'al"[A study on Prison of Joseon Dynasty], *Presentation materials of the Northeast Asian Cultural Association International Conference*, (2021), p.87

95 Kang, "The Prison and Power in Colonial Korea," p.416

Changing times

The Japanese government wanted to change this for the better and started on reforms immediately. Unfortunately for them, the Chosŏn prisons were often in terrible conditions making it more cost efficient to build a whole new prison than to refurbish the old ones. The buildings were outdated and unfit for the new increased number of prisoners, giving need for new buildings. These did not only take years to complete, it also cost a great amount of money. In the early years of Korea's colonisation, Japan diligently started the build of new and improved prison buildings with nine central and nine local prison buildings. Battling the overcrowding of prisons was a priority as it undermined the modern and hygienic prison system Japan wanted to promote. Japan had promised to bring modernity and humanity to the prison system of Korea but was struggling to follow up to these promises.

The main reason for this situation was the lack of funds available for the reforms. The available money for the rule of Korea was divided over all sectors of governing including the penal system. When the costs of raw building material rose as the First World War unfolded, the allocated budget did not increase. Quite the contrary the budget was decreased as the residual money the officials had been counting during the last few years of rule in Korea had included subsidies of the Imperial treasury. This gave the appearance of a bigger surplus of money than there actually was. From 1913 the budget for prisons stayed roughly the same, even with the stark increase of building costs. It had dire influence on the initial quick development of new buildings and caused a five-year pause of building activities as there were simply no funds left.⁹⁶

Nonetheless, overcrowding was still a serious problem. Inmates had to share their cell with an increasing amount of others, epidemics were spreading like wildfire, and temperature regulation

⁹⁶ Micheal L. Sprunger, "Grafting justice: Crime and the politics of punishment in Korea, 1875–1938," Diss. University of Hawai'i at Manoa, (2011), p.134

was near impossible.⁹⁷ The most obvious solutions, building more and bigger prisons, was equally impossible to realise without money, so a new doable resolution had to be found. The reintroduction of corporal punishment for minor crimes. Although not without commotion, flogging was reinstated as punishment in both Taiwan and Korea. Taiwan had been subordinated to the flogging ordinance already in 1904, and Korea would follow in 1912.⁹⁸ The backing for using corporal punishments in both colonies was the same. The Korean and Taiwanese citizens would not be civilised enough to be able to gain from penal conviction and therefore it would be better to punish them in a way more suited to their situation and more familiar to their society.⁹⁹ Flogging was called humane and civilised as it was a short-lived punishment, and strict rules were in place for the execution. However, it was not Japan's first intention to reintroduce corporal punishment, rather it was an emergency solution to a problem they could not seem to fix. The justifying efforts were thought up to defend their decision in the public eye and were not the reason for the new flogging ordinance. The punishment was abolished again around 1920 in both colonies as the Japanese rule entered a lenient period to try and create hegemony in its colonies.¹⁰⁰

Few years later, in 1923, the first juvenile prison was built. The first dedicated juvenile prison in Japan was only completed in 1902, showing a quick implementation of modern rules in the colony. The treatment, nonetheless, was far from ideal. Proper education for the youth was lacking and the reform program, designed to lower juvenile crime rates, did not work. Rather, juvenile crime rates were ever rising.¹⁰¹

The situation within the regular, overcrowded prisons were far from ideal. Even though the overall modern structure of the Japanese prisons was implemented in Korean prisons (work, diet,

97 Kang, "The Prison and Power in Colonial Korea," p.418 p.248

98 Umemori, "Politics of flogging: The making of Japanese colonial governmentality," p.39

99 Ibid. p.40

100 Kang, "The Prison and Power in Colonial Korea," p.419

101 Sprunger, "Grafting justice," p.220

education, possibility to earn favours) the execution of them was often not proper. As a result of lack of funds and overcrowding, food was innutritious, clothing was in terrible state, and personal hygiene was a dream many failed to achieve. Riots often broke out as the inmates were frustrated with their lack of personal space and the preferential treatment some Japanese inmates received. It was not common practice for guards to give favours to Japanese inmates, but when a conflict was to be resolved, Japanese inmates were often backed by the guards.¹⁰² All in all, it shows overcrowding was the instigator for most of the problems in Korean colonial prisons as it created friction and frustration by the inmates. The question then remains, were Japanese prisoners better off at home?

102 Sprunger, "Grafting justice," p.248

The Difference of a Colony

There are multiple clear differences between the Japanese prisons and the colonial prisons. It should not be a surprise that the Japanese government favoured the prisons on its main island over the colonial prisons when allocating funds. Alongside this was the difference by law of colonial citizens and Japanese, where the citizens of Taiwan and Korea fell under separate laws. Japanese prisons had more available money and were thus able to maintain their buildings and provide adequate care for their inmates, where mainly Korean prisons struggled greatly with overcrowding and hygiene issues.¹⁰³ It was simply of less concern what was happening in the colonial prisons.

Perhaps the biggest difference is the use of corporal punishment and torture on political prisoners. Especially in Korea during the March First Movement and the later years of colonial rule when Japan tried to assimilate their culture by forcing Japanese values on the citizens. This was not just handled by imprisoning the resisting individuals, but rather the harsh treatment saw the loss of spirit for many protestors. Torture was used to gain information on other resistors and treatment in general was exceptionally harsh. Starvation and torture went hand in hand in order to regain power over the independence fighters. Forced ideological conversion was given to all who were convicted for demonstrating against Japanese rule. Japanese ideology was imposed through classes tailor to the individuals past life to ensure successful conversion. The political and religious background of the prisoner and its family were used, illustrating how seriously the Japanese led government was in suppressing the resistance.¹⁰⁴ Corporal punishment was never reinstated in Japan after its initial abolishment in 1882, as with the use of torture.

103 Johnson, "Opposing Outcomes of the Industrial Prison," p.61

104 Kang, "The Prison and Power in Colonial Korea," p.423

Other than the above-named aspects, prison rules were quite comparable. Both Korean and Taiwanese prisons were industrial prison like the Japanese ones, although they did not operate in the exact same way, as the GG of both colonies were in charge rather than the minister in Japan, giving way for subtle differences in who the prisoners worked for. Labour was used to keep prisoners in check by giving them something useful to do along with tiring them out. Apart from a short period in which punitive labour was used in Japan, prisoners were responsible for the self-sustainability of the prison, meaning their labour had to be profitable. However, as mentioned at the beginning of this thesis, profit was not meant to replace the disciplinary function of hard work. This focus on discipline can be seen in colonial prisons as well, where inmates described a tense and pressing atmosphere. Prisoners were expected to remain silent when they were in their cells, even when they shared this with so many others. The objective of prison sentences was to create docile subjects of the Japanese empire. Along with the before mentioned imposing of Japanese ideology on prisoners, the tension and ever-present guards greatly impacted one's mental state. The lingering knowledge that at any given moment a guard can see you can create the lasting effect of suppressing one's will for fear of discovery.¹⁰⁵

105 Kang, "The Prison and Power in Colonial Korea," p.412

Comparing the different approaches to prisons: display of power in changing societies

It is clear that the changes in both Korea's and Taiwan's prison system happened in a similar matter. Both first followed the Great Ming Code when it came to punishment where corporal punishment was the standard and penal servitude was secondary. The Japanese led government made immediate changes to this system by creating a modern prison code and putting its focus on penal servitude rather than caning. Prisons were built and an extension the Japanese law was implemented in the colonies.

In Taiwan, where prison servitude was scarcely assigned, prisons had to be built from scratch. In the years before colonisation convicts were usually punished by flogging or spending time in the local police station as no real prisons existed. This meant that the new Japanese led government had to start from nothing and hence took the opportunity to build an impressively modern prison in the centre of Taipei. The prison would be a prime example for Japan to show their modern mindset to the rest of the imperialist states as the building was not just architecturally well thought out, the hygiene and living conditions of the inmates were of high quality as well. In the early years of the twentieth century numerous prisons were build and grant investment was made in the prison and police sector.

This contrasts with the situation on the Korean peninsula, where prisons were already in use, albeit in poor condition, thus giving the opportunity for the colonial government to refurbish the old buildings into modern prisons. Because of the dire state of most of the older prisons, new prison buildings still needed to be built. Unfortunately, the start of world war I saw a fast increase in price

of construction materials resulting in an inability for the state to fund the new buildings for lack of budget.

Throughout the colonial period it can be seen that Taiwan's investments in prisons outnumbered Korea's. Moreover, Taiwanese prisons were more self-sufficient than their Korean counterparts. The idea behind the industrial prison system used in Japan was among other things to create a certain self-sustainability. Instead of funding prison from the state treasury, prisoners were put to work so profit could be used instead. There are two main reasons that caused the mentioned difference. First of all, Taiwan's colonial government was under stricter supervision compared to Korea. Especially in the area of prison labour, which was overseen by the Japanese government. Investments were made in professional instructors for prisoners and the manufacturing process was controlled by the government. In Korea, on the other hand, regular workers were used to instruct the prisoners, as it was cheaper, and private businesses were able to hire prisoners for work. This meant that there was little to no supervision on the work of the prisoners.¹⁰⁶ This would result in less profit for the prisons, as most went to the company hiring the inmates, with a complementary vulnerable position of the prison's income as profit was depended on economical fluctuations of the country as the businesses prioritized their own profits to the prison's. This changed slightly during the period of militarisation around 1937 when all prison labour was focussed on producing useful materials for the war, supervised by the Japanese government.

This difference of policies was not so much caused by different laws, as it was by simply a different distribution of available funds and the complete lack of prisons present in Taiwan before colonisation. When it comes to regulations there are more differences to be observed. One difference is the progressive-stage system that was in use in Japan, where the prisoner could gain advantages through hard work and good behaviour. This system was implemented in Korean

106 Lin, "A Comparative History of Prisons in Korea and Taiwan under Japanese Colonial Rule," p.80-81

prisons as well, but only partially in Taiwanese prisons. A reason to explain this is how the Japanese viewed Taiwanese compared to Koreans. Although Koreans too were seen as backwards compared to the enlightened Japanese, Taiwan was considered to be further behind. A possible explanation is the route of modernisation the Chosŏn government was already on before the Japanese colonisation, even though what Chosŏn had was mostly plans yet to be introduced in the law. Taiwan had seen uprisings, rebellions, and changes of power without a stable political period. This created the image of the primitive Taiwanese who would not be able to profit from such a modern structure as the progressive-stage treatment.¹⁰⁷ For this same reason, prison education was less prominent on the island of Taiwan.

If we then compare all three prison systems, there is one prominent and considerable distinction. Flogging and corporal punishment was put back into use in the colonies after their initial abolishment. Flogging was seen as a primitive punishment unfit for modern citizens and was thus abolished in Japan in 1882 and in both colonies at the start of Japanese rule. It was, however, reinstated in the colonies in 1904 (Taiwan) and 1912 (Korea).¹⁰⁸ Although the main reason for the reinstatement was overcrowding and was to try and relieve the large influx of prisoners, it was legitimised through the narrative of a primitive populace. Additionally, corporal punishment, also abolished in the modern Japanese empire, was commonly used when dealing with political prisoners. Despite Japan's promise of a modern humane prison system, these two practices were still in wide use during the colonial era.

The discussed prison reforms instigated by Japan were met with praise from the West as it was a fusion of different European ways of managing prison sentences.

107 Lin, "A Comparative History of Prisons in Korea and Taiwan under Japanese Colonial Rule," p.78

108 N. Umemori, "Politics of flogging: The making of Japanese colonial governmentality," *The Waseda Journal of Political Science and Economics*, 363, (2006), p.39

It is clear that the disciplinary approach was used in both colonies, as hard work and heavy surveillance were prominent in both countries. Jeremy Bentham's panopticon idea was transferred into the radial design that was used in Japan and its colonies, creating a power position between the inmates who were under constant surveillance and the guards. Ideally it would lead to submissive and docile citizens once released. This, however, did not always work. While many were unable to resist the forced ideological conversion paired with torture, some found pride in being able to resist the constant disciplining. In these cases, it only fuelled hate and rebellion resulting in more passionate resistance once released.¹⁰⁹

The focus on discipline was the centre point for prison policy until well into the 20th century when it shifted towards rehabilitation. Still, prison labour was deemed extremely important as prisons were expected to be somewhat self-reliant. However, profit was not to be made at the expense of discipline. As the primary goal of prisons was to scare the inmates into obedience with harsh conditions and intensive labour. The economic benefits stemming from the labour was simply a perk.¹¹⁰

109 Kang, "The Prison and Power in Colonial Korea," p.422

110 Botsman, "Punishment and Prisons in the Era of Enlightenment,"

Conclusion

As there are a great number of mutual parity and disparities there is not one conclusion to this research. Japan's varying sentiment towards both colonies definitely played a part in the colonies respective prison policies, and there are positive and negative aspects to be found in both colonies.

To start in Taiwan, Japan's first colony. Where the initial rule was aggressive in order to suppress the uprising caused by Japan's taking of the island, it changed to civilian rule during the second half of the colonial period. In the beginning of the 20th century GGs with a military background were in charge of overseeing the island and had legislative, judicial, executive, and military power. A period of aggressive military oppression of Taiwanese resistance put the newly built prisons to the test. However, the prisons were well equipped and received praise from Western powers and no grave problems with the new system of imprisoning convicts emerged. In Korea, on the other hand, a same period of social unrest and uprisings challenged the prisons that nearly burst at the seams. Severe overcrowding resulted in hygienic nightmares as sicknesses spread like wildfire. Additionally, it is known that political prisoners were frequently tortured for information regarding sympathisers. Where this is mentioned frequently in sources regarding colonial Korean prisons, no mention of torture is made in sources regarding colonial Taiwanese prisons. Although this does not have to mean there was none at all, it might just mean it was less common as it is mentioned in close to all Korea focussed sources.

As said, the first period of rule in both colonies was rather similar. Both colonies were utilised to sustain the Japanese empire and were exploited to produce as much as possible. In this sense the colonies only difference was the bigger size of the Korean peninsula, which made it more profitable to the Japanese empire, and thus more useful. Korea was prioritised and the GG there had

more power (or endured less control from the Japanese cabinet). This can be seen when looking at how Japanese laws were extended to the colonies. Where the Korean GG was able to rewrite the laws and implement them easily, Taiwan had to go through the ministries of Japan who would adjust the original Japanese laws to fit the Taiwanese citizens. However, since prison reforms were for the majority implemented at the very start of the colonising period, the hassle to implement Japanese laws seems to not have made a great difference concerning prison regulations. The only significant changes made after 1920 (during civilian rule) were the abolishing of flogging, which happened simultaneously for both colonies in 1920, and the building of juvenile prisons in Korea in 1923 and Taiwan in 1926.

Leading up to the last period of rule on both island resistance increased in both colonies. In Taiwan, the Wushe incident saw the aboriginals in a fight with Japanese military, resulting in the death of 197 Japanese, and 644 aboriginals. This, however, did not result in political prisoners as many of the Wushe tribe committed suicide and those who did stay were deemed to uncivilised to benefit from prison servitude. Instead, hostile tribes were monitored closely by military stations to ensure such a bloodbath was to be avoided in the future. As opposed to Taiwan, Korean resistance had continued throughout the colonising period. For comparison, the March First Movement saw about 7,500 Korean killed and about 47,000 arrested. Casualties are significantly higher compared to the most prominent late resistance in Taiwan and only fuelled Korea's fight for independence. Around 1931, during the start of military rule, Korean prisons were full of political prisoners. Even though legally there were no changes in prison rule, the reality was an increasingly harsh treatment of prisoners as Japan tried to re-establish its power through ideological conversion and torture.

This brings us to a complex conclusion, as the nuances of the subject cannot provide singular answer

On the one hand, Korea did implement prison code in a way very similar to the Japanese code, apart from the period in which flogging was reinstated as proper punishment. This was due to the favourable positions of the Korean peninsula and its importance to the Japanese empire, but also because of the already present use of penal servitude before the colonisation. Nevertheless, because of the fierce resistance of the Koreans to Japanese rule, prisons were overflowing with political prisoners and during the final period of military rule, torture was common practice once again. In Taiwan modern Japanese prison rules were implemented as well, but aspects such as the progressive-state system were only partially in use. However, since resistance was less prominent on the small island overcrowding was less of a problem and no mention of regular torture is made.

One conclusion could be that the oppressive rule of the Korean GG is what caused the dire situation in the Korean prisons, even though they were more modern than the Taiwanese prisons. One could also argue the fierce and continues resistance is to blame for the terrible treatment, but would the government then not still be the reason for the incredible number of prisoners and the treatment.

Another approach would be to consider the state of both countries before the Japanese take over. Where the Korean peninsula had been united under the Chosŏn dynasty for some five hundred years, Taiwan had been conquered and ruled by a variety of countries and dynasties. Paired with a high level of immigration from the Chinese mainland, the Taiwanese had no real sense of unity. Then, the past of the colonies would be the cause of the prison situation, as the national unity is what incited Korean resistance.

When looking at the reason for less prison modernisation in Taiwan a plain conclusion can be reached. Taiwan had not used prisons before the Japanese colonisation, meaning the Japanese built the new prison system from scratch instead of amending the regulations. Moreover, Taiwan is

significantly smaller and thus less profitable to Japan making it a lower priority to the Japanese empire. Lastly, Japan had a more orientalist view towards Taiwanese citizens, deeming them unable to benefit from the most modern aspects of the Japanese prisons systems.

When focussing on modernisation, the reason for less modernisation of Taiwanese prisons compared to Korean prisons is mainly caused by the Japanese perception of Taiwanese as more primitive compared to Koreans, and the priority position of the Korean peninsula for its size and location.

In the end it seems to have been the Taiwanese prisoners who were better off in their less modern prison system, as their lack of national unity minimized nationwide resistance and thus political prisoners. It might not have been the way of ruling the colonies that caused the different situation in prisons, but the state of the colonies before the colonisation. For further research it is recommended to find testimonies of past inmates of colonial Taiwanese prisons to obtain more information on the actual treatment of the prisoners. This would give a better comparison of the actual situation in the prisons, rather than only a comparison of official regulation and might give additional useful insights.

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