

Chapter Four

The Establishment of a Colonial Prison System 1895-1900

“Effective colonial government rests on two basic pillars: firstly the maintenance of law and order to uphold the authority of the administration; and secondly, the collection of adequate revenue with which to finance the running of the colony.”¹

Introduction

To understand the system of Japanese colonial governance in Taiwan, it is essential to first examine Japanese attitudes and motivations towards their colonial empire. Why did they want to establish colonial territories and how did they view their colonial subjects? What influence did these attitudes have on the type of systems of social control that they established? And in turn, what effect did the type of colonial governance that they established have on the penal system that developed in Taiwan?

While many factors played a part in Japan’s decision to become a colonial power, such as security, idealism, and economic interest, an essential consideration for the acquisition of Taiwan, in particular, was prestige value.² It was thought that acquisition of a colonial empire would establish Japan’s equality with the Western powers, and was a sign of “national eminence, the ultimate status symbol upon the world scene.”³ Baron Goto Shimpei, civil administrator under Governor General Kodama Gentaro (governor general from 1898 to 1906), wrote that “our nation’s history as a Colonial Power commences with the story of our administration of

¹ Killingray, in Anderson and Killingray (eds.), *Policing and Decolonisation: Politics and Nationalism and the Police, 1917-65*, Manchester University Press, 1992, p. 411

² Myers, *The Japanese Colonial Empire, 1895-1945*, Princeton University Press, New Jersey, 1984, p. 8

³ Myers, *The Japanese Colonial Empire* p. 10

Formosa, and our failure or success there must exercise a marked influence on all our future undertakings.”⁴

Linked to this desire to establish themselves on par with Western imperialist nations, was the driving force of idealism, the desire of the Japanese to use their new colony to demonstrate their ability to “project their values and power outward for the betterment of mankind”.⁵ Peattie has characterized the Japanese motivation for acquiring Taiwan as the desire for an “imperial accessory, a laboratory where the “new boy” could show off his modernizing skills”.⁶ And the creation of new forms of power in their colony, such as penal and police systems, was an integral part of this mission.

As the sole non-Western imperial power of the modern era, they believed themselves capable of bringing modernity and development to the “corrupted” and “decayed” Asian nations. However, hand in hand with this civilizing mission, was the belief that despite a sense of racial and cultural affinity with the subject people of Taiwan, the Japanese were racially superior. Naturally this affected attitudes towards colonialism and two approaches developed, one drawing on European ideas of maintaining distinct and separate colonial territories, while the other, more Asian in origin, stressed affinity and integration. Thus these two contradictory viewpoints contributed to the inability of the Japanese to “shape a coherent colonial doctrine which might justify the empire to themselves, their subjects and to the rest of the world.”⁷

The creation of systems of social control, law enforcement and the judiciary in colonial Taiwan were essential for the Japanese to establish and maintain control over

⁴ Baron Shimpei Goto, in Takekoshi, (1905) *Japanese Rule in Formosa*. Taiwan, SMC, Taiwan, 1978 reprint, preface, p.v.

⁵ Botsman, *Power and Punishment in the Making of Modern Japan*, p. 205

⁶ Peattie, in *The Japanese Colonial Empire, 1895-1945*, p. 16.

⁷ Peattie in *The Japanese Colonial Empire*, p. 15

their new colony, however the first order of business in the new colony was dealing with widespread unrest throughout the island. When Japan acquired Taiwan in 1895, Japanese leaders were suddenly thrust into the role of colonial rulers with authority over an unwilling and unruly population. They were understandably nervous about how their rule would be received by the Taiwanese people. Debates about the merits of different methods of colonial governance had to be cast aside in order to deal with this more pressing problem of local unrest. Autocratic methods were employed by a Japanese military administration (June 17, 1895- March 31, 1896) to effectively and brutally establish state authority and deal with growing local resistance. Thus Japanese colonialism “began with the initial chaos of colonial conquest”⁸ and emphasized suppression in the military orders issued to deal with the local population.

Due to popular uprisings, more than 32,000 Taiwanese were killed between 1895 and 1902. This amounted to about 1% of the population at that time.⁹ Most resisters were killed in battle by the army rather than being brought before the courts to face judicial sanctions due to these military orders that mandated the death penalty for resistance. These obstacles encountered by the government in establishing their rule meant, “its plans couldn’t be carried out as effectively as possible... [W]ithin 3 years, 3 governors-general and 4 civil governors were successively appointed and the Japanese became progressively discouraged by recurrent demands for heavy subsidies.”¹⁰

It was under General Kodama Gentaro, the fourth Governor General of Taiwan, that the initial chaotic environment of military pacification gave way to an efficient colonial government, temporary measures eventually giving way to institutionalised

⁸ Peattie, *The Japanese Colonial Empire*, Introduction, p. 18

⁹ Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule (1895-1945)*, p. 258

¹⁰ Seiji Hishida, *Formosa: Japan’s First Colony*, *Political Science Quarterly*, Vol. 22, No.2, June 1907, p. 271

methods of social control. Gentaro and his civil administrator Goto Shimpei worked to restructure the “political, social and economic order” through a scientific approach that resulted in “a series of well-planned and coordinated efforts which collectively changed a backward, economically fragmented and debt-ridden territory into a modern, economically self-sufficient colony.”¹¹

The creation of new instruments of ‘coercive authority’, such as systems of social control and judicial and law enforcement systems in colonial Taiwan, was imperative for Japanese colonial rulers seeking to dismantle the Qing justice system.¹² The process of legal reform by the Japanese colonial government has been described as the diverting of Taiwanese legal concepts away from traditional Chinese legal tradition to modern Western law. As part of this process, new judicial institutions were created, such as a modern court system, penal system and also a spatially dispersed police force linked to the traditional Chinese bao-jia system of community policing, which enabled state authority to flow down through local society. Thus, Japanese colonial rulers centralized their authority and established modern criminal justice on Taiwan by removing Qing authority and imposing their own systems of judgement and punishment throughout colonial society. The concern with maintaining law and order extending as far as the widespread utilization of militia groups and community organizations to control the largely rural population.

After the initial period of military rule, the Japanese saw Taiwan as a “special legal zone in which under Law 63 the Governor-General of Taiwan in fact possessed nearly autonomous legislative authority.”¹³ During the administration of Kodama Gentaro, Wang states that the basic model for colonial administration was formed. Essentially

¹¹ Peattie, *The Japanese Colonial Empire*, p. 19

¹² Killingray, in *Policing and Decolonialisation*, p.411

¹³ Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule*, p. 149

the GGT sought to use Western colonial law and Chinese imperial law to make a new legal system for Taiwan so that Taiwan could become a “showcase for Japanese colonialism.”¹⁴ The primary concern seemed therefore to be to establish a legal system that was advantageous to Japanese rule on Taiwan. As such various special criminal laws were enacted, applicable only to the Taiwanese population, designed to maintain public order, such as the Bandit Punishment Ordinance (1898), the Fine and Flogging Ordinance (1904) and the Hoko Ordinance (1898).¹⁵

Kodama expressed the opinion that the “most important thing in governing those people in newly-acquired territory was to wield absolute authority over them, and therefore if the administrative officials in Taiwan had no degree of judicial power, they would lose this indispensable absolute authority.”¹⁶ Wang states that the more liberal aspects of Western criminal law such as due process, equality of punishment, individual responsibility and a non-partisan judiciary were not introduced due to the illiberal elements of Japanese domestic criminal law and the coercive nature of colonial law. Thus under the Japanese there was a change from traditional family or village based punishment to punishment meted out by the established authority of the colonial state.

4.1 Administration

“The great powers...have long drooled over the possibility of adding this island to their territories...[and] they will be watching very carefully to see how our empire

¹⁴ Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule*, p. 113

¹⁵ Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule*, p. 126

¹⁶ Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule* p. 166

governs Taiwan. A modern penal system is key to 'success' in Taiwan otherwise there would be no trust in Japanese law and all our efforts there [will] come to naught."¹⁷

As stated, the colonial state stressed order and discipline above all else and the establishment of a modern penal system was seen as imperative to successful governance of Taiwan and establishing Japan's colonial credentials. Thus one of the first steps taken by the colonial government was to abolish the Qing justice system and then issue emergency military regulations to punish basic crimes, which were repealed when the Japanese penal code was introduced into Taiwan in 1896.¹⁸ Under the Japanese, the legally sanctioned punishment of imprisonment was introduced for the first time into Taiwan. This heralded a sea change in the system of punishments on the island. A new era began in which "modern penal thought and techniques were brought into practice in a specific institution to manage the colonized population."¹⁹ Thus the system of punishment was for the first time, according to Wang, "monopolized by the state through the court and the administrative summary judgment system."²⁰ Here we can see the emergence of Scott's forms of power that are concerned with "disabling old forms of life by systematically breaking down their conditions" and constructing new conditions in their place so that new forms of life emerge.²¹ These new forms obliged the infliction of punishment carried out in an authoritarian manner by the colonial state, in line with their need to establish strong colonial governance.

The desire of colonial authorities to establish a modern penal system thus faced difficulties in the early days of colonial rule. With the introduction of prison sentences,

¹⁷ Fukuzawa Yutaro, "Taiwan kangoku seido ni tai suru gaiken," *Dai Nihon kangoku kyokai zasshi* 95 (April 25, 1896): 41, quoted in Botsman, *Power and Punishment in the Making of Modern Japan*, p. 205

¹⁸ Botsman, *Legal Reform in Taiwan Under Japanese Colonial Rule*, p. 206

¹⁹ Hsu, *Penalty Beyond the West*, p. 71

²⁰ Wang, *Legal Reform in Taiwan*, p. 291

²¹ Scott, *Colonial Governmentality*, p. 193

colonial rulers found they suddenly had a great number of offenders awaiting incarceration, but no facilities in which to detain them. Local unrest as well as the problems of ordinary crime, such as homicide and theft, all stretched the resources of the colonial state. They were forced, therefore, in the initial period to use existing Qing structures for detention and incarceration until such time as they could construct their own penal institutions. And in the meantime Japanese authorities acted quickly to establish prison legislation (proclaimed in 1895) mandating the establishment of three different types of prisons: houses of detention (places for temporary detention only), prisons for suspects awaiting trial, and prisons for those already convicted.²² The prisons were intended to be located close to courts, for convenience and also for security reasons. They were to be supervised by the head of the civil administration, and managed by the local administrative head. And the houses of detention were to be set up within military police and normal police stations and managed by the head of the military police. In addition, the regulations stated that where prisons had not yet been established, detainees should be held at military police and normal police stations.²³ Thus there was a division between the prisons who fell under the aegis of local administration, while the facilities for detention were to be located and managed by police.

The initial period of the development of the penal system can be thought of as being from 1895 until 1900. After a brief period of military administration, the administration of the prison system came under the jurisdiction of the police department where it remained until 1900. This initial period was characterized by experimentation as the authorities sought to adapt their experience of penal reform in

²² The "Taiwan Prison Order" (台灣監獄令) initially proclaimed November 1895. 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 37

²³ 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 37

Japan to their new colony. However, as the needs of colonial governance were different from those of Meiji Japan, and characterized by different relations between state and subject, the prison system established in Taiwan was necessarily altered. These attempts resulted in a series of changes being made to prison administration and regulations. This period of experimentation was somewhat stabilized when prison administration was brought under the Department of Judicial Affairs in 1900 and prison regulations were settled, not undergoing further revision until 1908. However, the prison system was unable to achieve the aims of colonial rulers until the massive construction program of modern prison facilities was completed after 1900 allowing implementation of modern penal concepts in Taiwan's colonial prisons.

4.2 Penal Expansion

The introduction of legislation mandating the sentence of incarceration, in addition to on-going unrest, meant that the need for facilities to incarcerate those who fell foul of the law became more and more urgent. Thus in January 1896, 13 prisons were established throughout Taiwan in Taipei, Xinchu, Yilan, Taizhong, Miaoli, Lugang, Pulisheng, Yunlin, Tainan, Fengshan, Chiayi, Hengchun and Penghu²⁴ (Refer Table 4.1) in prison facilities established during the Qing dynasty or other makeshift facilities. For example, Taipei Prison located in the old Qing army garrison near the south gate of the city wall was opened as a prison in 1896 with an initial inmate population of 120.²⁵ These facilities were intended to be a provisional measure until the colonial authorities could establish their own penal facilities.²⁶ Some of these

²⁴ See "Implementation of the Bylaws of the Provisional Prison Regulations" (監獄假規則假施行細則), 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 45

²⁵ Botsman, *Power and Punishment in the Making of Modern Japan*, p. 206

²⁶ 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 35

prisons were located in existing Qing jails located within the yamens, “altered somewhat for that purpose” however, these were found to be unsanitary and authorities noted a high mortality rate of prisoners incarcerated there.²⁷ Other prison facilities were set up in converted old local government offices, shrines and temples, warehouses and other temporary sites. James Davidson, US Consul, remarked on how in his visit in 1900, “the several prisons in the island are in such buildings”.²⁸

Table 4.1 1896 Prison Names and Locations²⁹

Region of Construction	Name	Location
Taipei County	Taipei Prison Xinzhu Prison Ilan Prison	Taipei Xinzhu Ilan
Tainan County	Tainan Prison Fengshan Prison Jiayi Prison Hengchun Prison	Tainan Fengshan Jiayi Hengchun
Taizhong County	Taizhong Prison Miaoli Prison Lukang Prison Pulishe Prison Yunlin Prison	Taizhong Miaoli Lukang Pulishe Yunlin
Penghu Island Region	Penghu Island Prison	Penghu Island

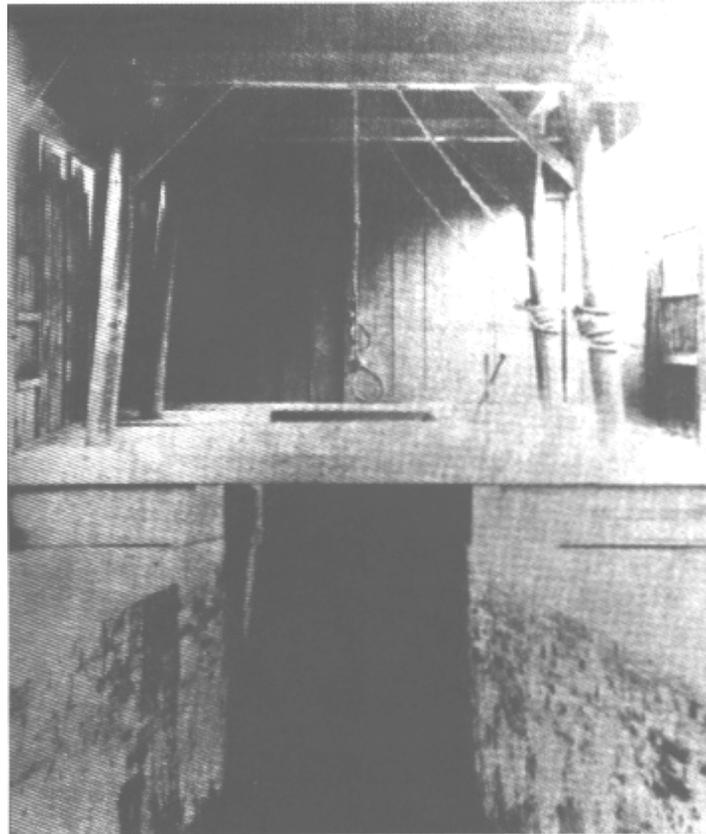
However, despite the increase in penal facilities throughout the island, the prisons could never keep pace with the number of prisoners and overcrowding was a constant problem in these early years. The numbers of prisoners increased dramatically throughout the island’s prisons between 1895 and 1902, and this was mainly influenced by the enactment of the Bandit Punishment Ordinance in 1898, applicable only to Taiwanese. This mandated the death sentence for resistance to Japanese rule

²⁷ Davidson, *The Island of Formosa, Past and Present*, p. 610

²⁸ Davidson, *The Island of Formosa, Past and Present*, p. 610

²⁹ 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 97

and swelled prison numbers because of the large numbers of prisoners awaiting the execution of their sentences. Between 1898 and 1901, 2,616 bandits were hanged and Botsman describes how, in 1901, the Taihoku (Taipei) Prison warden, in a speech to colleagues in Tokyo, claimed to have personally supervised the executions of nearly 300 Taiwanese bandits.³⁰



*Figure 4.2 Execution Room, Taipei Prison*³¹

In addition to mandating the death penalty for resistance, the Bandit Punishment Law mandated penal servitude for accomplices and associates. The law stated that anyone that ‘aid[ed] bandits by means of sponsoring firearms, ships, money, rice or other objects’, ‘harbour[ed] or conceal[ed] bandits’ or ‘blindly follow[ed] or serve[d] odd jobs’ be sentenced to penal

³⁰ Botsman, *Power and Punishment in the Making of Modern Japan*, p. 206

³¹ <20 世紀台灣 1910-19>, (台北: 大地地理文化科技事業股份有限公司, 2001), 頁 17

servitude.³² Thus the prison population increased not only due to those temporary inmates awaiting execution, but also because of the large number of people sentenced to long prison terms. Between 1898 and 1902, 664 people were sentenced to life, 479 were given sentences over ten years, and 258 received sentences of five years or more.³³ Taking Taipei Prison as a typical example, there was a ten-fold increase in the number of prisoners held there between November 1895 and January 1898. In January 1896 statistics published in contemporary newspapers show 46 prisoners being held in Taipei prison, however by January of the next year, this number had increased to 309 prisoners and by January of 1898, there were 839 prisoners.³⁴ By 1900 this number had increased again to 1,200.³⁵ This overcrowding was officially acknowledged in 1898, when instructions were issued to the heads of courts and procurators asking them to “exercise their powers of suspending the detention of the accused as frequently as possible because the prison facilities were overcrowded.”³⁶

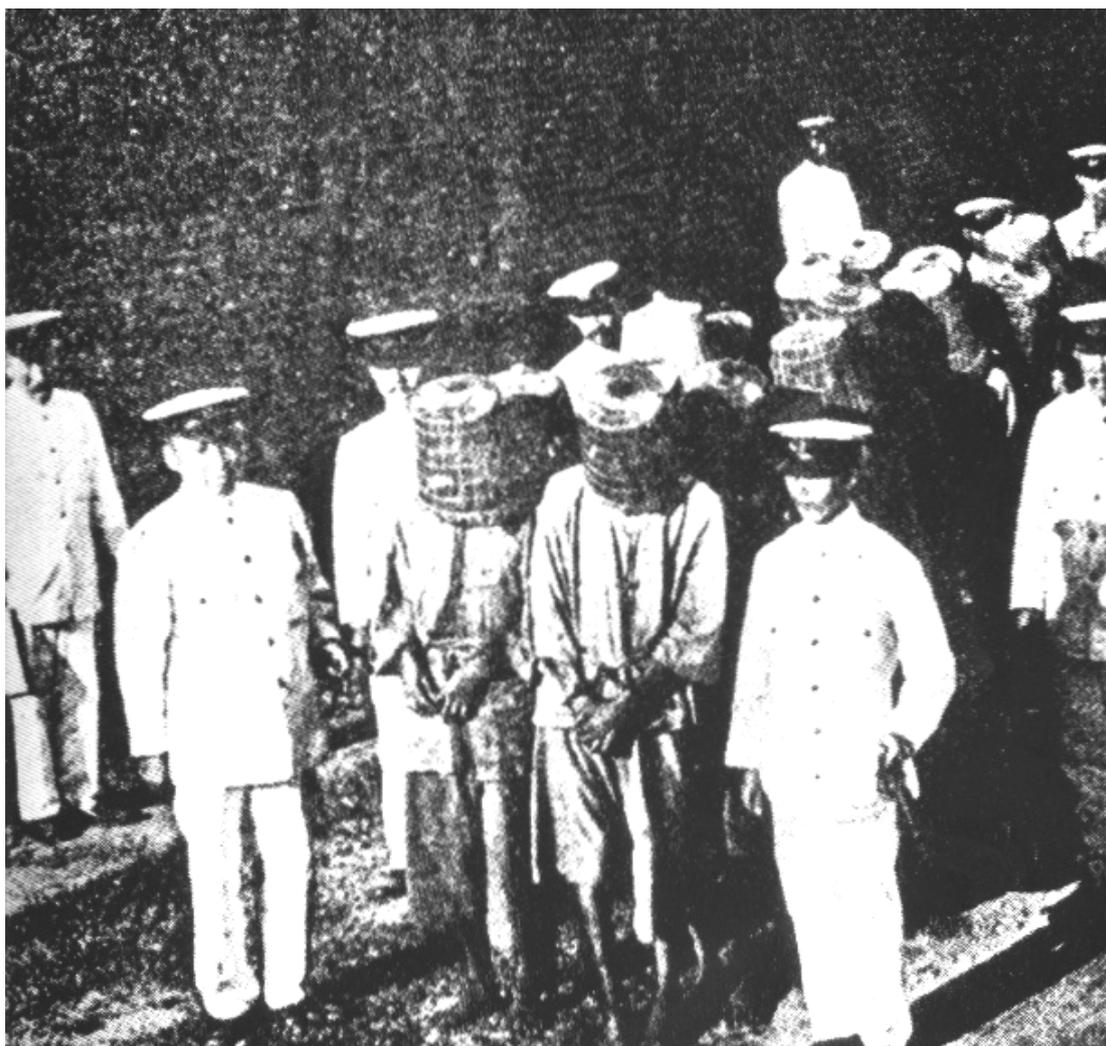
³² Wang, *Legal Reform in Taiwan*, Appendix D, The Bandit Punishment Law (Emergency Ritsurei, no. 24, 1898, articles 1,4 and 5, p.471

³³ Botsman, *Power and Punishment in the Making of Modern Japan*, p. 206

³⁴ <囚人増加>, <<日日新報>>, 1899年2月12日

³⁵ Botsman *Power and Punishment in the Making of Modern Japan*, p.206

³⁶ Wang, *Legal Reform in Taiwan*, p. 170



*Figure 4.3 Procession of prisoners wearing baskets on their heads being escorted from Tainan Prison to the nearby courthouse*³⁷

According to new prison regulations issued in 1899, future Taiwan prison regulations were to be based on the “Prison Regulations” (監獄則) issued by Japanese Imperial Decree no. 93 in 1889. Prison administrative matters were to be directed from Japan and implemented by the governor-general in Taiwan. On a county level, they were to be implemented by the district governor.³⁸ Thus prison legislation was to fall in line with Japanese prison legislation and the governor-general in Taiwan was to have extensive power in implementing such legislation.

³⁷ <<20 世紀台灣 1910-19>>, 頁 12-13

³⁸ In February 1899, the “Implementation of the Bylaws of the Taiwan Prison Regulations” (台灣監獄則施行細則) was issued, and this became the foundation of subsequent prison policy in Taiwan. This regulation was based on the “Implementation of Bylaws of the Prison Regulations” (監獄則施行細則) issued in Japan in 1889. 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, p.38

4.3 Prison Conditions

Due to the inadequate and ad-hoc facilities pressed into use as prisons, disease was rife throughout early penal institutions. Similar to Qing times, sometimes even a short prison term could result in sickness or even death for unfortunate prisoners. For example, in July 1898, a prisoner named Lin, sentenced to a short sentence of 2 months labour for accusing his brothers of banditry after a family disagreement, contracted a disease while in prison and died there.³⁹ The prevalence of sickness in prisons is apparent from contemporary newspaper reports, which list the number of those with 'stomach illness' in prisons for the year 1898 at 6960 Taiwanese and 1126 Japanese with the deaths of 431 Taiwanese and 23 Japanese. Colonial authorities were naturally concerned that high death rates in the prisons would reflect badly on the penal system and efforts were made to improve these statistics. And even before the construction of new penal facilities, efforts were made to improve hygiene, resulting in a drop in the number of prison deaths in subsequent years. However, prison authorities noted that despite attention to prison hygiene, local climactic conditions acted against them by helping to spread illness and disease, thus problems with prisoner health continued.

With the large number of prisoners kept in provisional, frequently substandard facilities, riots and attempted escapes were common. Typical of the unrest occurring within prison walls is a riot that occurred on the evening of May 26th, 1898 at Taipei Prison, during which two guards and three prisoners were killed. The sound of cannon-fire from army exercises taking place outside the prison, led one prisoner to believe that fellow-bandits were attempting his rescue from the prison. He therefore tried to create a diversion inside the prison by starting a riot to aid the rescue attempt.

³⁹ <死在獄中>, <<日日新報>>, 1898年7月2日

To this end, when he and a group of 15 prisoners entered the bathhouse, he suddenly produced a large axe, attacking a prison guard around the head and neck until he was dead. Subsequently, more than 40 prisoners joined the melee, during which the two guards at hand killed three prisoners. The situation was not contained until after the head of the prison acted to bring the situation under control by force. Despite the chaos, no prisoners escaped during the incident.⁴⁰

Other incidents occurred in June 1899 at Taipei Prison, and July of that same year in Tainan Prison. The incident at Taipei prison occurred when two prisoners tried to take revenge against the alleged continued brutality of two guards. The prisoners grabbed the guards' swords and attacked them, resulting in the death of one of the guards. The other guard, however, fought off his attackers, successfully defending himself and killing one of the prisoners. Reports of the incident acknowledged the wrongdoing of the prisoners, but also censured the guards and admonished them to be careful to moderate their behaviour so as not to incite the hatred of the prisoners.⁴¹ The riot in Tainan Prison began when a prisoner, who was helping the guards to collect and clean the toilet buckets from the cells, urinated in one of the cells he had been sent to. When the other prisoners, 19 in number and all under the death sentence, returned to their cell to find their cell soiled, they beat the offending prisoner. The situation quickly escalated and the prisoners began to attack the guards with the iron door bars. The situation was not brought under control until more guards were summoned and one prisoner was killed during the subsequent suppression.⁴²

These incidents, by no means the only disturbances recorded, allow us to see the frequently chaotic nature of these early penal facilities. Prison security was of a low

⁴⁰<囚徒橫暴日>, <<日日新報>>, 1898年5月29日

⁴¹<大破獄署>, <<日日新報>>, 1899年12月3日

⁴²<破獄逞狂>, <<日日新報>>, 1899年7月16日

level as prisoners not only brandished their own weapons, but also were able to disarm prison guards and use their weapons against them. The riots were also difficult to control and were often of long duration due to the inability of the guards and prison authorities to reassert their control. This was partly due to the use of facilities not designed to be prisons accommodating large numbers of prisoners. In addition, it is interesting to note, in the reports of the riot at Tainan Prison that a large number of the prisoners involved were under the death sentence. It is not surprising that situations escalated quickly with 19 men sentenced to death being kept in the same cell. The architectural designs of these buildings meant that supervision and control of prisoners was difficult for guards, who suffered from a lack of adequate physical security. Prisoners obviously had not only access to weapons, but also places to conceal them, as well as access to places within the prison suitable for overpowering guards. The frequent instances of riots, where prisoners were able to temporarily overpower and even kill guards, demonstrates that security in prisons during this period was insufficient and both guards and prisoners were exposed to danger.

This feeling of lack of control and constant threat must have encouraged guards to treat prisoners harshly. In addition, it points to an insufficient lack of training for prison guards who did not always provide an effective response to unrest. Authorities decided to remedy this situation by increasing the level of training received by prison guards, and by 1899 a training school for police and prison guards was established in order to improve their education and supervisory and control tactics.⁴³

Another of the measures adopted during this initial period, to increase the security of the colonial prisons, was the creation of the position of head warder, after the

⁴³<監獄學校>, <<日日新報>>, 1899年8月9日

Japanese model. The early prison system in Taiwan relied on an informal system where warders acted unofficially as assistant supervisors, without clear responsibilities, and receiving no extra benefits. These warders, in their informal supervisory roles, had little motivation and therefore achieved little, however, with the creation of the official position of head warder, it was hoped that security, efficiency and surveillance would be increased.⁴⁴ This was based on the Japanese system created after 1893, where the position of head warder was created in regional, prefectural, county and ‘gather and control’ prisons in order to assist the head warden and supervise the warders. Thus it was hoped that the existence of head warders in Taiwan prisons would provide better organization and supervision of staff and thus enable better control of prisoners.

In addition to riots, escapes were common throughout this early period of penal development. Newspaper reports of the time catalogue a constant stream of prisoners escaping from both within the prison, and also from work parties laboring outside the prison walls. In 1898 alone, 52 escapes were noted.⁴⁵ Officials concerned with the number of escapes from Taiwanese prisons, acknowledged the inadequacy of current facilities, and emphasized the need for greater security and the construction of purpose-built, modern facilities. Many prisons were in urgent need of repair, as evidenced by the situation at Taipei Prison, where an outer wall had been damaged in a bad storm in 1897, and still not been repaired by the following year. Due to the fear of prisoner escapes, commentators suggested using the military to repair the wall, although whether this actually occurred is unclear.⁴⁶

⁴⁴ <置看守部長之件>, 1897年4月29日, <<台灣總督府公文類纂管制類史料彙編, (明治二十八年至明治三十三年)>>, (總督府檔案專題翻譯, 三), (台中: 台灣省政府印刷廠, 1999), 頁 682

⁴⁵ <監獄統計>, <<日日新報>>, 1899年3月3日

⁴⁶ <修監獄壁>, <<日日新報>>, 1899年5月21日

In addition to the growing calls for the construction of new penal institutions, the colonial authorities also thought of another alternative that it was hoped might reduce the ever increasing numbers of prisoners needing facilities for incarceration. They requested that “serious offenders” be sent to Japan to work in the coalmines in Miike Central Prison, southern Kyushu, as per the recommendation of Montague Kirkwood to the Meiji government on Taiwan in 1898.⁴⁷ However, not surprisingly, this suggestion was rejected, and other means had to be found to deal with the problems of overcrowding and disorder in Taiwan’s prisons. And of paramount importance were the plans being drawn up for an island-wide program of prison construction that was to occur in the second phase of prison development in Taiwan.

4.4 Prisoners

From a survey of prisons in Taiwan in 1899 we can see that the majority of prisoners were incarcerated in Taipei Prison and Tainan Prison (1119 and 736 respectively). If we consider that only 3 years previously there were only 46 prisoners in Taipei Prison, it can be appreciated that these early colonial prisons must have been bursting at the seams. These prisoners would have included both Chinese and Japanese wrongdoers who had been incarcerated for a variety of crimes. The most common types of offences (refer Table 4.4) were robbery, assault and miscellaneous offences or awaiting trial.*

Table 4.4 Numbers of Prisoners by Type of Crime, 1899⁴⁸

Type of Crime	Number of Local	Number of Japanese
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⁴⁷Botsman, *Power and Punishment in the Making of Modern Japan*, p.206

* This survey makes no mention of those sentenced under the Bandit Ordinance, as mentioned by Botsman

⁴⁸Davidson, *The Island of Formosa*, p. 610-611

	prisoners	prisoners
Thievery/Robbery	920	61
Assault	110	
Fraud	43	41
Murder	44	11
Forgery	11	9
Kidnapping	18	2
Libel, perjury & False Accusation	21	0
Breaking the opium law	20	0
Prison breaking, concealing of prisoners	8	0
Miscellaneous offences, detention awaiting trial etc	1262	179
Female prisoners	73	10

The survey also lists the occupants of prisons, “on the accumulative principle throughout the island”, thus meaning the total for the year of 1899, as 104,268 Japanese and 746,221 Chinese prisoners. This number includes those prisoners awaiting trial, who may only have been incarcerated for a few days or weeks.⁴⁹ Thus we can see that a huge number of people passed, however briefly, through the prison system during this initial period of Japanese rule, causing huge strains on the fledgling system. It is also interesting to note the relatively large numbers of Japanese prisoners who were incarcerated in Taiwanese colonial prisons. Davidson produces the following list of prisoner numbers for the year 1899: Taihoku (modern day Taipei) prison had 944 local prisoners and 175 Japanese prisoners, Taichu (Taizhong) prison had 407 local prisoners and 46 Japanese, Tainan had 672 locals and 64 Japanese, and the Pescadores, 20 local prisoners.⁵⁰ He comments that we can gain an idea of the “class of Japanese that visit the island” from the fact that 14 in every thousand of them end up in prison in Taiwan. However he also states that “the majority of

⁴⁹ Davidson, *The Island of Formosa* p. 610-611

⁵⁰ Davidson, *The Island of Formosa*, p.610-611

offences against the law committed by Chinese are never heard of by the authorities, and even many known criminals, guilty of armed robbery are never apprehended, whereas there are probably very few Japanese who escape punishment for their misdemeanours.”⁵¹

4.5 Penal Philosophy

Penal discourse during this time (and through to the 1920s) was characterized by retribution, which dictated that punishment should relate to past crimes and severity of punishment should be commensurate to the seriousness of the crime that was inflicted.⁵² As stated, Hsu has identified the colonial prison system as being characterized by a means discourse of retribution and an ends discourse of authoritarianism needed to bring about a stable social order. And this authoritarian penal administrative mode did not to change to one of rehabilitation until after 1920, with the advent of civilian governance. However, despite this authoritarian mode, even in the early era of prison development, work and education were continually stressed in prison regulations. Regulations, issued during the first year of colonial rule, dealt with aspects such as prison admissions, location of prisons, custody, work and rest, communications, medical treatment, death and punishments and rewards.⁵³ The detail of the rules and regulations signals a concern with regulating all areas of prison life to ensure order and regularity in the life of the prisoner. Thus regulations specified that men and women must be strictly segregated, although separation of prisoners by category was not to occur until later. Most prisoners were kept in group

⁵¹ Davidson, *The Island of Formosa*, p. 611

⁵² Hsu, *Penalty Beyond the West*, p. 72

⁵³ “Prison Regulations” (監獄假規則) December 9th 1895, 蘇明修, <<嘉義舊監獄修護調查及再利用規劃研究>>, 頁 41

cells and also worked, according to their strength, in groups. However, authorities sought to prevent unnecessary contact between prisoners by use of the silent system, whereby prisoners were forbidden to communicate with each other. Another aspect of the modern penal concepts that the Japanese sought to introduce during this time was the provision of exercise time, although how strictly this was carried out in overcrowded facilities is not known. It is easy to imagine however that given the less than ideal facilities, strict adherence to the rules and regulations must have been difficult. Prison authorities were more concerned with maintaining order than strictly imposing theoretical penal concepts during this initial era.

4.6 Penal Architecture

During this time, as penal facilities were located in existing Qing dynasty facilities, the architectural style tended to be traditional Chinese style. In addition, the facilities were not standardized so a variety of styles existed.

4.7 Conclusion

The establishment of the colonial prison system in Taiwan between 1895 and 1900 was characterized by experimentation and change. Creation of a penal system in a new colony suffering from unrest and uprisings, and frequently ineffective administration was a difficult task. Thus we can see the early prison system, where large numbers of prisoners were incarcerated in provisional facilities, was plagued by riots, escapes, and outbreaks of disease and illness. Legislation was successively introduced after the initial military orders, to provide rules and regulations according to Japanese models, however implementation remained problematic due to inadequate facilities, lack of guard training and the overcrowding of the system. Attempts by the Japanese to create a modern penal system in Taiwan were thus patchy at best. Use of temporary, provisional facilities was not conducive to applying modern disciplines of technology in the colony and this would have to wait until such time as modern purpose-built penal facilities were constructed enabling a new penal vocabulary to come into existence. However, some steps had already been taken. The concept of incarceration was introduced into Taiwan, and regulations were established laying the foundation for a penal administration system.