

Fall 1931

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Recommended Citation

Ching-Yueh Yen, Briefer Contributions: Penal Reform and Criminology in China, 22 *Am. Inst. Crim. L. & Criminology* 576 (1931-1932)

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BRIEFER CONTRIBUTIONS

PENAL REFORM AND CRIMINOLOGY IN CHINA

CHING-YUEH YEN¹

The prison in China is an age-old institution, as old as Chinese history, but penal reform and criminology are new developments. Although in the ancient history it was mentioned that the purpose of imprisoning wrongdoers separately was to make them think of their own faults and repent of them, and that the duty of a prison officer was to "teach" the prisoner, in practice nothing was accomplished. All prisons were in the hands of petty officials, and the management of a prison was considered "a dirty job." Revenge and deterrence were twin conceptions in dealing with criminals. Bribery and torture were common practices. Nearly all of the problems pointed out by John Howard in English prisons could be found in Chinese prisons. Nothing important was changed until the end of the late Ching Dynasty after contact with the Western world.

In 1902 the Imperial Government accepted the suggestions of Governor Chao of the Shansi province to establish "Institutions of Craft Learning for Prisoners" in many of the large cities. The plan was eagerly carried out by different provinces, and it marked the beginning of the penal reform movement in China.

In 1908 Penology was introduced in a Governmental School of Law, and Dr. Shigejiro Ogawa, the lead-

ing authority on penology in Japan at that time, was invited as professor. In the following year about a dozen Chinese students went to Japan to study penology.

In 1910 China sent delegates to the Eighth International Prison Congress at Washington. This was China's first participation in the world's penal reform movement. The delegates had gone to Europe to study different penal systems there before they attended the Congress. When they came back to China, they brought new enthusiasm to the reform movement.

The construction of the First Prison of Peking began in 1909 in accordance with a plan suggested by Dr. Ogawa of Japan. The work was soon interrupted by revolution. When Dr. Hsu Shih Ying, who had been a delegate to the Eighth International Prison Congress, assumed the office of Minister of Justice in 1912, he quickly appointed Mr. Wang Yaun Sheng, who had studied penology in Japan, to continue the construction of the new prison and to make it a model for the whole country to follow. A training school for prison officers was also founded by Mr. Wang to train officers not only for the Peking First Prison, but also for prisons all over the country. In the same year the law concerning the Organization of the Ministry of Justice was enacted, and a Department was

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created in the Ministry to supervise the prison administration of the whole country. The personnel of this Department consisted of a commissioner, several division chiefs and assistants, and clerks. Beginning in 1912 every province began to construct new prisons on the one hand, and to reform the old county jails on the other. This movement began very auspiciously but it was interrupted by continuous civil wars. The prison school was also closed. When the Commission on Extraterritoriality came to investigate the new prisons in 1926, they were seventy-four in number; and were considered "satisfactory," for they all followed the example of Western models. Special prison cells were built for the purpose of receiving Russian prisoners. Better equipment was provided in order to show courtesy to foreigners, and to prevent escapes and riots the construction was stronger than that of the prisons for Chinese prisoners, for it was generally understood that the ordinary Chinese prison was not strong enough for Russians.

Fortunately or unfortunately, the practices which grew out of the peculiar provisions surrounding extraterritoriality were the determining factors in penal reform up to that time. It made the Chinese Government believe that Western prisons were good enough to follow as models. It compelled the Government to initiate in the hope of having extraterritoriality abolished. Accordingly, prison reform at that time was engaged in for political reasons. Other systems, as probation, parole, etc., also existed chiefly for the purpose of showing foreigners that the Chinese Government was carrying on activities similar to those of Western Governments. The reform work was only on the side of

administration and legal processes. Nobody knew its real effects, until the study of criminology was begun.

In 1924 the Department of Sociology at Yenching University first offered a course on "Criminology," which was conducted by an American instructor using American materials. In 1926 this course was offered by Hon. Wang Wen Pao, the Commissioner of Prisons in the Ministry of Justice. When I studied with Mr. Wang, I discovered, to my surprise, that there was only one book on penology in Chinese, and it dealt only with administrative procedure. The study of Western books on criminology aroused my curiosity so that I determined to make a study of the situation in China. Because of the lack of available material, I asked my professor, Mr. Wang, to help me enter a prison myself in the summer of 1927 as a voluntary prisoner. Three months in the prison, in constant intimate association with inmates of all types and classes, gave me extraordinarily significant material with regard to the Chinese crime problem. Part of the material was presented in an article on "A Sociological Analysis of Crime in Peking" which appeared in the *Sociological World* (Vol. II) published by the Sociology Department of Yenching University. This article interested the prison authorities, and the Chekiang First Prison reprinted it in pamphlet form for distribution among prison authorities. The Sociology Department of Yenching University urged me to continue the research as part of the departmental program. In 1928 the Government gave special permission to the Department to send students to any prison in the country for research purposes.

In the summer of 1928 I was sent