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# The international congress as scientific and diplomatic technology: global intellectual exchange in the International Prison Congress, 1860–90\*

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## Abstract

*In the 1870s, the American prison reformer E. C. Wines attempted to bring together representatives from every country and colony in the world to discuss the administration and reform of the prison, under the auspices of the International Prison Congress. This article tackles the challenge by exploring how the international congress operated as both a social scientific technology and a diplomatic forum that emerged from this short-lived world of amateur social science and diplomacy. It argues that the exigencies of the international congress as a social scientific space forced it to take on diplomatic and political functions that both imprinted a logic of comparability onto the burgeoning international diplomatic system and also caused the eventual exclusion of non-European polities from the congresses. It engages with recent scholarship in history of science specifically to understand the international congress as a technology that mediated intellectual exchange and scientific communication. By examining the challenges posed by the inclusion of non-Western polities in such communication, it attempts to reveal the multiple global histories of the social sciences in the late nineteenth century.*

**Keywords** colonial science, diplomacy, intellectual exchange, international congresses, prison, social science

The topic of intellectual exchange has increasingly drawn the attention of historians of science as they attempt to understand ‘science as a form of communication’. Having spent the past thirty years locating science in ever more minute contexts, some now emphasize viewing science itself as the very process of communication between local sites of knowledge production, which in turn makes it more universally applicable.<sup>1</sup> The challenges of writing

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1 James A. Secord, ‘Knowledge in transit’, *Isis*, 94, 5, 2004, p. 661. For an example see James A. Secord, *Victorian sensation: the extraordinary publication, reception, and secret authorship of Vestiges of the Natural History of Creation*, Chicago, IL: University of Chicago Press, 2003.

such histories – that is, intellectual histories with a global scope – are compounded when exchanges occur across the seeming boundaries of culture and politics. This article examines just such an exchange in the initial decade of the International Prison Congress (IPC), a convention of prison reformers and administrators from around the world that first convened in 1872 and continued to gather every five years until 1950 in order to exchange and compare ideas about the functioning of ‘the prison’.<sup>2</sup> The conferences and literature of the IPC in the 1870s provide a rare and early instance of colonies and quasi-sovereign nations – such as Japan, the Gambia, Hawaii, and India – participating in this process of communication alongside the more predictable group of European and North American nations. Twenty years on, however, the international community of the IPC, like many international congresses of the period, had limited itself almost exclusively to the latter.

In order to understand the significance of these conceptions of international and scientific community, beyond simply stating that they comprised two different ‘political imaginations’ of the globe,<sup>3</sup> I engage in this article with the insights of historians of science, in particular their understanding of how practices and technologies mediate the movement of knowledge. Eschewing more familiar models of intellectual exchange such as diffusion, colonial laboratories, contact zones, or representation, I attempt instead to examine the international congress itself as a specific technology of communication between different local sites of social science and to understand this technology’s implications on both social science and the diplomatic order of the second half of the nineteenth century. This requires the application of the familiar refrain of historians of science to reconcile the ‘internal’ content and ‘external’ context of the international congresses:<sup>4</sup> that is, to view these congresses as more than transparent sites of external international politics<sup>5</sup> or internal histories of their respective

2 The meetings were London (1872), Stockholm (1878), Rome (1885), St Petersburg (1890), Paris (1895), Brussels (1900), Budapest (1905), Washington, DC (1910), London (1925), Prague (1930), Berlin (1935), and the Hague (1950). It has often been confused with similar congresses, including a few irregular meetings of its predecessor. Members of the IPC also wrote a number of histories of the organization, often at key moments of global reordering: see Evelyn Ruggles-Brise, *Prison reform at home and abroad: a short history of the international movement since the London congress, 1872*, London: Macmillan, 1924; Negley K. Teeters, *Deliberations of the International Penal and Penitentiary Congresses: questions and answers, 1872–1935*, Philadelphia, PA: Temple University Press, 1949. The published records of the congress itself, which were intended to form a reference for prison reformers and administrators in the future, can usually be found under the title of *Actes du Congrès Pénitentiare International*. The key to these records is the index *Proceedings of the twelve International Penitentiary Congresses, 1872–1950: analytical and name index*, Berne: Suisse-Staempfli & Cie, 1951.

3 See the conclusions of Frederic Cooper, ‘What is the concept of globalization good for? An African historian’s perspective’, *African Affairs*, 100, 399, A2001, pp. 189–213; and the short response of Sanjay Subrahmanyam, ‘Historicizing the global, or labouring for invention?’, *History Workshop Journal*, 64, 1, 2007, pp. 329–34.

4 For a retrospective look at the development of this method, see the new preface in Steven Shapin and Simon Schaffer, *Leviathan and the air-pump: Hobbes, Boyle, and the experimental life*, Princeton, NJ: Princeton University Press, 2011, pp. xi–xl.

5 Externalist approaches are either extremely laudatory of the growth internationalism, yet often overlooking the total absence of non-Western polities, or highly critical, arguing that the exclusion of these non-Western nations is built into the system itself through ‘standards of civilization’. See Akira Iriye, *Cultural internationalism and world order*, Baltimore, MD: Johns Hopkins University Press, 1997, p. 35; Antony Anghie, *Imperialism, sovereignty, and the making of international law*, Cambridge: Cambridge University Press, 2005; Gerrit W. Gong, *The standard of ‘civilization’ in international society*, Oxford: Clarendon Press, 1984.

disciplines or causes.<sup>6</sup> Social scientific technologies shaped both diplomatic practice and community just as the burgeoning international order of period transformed the pre-disciplined world of ‘amateur’ social science. The article uses this history of science scholarship to follow in the path of recent works of international history that have expanded the scope, object, and actors of the field beyond the formal affairs of states and diplomats.<sup>7</sup> Thus, it takes part in recent discussions that have re-examined the foundations of international society, institutions, and organizations, and their expansion into the non-Western world.<sup>8</sup>

I argue that we can see the international congress, a diplomatic and intellectual format that witnessed an upsurge of popularity starting in the 1860s–1880s, as a social scientific technology that attempted to compare and thus standardize the world. Many of the initial international congresses in the nineteenth century focused on social scientific topics. In the case of the IPC, it emerged as one of the means to gather and communicate new data from around the world as novel models and ideas challenged previously dominant ideas about ‘prison discipline’. This process of comparison was also inherently a process of standardization that both blurred the lines between diplomats and social scientists and, it incorporated colonies and non-European polities, implicitly challenged the divide between colony and metropole. Participation in congresses could ultimately function as a claim for sovereignty within the international sphere. Given the potential consequences of such standardization during a period of high European colonialism at the end of the nineteenth century, international congresses became limited largely to European countries, but they reveal a logic of comparability that continued to direct international politics into the twentieth century. The expanded global community of the early IPC might have been fleeting and ultimately unsuccessful, but by examining it we can better understand the consequences of movements toward global standardization and even recover those moments of commensurability in global social science that are so often overshadowed by more inequitable types of exchange.<sup>9</sup>

## Prisons in crisis

On 7 December 1879, only three days before he died from an early morning heart attack, Enoch Cobb Wines rushed to his publisher with the last proof sheets of his monumental

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- 6 See, for example, Debra Adrienne Everett-Lane, ‘International scientific congresses, 1878–1913: community and conflict in the pursuit of knowledge’, PhD thesis, Columbia University, 2004; Leila J. Rupp, *Worlds of women: the making of an international women’s movement*, Princeton, NJ: Princeton University Press, 1997; Anne Rasmussen, ‘Jalons pour une histoire des congrès internationaux au XIXe siècle: régulation scientifique et propagande intellectuelle’, *Relations Internationales*, 62, 1990, pp. 115–33.
- 7 See Mary Dewhurst Lewis, ‘Geographies of power: the Tunisian civic order, jurisdictional politics, and imperial rivalry in the Mediterranean, 1881–1935’, *Journal of Modern History*, 80, 4, 2008, pp. 791–830; Matthew Connelly, ‘Seeing beyond the state: the population control movement and the problem of sovereignty’, *Past and Present*, 193, 2006, pp. 197–233.
- 8 For a few recent examples see Mark Mazower, *No enchanted palace: the end of empire and the ideological origins of the United Nations*, Princeton, NJ: Princeton University Press, 2009; David Armitage, *The Declaration of Independence: a global history*, Cambridge, MA: Harvard University Press, 2007.
- 9 Regarding the construction of commensurability, see Sanjay Subrahmanyam, *Courtly encounters: translating courtliness and violence in early modern Eurasia*, Cambridge, MA: Harvard University Press, 2012, pp. 208–9.

work, *The state of prisons and of child-saving institutions in the civilized world*.<sup>10</sup> This last book of his, which detailed the state of prisons in nations, colonies, and empires across the world, was based on his previous eighteen years of work as the main organizer of the IPC. For Wines, the tome and the congress represented both a means of reform and a social scientific tool. Yet the choice to organize an international congress was a curious one given that he began his foray into prison reform relatively late in life, as the secretary of the New York Prison Association in 1862.<sup>11</sup> To understand why this grand endeavour was a logical step for someone so new to the field, one needs to explore the connections between the state of the prison by the mid nineteenth century, the circle of early social scientific reformers with which Wines associated, and the emergence of the international congress as a technology.

By the 1870s, many of the states and colonies in the world had adopted prisons as the primary means of punishment.<sup>12</sup> The idea of the prison – that is, the notion of confinement as a means of reform and punishment – had much earlier, if slightly singular, precedents.<sup>13</sup> However, it was only over the course of the nineteenth century that the prison began displacing other means of punishment, especially transportation.<sup>14</sup> The initial model of the prison that spread in the first half of the nineteenth century rested upon models established by American prison reformers in the 1820s, which in turn made reference to earlier eighteenth-century Enlightenment plans. The early republicans had rejected the prevailing system of capital and corporal punishment as monarchical and despotic; yet finding a properly republican alternative that could control the potentially dangerous citizenry was a difficult process of experimentation.

After a trial of public labour, they developed the penitentiary, a building that would both segregate convicts from the public and transform them into model citizens.<sup>15</sup> However, constant riots and disorder plagued this early penitentiary model to the point that by the 1820s administrators deemed it a failure. Two new and stable models supplanted the penitentiary in the 1830s – the Auburn and the Pennsylvania (or Eastern) systems. Both relied upon the separation and isolation of convicts to prevent the massive disorder and

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10 E. C. Wines, *The state of prisons and of child-saving institutions in the civilized world*, Cambridge, MA: J. Wilson & Son, 1880.

11 Although the location or even the existence of Wines's papers is unknown, his biographies provide a welcome source of information. See F. B. Sanborn, 'E. C. Wines and prison reform: a memoir by F. B. Sanborn', in Charles Richmond Henderson, Eugene Smith, and Hastings Hornell Hart, *Correction and prevention, vol. 1: prison reform*, New York: Charities Publication Committee, 1910, pp. 67–71; Barnett Joseph Bittner, 'Enoch Cobb Wines: his contribution to the prison reform movement', MSW thesis, Tulane University of Louisiana, 1942; 'Memoir of Rev. E. C. Wines, D.D. L.L.D.', *Barnard's American Journal of Education*, 22, June 1860, pp. 9–18.

12 For a survey of recent work on the global expansion of the prison, see Mary Gibson, 'Global perspectives on the birth of the prison', *American Historical Review*, 116, 4, 2011, pp. 1040–63; Rebecca M. McLennan, *The crisis of imprisonment: protest, politics, and the making of the American penal state, 1776–1941*, Cambridge: Cambridge University Press, 2008; and Frank Dikötter and Ian Brown, eds., *Cultures of confinement: a history of the prison in Africa, Asia, and Latin America*, Ithaca, NY: Cornell University Press, 2007.

13 Guy Geltner, *The medieval prison: a social history*, Princeton, NJ: Princeton University Press, 2008.

14 Transportation entailed shipping convicts to live or be imprisoned in distant colonies. See Stephen A. Toth, *Beyond Papillon: the French overseas penal colonies, 1854–1952*, Lincoln, NE: University of Nebraska Press, 2006.

15 Michael Meranze, *Laboratories of virtue: punishment, revolution, and authority in Philadelphia, 1760–1835*, Chapel Hill, NC: University of North Carolina Press, 1996; McLennan, *Crisis of imprisonment*, pp. 14–52.

rebellion that had grounded the first penitentiaries. While the Pennsylvania system kept each prisoner isolated from other prisoners throughout the day by means of cellular architecture, the Auburn system achieved this through an enforced code of silence during the day (which allowed for congregate labour) and separate cells during the night.<sup>16</sup> Thus, American prison reformers took Enlightenment ideals regarding punishment and transformed them into a stable, replicable, and properly republican system. These two competing models drew visitors from around the world who came to witness and adopt this new ‘American system’. That process set the terms of the debate around prisons for much of the nineteenth century, becoming known as *la science pénitentiaire* or ‘prison discipline’, part of the budding yet inchoate social scientific knowledge of the century, until a new paradigm took hold at its close.

The link between proper systems of punishment and proper systems of government became clear as renewed Western expansion into the non-Western world in the latter half of the nineteenth century pushed polities to adopt new prison systems. In some non-Western countries – namely Japan, China, Siam, and the Ottoman empire – inequitable extraterritoriality treaties were founded on a belief that local systems of punishment were inherently unjust and brutal and therefore unfit for Westerners. Westerners and their clients not only gained immunity from local laws but also commercial privileges. Indeed, the opening of Japan by American warships was purportedly due to the treatment of shipwrecked American sailors in Japanese jails.<sup>17</sup> The ultimate result of this pressure was a concerted campaign to build prisons all over Japan. In other places, such as Latin America, elites adopted prisons in the mid nineteenth century as part of their state-building efforts. In the colonies, mostly British at this juncture, the colonial government introduced prisons. By the first IPC in 1872, prisons had been adopted or were in the process of being adopted in much of the world.

The widespread use of imprisonment did not, however, result in the end of crime and the reformation of the prisoner as had been expected. Two interconnected problems brought about the prevalent belief in its failure: prisons’ extraordinary expense and the failure of the isolation model to reform prisoners. While early prison reformers dreamed of isolating prisoners, whether by silence or architecture, to transform their souls, this proved to be a financially impossible task. Prisons employing the Auburn system became financially sustainable owing to prisoner labour, but private contractors quickly transformed them into sites of brutal industrial slavery, at times enforced by torture.<sup>18</sup> Prisons employing the Pennsylvania system, on the other hand, were extraordinarily expensive and often characterized by massive overcrowding, defeating the purpose of the cellular architecture. Moreover, it became clear to some administrators that the isolation model, the conceptual foundation of all prisons, was simply not effective at reforming convicts and, more often than not, drove them insane. Wines noted this point in his own work, declaring that the opportunity for the convict to prove to society that he has been reformed ‘can be afforded neither by the cellular system nor the associated silent system as now conducted’.<sup>19</sup>

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16 McLennan, *Crisis of imprisonment*, pp. 54–64.

17 Daniel V. Botsman, *Punishment and power in the making of modern Japan*, Princeton, NJ: Princeton University Press, 2005, p. 4.

18 McLennan, *Crisis of imprisonment*, pp. 89–90, n. 5.

19 Wines, *State of prisons*, p. 616.

By increasingly isolating the convict from society at large, the prison had transformed the figure of the convict into a dangerous and deviant individual. Many thought that criminals were incapable of rehabilitation and that the aim of the prison should simply be severe punishment. In Britain and its colonies, there emerged a system in which non-productive labour aimed simply to punish offenders rather than reform them. This belief developed simultaneously with the concept of the recidivist, forged by the application of new statistical and record-keeping techniques.<sup>20</sup>

The global adoption of the prison, along with its perceived failure, led to the testing of a variety of new models and experiments around the world. This wave of experimentation coincided with a shift in the social scientific project that had first launched the prison in the late eighteenth century. Outwardly, a sole ‘prison discipline’ was slowly carved into the more familiar disciplines such as criminology and penology. Intellectually, the previous liberal frame of mind, which posited the rational individual as an independent actor, gave way to a new notion of the individual, and therefore the criminal, as created by either inherent psychological/biological factors or social environment. Whereas eighteenth- and many nineteenth-century reformers had focused on restraining the powers of the monarchical state, often by legal means, progressive reformers ‘turned from constitutions to administration, from the consequences of aristocratic privilege to the contexts of everyday life’.<sup>21</sup>

In the context of prison reform, this entailed a rejection of earlier models of isolating the prisoner, whether by enforced silence or cellular separation, and a push for socialization into the surrounding society, both during and after the convict’s time in prison.<sup>22</sup> Moreover, in place of uniform punishments for the prisoners, reformers pushed for the individualization of punishment. Finally, it signalled a shift from addressing crime solely in the prison to treating the criminal both within the prison and in the larger society, which required a variety of techniques beyond the prison wall.<sup>23</sup> Thus, in the IPC one can find a wide variety of debates as delegates discussed the leading issues of the day: should prisoners be isolated or re-socialized? Were criminals incorrigible and what social forces produced them? What was the role of prison labour and should it be profitable? How could one prevent crime through education and other welfare mechanisms? How should prisoners be supported after they left prison? At the heart of it all, however, lay a belief that, even if prisons had failed, criminals could still be reformed through the use of better prevention and disciplinary techniques.

## The international congress as a technology

This attempt to rethink the functioning of prisons was intimately tied to a relatively new breed of social organization – the international congress. Part of realizing the faults of and

20 See Stephen A. Toth, ‘The desire to deport: the recidivist of fin-de-siècle France’, *Nineteenth-Century Contexts*, 25, 2, 2003, pp. 147–60.

21 Daniel T. Rodgers, *Atlantic crossings: social politics in a progressive age*, Cambridge, MA: Belknap Press of Harvard University Press, 1998, p. 54.

22 David J. Rothman, *Conscience and convenience: the asylum and its alternatives in progressive America*, Boston: Little, Brown, 1980, pp. 5–6.

23 See for instance the words of one prison reformer in F. J. Mouat, ‘International prison statistics’, *Journal of the Royal Statistical Society*, 55, 4, 1892, p. 659.



finding alternatives to the older models was a process of international comparison. Wines, as an early and perhaps founding member of the American Social Science Association in 1865, corresponded with numerous prison reformers and officials, keeping abreast of the myriad new experiments and trials conducted across the world that questioned the conceptual pillars of the isolation model.<sup>24</sup> Wines lists them succinctly: ‘Maconochie at Norfolk Island ... Montesinos at Valencia ... Obermaier at Munich ... Despina at Albertville ... Crofton at Ireland ... Sollogub at Moscow...’.<sup>25</sup> In other instances, he embraced the material institutions of social science, calling for an international institute and journal – with buildings and editors located in England, continental Europe, North America, and South America – devoted to prison reform.<sup>26</sup> Thus, one can begin to see the IPC as the institutionalization of the conversation between these disparate and dispersed prison reformers, administrators, and experimenters. It is no coincidence that both Franz von Liszt and Cesare Lombroso, founders of competing social scientific movements regarding crime, also established international congresses to bolster and spread their viewpoints and define their respective disciplines.<sup>27</sup> Congresses created bonds of trust between dispersed experimenters and practitioners through personal interaction as they cemented their disciplines.<sup>28</sup>

The purpose of the international congress was not only to circulate ideas and people but also to determine which models were the most effective through comparison. Social science imagined the whole world as a laboratory united under the laws of science. In the words of one British representative, ‘the wider the field of observation, the more valuable, powerful and instructive ought to be the results. From the town to the province, from the province to the nation, from the nation to the whole community of mankind, the inquiry may be extended.’<sup>29</sup> Or as two French delegates wrote, ‘Science is a country that has no borders.’<sup>30</sup>

24 Henderson, Smith, and Hart, *Correction and prevention*, pp. 76–8. For more on the Social Science Association, see Thomas L. Haskell, *The emergence of professional social science: the American Social Science Association and the nineteenth-century crisis of authority*, Urbana, IL: University of Illinois Press, 1977.

25 Wines, *State of prisons*, p. 660. Reports on these experiments, such as Maconochie’s, were often published in an early social scientific journal, *Old and New*.

26 Wines, *State of prisons*, pp. 706–7.

27 On these alternative movements see Piers Beirne, *Inventing criminology: essays on the rise of Homo criminalis*, Albany, NY: State University of New York Press, 1993, ch. 5, pp. 233–7; Paul Knepper and Per Ystehede, eds., *The Cesare Lombroso handbook*, London: Routledge, 2013; Richard F. Wetzell, ‘The medicalization of criminal law reform in imperial Germany’, in Norbert Finzsch and Robert Jütte, eds., *Institutions of confinement: hospitals, asylums, and prisons in western Europe and North America, 1500–1950*, New York: Cambridge University Press, 1996, pp. 275–83; Everett-Lane, ‘International scientific congresses’, ch. 4; Leon Radzinowicz, *The roots of the International Association of Criminal Law and their significance: a tribute and a re-assessment on the centenary of the IKV*, Freiburg: Max-Planck-Institut für ausländisches und internationales Strafrecht, 1991.

28 This is demonstrated in Everett-Lane, ‘International scientific congresses’; Martine Kaluszynski, ‘The international congresses of criminal anthropology’, in Peter Becker and Richard F. Wetzell, eds., *Criminals and their scientists: the history of criminology in international perspective*, New York: Cambridge University Press, 2006, p. 301–16.

29 John Bowring, ‘The proper purpose of prison discipline’, in *Transactions of the National Congress on Penitentiary and Reformatory Discipline held at Cincinnati, Ohio October 12–18, 1870*, Albany, NY: Weed, Parsons, and Company, 1871, p. 78.

30 Fernand Desportes and Léon Lefébure, *La science pénitentiaire au Congrès de Stockholm*, Paris: G. Pedone-Lauriel, 1880, p. 12.

This collection of international voices and opinions had already begun to come together in the IPC's forebear, the (American) National Prison Congress, where delegates from Europe and South America were present and to which prison officers in India sent reports as well.<sup>31</sup>

Wines himself saw the role of international congresses in a similar manner: they were the counterpart to international exhibitions, highlighting the intellectual and social development of various nations. The only words that he gives as to why he chose the format of an international congress are the following:

International congresses show the comparative condition of nations, as regards their intellectual and social development, in the same manner as international industrial exhibitions show the comparative results of their economic development. Hence the necessity for their existence, their great and acknowledged utility, and their wide and growing popularity.<sup>32</sup>

In many ways, the congress was the adaptation of the prison tour instituted by prison reformers such as John Howard in the late eighteenth century and subsequently repeated by many others, including E. C. Wines and F. D. Mouat (considered below).<sup>33</sup> In place of the reformer travelling from prison to prison, surveying conditions and regimes in order to deduce the best one, prison administrators and reformers would come together and compare their experiences.

The comparativist methodology found in the IPC and Wines's work becomes more evident when juxtaposed with ethnological treatises from the late nineteenth century in which a non-transient author collected and synthesized accounts by different ethnologists in the field.<sup>34</sup> Also relevant are the methods of anthropology and ethnology of the 1870s and 1880s, which followed a 'comparative approach' as well, in which 'mankind had undergone a single process of evolutionary advance through uniform stages', and the role of the anthropologist was to assign them a spot on this spectrum.<sup>35</sup> In this sense, the international congress itself was part of the social scientific method of comparison.

As Wines was the primary organizer of the IPC, controlling the logistics and the invitees, it is fruitful to look at how he set up this experiment-cum-congress. From the outset, he resolved to invite 'all civilized peoples', which included 'several states of the American Union; the dominion of Canada; the Mexican and South American republics; the empire of Brazil; all the states of Europe; the Ottoman empire and the vice-royalty of Egypt; the French and British colonies scattered over the face of the earth; and the vast empire of British India'. In fact, the first IPC, held in London in 1872, exceeded even this list. One American delegate described his amazement at the panoply of peoples and religions present: 'In the London Congress were assembled men from China, India, Japan, from every Christian nation in

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31 *Transactions of the National Congress*; Henderson, Smith, and Hart, *Correction and prevention*, pp. 34, 78.

32 E. C. Wines, 'International prison reform', *International Review*, 3, May 1876, p. 368.

33 John Howard, *The state of the prisons in England and Wales, with preliminary observations and an account of some foreign prisons*, Warrington: W. Eyres, 1777.

34 George W. Stocking, *After Tylor: British social anthropology, 1888–1951*, Madison, WI: University of Wisconsin Press, 1995.

35 Dorothy Ross, 'Changing contours of the social science disciplines', in Theodore M. Porter and Dorothy Ross, eds., *The Cambridge history of science, vol. 7: the modern social sciences*, Cambridge: Cambridge University Press, 2003, pp. 210, 215.

Europe, and from Mohammedan Turkey, from seventeen of the States of our own Union, and from Mexico and South America. Jews, Mohammedans, Catholics, Protestants of almost every denomination, and even Pagans were there.<sup>36</sup> The American delegate might have been wrong in some of the details – the alleged Muslim delegate was probably Stephen Musurus, the Greek Orthodox Ottoman ambassador to England; not all of the nations of Europe were present as Portugal was missing; and the pagans were probably from Japan or China – but the quote conveys the delegates' sense of wonder at the wide array of people from all over the world who had gathered in London. Wines dispatched an invitation to nearly every country and polity in world but, aware of the impossibility of gathering every delegate together in person, he also derived a great deal of his knowledge about the world's prison systems from reports. Tapping into the British colonial information networks with the aid of Lord Carnarvon, the British Secretary of State for the Colonies, and the nascent and hesitant American consular network, he sent out a circular to all types of nations and all the British colonies.<sup>37</sup> These reports were then incorporated into the voluminous tomes that each congress produced and were meant to serve as an invaluable reference for future reformers.

The main requirement for inclusion within this movement of prison reform was the provision of factual information by a polity's government, but Wines also considered whether countries were becoming more 'christian' and civilized. For instance, when describing the progress that nations such as Liberia and Hawaii had made in prison reform, he made no mention of either nation in the first IPC in 1872 but, by the second IPC in 1878, he interpreted their progress, supplied via a report, as proof of the onward march of progress and reform:

The Hawaiian Islands, whose people, when I was a young man in college, were still savages of the lowest type, now form a 'christian' nation, whose government has sent a valuable report to this congress, showing remarkable progress in the arts of civilized life generally, but especially in that department of civilization, which embraces the theory and practice of prison discipline.<sup>38</sup>

Reports such as these would form one of the main sources for his monumental book and contribute to 'this great scientifico-social movement' and experiment.<sup>39</sup>

Beyond the qualitative descriptions provided by the reports, reformers of the IPC thirsted for the ideal quantitative tool of conducting such a global positivist comparison – statistics. It is probably not a coincidence that one of the first and most important international

36 Joseph R. Chandler, *Report made to the Philadelphia Society for Alleviating the Miseries of Public Prisons, on the proceedings of the International Congress, held in Middle Temple Hall, London, July 1872*, Philadelphia, PA: n.p., 1872, p. 99.

37 E. C. Wines, *The actual state of prison reform throughout the civilized world: a discourse pronounced at the opening of the international prison congress of Stockholm, August 20, 1878*, Stockholm: Centraltryckeriet, 1878, p. 23; US National Archives and Record Administration (henceforth NARA), RG 59, M40, Roll 85: 398–9; Roll 88: 192–3, 445; Roll 89: 309–11; William M. Everts to E. C. Wines, 22 January 1878, 15 March 1879, 8 April 1879, and 31 May 1879.

38 Wines, *Actual state*, pp. 23–4; idem, *State of prisons*, pp. 575–7.

39 The quote comes from a letter of support from a Latin American minister: E. C. Wines, *International congress on the prevention and repression of crime, including penal and reformatory treatment, definitely fixed to open on Wednesday, July 3rd, 1872 in the city of London. Proceedings of a public meeting, held in relation thereto, New York, January 26th, 1872: the Honorable Horatio Seymour in the chair*, New York: American Church Press Company, Printers, 1872, p. 18.

congresses was the International Statistical Congress, as statistics were the preferred mechanism for discovering society's laws by nascent social scientists.<sup>40</sup> In fact, statistics collection was the first stated goal of the IPC:

The object of the Congress was declared to be 'to collect reliable prison statistics, to gather information, and to compare experience as to the working of different prison systems, and the effect of various systems of penal legislation; to compare the deterrent effects of various forms of punishment and treatment, and the methods adopted both for the repression and prevention of crime'.<sup>41</sup>

However, acquiring such statistics was easier said than done.

International statistics, while seemingly innocuous, had to render identical the basic categories and classifications of crime and prisons, not to mention the methods of analysis and compilation, in order to make the world comparable: 'Society must be remade before it can be the object of quantification. Categories of people and things must be defined; measures must be interchangeable; land and commodities, labour and its products, must be conceived as represented by an equivalent ...'.<sup>42</sup> If taken to the logical extreme, international statistics would necessitate the standardization of national criminal codes: in other words, an 'international nomenclature of crime'.<sup>43</sup> For example, theft would have to be defined in the same manner in each country under comparison in order to determine which prison system could most successfully reduce it.

Some delegates were quick to realize the inherent contradictions and difficulties – the de facto standardization of all laws – involved in such an enterprise.<sup>44</sup> One critic made it clear that 'The main cause of this variety in the organization of penal systems needs to be principally attributed to differences in penal legislation, whose unification will never be attained, or at least, will happen only very slowly'.<sup>45</sup> Moreover, the delegate pointed out that international statistics were ultimately dependent on national statistics, which had a different purpose. Even if international statistics were feasible, he continued, the ultimate results were of little value given the great differences in climate, politics, and customs

40 A number of works have recently been written on the International Statistical Congress: Nele Bracke 'In search of comparability: the internationalisation of official statistics (1853–1945)', in Jacques G. S. J. van Maarseveen, Paul M. M. Klep, and Ida H. Stamhuis, eds., *The statistical mind in modern society: the Netherlands, 1850–1940, vol. 1*, Amsterdam: Aksant, 2008, pp. 107–29; Nico Randerdaad, *States and statistics in the nineteenth century: Europe by numbers*, Manchester: Manchester University Press, 2010; Chris Leonards and Nico Randerdaad, 'Transnational experts in social reform, 1840–1880', *International Review of Social History*, 55, 2, 2010, pp. 215–39.

41 Edwin Pears, ed., *Prisons and reformatories at home and abroad: being the transactions of the International Penitentiary Congress, held in London July 3–13, 1872*, London: Longmans, Green, and Co., 1872, p. xiii.

42 Theodore M. Porter, 'Objectivity as standardization: the rhetoric of impersonality in measurement, statistics, and cost-benefit analysis', in Allan Megill, ed., *Rethinking objectivity*, Durham, NC: Duke University Press, 1994, p. 201.

43 Frederic J. Mouat, 'On international prison statistics', *Journal of the Statistical Society of London*, 39, 2, June 1876, p. 311.

44 Pears, *Prisons*, pp. 450–2; Wines, *State of prisons*, pp. 61–2, 667–9.

45 M. Oscar Gelbhaar, 'Observations sur la statistique pénitentiaire internationale', in *Le Congrès Pénitentiaire International du Stockholm: memoires et rapports, tome second*, Stockholm: Bureau de la Commission Pénitentiaire Internationale, 1879, p. 100.

between nations.<sup>46</sup> In the end, only one volume of international prison statistics was ever compiled and published but it demonstrates the implicit connection between comparison and standardization.<sup>47</sup> In the light of this, we can also understand the frequent calls for a universal criminal code that emerged from the IPC. While some proponents called for it out of concern for the ‘universal character of justice’, and others were worried about criminals fleeing to other countries, reflecting increasing anxieties about immigration,<sup>48</sup> it was also coterminous with the impulse to standardize in order to compare.

However, the success of projects such as international statistics and universal law required the cooperation of the governments of participating polities. Governments not only hosted the meetings of the IPC and, eventually, provided its funding; they also supplied the information upon which its success relied. Polities, whether colonies or sovereign nations, were the units of Wines’s comparative analysis and it followed that data should primarily come from their governments (a process which furthered the validity of the nation-state as political unit on the international stage).<sup>49</sup> Likewise, the IPC was dependent on governments not only to adopt standardized laws to aid comparison but also to implement its recommendations in their prisons. Although some polities’ governments were indifferent about or wary of participation at first, international congresses eventually became convenient sites for them to pursue their own diplomatic goals and to draw upon the moral authority of reformers and scientists.

However, the implications of this mixture of diplomats and scientists were unclear and the boundary between the authority of the delegates as scientific penal reformers and as diplomats was extremely blurred. Participants in the first IPC found such governmental presence a most striking feature, one that differentiated it from its unsuccessful forebears.<sup>50</sup> Delegate after delegate commented upon this: ‘What stamps upon the Congress of London a character of complete originality is that it is ... a *semi-official* conference, combining the initiative of governments and of individuals.’<sup>51</sup>

Nations that could not send actual prison administrators would send their ambassadors. Wines combined these two roles, as he served as both prison reformer and a diplomatic representative of the United States, an ambiguity that eventually caused him a great deal of trouble when he used his role as Commissioner to the International Prison Congress to negotiate directly with governments and make commitments in the name of the federal government.<sup>52</sup> Moreover, he not only officially represented the United States but

46 *Ibid.*, pp. 98–106.

47 *Statistique pénitentiaire internationale*, Rome: Imprimerie Artero & Comp., 1875, first page (text unpaginated).

48 For a summary of this unrealized attempt, see Wines, *State of prisons*, pp. 684–5: Bowring, ‘Proper purpose’, p. 79.

49 Wines, *State of prisons*, p. iii.

50 Negley K. Teeters, ‘The first International Penitentiary Congresses 1846–47–57’, *Prison Journal*, 26, 3, July 1946, pp. 190–211.

51 E. C. Wines, *Report on the International Penitentiary Congress of London: held July 3–13, 1872, ... containing the transactions of the National Prison Reform Congress, held at Baltimore, Maryland, January 21–24, 1873*, Washington, DC: Government Printing Office, 1873, p. 1, emphasis in original. See also Wines, *Actual state*, p. 4; Chandler, *Report*, pp. 100–1.

52 The federal government in turn tried (unsuccessfully) to curtail his actions by refusing to give him his appropriation from Congress. NARA, RG 59, M40, Roll 85: 119–20, ‘F. W. Seward to E. C. Wines on 22

also Mexico!<sup>53</sup> Similarly, governments hosted the delegates with the pomp befitting diplomatic delegations and held the proceedings in large state buildings where royalty or presidents would greet and fete the delegates for days.<sup>54</sup> This ambiguity of the diplomatic status of the early congresses continued for decades to come. When the American government considered becoming a permanent commission member at the end of the nineteenth century, it had to be reassured that decisions reached at the IPC were not binding upon its members.<sup>55</sup>

It is worthwhile to pause here and reflect on the implications of this drive toward comparison through international congresses. As I have argued so far, the IPC arose at a moment of social scientific transformation as penal reformers turned to new and experimental positivist models from around the world to combat the failures of older prisons. Yet to compare and replicate the experiments of these disparate reformers required a certain amount of standardization.<sup>56</sup> Identical instruments or measurements can generate standardization but, given that no physical instrument could measure the success of prisons, reformers utilized other technologies such as the international congress itself and statistics. As Theodore Porter has stated,

quantification is a technology of distance ... reliance on numbers and quantitative manipulation minimizes the need for intimate knowledge and personal trust. Quantification is well suited for communication that goes beyond the boundaries of locality and community ... [and] is preeminent among the means by which science has been constructed as a global network rather than merely a collection of local research communities.<sup>57</sup>

While quantification was just one aspect of the IPC, and not a terribly successful one at that, Porter's observation does capture that drive toward standardization that characterized international congresses as a whole. Not only did they literally unite practitioners from around the world, creating bonds of trust and cementing disciplines, but also, more importantly, they brought together different polities' prison systems for the purposes of comparison through qualitative and quantitative data, initiating a process of standardization and commensurability. In other words, international congresses were themselves technologies of global standardization. The inherent link between standardization and international congresses is made evident by the fact that the very first international congress at the end of the eighteenth century was an attempt to disseminate universal measurements.<sup>58</sup>

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December 1877 enclosing the report on "The claim of the Rev. E. C. Wines D.D. to International Penitentiary Congress".

53 Pears, *Prisons*, p. iii; Robert M. Buffington, *Criminal and citizen in modern Mexico*, Lincoln, NE: University of Nebraska Press, 2000, pp. 93–4.

54 Samuel Barrows, *Report of the delegates of the United States to the fifth International Prison Congress, held at Paris, France, in July, 1895*, Washington, DC: Government Printing Office, 1896, p. 70.

55 The IPC commission was the governing and organizing body established in the 1890s. Although initially represented through Wines, the American government had stopped participating in the organization of the IPC following his death. Barrows, *Report of the delegates*, p. 4.

56 Porter, 'Objectivity as standardization', pp. 197–201.

57 Theodore M. Porter, *Trust in numbers: the pursuit of objectivity in science and public life*, Princeton, NJ: Princeton University Press, 1995, p. ix.

58 Maurice Crosland, 'The congress on definitive metric standards, 1798–1799: the first international scientific conference?', *Isis*, 60, 2, 1969, pp. 226–31; Ken Adler, *The measure of all things*, New York: Free Press, 2002.

However, as mentioned above, carrying out such comparison and standardization required the involvement of government representatives in order to enact the congresses' findings, which in turn blurred the line between social scientist and diplomat. Participation in the congress through the provision of information and statistics could be as important as political participation in more formal diplomatic settings. In such a world, mutual comparability was the deciding factor for admission into an increasingly standardized international community. While this might have been difficult even among European nations, the inclusion of non-European polities and entities in the pool of comparative data created new challenges. Given that 'empire' as a concept is based upon a fundamental difference between colony and metropole, what were the implications of participating in a technology that threatened to erase that very difference through standardization? The next section explores this possibility through examining the participation of Japan, the Ottoman empire, and British India.

## The international congress and non-Western polities

As mentioned above, participation in the IPC was primarily determined through the provision of information, and the government of Japan did so very successfully, changing both its diplomatic and its social scientific status internationally. Foreign intervention in Japanese affairs began with the pretext of prison, which led Meiji leaders to reform Japan's system of punishments in order to rid themselves of the extraterritoriality treaties. The country quickly adopted modern prisons and a variety of non-violent punishments, and also allowed Western missionaries to work in their prisons. One of these missionaries, Dr Berry, may have sent Wines a positive report on the changes in Japanese prisons.<sup>59</sup> At the same time, Japan flooded the IPC with information and reports. When Wines organized the first IPC in 1872, he did not include Japan as an official invitee of the congress owing to the insistence of the Secretary of State, Hamilton Fish, although attendees did acknowledge a Japanese delegate's presence.<sup>60</sup> By the second IPC in 1878, Wines could not stop singing the praises of Japan's reform effort. Singling out the country for encomium, he stated that, of all the countries in the world, Japan provided 'the most elaborate, comprehensive, and exhaustive report'.<sup>61</sup> Japanese prisons astounded even Major Arthur Griffiths, the British inspector-general of prisons, who disparaged all other non-Western prisons. He mentioned that Japanese prisons were extraordinarily better than the foul prisons he had seen in San Francisco.<sup>62</sup> By sending information through both formal governmental and informal missionary channels, Japan reaped the benefits of this successful change of opinion when it ended its extraterritoriality treaties in 1894.

The Ottoman experience in the IPC provides a counterexample to that of Japan. Wines was initially very excited and optimistic about Ottoman participation, and, indeed, the

59 Botsman, *Punishment and power*, pp. 171–2, 271, n. 30; Wines, 'International prison reform', p. 382.

60 NARA, RG 59, M179, Roll 368, Hamilton Fish to E. C. Wines, 8 April 1872; Roll 71, 420–1, Fish to Wines, 9 April 1872; Wines, *Report on the International Penitentiary Congress*, p. 482.

61 Wines, *Actual state*, p. 24.

62 Arthur Griffiths, *The history and romance of crime, vol. 12: oriental prisons*, London: Grolier Society, n.d., p. 235.

Ottoman ambassador, Stephen Musurus, was present at the first congress.<sup>63</sup> By the second IPC, however, the Ottoman empire had disappeared from the list of nations participating in international prison reform. Frustrated by the failure of the Ottoman government to provide information on its prison systems, other than an assuring letter by its ambassador in Washington,<sup>64</sup> Wines turned to American Protestant missionaries and journalists for information, who told a rather negative story of how Ottoman prisons failed to comply with international standards and persecuted Protestants.<sup>65</sup> It is unclear why the Ottoman government declined to send information, and their complex responses to the emerging European diplomatic order require deeper examination, but perhaps it is not a coincidence that only upon entering the First World War in 1914 was the Ottoman government able to discard its extraterritoriality treaties in practice. Even then, it was only in 1923, after the Lausanne Conference, that they were formally ended.<sup>66</sup>

The participation of British India in the IPC warrants a more detailed investigation because it counters the two main arguments as to why non-Western countries and colonies were conspicuously absent in the vast majority of international congresses. The first is that the sites of social scientific experimentation were only found in Westernized industrialized countries.<sup>67</sup> Unlike, for example, Liberia, or even Japan, India's participation cannot be reduced solely to the organizers' notions of incorporating countries with fledgling prison systems under the expansive umbrella of Christian civilization. Rather, the provinces of British India had some of the largest prisons in the world during the nineteenth century. Founded at the same time that reformers first implemented prisons in Europe and America, they were home to many of the same innovations and experiments present in other test sites in the world during the mid nineteenth century.

Prisons in India had a largely parallel development with much of Europe and the United States. Introduced in the 1790s, they were employed in a piecemeal fashion and suffered from many of the same problems as their European counterparts. In 1838, the government issued a report calling for a number of reforms in line with penal practices in America and Britain, though, like many calls for reform, officials largely ignored them. The report included a particularly British commitment to making prisoners perform unproductive, punitive labour, such as walking endlessly on the treadmill and pushing the hand crank.<sup>68</sup>

63 Wines, 'International prison reform', p. 380.

64 Wines, *State of prisons*, pp. 385–6; idem, *International congress ... public meeting*, pp. 17–18.

65 Wines, *State of prisons*, pp. 385–7.

66 In that other Ottoman territory of Egypt, extraterritoriality was not ended until 1949. See Turan Kayaoğlu, *Legal imperialism: sovereignty and extraterritoriality in Japan, the Ottoman empire, and China*, Cambridge: Cambridge University Press, 2010, pp. 104–5. The secondary sources in Turkish on the IPC are meagre. See Fatmagül Demirel, '1890 Petersburg Hapishaneler Kongresi (The 1890 St Petersburg Prison Congress)', *Toplumsal Tarih (Social History)*, 89, May 2001, pp. 11–14. Although I disagree with its statements regarding the IPC, the best source on Ottoman prisons is Kent Fielding Schull, 'Penal institutions, nation-state construction, and modernity in the late Ottoman empire, 1908–1919', PhD thesis, University of California, Los Angeles, 2007, pp. 36–56.

67 Iriye, *Cultural internationalism*, p. 35; Rodgers, *Atlantic crossings*, p. 33.

68 While the literature on the prison in India is relatively well developed, there is still no comprehensive history. David Arnold, 'India: the contested prison', in Dikötter and Brown, *Cultures of confinement*, pp. 147–84, provides a cursory overview. For a fuller breadth of sources, see the bibliography in David Arnold's, Clare Anderson's, and Ian Brown's chapters in the same book.



At the same time, prisons developed alongside and merged with other penal options such as transportation, used widely in the Indian Ocean arena by the British. These prisons, in Singapore/Penang, Hong Kong, Norfolk Island, and elsewhere, were sites of the same type of penal experimentation that had inspired Wines. Like the American system, these experiments were watched and adopted in the Indian Ocean world and East Asia. Japan would base its own prison system on those of Hong Kong and Singapore. India, too, would take models from the Straits Settlement, while prison administrators from Siam and the Dutch East Indies were sent there to learn, and European and American prison reformers commented on it as well.<sup>69</sup>

This counters the second argument: that prisons in the colonized world were ontologically different from those in the West, serving different purposes and administered in a different manner.<sup>70</sup> In other words, the colony of British India was fully capable of intellectually participating in the IPC through the provision of equivalent and comparable information. Yet, ultimately, British India did not participate in the IPC after the 1870s, nor is it recognized today as a site of social scientific penological experimentation. In order to understand this turn of events one has to delve a bit deeper into the history of the prison in the Indian Ocean and into the aims of a certain Frederick J. Mouat.

Assigned to the post of chief prison inspector of the Lower Provinces of Bengal in 1855, Mouat ran the prisons there until 1870, when he returned to England. In him, one can find a rough counterpart to E. C. Wines, albeit in a part of the world that remained a British colony. Born in England, ten years after Wines, he started his career as an army surgeon with the British East India Company, but worked in a wide variety of fields including education, chemistry, prison reform, and statistics.<sup>71</sup> While it is beyond the scope of this article to deal with the entirety of Mouat's penological work, what is important to note is that almost all of his endeavours were part of the global wave of experiments in prison discipline that led up to the IPC. Even his resettlement of the Andaman Islands as a prison colony in 1854 was based upon a penitentiary model that had been tested by prison administrators in Singapore, Penang, Tenasserim, and elsewhere in the Indian Ocean. Wines also regarded the Andamans as a viable experiment in prison discipline, therefore requesting that the officer in charge

69 J. F. A. McNair, *Prisoners their own warders: a record of the convict prison at Singapore in the Straits Settlements established 1825, discontinued 1873, together with a cursory history of the convict establishments at Bencoolen, Penang, and Malacca from the year 1797*, Westminster: Archibald Constable and Co., 1899, p. x; Satadru Sen, *Disciplining punishment: colonialism and convict society in the Andaman Islands*, New Delhi: Oxford University Press, 2000, p. 18; Botsman, *Punishment and power*, pp. 146–54.

70 See, for instance, Bernard S. Cohn, *Colonialism and its forms of knowledge*, Princeton, NJ: Princeton University Press, 1996; David Arnold, 'India', p. 182; idem, 'The colonial prison: power, knowledge, and penology in nineteenth-century India', in Ranajit Guha, David Arnold, and David Hardiman, eds., *Subaltern studies VIII: essays in honour of Ranajit Guha*, New Delhi: Oxford University Press, 1994, pp. 148–87; Clare Anderson, *The Indian Uprising of 1857–8: prisons, prisoners, and rebellion*, London: Anthem Press, 2007.

71 For Mouat within the social scientific community of Anglo-Indian civil servants, see Edward W. Ellsworth, *Science and social science research in British India, 1780–1880: the role of Anglo-Indian associations and government*, New York: Greenwood Press, 1991, pp. 28–37. For a short biography that excludes his work on international statistics, see Ross Lawrenson, 'Frederick John Mouat (1816–97), MD FRCS LLD, of the Indian Medical Service', *Journal of Medical Biography*, 15, 2007, pp. 201–5. See also his two obituaries, 'Dr. Frederick John Mouat M.D., L.L.D.', *Bulletin de l'Institut International de Statistique*, 10, 1897, pp. 153–5; 'Frederick John Mouat, M.D. and LL.D. Edin., F.R.C.S. Eng, Deputy Inspector-General of Hospitals, Bengal Army (retired)', *British Medical Journal*, 6 March 1897, pp. 628–9.

submit a report to the National Prison Congress in 1870 and likewise including the experiment in the 1878 Stockholm IPC.<sup>72</sup> In time, the colony became the repository of the colonial rebels and opponents of British rule, though it should be noted that it even then it continued to fulfil its broader function by also incarcerating European criminals.

As Mouat grappled with the leading questions and techniques of his day – whether prison labour should be industrial or purely punitive; to what extent convicts should be isolated and whether they were in fact capable of reform; and how to maintain low costs – he came to increasingly certain conclusions that he attempted to propagate in England, Europe, and the world. He regularly published summaries of his experiments in prison administration in the *Journal of the Statistical Society of London*, allowing for diachronic tracking of his views in 1862, 1867, 1872, and 1891. In his first article, he refused to make a comparison with prisons in Great Britain. By the second, he was willing to do so with regard to both Great Britain and France; by the last article, he believed that his findings in prison management were applicable to the whole world.<sup>73</sup>

In order to validate and test different methods of administration in the prisons of Bengal, he first introduced new statistical registers in all the prisons under his control in 1858–61. His statistical project, and his larger scientific endeavour (which included a suppressed attempt to collect data on castes and crime), encountered considerable resistance from the colonial government, and so he used the legitimacy of the International Statistical Congress to justify his efforts.<sup>74</sup> The massive prison population of Bengal (numbering in the tens of thousands) afforded him a more than sufficient sample. Moreover, the European prison in Hazareebaugh under his administration, which ‘confined all Europeans, Americans, Africans, and Eurasians’,<sup>75</sup> allowed him to test the same penal regime across a wide spectrum of people and vary it according to the results.<sup>76</sup>

By the end of his career in the prisons of Bengal, Mouat had solidified his own approach to prison management, which he felt forged a middle path between the predominant systems of imprisonment as punishment and imprisonment as reformation. Much as for prison administrators in the United States, the cornerstone of this system was the employment of prisoners in industrial, profitable labour. Although his system was in agreement with much of the global opinion of social scientific reformers, it ran against the predominant public opinion in Britain and India that prison labour should be purely punitive. When Mouat’s industrial labour system was rolled back after his departure, he claimed in his defence that

72 Fr A. de Rompstorff, ‘Port Blair penal settlement in British India’, in *Transactions of the National Congress ... 1870*, p. 159; ‘La transportation aux Iles Andamans’, in *Le Congrès Pénitenciaire*, pp. 703–12.

73 Frederic J. Mouat, ‘On prison statistics and discipline in Lower Bengal’, *Journal of the Statistical Society of London*, 25, 2, June 1862, pp. 179, 214; idem, ‘On prison discipline and statistics in Lower Bengal’, *Journal of the Statistical Society of London*, 30, 1, March 1867, pp. 29, 45; idem, ‘On prison discipline and statistics in Lower Bengal’, *Journal of the Statistical Society of London*, 35, 1, March 1872, p. 57.

74 Mouat, ‘On prison statistics’ (1862), pp. 181–2; idem, ‘International prison statistics’ (1892), p. 660. For a short description of Mouat’s ethnographic project, see ‘On prison discipline’ (1872), pp. 59–64.

75 Mouat, ‘On prison discipline’ (1872), p. 76.

76 Mouat, ‘On prison statistics’ (1862), pp. 191–4; idem, ‘On prison discipline’ (1867), pp. 25–9, 48; idem, ‘On prison discipline’ (1872), pp. 58, 71, 87; idem, ‘Prison labour, as an instrument of punishment, profit, and reformation: an episode in the prison history of lower Bengal’, *Journal of the Society of Arts*, 23 February 1872, p. 267; idem, ‘On prison ethics and prison labour’, *Journal of the Royal Statistical Society*, 54, 2, June 1891, pp. 233–4.

the profits from his prisons over the course of his tenure amounted to over half a million pounds! The giant prison at Alipore, with its successful industrial regime, was to Frederic Mouat what Elmira Reformatory was to Zebulon Brockway, a slightly later contemporary and renowned American prison reformer who likewise used the industrial system.<sup>77</sup> Prisons were to be schools of industry, both protecting society and punishing the offender.<sup>78</sup> Industrial labour not only occupied the prisoner and enhanced discipline but reformed him as well. In the process, it endowed the prisoner with a valuable skill for life outside the prison, and made prisons financially self-sufficient. Mouat could therefore boast that the infamous Thugs, who occupied a great deal of space in the imaginations of nineteenth-century colonial administrators, ‘obtained celebrity as carpet weavers, dyers, and tent-makers in the industrial prison of Jubbalpore’.<sup>79</sup>

The other major conclusion that Mouat developed was that popular education was the key to preventing crime in the first place.<sup>80</sup> At the end of his tenure in 1870, he had arrived at many, though not all, of the same conclusions as Wines: a commitment to social scientific methodology, a conviction that prisoners could be reformed rather than solely punished (which entailed a rejection of solitary confinement), and a similar conviction that this reformation began with the popular education of the masses. This all demonstrates that the prisons that Mouat administered, and presented to the IPC, were not merely ‘colonial prisons’, outside the standards and circulation of ideas regarding prisons in the West, but on a par with and comparable to those anywhere else in the world.

Mouat naturally believed that his experiments were not to be relegated to the colonial world of India alone. This can be seen not only in his choice of intellectual venues – statistical journals and international congresses – but also in his claims that he had administrative experience, statistical knowledge, and ideas that no one else in the world possessed. He claimed that he was the first in the world to organize an exhibition of prisoner-made industrial goods, which took place in Calcutta in 1856;<sup>81</sup> that his statistical returns on cholera were unsurpassed worldwide;<sup>82</sup> and that his prison statistics were more comprehensive than those of any other country.<sup>83</sup> To his frustration, he found that few had heard of the achievements of the Indian government in the field of prison reform. He continually used his articles and lectures to inform people of its penal code, ‘probably the most complete and scientific body of criminal law in existence’.<sup>84</sup> He was likewise an ardent

77 See Mouat, ‘Prison labour’ (1872), p. 271.

78 Mouat, ‘On prison discipline’ (1867), p. 48; idem, ‘On prison discipline’ (1872), p. 59; idem, ‘Prison labour’ (1872), p. 269.

79 Mouat, ‘Prison labour’ (1872), p. 268.

80 Mouat, ‘On prison discipline’ (1872), pp. 82–3, 95; idem, ‘Prison labour’ (1872), p. 272; idem, ‘On international prison statistics’ (1876), p. 321.

81 These prison goods exhibitions were present in the 1885 and 1890 IPCs. Mouat, ‘Prison labour’ (1872), pp. 269, 275; idem, ‘On prison ethics’ (1891), p. 214.

82 Mouat, ‘On prison discipline’ (1867), pp. 23, 43.

83 Mouat, ‘On international prison statistics’ (1876), p. 323.

84 Frederic J. Mouat, ‘Second and concluding report of the ninth International Statistical Congress, held in Buda-Pesth, in September, 1876’, *Journal of the Statistical Society of London*, 40, 4, December 1877, p. 536. For other examples of his push to publicize Indian innovations, see Mouat, ‘Prison labour’ (1872), p. 269; idem., ‘Report of the ninth International Statistical Congress, held at Buda-Pesth, from 1st to 7th

advocate of bringing Indian innovations into European and British prisons, such as having prisoners serve as guards, which he had experimented with in the Bengal prisons after having witnessed it on a trip to the Straits Settlement in 1851.<sup>85</sup> He both encouraged the chief of the Singapore prison who had developed it to write a book detailing the system and also advocated for it at the IPC.<sup>86</sup>

Whenever Mouat presented his work, he repeatedly emphasized that ‘it is a fallacy to suppose that experience acquired in India is not applicable to the circumstances in England. The great principles of human action are based upon eternal truths, which are universal in their application. Their universality is, in turn, a test of their truth.’<sup>87</sup> The repeated insistence on global applicability highlights the inherent resistance that he encountered; only in the IPC did he find a modest venue to disseminate his views.<sup>88</sup> Ultimately, though, he was forgotten and his experiments went unrecognized, being adopted neither in India nor in the wider world.

I have focused so intently on Mouat’s work because I believe that it can reveal the implications of a colony participating in international congresses. While it would seem logical that colonial governments would want to display the civilizational advancement of their colonies, we rarely if ever find such examples at international congresses, even when presented by colonial administrators such as Mouat. In addition, as Bengal’s prisons demonstrate, this is not for lack of comparability or equivalent development; in fact, the prisons of Bengal were much like those of New York State in their implementation of a constant series of social scientific experiments based upon prisoner labour and statistical review, if not in their deplorable conditions. Mouat attempted to have a colony take part in an international congress in the same manner as a sovereign European state or a semi-sovereign non-Western country: that is to say, not as a passive recipient of Western ideas but as an active and equal contributor to the burgeoning penological debates of the day. In order to bridge both the physical and the ontological distance between India and Britain, Mouat provided reams of data and description, publishing his findings in statistical journals and attempting to quantify as much of it as he could, all the while rehearsing claims about the universality of science. When we see international congresses as technologies of communication and standardization, the real danger posed by Mouat proffering data from Bengal’s prisons and claiming comparability was that it would erase the distinction between colony and metropole.

The member nations and delegates of the IPC themselves recognized the implicit connection between colonial participation in the IPC and political sovereignty. Early in his

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September, 1876’, *Journal of the Statistical Society of London*, 39, 4, December 1876, p. 634; idem, ‘On prison ethics’ (1891), pp. 226, 229; idem, ‘International prison statistics’ (1892), p. 661.

85 In this scheme prisoners moved up a progressive scale of conditions and responsibility based upon their reformed conduct, until they became guards. Mouat, ‘On prison discipline’ (1872), p. 93; idem, ‘Prison labour’ (1872), pp. 274–5; idem, ‘On international prison statistics’ (1876), p. 322; idem, ‘On prison ethics’ (1891), pp. 226, 232, 235–6.

86 McNair, *Prisoners*, p. v; Pears, *Prisons*, p. 565.

87 Mouat, ‘Prison labour’ (1872), p. 275. See also Mouat, ‘On prison ethics’ (1891), pp. 227–8; idem, ‘On prison discipline’ (1867), p. 49.

88 Pears, *Prisons*, pp. 565–71.

career, Mouat criticized the attempt of an ‘Indian section’ of the Hygienic Congress to establish a forum on tropical medicine in which colonies and even natives might participate owing to its dangerous political implications.<sup>89</sup> Later in life, frustrated with the Indian government, he conversely believed that their rescinding of his industrial prison system in Bengal in favour of earlier methods of non-productive labour could only be remedied by greater direct representation for India in the Imperial Legislature and an increase in the number of natives involved in decisions of government.<sup>90</sup>

The connection between sovereignty and participation was even more explicit in the twentieth century. England ushered Egypt into the 1925 IPC only after granting it its independence.<sup>91</sup> Given the potential implications of participation in the congresses, perhaps we can now understand why so few colonies and non-Western nations were ever present, or, if they were, it was as silent spectators. Claiming comparability meant claiming sovereignty and it is not much of a surprise that following Wines’s death in 1879, the IPC continued to flourish but became even more Eurocentric. As it transformed into a more permanent institution, its governing and funding members were exclusively Western nations. The number of non-Western nations present increased over the years, especially after the world wars, but they often did little more than attend. Ultimately, the IPC’s association with Nazi race theories at the 1935 Berlin Congress doomed it. The congress voted to dissolve itself in 1951 after one final meeting in The Hague.<sup>92</sup> The United Nations took over and absorbed the IPC, along with the International Statistical Congress, the International Sanitation Conference, and others.<sup>93</sup> In contrast to its predecessors, the United Nations in the mid twentieth century aimed to create an equal world in which every polity was comparable and ideas flowed seamlessly, and it co-opted the technologies – international congresses and statistics – that would allow it to achieve this goal.<sup>94</sup>

## Conclusion

I have argued in this article that the IPC in the 1870s was a social scientific technology with a global scope used by penal reformers searching for alternatives to failing models of the prison through comparativist methodologies. However, the process of comparison itself turned these congresses into technologies of standardization and blurred the lines between diplomat and social scientific reformer. An inherent conflict lay within this logic as Wines sought to include as many polities as possible, including colonies, in a format that could potentially erase the distinction between colony and metropole as a new, specifically

89 Frederic J. Mouat, ‘The opening address of F. J. Mouat, M.D., F.R. C.S., LL.D., President of the Royal Statistical Society, Session 1891–92. Delivered 17th November, 1891’, *Journal of the Royal Statistical Society*, 54, 4, December 1891, pp. 586–90.

90 Mouat, ‘Prison labour’ (1872), pp. 268, 272; idem, ‘On prison discipline’ (1872), pp. 71–3.

91 Jan Simon Van der Aa, ed., *Proceeds of the IXth International Penitentiary Congress held in London, August 1925*, Bern: Staempfli & Cie., 1927, pp. 300, 304.

92 United Nations Office on Drugs and Crime, ‘Previous U.N. crime congresses’, <http://www.unodc.org/unodc/en/crime-congress/1-10-crime-congress.html> (accessed 21 October 2013).

93 Manuel Lopez-Rey, ‘The first U.N. Congress on the Prevention of Crime and the Treatment of Offenders’, *Journal of Criminal Law, Criminology, and Police Science*, 47, 5, 1957, pp. 526–38.

94 Porter, ‘Objectivity as standardization’, pp. 218–19.

international diplomatic order took hold in the world. Claiming comparability was in effect claiming sovereignty and ultimately this conflict was resolved through the exclusion of non-Western polities. It is important to keep this exclusion in mind as historians of science begin to conceive of science as the very act of communication between local sites of knowledge production. Even when represented by colonial officials such as Mouat, sites of social scientific experimentation like Bengal largely disappeared from the intellectual exchange occurring in the congresses. The history of the social sciences as a whole mirrors this absence, though it must be emphasized again that this was not necessarily due to differing levels of industrial development or purposefully administered backwardness.

By focusing on international congresses in the 1860s–1880s, we can expand our notions of diplomacy beyond direct political order to include scientific and intellectual exchanges. To do so requires seeing international congresses as more than direct translations of nations' political positions or mere gatherings of intellectuals, but as technologies that structured diplomacy as the international state system took form in the late nineteenth century. Indeed, they demonstrate a logic of international order – sovereignty through comparability – that continued into the twentieth century and necessitated the integration of the IPC and others congresses into the formal functions of the United Nations. We can perhaps extend this analysis to many of the major early international congresses that integrated new scientific knowledge into diplomatic relations, struggling to standardize an increasingly globalized world, often with the participation of non-Western polities. The International Sanitary Conferences fought over the aetiology of cholera while controlling global migration;<sup>95</sup> the International Statistical Congress attempted to develop global statistics and quantification;<sup>96</sup> and one can even look at the Conference of Berlin, which partitioned Africa among European powers, as a movement to bring a newly renovated social science of international law to the negotiations of European states.<sup>97</sup>

As a final note, I think it is important to discuss the causal role attributed to colonialism and empire in regards to the international congresses and social science in the late nineteenth century. Although historians should not hesitate to compare and connect places such as colonial Bengal and New York, it would be naive to cast characters such as Wines and Mouat as somehow outside the imperialist enterprise: Mouat was a colonial official and Wines was heavily reliant on British imperial networks to collect information. It is likewise difficult to deny the possible effect of high-colonialist thought on the constituency of the IPC in the 1880s and 1890s as Western countries competed to expand their foreign colonies in non-Western lands, although members never debated the question directly in the IPC. Yet, as Sujit Sivasundaram observes, the question of 'whether science influenced European imperialism, or how European imperialism influenced science, misses the point by taking scholars to a spurious question of causation'. Instead, he calls for scholars to look at the malleability of the relationship between science and empire, as they reinvented each other and developed new disciplines and technocratic regimes.<sup>98</sup>

95 Valeska Huber, 'The unification of the globe by disease? The International Sanitary Conferences on Cholera, 1851–1894', *Historical Journal*, 49, 2, 2006, pp. 453–76.

96 See Randeraad, *States and statistics*.

97 See, for instance, Anghie, *Imperialism*, pp. 90–6.

98 Sujit Sivasundaram, 'Sciences and the global: on methods, questions, and theory', *Isis*, 101, 1, 2010, p. 155.

Sivasunduram's suggestion might provide a useful approach to understanding the changes that the IPC underwent during the last decades of the nineteenth century. The comparativist social scientific methodology that underlay the IPC and other social scientific projects in the 1860s and 1870s receded, with discourses of largely unbridgeable cultural and racial difference taking its place in the era of high colonialism from the 1880s onwards. As many scholars have documented, the purpose of the prison in much of the colonial world changed; different, and cheaper, methods of imprisonment were used on colonial subjects whose character and culture demanded separate penal regimes. Indeed, many of the very innovations that Mouat attempted to introduce, such as the use of prisoners as guards, became themselves signifiers of colonial difference. In the words of Major Arthur Griffiths, the former inspector-general of British prisons and gold-medal winner of the IPC's essay contest on prison reform: 'no doubt different methods are employed in the great Empire of India; but they also are the outcome of experience, and follow lines most suited to the climate and character of the people'. 'Association' is 'inevitable in the Indian prison system' and using prisoners as guards becomes a necessary evil though 'quite abhorrent to modern ideas of prison management'; finally, transportation, 'so clearly condemned at home, is defensible on the ground that the penalty of crossing the sea, the "Black Water", possesses peculiar terrors to the Oriental mind'.<sup>99</sup>

Social scientific knowledge about non-European peoples did not necessarily disappear, but its location shifted as social science partitioned itself into differing disciplines at the end of the nineteenth century. A single 'prison discipline' split into penology, criminology, and sociology for the Western world and anthropology, ethnography, and tropical medicine for the non-Western world. Again, Mouat's attempt to collect data on the relationship between caste and crime alludes to this transformation. While the Indian government suppressed his project in the mid nineteenth century when it was part of his prison experiments, the similar project of the Indian census became the basis of a new ethnology and knowledge regime in the late nineteenth century.<sup>100</sup> While both of these arrangements of knowledge emerged from colonial contexts, it may be that the former presented more opportunities for global commensurability than the latter, as evinced by the ensuing struggle by non-European peoples over the twentieth and twenty-first centuries to move from being objects of study to actors and participants.

On that note, we can turn again to F. J. Mouat, now in retirement. Perpetually trying to bridge the distances between different sites of science, he threw himself into the work of statistical congresses, first becoming the president of the Royal Statistical Society and then reviving the defunct International Statistical Congress in the form of the International Statistical Institute.<sup>101</sup> He did this all because he was convinced that when 'immediate

99 Arthur Griffiths, *The history and romance of crime, vol. 5: prisons over seas*, London: Grolier Society, n.d., pp. 5–6.

100 Bernard Cohn, 'The census, social structure and objectification in South Asia', in Bernard S. Cohn, ed., *An anthropologist among the historians and other essays*, New Delhi: Oxford University Press, 1987, pp. 224–53. On the larger context of Western scholars and the production of knowledge about castes, see Susan Bayly, *Caste, society, and politics in India from the eighteenth century to the modern age*, Cambridge: Cambridge University Press, 1999, pp. 97–143.

101 He tells the story of his role in the founding of the International Statistical Institute in Mouat, 'Opening address', pp. 591–6.

comparison' of the world by a uniform system of prison statistics would be initiated, 'unmixed good cannot fail to result in the adoption of points of excellence from all, and in the rejection of all that is found on trial to fail'.<sup>102</sup>

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102 Mouat, 'On international prison statistics', (1876), p. 318.