UNIVERSITY OF CALIFORNIA

Los Angeles

Democratizing Punishment:

South Korean Penal Reform and Cold War Subjectivity

1945–60

A dissertation submitted in partial satisfaction of the requirements

for the degree Doctor of Philosophy

in Asian Languages and Cultures

by

James David Hillmer

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ABSTRACT OF THE DISSERTATION

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James David Hillmer

Doctor of Philosophy in Asian Languages and Cultures

University of California, Los Angeles, 2022

Professor Namhee Lee, Chair

This dissertation traces the development of the early South Korean prison system. It follows changes in prison administration after Korea's liberation from Japanese colonial rule and subsequent division by the United States and Soviet Union in 1945. It examines the use of prisons before, during, and after the Korean War (1950–3) and ends with the fall of the Syngman Rhee regime in 1960. After the 1948 establishment of the Republic of Korea, penal reformers proclaimed the goal of reforming the prison system under the slogan "democratic punishment" (*minju haenghyŏng*, 민주행형/民主行刑). Though appearing oxymoronic, reformers wielded the slogan when legitimating real changes in penal administration. This dissertation examines successive benchmarks in early ROK penal reform history to reveal that the "democratization" of

penal administration was an earnest project to transform South Korea's prisons into laboratories, factories, and schools for producing ideal citizens. More broadly beyond the Korean context, *Democratizing Punishment* traces the changing discourse surrounding criminality and reform in the early ROK to explicate the role of punishing society's others in reflexively producing national identity, solidifying state power, and building the Cold War's U.S.-aligned bloc known as the "Free World." It argues that early South Korean prisons were not exceptional, aberrant, or an inadvertent reversion to colonial practices: they operated *as designed* to produce the ideal South Korean citizen from the negative example of its abject other—the criminal, the communist, and the social deviant.

The dissertation of James David Hillmer is approved.

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2022

DEDICATION

For my cousin, Shawn, and all other victims of the prison industrial complex.

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Introduction

Writing the Prison into Korea's Cold War History

Project Overview

When stripped of its legitimating discourses, imprisonment is the simple act of putting human beings into cages. By the mid-twentieth century, the practice of incarceration had spread by means of Western colonial expansion to nearly every area of the globe. Western-style incarceration remained a worldwide practice after the Second World War as postcolonial nation-states took up the prison as another tool to solidify their rule. The project to modernize the Korean prison system continued long after its initial development during the Japanese colonial period (1910–45). After a chaotic period under the United States Army Military Government in Korea (USAMGIK; hereafter, "U.S. military government," or "MG") (1945–8), Republic of Korea (ROK) penal officials attempted to reform their system from a tool of colonial domination to one producing reformed, ideal citizens of a United States-aligned democracy. *Democratizing Punishment* examines the ways Korean penal reformers imagined the past, present and future of their system through occupation, war, and reconstruction. It maps the cultural, political, and economic influences of the early Cold War era on Korean penology. The U.S. government relied on the internal stability of South Korea as an East Asian bulwark against communism, and directly shaped the development of the penal system along the contours of the emerging Cold War system. This study historicizes the development of Korean prisons during an underexamined period that was crucial for solidifying ROK state control of the incarcerated and free population alike. This dissertation argues that rereading the history of South Korean prisons reveals them to be crucial sites for producing national identity and Cold War subjectivity.

The historical timeline of this project extends from Korea's liberation from Japanese rule and subsequent division by the U.S. and Soviet Union in 1945, through the Korean War (1950–3) and fall of the Syngman Rhee regime in 1960, and ends with the 1961 coup d'etat by General Park Chung Hee. After the establishment of the Republic of Korea in 1948, penal reformers proclaimed the goal of "democratizing" the prison system under the slogan "democratic punishment" (*minju haenghyŏng*, 민주행형/民主行刑). Though appearing oxymoronic, or at the very least, propagandistic, reformers wielded the term to legitimate real changes in penal administration. This dissertation examines successive benchmarks in early ROK penal reform history to reveal that the "democratization" of penal administration was an earnest project to transform South Korea's prisons into laboratories, factories, and schools for producing ideal citizens.

Prior to the Korean War, malnourished inmates were crammed into overcrowded prisons and used for ostentatious performances of anticommunist conversion. However, by the late 1950s penal officials boasted of the prisons' humane conditions and state-of-the-art rehabilitative and educational function. How did the state of prisons change so drastically over a single decade, and how many of these claims were simply propaganda? These reforms were carried out by the notorious authoritarian regime (1948–60) of South Korea's first president, Syngman Rhee (1875–1965). The prison system did see major changes in the overall treatment of prisoners and training of penal officers, but practice departed drastically from reformist theory when it came to punishing political opponents of the regime. At the same time, official narratives of reform are conspicuously silent about the state of prisons during the Korean War, when tens of thousands of political prisoners were massacred.

The devastation of the internecine conflict left nearly every South Korean penal facility in ruins. Postwar reconstruction efforts focused not only on the rebuilding of existing prisons, but also the addition of new, state-of-the-art facilities. With the help of material aid from the United Nations and the United States, Korean penal reformers began to transform their system in the image of their Cold War allies. Post-Korean War penal practice took on the guiding ideologies of liberal democracy and "educational punishment" (*kyoyukhyŏng*). The new system emphasized job training and rehabilitation of prisoners for reentering society. Penal reformers also embarked on UN-sponsored trips abroad to study the prison systems of the United States and Western European countries. These officials debated responses to the challenges facing their system in the pages of professional journals and books on penology and its history. While the period spanning South Korea's first republic (1948–60) stands as a crucial first stage of autonomous penal reform, it remains understudied in the field of Korean history.

Through analysis of the discourse in U.S. military archival materials, Korean newspapers, professional journals of penal administrators, and the memoirs of former guards and inmates, this dissertation answers the following questions: How did rhetoric surrounding incarceration change as the U.S. occupation and subsequent ROK regime restaffed, reformed, and rebuilt former colonial prisons? How did the dynamics of occupation, war, and reconstruction influence these changes? Through each of these periods what behavior constituted true violation of the social contract and what acts would be punishable by death? How and why was the idea of rehabilitation of convicts sold to the public? How were these processes affected by the external influences of the emerging Cold War system? When penal reform efforts were obviously failing, what ulterior motives were satisfied by state officials *and* civil society members claiming the contrary?

More broadly beyond the Korean context, this study explores why it is culturally and socially significant to portray images of the well-ordered prison to the populous. *Democratizing Punishment* traces the changing discourse surrounding criminality and reform in the early ROK to explicate the role punishing society's others plays in reflexively producing national identity, solidifying state power, and building the U.S.-aligned bloc known during the Cold War as the "Free World." It argues that early South Korean prisons were not exceptional, aberrant, or an inadvertent reversion to colonial practices: they operated *as designed* to produce the ideal South Korean citizen from the negative example of its abject other—the criminal, the communist, and the social deviant.

Writing Korea into Global Penal History

Democratizing Punishment writes Korea into the broader field of penal history to better understand local instantiations of the global spread of incarceration. The current field of U.S. penal history was largely inspired by the historiographical turn of the 1970s that reframed punishment as a technology of social control.[1] While their theoretical approaches differ, penal historians working in the 1970s and 1980s fundamentally refuted the traditional narrative of the prison as a self-evidentiary necessity or universal good. Michel Foucault's *Discipline and Punish* (1975) has had the most lasting impact on penal historians for fundamentally reframing the role

[1] Writing in the same decade as Foucault, David Rothman reframed the development of Jacksonian America's world standard penitentiaries and asylums as responses to social disorder in the new republic. See David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (New York: Little, Brown: 1971). Michael Ignatieff furthered the "social control" hypothesis for the English case through reappraisal of the eighteenth and nineteenth century penal reform movements of such figures as John Howard and Jeremy Bentham. Reformers espoused the prison as a utilitarian or humane solution to curbing social ills while early industrialists saw its potential in controlling and training the working classes. See Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Macmillan, 1978). Likewise, Marxist historians Dario Melossi and Massimo Pavarini emphasized the emergence of the Western penitentiary alongside the industrial factory as the dominant mode of production. See Dario Melossi and Massimo Pavarini, *The Prison and the Factory: Origins of the Penitentiary System* (New York: Macmillan, 1981).

of prisons in the development of novel forms of power, governance, and modern subjectivity.[2] Foucault revealed the prison as a key site to examine the production of docile, normalized bodies in modern states. Additionally, he revealed the way prisons produce the discourse of the deviant recidivist to present incarceration as the sole answer to a self-generated problem. Foucault viewed this normalizing "power/knowledge" of the deviant as both a repressive *and* productive force.[3] These Foucauldian concepts help to contextualize the historical developments of post-1945 South Korean penal culture, where authorities repeatedly committed to the "failing" prison system while simultaneously producing knowledge about the criminal and deviant. This dissertation will interrogate the persistence of the prison form and its normalizing discourses across the ruptures of liberation from Japanese colonial rule, the division of the peninsula into North and South, the Korean War, and reconstruction.

The field of penal history in the United States and Western Europe has largely focused on explaining the persistence of the prison despite its continual failure to achieve its proponents' goals.[4] The group of scholars contributing to *The Oxford History of the Prison* (1995) demonstrate that modern incarceration has almost always been ineffective in attaining its changing and even conflicting goals.[5] For the purpose of reform, it has historically been

[2] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995).
[3] "If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression." Michel Foucault, "Truth and Power," in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977,* ed. and trans. Colon Gordon (New York: Vintage Books, 1980), 119.
[4] David Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America* (Oxfordshire: Routledge, 2017). Rothman explains the failure of implementation in Progressive Era U.S. penal reform in terms of "inertia": fueled by the period's enthusiasm for social welfare reform and deinstitutionalization, penal officials failed to change demonstrably unsuccessful practices, often choosing the convenience of working in parallel with trends in rehabilitative penology rather than amending unsuccessful tactics.
[5] Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995).

impossible to find meaningful correlation between the quality of imprisonment and deterrence of crime.[6] Prison also does not satisfy the public need for retribution: at any given time, the majority of citizens of modern societies perceive punishment as overly lenient.[7] Even when the prisoner is simply considered a source of cheap or free labor, there are varied conclusions regarding the efficacy of productive labor in penal history. The consensus is that imprisonment seldom, if ever, achieved the intended goals of its implementation: it self-perpetuates despite its internal contradictions. Rebecca McLennan has shown how U.S. penal reformers at various points from the nineteenth to mid-twentieth century continually portrayed the prison in a state of "crisis" as it expanded and solidified its hold as the dominant form of punishment.[8] Crises in the modern state, both manufactured and real are met with political attention, expenditure of resources, and bureaucracy that takes on an expansionist logic and life of its own. Ruth Wilson Gilmore widened focus of the expansion of the carceral state to include the Cold War and crisis of the post-World War II United States' industrial economy. Gilmore shows how building more prisons is put forth as a solution to economic problems and made politically expedient by skewing public opinion about crime and punishment through the irrational discourses of racism and retributive penology.[9] Following the prison's development in South Korea reveals that the carceral form was persistent even in material conditions starkly different from Western Europe and the United States. This study critically examines the highly propagandistic discourse of early ROK reformers who justified the prison through conditions of war and poverty that threatened its very existence throughout the 1950s.

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[6] Ibid, ix-xi.
[7] Ibid, x.
[8] Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008).
[9] Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (University of California Press, 2007).

Some penal sociologists claim that Foucauldian explanations for carceral expansion are too instrumentalist. David Garland challenges the Foucauldian view of an agentless, rational power driving the expansion of the carceral state, and revitalizes the Durkheimian view of punishment as the public's passionate retribution against social deviance. For these scholars, punishment is highly imbued with cultural meaning and public participation. Garland seeks to go beyond Foucault's perspective on power, demonstrating the ways the prison "satisfies a popular (or a judicial) desire to inflict punishment upon lawbreakers and to have them dismissed from normal social life, whatever the long-term costs or consequences."[10] Philip Smith further questions Foucault's erasure of the role of irrational concerns and cultural values in punishment. He responds to the Foucauldians, "how does the ideal type of disciplinary power intersect with broader systems of meaning? How does the civil sphere participate in surveillance? Under what circumstances might spectacle still play a role in social control?"[11] *Democratizing Punishment* holds these approaches developed from the specific historical case of Western European nation-states in tension with Korea's historical, cultural and political specificities. Examining the sudden reversal during the Korean War from incarceration to punitive retribution against social and ideological deviance must account for Korea's post-colonial and Cold War historical specificities.

This dissertation is further informed by Western penal historical scholarship that emphasizes the porous nature of prisons as social and cultural entities. Some have amended the Foucauldian view of one-way discursive production of prisoner identity as it overlooks the ways

[10] David Garland, *Punishment and Modern Society*: *A Study in Social Theory* (Chicago: University of Chicago Press, 2012), 167.
[11] Philip Smith, *Punishment and Culture* (University of Chicago Press, 2008), 111.

deviant subgroups were defined and defined themselves.[12] Others have revealed how penal regimes respond to external stimuli, and sometimes even serve as the primary impetus for political formations in free society.[13] Historicizing the development of South Korean prisons must account for their reciprocal relationship to political, economic, and social dynamics and the development of an emerging ROK national identity. The prison must be examined in its Korean context, as well as the regional and global context of the Cold War.

Contemporary penal historians have charted the expansion of the Western prison form to the rest of the globe outside of Europe and North America. Comparative penal histories further accentuate the importance of differing local conditions that shaped the African, Latin American, and Asian experiences of penal modernization. Contributors to the influential volume, *Cultures of Confinement* (2007) center the role of cultural practices and social dynamics to develop a more comprehensive approach that "highlight[s] the extent to which common knowledge is appropriated and transformed by very distinct local styles of expression dependent on the political, economic, social and cultural variables of particular institutions and social groups."[14] Frank Dikötter reminds us that the prison, like all institutions, "was never simply imposed or copied, but was reinvented and transformed by a host of local factors, its success being

[12] Patricia O'Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton: Princeton University Press, 2014), 302. O'Brien centers prisoner experience in her study of nineteenth century French inmate subculture to question the narrative that the penitentiary "failed" simply because it produced recidivism. The work is an excellent model for weaving the study of the prison with its wider historical context and formation of national consciousness.

[13] Charles Bright, *The Powers that Punish: Prison and Politics in the Era of the "Big House", 1920–1955* (Ann Arbor: University of Michigan Press, 1996). Bright's work on the early-twentieth century "Big House" era of U.S. penology shows how prisons produced public discourse about "who deviants were, what behavior was intolerable, and what forms of punishment or reclamation were possible or acceptable; it was at the same time, an expression and carrier of these forms of discourse, hegemonic ideologies, and terms of political competition that constituted order in the public sphere" (294). The power to project and determine such meaning is not held, but rather produced as a relation of political and penal activity.

[14] Frank Dikötter and Ian Brown, eds., *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America* (Ithaca, New York: Cornell University Press, 2007), 6.

dependent on its flexibility."[15] Not every case of colonial prison expansion was "successful" for colonial aims: Peter Zinoman's *Colonial Bastille* demonstrates how French colonial prisons facilitated intellectual exchange across geographic locations and helped foment a Vietnamese national identity amongst otherwise disparate linguistic and ethnic groups of Southeast Asia.[16] Clare Anderson presented a case with the opposite effect in British colonial India, where the prison forced cohabitation of traditionally segregated social castes—an offense severe enough to foment popular uprising across the subcontinent.[17] Despite vast differences with the case of Korea, these examples demonstrate how development of the Western prison form was not always an unproblematic or effortless technique of social control: the spatial entity of the prison brought together diverse social forces, impacting existing local conditions and drawing dynamic responses to reorganization of the social order. The same attention to local dynamics must be applied to the crisis-ridden early ROK prison system that took more than a decade to clothe, feed, and properly contain its inmates.

The English-language penal historical field's shift in focus to colonial prisons revealed challenges to Foucault's emphasis of the advent of disciplinary power in modern incarceration. While previous scholarship on the global rise of imprisonment framed colonial institutions as "laboratories of modernity" that employed state of the art technologies for effective governance, Zinoman found that "[French] colonial prison officials introduced no such innovations and ignored many of the putatively modern methods of prison administration that had been developed in Europe and the United States during the nineteenth century."[18] Dikötter emphasized

[15] Ibid, 1.
[16] Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862–1940* (Oakland: University of California Press, 2001).
[17] Clare Anderson, *The Indian Uprising of 1857–8: Prisons, Prisoners and Rebellion* (London: Anthem Press, 2007).
[18] Zinoman, *Colonial Bastille*, 7.

that colonial or peripheral iterations of the penitentiary deviate from the Foucauldian narrative of imprisonment's shift away from corporal punishment: "a history of the prison shows not so much the 'disciplinary power' of the modern state but on the contrary the many limits of the government in controlling its own institutions: prisons were run by a customary order established by guards and prisoners on the ground rather than by a panopticon project on paper."[19] Florence Bernault cites the persistence of retributive and deterrent violence in African colonial regimes to refute the correlation between modern governance and the decline of "state-inflicted destruction."[20] Proponents of the Western penitentiary reframed free individuals as *subjects,* while the colonial prison primarily construed colonial individuals as *objects* of power. Black and brown bodies bore the brunt of colonial, retributive violence well into the twentieth century despite changes in metropolitan nations.[21] Historicizing the advent and persistence of the carceral form in Korea must allow for local specificity that challenges the narrative of the development of more "humane," disciplinary power. Widespread corporal punishment, torture, and destruction of the body was maintained in the penal practice of colonial and postcolonial Korea until as late as democratization in 1987. The myth of bloodless incarceration legitimated liberal democratic rule across the globe, and South Korea was no exception.

The rise of the prison in Western European metropoles paralleled the extension of political rights of citizens in the rise of the modern liberal state, and thus held great promise for nascent anti-imperial and nationalist modernization movements in Asia, Africa and Latin America. Following this model, East Asian powers enthusiastically adopted the prison as a tool of social control, producing a well-disciplined citizenry as a preemptive measure to resist

[19] Dikötter and Brown, eds., *Cultures of Confinement*, 286.
[20] Bernault, "The Shadow of Rule: Colonial Power and Modern Punishment in Africa," *Cultures of Confinement,* 55.
[21] Ibid, 78–9.

colonization, or, in the case of Japan, forcing legal modernization on their neighbors as a strategy of colonial aggression. Prisons were quintessentially modern facilities that promised rehabilitation of human beings and the (re)invention of the nation itself. Frank Dikötter's study shows how late-Qing and early republican reformers were quite successful in developing modern penal facilities and practices, so much so that Western imperial powers demanded a regression to corporal punishment to bolster the deterrent effects protecting their extraterritorial interests in China.[22] This clearly demonstrates the Janus-faced nature of the Western penal form's entrée into East Asia: modern disciplinary power was reserved for white bodies and the prison otherwise served imperialist, capitalist endeavors. Daniel Botsman further details the advent of East Asian penal modernization in *Punishment and Power in the Making of Modern Japan.*[23] Botsman analyzes penal institutions in Japan before Western influence, their hasty reform in the Meiji era, and the use of legal reform discourse to justify imperial expansion into the rest of East Asia. Once the carceral form came to dominate Western imperialist discourse of legitimate exercise of state power, Japanese historians raced to locate its origins in the form of the Tokugawa stockade before Western imposition of the modern prison form.[24] Japanese reformers quickly developed

[22] Frank Dikötter, *Crime, Punishment, and the Prison in Modern China* (New York: Columbia University Press, 2002).

[23] Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton: Princeton University Press, 2013). Botsman carefully weighs Western perspectives of penal reform against the ahistorical view of Meiji-era reformers who sought to distance their current practice from the brutality of their Tokugawa predecessors. This study shows how a non-Western penal historiography can still be influenced by Western Enlightenment ideals to overstate the benevolence and ingenuity of premodern forms of carceral punishment. Local elites legitimated their rule by putting forth the penitentiary as a technique of "civilizing" reform.

[24] Meiji historians and post-war legal scholars alike attempted to locate the advent of modern governance in the Tokugawa stockade. Just as Foucault countered the Whig interpretation of the benevolence of reform, Botsman's study problematizes a similar thrust in both pre- and post-war Japanese penal historiography. He clarifies, "It is important to emphasize once again that the Stockade for Laborers was always seen primarily as a supplement to and support for older strategies of rule, not as part of a new approach to governance." Late-Tokugawa rulers still relied on the signification of placing mutilated bodies in public view and torture of the body concurrently with nascent forms of incarceration. If there is indeed value in pinpointing the exact moment of modernization in Japanese penal history, Botsman firmly locates it after Tokugawa rule gave way to the reforms of the Meiji Restoration.

model prisons and flaunted them as both tools of colonial legitimation and repression in Korea and Taiwan.

These works by Dikötter and Botsman are the most prominent English-language works writing East Asia into global penal history, but no such work yet exists for the Korean case. This dissertation begins to write Korea into global penal history by building on Korean scholarship that traced the development of the carceral form on the Korean peninsula through its colonial introduction. *Democratizing Punishment* extends historical analysis beyond 1945 to argue that South Korea's postcolonial penal regime both reflected and challenged global penological trends after World War II. The world historical system that brought imprisonment to every corner of the globe entered a new phase of global struggle in the form of the Cold War.

Literature Review: Korean Penal Historiography

The following section will outline secondary scholarship in Korean penal history, highlighting the ways previous scholarship has been limited by the thesis of a dichotomy between premodern and modern forms of punishment, and between colonial oppression and Korean resistance. Korean penal historiography has primarily focused on the late-nineteenth century introduction of the carceral form[25] and its uses during the Japanese Colonial Period (1910–45) to suppress resistance to Japanese rule. Chosŏn penal culture was primarily

[25] To Myŏn-hoe's *Han'guk kŭndae hyŏngsa chaep'an chedosa* (Seoul: P'ulŭn Yŏksa, 2014) provides the most thorough account of the rise of modern punishment on the Korean Peninsula. He fixes the introduction of a modern criminal justice system on the Korean Peninsula to the Kabo Reforms of 1894 and subsequent Taehaen Empire (1897–1910) Kwangmu reforms. Modern incarceration was codified with the 1895 promulgation of the Regulations for Imprisonment and Punishment (*chingyŏk ch'ŏdannye,* 懲役處斷例) which transformed the late-Chosŏn sentencing categories of penal servitude (*tohyŏng*) and exile (*yuhyŏng*) into terms of imprisonment/hard labor (*chingyŏkhyŏng*). Traditional forms of corporal punishment were substituted for imprisonment, but flogging was maintained as a punishment for minor crimes. Legal codification of less violent forms of punishment was also no guarantee of actual implementation. The Taehan Empire's 1898 Prison Regulations (*kamok kyuch'ik*) also delineated between prisoners awaiting trial (*migyŏlsu*), and those serving prison terms *as* punishment (*kigyŏlsu*). The widespread sentencing of incarceration was novel for the period.

retributive[26] with legal institutions relying heavily on corporal punishment for deterrent effect, and torture to extract confessions.[27] By prioritizing the mere deprivation of liberty over physical harm of the body, the 1890s codification of carceral punishment and conversion of flogging to units of "time served" represented a monumental shift towards rehabilitationist penal thought during the Taehan Empire (1897–1910) period. While existing scholarship[28] debates the question of whether the Korean state had the autonomy to carry out penal reforms without colonial manipulation, the continued rationalization of the Korean criminal justice system in the late-

[26] Chosŏn penal law allowed for five degrees of punishment—flogging, paddling, indentured servitude, exile, and execution, as prescribed by the Ming legal codes. Marie Seong-hak Kim shows how Chosŏn law operated in the Chinese legal cultural sphere and was primarily penal, maintaining social harmony through punishment for deviance from established Confucian norms. To an extent, local society in the provinces was intra-communally self-regulating through the village compact (*hyangak*) system. Researching changes in penal thought on the Korean Peninsula must account for the rupture caused with expanded legal codes that brought previously unregulated or behaviors punished through flogging into the realm of offenses that could land someone behind bars. See Marie Seong-Hak Kim, *Law and Custom in Korea: Comparative Legal History* (Cambridge: Cambridge University Press, 2012).

[27] Sim Chae-u's study of late-Chosŏn criminal investigations uses the government's record of hearings (*simnirok*) to establish the mid-eighteenth century as a clear milestone in Chosŏn penal culture marked by penal reforms during Yŏngjo's reign (1724–76), a period that saw increased debate about the social causes of crime and uses of punishment for deterrence. He demonstrates that there was a concerted effort during Chŏngjo's reign (1776–1800) to refine the hearing process in criminal cases and use violent punishment more sparingly. See Sim Chae-u, *Chosŏn hugi kukka kwŏnnyŏk kwa pŏmjoe t'ongje 'Simnirok' yŏn'gu* (T'aehaksa, 2009). Anders Karlsson's work explores Chosŏn rulers' continual negotiation of penal benevolence and harsh punishment. He aims to cut through the Confucian ideology framing primary texts to analyze real administrative uses of punishment on the ground. Somewhat specific to the Korean case, Chosŏn legal officials had to weigh the usefulness of bodily torture and exhumation in investigations against the Confucian values protecting the body. Karlsson complicates the narrative that portrays the early Chosŏn penal system as brutally deterrent in nature and late-Chosŏn rulers as more benevolent. There was a constantly renegotiated "mix" with complicated debates about the role of state violence and penal sanctions for social control. All had to be balanced with an ideological basis of neo-Confucianism and tempered for the immediate needs facing the state. See Anders Karlsson, "Law and the Body in Joseon Korea," *The Review of Korean Studies* 16, no. 1 (2013): 7–45.

[28] Alexis Dudden has also shown how Japanese colonizers worked to undermine Korean sovereignty by emphasizing the Taehan Empire's "barbaric" penal customs, the continued use of flogging, and imprisonment in "wretched tiny cells." This characterization of Chosŏn Korea as a lawless, barbaric place evidences the discourse relating the legitimacy of Korean sovereignty and perceived level of cultural advancement with the treatment of prisoners. While Taehan Empire officials made various autonomous attempts at implementing "modern" penal incarceration, these attempts were ultimately used by Japanese advisors to usurp, rather than strengthen Korean sovereignty. Alexis Dudden, *Japan's Colonization of Korea: Discourse and Power* (O'ahu: University of Hawaii Press, 2006): 101, 111–3. Conversely, leading penal scholar, Pak Kyŏng-mok frames these reform efforts as signs of an "autonomous modernization" (*chajujŏk kŭndaehwa*) of the penal system that was disrupted by Japanese aggression in the early twentieth century. Pak Kyŏng-mok, "Taehan Cheguk malgi ilche ŭi Kyŏngsŏng Kamok sŏlch'i wa pon'gam-pun'gamje sihaeng," *Han'guk kŭnhyŏndaesa yŏngu,* no. 46 (Fall 2008): 81–104.

nineteenth and early-twentieth centuries aided the subsequent colonial state's penetration of everyday life on the peninsula.[29]

Historicizing Korea's first modern prisons cannot be separated from their use by the colonial regime to detain, torture, and execute members of resistance movements. Yi Chong-min has shown how colonial penal modernization had political dissent as a primary concern, and more general crime as an afterthought. [30] The explicitly political nature of penal reform continued into the colonial period and saw a racialized recommitment to bodily punishment and ideological conversion. Previous scholarship focuses almost entirely on colonial penal authorities' persistent use of bodily torture to refute the notion of colonial prisons' "modernity." This view uncritically accepts both incarceration and modernity as positive developments in a linear progression of the humane treatment of the subject by state power. More problematically, it reifies the notion of a more "humane" form of incarceration that hypothetically would have developed had it not been for the colonial intervention.

Scholars inspired by the "colonial modernity" paradigm questioned nationalist historical narratives and problematized notions of Korea's "distorted" modernity. [31] They do not see flogging as a factor disproving the advent of a novel type of state power under Japanese rule. They present a nuanced reading of the development of Foucauldian disciplinary power that

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[29] See Kyung Moon Hwang, *Rationalizing Korea: The Rise of the Modern State, 1894–1945* (Oakland: University of California Press, 2015).

[30] Sociologist Yi Chong-min has shown how the 1912 passing of the Flogging Ordinance (*T'aehyŏngnyŏng*) reaffirmed physical punishment as the Government General's primary form of controlling Korean bodies that increased, rather than decreased in the first decade of formal colonial rule. If the benchmark for reformers evaluating the penal system's "modernity" were its movement away from bodily punishment, the 1910s saw a regression toward traditional forms. Yi Chong-min, "1910-yŏndae kŭndae kamok ŭi toip yŏn'gu," *Chŏngsin munhwa yŏngu* 22, no. 2 (Summer 1999). Yi's more recent work situates Japanese penal modernization in the broader strategy of colonial expansion in the region with the facilities at Seoul and Taejŏn among the "model" prisons of East Asia: Yi Chong-min, "Cheguk Ilbon ŭi 'mobŏm' kamok: Tok'yo - T'aibei – Kyŏngsŏng ŭi kamok sarye rŭl chungsim ŭro," *Tongbang hakchi* 177 (2016): 271–309.

[31] Chulwoo Lee, "Modernity, Legality, and Power in Korea Under Japanese Rule," in *Colonial Modernity in Korea,* eds. Gi-wook Shin and Michael Robinson (Cambridge: Harvard University Press, 1999).

retained corporal punishment due to local specificities of the Korean colonial context. Chulwoo Lee more critically explicates the persistence of corporal punishment within the specific program of modernizing the colonial penal system.[32] Colonial administrators reasoned that the Chosŏn people so lacked the necessary level of cultural capacity (*mindo*) to be deterred by incarceration that they needed to be flogged instead. This Korean colonial case amplifies the Foucauldian narrative of penal modernization hiding punishment behind prison walls as most criminal offenses were punished by flogging *in* prisons in the presence of a medical doctor, rather than as public displays. This flogging was not intended for deterrent effect, but to discipline unruly colonial bodies until carceral punishment could *eventually* be applied to everyone. Flogging Korean bodies in the presence of medical doctors was a sophisticated technology of social control used in lieu of incarceration and monetary fines. Colonial authorities feared that monetary and carceral punishment had not yet been sufficiently internalized by the local populous to be effective deterrents to crime, but by the end of the colonial period Korea's premier penal institutions had factories, educational programs, and ideological conversion programs aimed at cultivating ideal imperial subjects.[33] Korea's penal modernization was indeed colored by the colonial experience, but this fact should not cloud analysis of the global spread of disciplinary power through both colonial regimes and their post-colonial successors.

The Korean history field lacks comprehensive work detailing Korea's post-1945 penal history in either the Korean or English languages. The most thorough narrative can be found in the Republic of Korea Corrections Bureau's official history.[34] While useful as a starting point for

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[32] Jin Woong Kang, "The Prison and Power in Colonial Korea," *Asian Studies Review* 40, no. 3 (2016).
[33] Pak Kyŏng-mok, "1930-yŏndae Sŏdaemun Hyŏngmuso ŭi ilsang." *Han'guk kŭnhyŏndaesa yŏngu* 66 (September 2013). From 1908 to the 1930s, Kyŏngsŏng (Sŏdaemun) Prison expanded spatially by three-and-a-half times, and saw a fivefold increase in inmates. In 1933, the Judicial Affairs Bureau of the Government General spent 34.7% of its national budget installing new facilities to segregate political prisoners from the general inmate population.
[34] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, vol. 1 (P'aju: Pŏmmubu Kyojŏng Ponbu, 2010).

scholarly research, the work presents a hagiographic account of the triumph of the Republic of Korea's modern penal practice over traditional and colonial practices, and uncritically accepts the development of incarceration as desired progress. The most recent edition of this state-sponsored history retains the Cold War-influenced, anticommunist narratives of the division and Korean War, notably silencing the early ROK penal system's use in ideological indoctrination, preventive custody of political prisoners, and massacres of political prisoners. Political concerns aside, this institutional history fails to place Korean penal history in its social and political context, taking the prison for granted and extending its history backward from the present day.

More critical scholarship in penal history attempts to contextualize development of the ROK carceral system, but the field has largely overlooked the period between the peninsula's liberation in 1945 and the 1961 military coup by General Park Chung Hee. The seminal work of Bruce Cumings[35] and contributors to the first volume of *Haebang chŏnhusa ŭi insik* (Korean History Before and After Liberation)[36] clearly established the role of the U.S. military occupation in appointing collaborators and veterans of the colonial system in the early ROK police and judicial apparatuses. The specifics of post-liberation continuity in the penal system from the colonial period have yet to be properly fleshed out, but existing scholarship paints a picture of overcrowded, underfunded, escape-prone prisons in the wake of popular resistance to U.S. occupation policy.[37] Prisons were most crowded following the suppression of the Autumn Harvest Uprising of 1946, a series of widespread clashes between central authority and local

[35] Bruce Cumings, *The Origins of the Korean War*, vol. 1 (Princeton: Princeton University Press, 1981).
[36] Song Kŏn-ho, *Haebang chŏnhusa ŭi insik,* vol. 1, revised edition (Seoul: Han'gilsa, 1989).
[37] Pak, I-jun "Migunjŏnggi chŏn'guk chuyo hyŏngmuso chiptan t'arok sagŏn yŏn'gu" *Tamnon* 9, no. 4 (2006). Pak I-jun's study of prison breaks reveals the squalid conditions that motivated these escapes, and the ill-equipped penal administrators' inability to prevent them.

supporters of the "people's committees" that had sprung up after liberation.[38] Though his work focuses primarily on prisons during the later Park Chung Hee dictatorship, sociologist Ch'oe Chŏng-gi briefly examined the post-liberation turnover of prisons to contextualize colonial continuities in the penology and ideological indoctrination of South Korea's subsequent authoritarian regimes.[39] He attempted to explicate the "real conditions" (*silt'ae*) of post-liberation penal spaces, revealing that most of the personnel retained their positions from the colonial system, and newly hired officials received minimal training that changed little from the colonial model.[40] Pak Ch'an-sik's work revealed the strain on the penal system when mainland prison facilities received an influx of detainees after the 1948 Cheju Uprising, a series of revolts on Cheju Island that were met with a protracted campaign by the U.S. military government and South Korean authorities to massacre leftists, their collaborators, and ordinary citizens caught in the fray.[41] This study's analysis of U.S. military archival sources reveals their attempts to modernize penal administration, mitigate colonial legacies, suppress rebellion, and stabilize South Korea's apparatuses of social control. Far from benevolent measures to help build an autonomous Korean state, the U.S. military steered ROK penal development to suppress popular movements and stem the spread of communism in the region.

There is even less scholarship dedicated to the penal system of the First Republic (1948–60), but prison spaces served a crucial role in suppressing leftist activity from the founding of the ROK in 1948 to the outbreak of the Korean War in 1950. Historian Kang Sŏng-hyŏn has

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[38] United States-based journalist, Mark Gayn observed that local jailors and veterans of the colonial prison system reported having never been so busy following the uprising of 1946. Mark Gayn, *Japan Diary* (Vermont: Charles E. Tuttle Company, 1981), 406–7.
[39] Ch'oe Chŏng-gi, *Pijŏnhyang changgisu: 0.5 p'yŏng e kach'in Hanbando* (Seoul: Ch'aek Sesang, 2007); Ch'oe Chŏng-gi, *Kamgŭm ŭi chŏngch'i*, (Seoul: Ch'aek Sesang, 2005).
[40] Ch'oe Chŏng-gi, "Haebang ihu Han'guk Chŏnjaeng kkajiŭi hyŏngmuso silt'ae yŏn'gu," *Chenosaidŭ yon'gu* 2 (August 2007): 63–93.
[41] Pak Ch'an-sik, "Cheju 4.3 Sagŏn kwallyŏn haenghyŏng charyo wa hyŏngmuso chaesoja: Sŏdaemun, Map'o, Kwangju Hyŏngmuso rŭl chungsim ŭro," *T'amna munhwa* 40, (2012).

provided detailed historical accounts of the early Rhee regime's expanded categorization of "thought criminals" (*sasangpŏm*) after the 1948 passing of the National Security Law, the act that allows for the exemption of constitutional rights to due process and *habeas corpus* in cases related to national security.[42] As prisons overflowed, the state attempted reeducation and conversion of ideological offenders through the euphemistically named National Guidance League (NGL; Kungmin Podo Yŏnmaeng).[43] Historians working in the early 2000s exposed the history of forced reeducation and eventual wartime massacre of suspected leftists who were members of the NGL.

Historical analysis of prisons during the Korean War emphasizes their use as sites of liberation or massacre while the peninsula changed hands back and forth between the ROK and DPRK militaries.[44] After the retaking of Seoul in the Fall of 1950, the Rhee regime used penal spaces for detainment and expedited execution of those suspected of collaborating with the Korean People's Army (KPA) of North Korea.[45] The literature on prisoners of war reveals a geopolitical layer crucial to understanding the Cold War's influence on Korean penal practice.[46] Monica Kim has written a crucial history of the United Nations and U.S. military's extensive POW and ROK civilian internee reeducation programs during the Korean War.[47] Chapter 4 of

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[42] Kang Sŏng-hyŏn, "Han'guk Chŏnjaeng chŏn chŏngch'ibŏm yangsan 'pŏpgyeyŏl' ŭi unyong kwa chŏngch'ibŏm insik ŭi pyŏnhwa," in *Chŏnjaeng sokŭi tto tarŭn chŏnjaeng,* by Sŏ Chung-sŏk et al. (Seoul: Sŏnin, 2011).
[43] Kang Sŏng-hyŏn, "Kungmin Podo Yŏnmaeng, chŏnhyang esŏ kamsi, tongwŏn, kŭrigo haksal ro," in *Chugŏm ŭrossŏ nara rŭl chik'ija: 1950-yŏndae, pan'gong, tongwŏn, kamsi ŭi sidae*, by Kim Tŭkchung et al. (Seoul: Sŏnin, 2007).
[44] Im Yŏng-t'ae, *Han'guk esŏŭi haksal: Han'guk hyŏndaesa, kiŏk kwaŭi t'ujaeng* (Seoul: T'ongil Nyusŭ, 2017); Dong-choon Kim, *The Unending Korean War: A Social History*, trans. Sung-ok Kim (California: Tamal Vista, 2009).
[45] Yi Im-ha, "Han'guk Chŏnjaenggi puyŏkcha ch'abyŏl," in *Chŏnjaeng sokŭi tto tarŭn chŏnjaeng,* by Sŏ Chung-sŏk et al. (Seoul: Sŏnin, 2011).
[46] Richard Nisa, "Capturing the forgotten war: carceral spaces and colonial legacies in Cold War Korea," *Journal of Historical Geography* 64 (2018). This work in historical geography emphasized the bifurcated and racialized treatment of ideological offenders extending from the colonial period through the U.S. occupation and wartime POW camps.
[47] Monica Kim's work on POWs posits UN prisoner of war interrogation rooms as the new front in a war for ideological identification after World War II. Monica Kim, *The Interrogation Rooms of the Korean War: The*

this dissertation highlights the ways these programs changed ROK penal practice across the wartime rupture, accounting for the Cold War imposition of the Geneva Convention and UN-imposed penal paradigm.

Nearly all South Korea's prison facilities were destroyed or damaged in the war, and reconstruction was still only partially complete as late as 1960.[48] Other than a brief mention in the ROK Correctional Service official history, there appears to be no published research detailing the post-war reconstruction of the ROK penal system or its transformation to the "correctional" model in 1961. This dissertation uses diverse and previously underutilized primary sources to explicate the pivotal role of the prison and its discourses undergirding the social upheaval of the early Republic of Korea's history of war and reconstruction. The period from 1945 to 1960 is critically underexamined in both English and Korean language scholarship. This study further historicizes the use of prisons by the U.S. occupation and Rhee regime to solidify control of South Korea's territory and the consciousness of its people.

Democratizing Punishment contributes several interventions to the body of existing penal historical scholarship. First, it rejects the narrative of direct continuity between colonial and postcolonial systems of social control. Previous South Korean historical scholarship that deals with the immediate post-liberation penal system emphasizes the lack of qualitative changes between the colonial and postcolonial systems. Statist narratives attribute the lack of change to extenuating circumstances preventing more meaningful reforms. The official history of the South Korean correctional system blames the chaos of the occupation period, caused by the violent conflicts between leftist and rightist forces, for the lack of change in treatment of prisoners. This

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Untold History (Princeton: Princeton University Press, 2019); Monica Kim, "Empire's Babel: US Military Interrogation Rooms of the Korean War," *History of the Present* 3, no. 1 (2013).

[48] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:424–5.

argument of institutional inertia explains away the abusive practices of Korean police and penal workers that disproportionately targeted leftist activists and their sympathizers as the mere result of environmental factors. This official historical position bolsters the current ROK state's commitment to a foundational narrative rooted in the anticommunists' victory over leftist forces by the end of the occupation period.

The other school of thought propelling the colonial continuity narrative is critical of the state's failure to overcome the material realities that made it difficult to ensure proper facilities and subsistence rations for prisoners. Pak I-jun's scholarship on the period's high-profile prison breaks emphasizes the lack of reforms and inhumane conditions as a catalyst for prisoners' political agitation and eventual escape.[49] Sociologist Choi Jung-gie suggests that it was the veteran personnel and direct carry-over of training and practices from the colonial regime that prevented the post-liberation prison system from achieving considerable reforms.[50] While accurate to a degree, this approach assumes the existence of a humane form of punishment that *would have* developed under a democratic government had it not been waylaid by the machinations of the U.S. occupation and subsequent Rhee regime.

In this way, *Democratizing Punishment*'s second intervention is to question the inevitability of incarceration as the predominant form of punishment after Korea's liberation from colonial rule. Though groundbreaking and essential for historicizing Korea's penal development, prior inquiries have been conceptually limited to accepting the self-evidentiary nature of the prison as the desired and only end goal of development after the liberation's chaotic interim. The official history of the South Korean prison system, for example, takes for granted that the prison persisted beyond liberation from Japanese rule, and its failure to immediately

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[49] Pak, "Chiptan t'arok sagŏn yŏn'gu," 166.
[50] Ch'oe, "Hyŏngmuso silt'ae yŏn'gu," 73–5.

adhere to the rehabilitative penological model of today is presented as an aberration rather than a historically contingent phenomenon. The failures to implement better penal education and job training, religious services, cultural activities, recreation—forms of indoctrinating and molding the deviant into the ideal national subject—are framed as missed opportunities due to the political violence characteristic of the period. By suggesting the chaos of post-liberation governance was a missed opportunity at a well-funded, reformist path to a supposedly more humane system of caging human beings fails to critique the carceral logic still at work today.

With these narratives in mind, this dissertation should be read as a study supporting the abolition of the prison industrial complex (PIC). It accepts neither the myth of a humane form of human caging,[51] nor the notion that penal historical scholarship's critiques of power should help produce a sanitized, more palatable form of incarceration. It argues that the occupation government and Rhee regime *did* bring about significant changes in penal spaces, practice, and administration couched in the language of "democratization." However, changes in framing should not be conflated with progress or increased freedom from oppression. I argue that penal authorities simply became better at convincing the public and *themselves* that they had developed a more humane system of human caging. When the lives of inmates did improve, these changes ultimately helped the regime achieve immediate political gains or assuage critics who jeopardized their legitimacy.

Lastly, this study takes a more systemic approach to penal history rather than the site-based approach that centers only the most (in)famous prisons. Not only is there very little

[51] I learned the term "human caging" from UCLA history professor, Kelly Lytle Hernández, and her work on the history of the Los Angeles carceral system. The term lays bare the contradictions sanitizing imprisonment while also affording scholars a wider view of the carceral system as a myriad of tactics and spaces for confining migrants, indigenous people, rebels, and other marginalized bodies. See: Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: UNC Press Books, 2017).

scholarship about Korean prisons in general, but there is also very little about the institutions outside of the capital, Seoul. As one of the few book-length works in Korean penal history, Pak Kyŏng-mok's recent (2019) publication is a beacon for those interested in serious historical study of the Korean prison system.[52] Dr. Pak has served as the director of Seoul's Sŏdaemun Prison History Hall and is the foremost expert on that institution's colonial legacy. However, his focus is limited to that one site and only hints at further research into that institution's post-liberation history. Sŏdaemun Prison's importance as the colonial and postcolonial states' flagship carceral institution cannot be overstated, but Korea's carceral archipelago extended far beyond the capital. Archival documents and press attention indeed focused on the capital city's largest and most storied facility. However, this dissertation seeks to overcome the primacy of Sŏdaemun Prison in penal historiography and popular historical memory by shedding light on the development of the *system* of prisons in Korea's capital, provincial cities, and rural areas.

Power, the Prison, and Cold War Subjectivity

This study critically engages theories of modern state power to thoroughly interrogate the thesis of colonial continuity in the post-liberation state and to reveal the emergence of a new kind of power with the advent of Cold War subjectivity, that is, the processes, artifacts, and expressions of the self locally defined by the subjugation of personal autonomy in service of the global spread of U.S. empire. Scholars critical of the U.S. occupation's utilization of colonial infrastructure and personnel present the South Korean state as one with direct continuity between the colonial and post-liberation states without agreeing on a clear methodology or framework for locating which actors and institutions qualify as the "state." Max Weber, one of the many

[52] Pak Kyŏng-mok, *Singminji kŭndae kamok: Sŏdaemun Hyŏngmuso* (Seoul: Ilbit, 2019).

scholars expounding on just what constitutes the state, defined it as the "human community that (*successfully*) claims the *monopoly of the legitimate use of physical force*."[53] The parenthetical status of "successfully" in this translation perfectly reflects the tension and negotiations at the core of this dissertation's analysis. The prison system was a vital tool for solidifying state power that acutely manifested the evolving relationship between subject and sovereign, but its supporters constantly struggled to defend its legitimacy and exaggerated the effectiveness of reforming inmates in the crisis-ridden institution. The U.S. occupation and Syngman Rhee regime inherited the colonial prison system's veneer of legitimacy in incarceration as a practice resulting from due process of law, but continually reverted to extrajudicial and exceptional violence to solidify control of their territory. Giorgio Agamben's work reveals this sovereign exception, the violent act of exclusion of the killable other from qualified political life, to be as old as the *polis* itself.[54] Agamben amends Michel Foucault's notion of state racism—the normalizing precondition that allows for killing internal others[55] —to include all states, not just their modern and totalitarian instantiations. However, analyzing the case of one postcolonial state directly impacted by the Cold War's numerous "hot wars" presents novel challenges to these theories of state power and violence: ROK authorities' indiscriminate massacre of ideological prisoners without regard for loss of legitimacy reveals that their monopoly of violence was

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[53] Max Weber, "Politics as a Vocation." In *From Max Weber: Essays in Sociology*, ed. and trans. H.H. Gerth and C. Wright Mills, (New York: Oxford University Press, 1946), 77. (Emphasis added)

[54] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Redwood City: Stanford University Press, 1998), 6. The analyses of juridical (traditional) and biopolitical (modern) models of power cannot be separated, "the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power*. In this sense, biopolitics is at least as old as the sovereign exception. Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting power and bare life, thereby reaffirming the bond…between modern power and the most immemorial of the *arcana imperii*."

[55] Michel Foucault, "*Society Must Be Defended": Lectures at the Collège de France, 1975–1976*, vol. 1 (New York: Macmillan, 2003), 256. "When you have a normalizing society, you have…a biopower, and racism is the indispensable precondition that allows someone to be killed, that allows others to be killed. Once the State functions in the biopower mode, racism alone can justify the murderous function of the State."

legitimated and enabled by the external machinations of Cold War containment. This dissertation examines the shifting status of ROK sovereignty and authority to punish and kill through periods of both occupation and an "autonomous" South Korean government that was beholden to the spread of U.S. empire.

The U.S. occupation had to rebuild the colonial state's apparatus of social control: this dissertation views prison-building as a part of state-building. Bruce Cumings has shown how Korea's transition from colonial to occupation state power was a crucible for popular resistance to underlying social contradictions that often pitted the rural populace against representatives of central power in the capital.[56] Penal systems have a distinct function in suppressing such revolt by controlling bodies and the flow of information, part of a process that Anthony Giddens calls "internal pacification."[57] Internal pacification is a generalized phenomenon that establishes "locales" to "promot[e] the discipline of potentially recalcitrant groups at major points of tension, especially in the sphere of production."[58] Neither the U.S. military occupation nor the fledgling Rhee government could claim total control of the peninsula's mountainous regions, but improving surveillance networks through an archipelago of carceral institutions made both rebel activity and common criminality "legible" as sets of tables, statistics and programs for social engineering.[59] This dissertation considers provincial jails and prisons as outposts of pacification and the spread of central power to the whole of the Korean peninsula.

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[56] Cumings, *Origins of the Korean War*.
[57] Anthony Giddens, *The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism* (Berkeley: University of California Press, 1987), 187.
[58] Ibid, 187.
[59] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 79. Scott has shown how states achieve "authoritarian high modernism" through technologies that afford central power the most simplistic view of society, rendering a complex of social relations legible and malleable. "Legibility implies a viewer whose place is central and whose vision is synoptic. State simplifications…are designed to provide authorities with a schematic view of the society, a view not afforded to those without authority."

Researching postcolonial societies in their immediate post-liberation period also reveals the nebulous nature of the state as a set of institutions, discursive effects, and material realities rather than a fixed entity. Timothy Mitchell has proposed analyzing the state "not as an actual structure, but as the powerful, metaphysical effect of practices that make such structures appear to exist."[60] At various points in the analysis of early ROK penal history, the prison system appears as more idealistic rhetoric than fact, but it nonetheless projected the *effects* of a (re)developing state apparatus. Examining Korea's "Liberation Space"—the period after 1945 when political control of the Korean peninsula was still in flux—and tenuous sovereignty after 1948 is better served by Foucault's power analysis and his idea of 'governmentality': the "institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means *apparatuses of security*."[61]

This approach allows for analyzing discourse as both an instrument and effect of power, identifying the "decentered and productive nature of power processes."[62] Traditional political histories mistake state power for a possession held by a select few actors in the Syngman Rhee regime without accounting for the persistent, local contestations to central power or the ambiguous status of South Korea's sovereignty in the U.S.-dominated Cold War system. This

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[60] Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *The American Political Science Review* 85, no. 1 (March 1991): 94–5. "The state should be addressed as an effect of detailed processes of spatial organization, temporal arrangement, functional specification, and supervision and surveillance, which create the appearance of a world fundamentally divided into state and society. The essence of modern politics is not policies formed on one side of this division being applied to or shaped by the other, but the producing and reproducing of this line of difference."

[61] Michel Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality* by Foucault, Michel, Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 102 (Emphasis added).

[62] Thomas Lemke, *Foucault's Analysis of Modern Governmentality: A Critique of Political Reason*, trans. Erik Butler (London: Verso Books, 2019), 3.

dissertation asks how power was produced and maintained in early South Korea by diverse sets of actors and discursive effects of state and non-state institutions alike. Foucault's reframing of modern power as a matrix of relations dispersed throughout the social body allows for thinking social existence beyond the juridical and state horizon: Power is not held, but constantly negotiated. Previous scholarship[63] has looked for the emergence of such Foucauldian phenomena as governmentality, biopower, and panopticism before and after colonial annexation, but there has been little scholarship about what became of these dispersed power relations in the interlude between the colonial period and U.S. occupation, how they were reified in the military government, or how they manifested in the Republic of Korea state. Korea's liberation period has been characterized as a power vacuum, but this study rereads the period through the lens of the prison as a crucial institution for the continued spread of disciplinary power in post-liberation society. Analyzing governmentality in this period problematizes Foucauldian models' linear progression toward the telos of the Western European nation-state. *Democratizing Punishment* suggests that technologies of colonial state power continued their capillary spread to control the populous but were also halted and renegotiated after the ruptures of liberation, war, and postwar reconstruction. Power is not a series of one-way thresholds, it is a cyclical phenomenon capable of starts and stops, progression and regression. Accordingly, this study examines the birth, rebirth and afterlives of governmentality and modern power in post-liberation Korea through the prison form and the public that vacillated between critiquing and supporting its continued use and transformation.

[63] See Kyung Moon Hwang, *Rationalizing Korea*; Theodore Jun Yoo, *It's Madness: The Politics of Mental Health in Colonial Korea* (Oakland: University of California Press, 2016); Sonja M. Kim, *Imperatives of Care: Women and Medicine in Colonial Korea* (Honolulu: University of Hawai'i Press, 2019).

Previous scholarship has neglected the role of the United States and dynamics of the larger Cold War system in Korean penal development. The prison system was overhauled while Korea transitioned from a colony to post-colonial state and ally of the Cold War's "Free World." This specific context presents interesting challenges to the academy's prominent theories of state power. Foucault's genealogical approach to the modern state's invention and extermination of its internal others stems from an archive and context that is decidedly European and ends with the second World War. His work lacks necessary discussion of the *external* colonization of non-European societies in both the age of high imperialism, *and* the Cold War era's neocolonialism.[64] *Democratizing Punishment* asks what role the prison and carceral power played in the spread of U.S. empire and the waging of the Cold War. How did the development of American-inspired prisons contribute to Korea's ongoing domination by the United States? The surface-level explanation points to the obvious military and economic coercion forcing South Korea into participating in the spread of the United States' global empire. However, this dissertation explores the ways the prison not only dominates the body, but also the psyche, imagination, and *soul* of inmates to eventually facilitate such military and economic control in the free population.

One of Foucault's most cited and controversial statements on subject formation explains how disciplinary power operates on the body to form the subject/soul. "The soul is the effect and instrument of a political anatomy; the soul is the prison of the body."[65] The subject ("soul") is formed by external power relations through normative/regulatory ideals and does not preexist

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[64] Alexander Weheliye, *Habeas Viscus* (Durham: Duke University Press, 2014). Weheliye has presented a trenchant critique of both Foucauldian and Agambenian readings of violence that eschew analysis of colonialism or phenotypical racial difference between oppressor and oppressed. Despite his use of the term "state racism" in *Society Must be Defended,* Foucault's work provides a limited frame for understanding power relations between colonizer and colonized, or between representatives of a white supremacist state and racialized subjects. Temporally, Giorgio Agamben's incisive addendum to Foucault's prognosis of the genocidal potential of modern power ends with the Holocaust and requires creative rereading to extend analysis to the reordering of postwar nation-states in the Cold War era.

[65] Foucault, *Discipline and Punish*, 30.

social relations. Foucault uses the modern, panoptic penitentiary to demonstrate the prisoner's internalized identification as a prisoner through constant solitude, surveillance, and regimentation. Rather than through premodern punitive power that caused pain, the modern prisoner's consciousness comes to behave in ways intended by power through discipline. After the shift from corporal to disciplinary punishment, it is the "play of representations and signs circulating discreetly but necessarily and evidently in the minds of all" that controls the populous.[66] In a carceral state, the free population also comes to identify themselves, act, speak and live within the bounds prescribed by the prison's disciplinary institution.

Idealistic Korean reformers and U.S. occupiers sought to speed up the transformation from the Japanese colonial system's corporal punishment to one capable of dominating the "soul" of the prisoner. If their model was the United States, one must consider the character of the society they aspired to emulate. Saidiya V. Hartman's work inspires this dissertation's grappling with liberation and amnesty as sophisticated tools of domination. The experiences of American chattel slavery and life in a twentieth century Korean prison cannot be compared, but Hartman's interrogation of the subjectivation process is instructive for exposing the way inmates' unfreedom is instrumental to defining the free population's status as free subjects. Hartman's seminal work, *Scenes of Subjection* interrogated the process by which freed slaves attained U.S. citizenship to reveal the violence, burden and indebtedness embedded in the seemingly benevolent bestowment of "humanity" under the liberal state. Hartman revealed the ways bestowed rights facilitated new forms of domination and violence "enabled by the recognition of humanity, licensed by the invocation of rights, and justified on the grounds of

[66] Ibid, 101.

liberty and freedom."[67] Hartman draws out the liberal nation-state's capacity for domination through the "blameworthiness of the freed individual."[68] After being afforded the status of rational, rights-bearing citizens, freed slaves were blamed for the failures of Civil War reconstruction and the ongoing conditions of their own oppression. Emancipation was incomplete and registered as a debt to be repaid.

In the very different context of penal reform, rehabilitation of inmates acts as a similar process of transforming the unfree into free subjects, and this function is necessary for legitimating democratic rule. As this dissertation will continually point out, "democratic punishment" is not the oxymoron it first appears to be. Sarah M. Benson's recent work, *The Prison of Democracy* argues in part that modern democratic states, like the United States, have always been *carceral* states.[69] Her study of the early U.S. state's carceral system reveals that the prison "was a symbol of the state's relationship, not just to the body of the citizen, but to a form of legal personhood enfolded in a dialectical organization of freedom."[70] She asks "how the prison, as an institution of state violence, became the quintessentially "democratic" institution on which the whole house of democracy was built."[71] The prison undergirds democratic rule with the inmate as the free subject's necessary and negative other—the freedom of many is defined by and through the unfreedom of the few. When Korean reformers spoke of "democratizing" their system, they meant creating specific conditions of unfreedom sufficient to justify the regime's control over free society. If even these modernized, "benevolent" institutions did not reform the criminal, it was the individual, not the society or state that had to change.

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[67] Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997), 6.
[68] Ibid.
[69] Sarah M. Benson, *The Prison of Democracy* (Oakland: University of California Press, 2019).
[70] Ibid, 10.
[71] Ibid.

Democratizing Punishment proceeds from these theories of state power, the carceral subject, and the dialectical nature of un/freedom produced in prisons to unpack the discursive shift in Korean penology from 1945 to 1960. The penal image of prisons shifted from a site of liberation from colonial rule to sites for punishing "traitors," and eventually, to schools for training aspirational citizens and instilling a responsibility develop the nation into a worthy member of the United States' "Free World" empire. Korean inmates and parolees were made to feel that if they could not rapidly change their criminal ways or ideological leaning, they were impeding the progress of the nation itself. With the outbreak of the Korean War, many were condemned to death for their supposedly recalcitrant nature. Reformers and penal workers also expressed personal responsibility for regression to premodern or colonial methods of social control. They felt a duty to reform their work, and more broadly to inhabit modes of living that mirrored the United States' Cold War objective of solidifying South Korea as an independent ally and bulwark against communism. The prison was yet another conduit for infusing the incarcerated and free population alike with a regulatory loathing of deviance and crime as impediments to national advancement. Beginning with analysis of the U.S. occupation's penal reform efforts and ending with the discourse of "democratic punishment," this study reveals early South Korean prisons to be crucial sites producing a form of subjectivity specific to the Cold War era.

Methodology and Structure of the Dissertation

This dissertation examines points of rupture in the post-liberation Korean penal regime. Each chapter centers a specific turnover, upheaval, opening, or closing in the carceral order. Each chapter compares official documents with press and eyewitness accounts of changes in

penal administration to unpack the evolving discourse of "democratizing" punishment. It dissects appraisals of penal reform measures to reveal the ways officials and members of the commentariat came to either accept or critique imprisonment as a natural and necessary feature of the developing South Korean nation. This analysis of early ROK penal reform encompasses much more than prisons themselves, employing Foucault's broad definition of the "carceral system" that combines in the single feature of the prison the "discourses and architectures, coercive regulations and scientific propositions, real social effects and invincible utopias, programmes for correcting delinquents and mechanisms that reinforce delinquency."[72] Each chapter analyzes the discourse legitimating or critiquing forms of human caging, be they proper prisons, jails, police station lockups, juvenile reformatories, labor camps, or prisoner of war camps. The distinction between these spaces was very ambiguous during occupation and war when carceral infrastructure was stretched to its limits. The legal infrastructure ensuring due process was also being established, so the differences between spaces of confinement were dubious or still being negotiated, i.e., the perennial issue of prisons being overcrowded with inmates who were awaiting trial and sentencing. The current study clarifies those ambiguities by distinguishing, when necessary, the difference in populations of convicts and those awaiting trial, and between temporary and long-term spaces of confinement. The terms "inmates" and "carceral spaces" are used to describe these individuals and spaces more generally. Rather than a hinderance, this study takes primary sources' occasional ambiguity as an opportunity to consider the plethora of ways people sought to sanitize or demonize forms of incarceration.

The first two chapters cover the changes in penal administration during the U.S. occupation of South Korea. Chapter 1, "Occupation and 'Koreanization' in the Post-Liberation

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[72] Foucault, *Discipline and Punish*, 271.

Carceral System," centers the rhetorical shift that transformed prisons from tools of colonial oppression to necessary systems of social control. It historicizes the turnover of Korea's penal institutions from the Japanese Government General and their expansion during the first year under U.S. occupation, highlighting penal reform's intersection with the occupation's project to establish a regime friendly to U.S. interests in the region. Occupiers set out to transform the draconian colonial system into an efficient, *autonomous* instrument of Korean governance by "Koreanizing" the penal system but could and would not trust their local counterparts to reform the system on their own.

Chapter 2, "I Would Rather Die Cleanly: The Prisoner Body as Site of Resistance to U.S. Occupation," explores the prison and inmate body as sites of resistance to U.S. occupation. It compares U.S. military reporting and Korean press accounts of prison breaks, riots, and hunger strikes. The prison was a crucial instrument for suppressing rebellion before, during and after the Autumn Harvest Uprising of 1946. In the subsequent crackdown, prisons were drastically overflowing, and prisoners began to starve as the system and Korea itself sunk further into economic crisis. In the same period, the U.S. occupation government criminalized all forms of dissent, forcing the site of resistance behind prison walls, and even into the body of the hunger striker. The chapter concludes by highlighting the ways prison resistance succeeded in forcing the MG to release political prisoners by raising press attention of the dire conditions behind bars. The press in turn condemned the occupation's prolific use of colonial prisons and ultimate failure of proposed penal reform.

Chapter 3, "From Pardons to Massacres: Prisons and the Establishment of the ROK," examines the turnover of prisons with the foundation of South Korea's First Republic under Syngman Rhee in 1948. The new regime marked the occasion by releasing and pardoning

thousands of political prisoners, echoing the release of political prisoners upon Korea's liberation from colonial rule. The public relations stunt and stopgap measure to reduce prison overcrowding backfired when the press began highlighting the persistent problem of recidivism in releasees. This chapter follows the precipitous drop in the press's esteem for pardoned criminals and the regime's eventual turn to conversion and massacre of political prisoners after the Yŏsu–Sunch'ŏn Rebellion of 1948. This chapter suggests rereading Syngman Rhee's failed mass pardon as the threshold point for state violence against ideological offenders in the buildup to the Korean War.

Chapter 4, "Reconciliation, Rehabilitation, Reconstruction: The Archival Gaze and Korean War Prisons," analyzes the scant archival material available to assess the state of South Korea's prisons during the Korean War (1950–53). It reveals how the Korean War's international scope opened prisons up to even greater U.S. military influence and in turn reframed South Korean penology as a tool of Cold War bloc building. It analyzes the "gazes" at work in the archive of the U.S. military and United Nations Command (UNC) that saw Korean prisons as sites of both direct and indirect Cold War contestation: whether through overt violence towards staff and inmates, or covertly through material aid, the war was also fought in and through prisons, even after outright military operations had come to a halt. Rebuilding and improving the ROK's prisons were an integral project within the U.S.–U.N. effort to rebuild their Cold War ally's infrastructure, economy, and public health system.

Finally, Chapter 5, "Postwar Reconstruction and the 'Democratic Punishment' Penological Ideal," culminates this project's dissection of the evolving penological discourse of "democratic punishment" (*minju haenghyŏng*). It demonstrates how the reform ideal was shaped by and opened Korean prisons to the influences of the U.S.'s Cold War bloc. It traces post-

Korean War penal reformers' attempts at transforming prisons into modern schools and factories producing ideal citizens of the "Free World." The chapter rethinks Cold War-era material aid and technical assistance training not as disconnected instances of material exchange between ally states, but as a constant, disciplinary orderings of time, bodies, and space through regimented activity. The dissertation concludes by considering what had changed and what had not between South Korea's occupation in 1945, and the end of the Syngman Rhee regime in 1960.

Chapter 1: Occupation and "Koreanization" in the Post-Liberation Carceral System

Introduction

To conjure the memory of Korea's liberation from Japanese colonial rule, present day museums, publishers, and media producers frequently use a famous photograph of citizens greeting freed political prisoners outside Kyŏngsŏng Prison[73] on August 16, 1945. Throngs of people fill the frame and occupy the middle of the street, halting a streetcar as the normal flow of life in the former colony grinds to a halt. Freed prisoners and equally jubilant onlookers thrust their arms aloft with shouts of "*Manse!*" (Hurrah!). The hope of this moment was short-lived, however, as Korea's liberation gave way to occupation, division, and fratricidal war. The photo captures a threshold in modern Korea's penal history, when the colonial carceral regime momentarily dissolved, cell doors were flung open, and prisons were virtually emptied. This chapter examines this threshold moment in penal administration to explicate the ruptures and continuities between colonial and postcolonial governance of the Korean subject and its deviant other. It historicizes the turnover of the Japanese Government General's control of Korea's penal institutions and their expansion during the first year under the United States Army Military Government in Korea (USAMGIK; hereafter, "U.S. military government" or "MG"). It highlights the ways the lofty goals of Korean penal reform were enmeshed with the occupation's project to establish a regime friendly to U.S. interests in the region. They set out to transform the draconian colonial penal system into an efficient, *autonomous* instrument of Korean governance: the first goal of MG penal reform was to "Koreanize" the penal system. In theory, Koreanization replaced Japanese administration and staff with newly trained Koreans, and limited U.S.

[73] Renamed Map'o Prison in the post-liberation period.

advisors' role in the system as soon as possible. In practice, however, MG personnel employed a racialized critique of reform that confined Korean administration to an inescapable circular logic: the penal system needed to be Koreanized to be reformed but lacked reform progress because it was staffed *by Koreans*. More specifically, the MG hoped to find new Korean penal workers who were not trained under the Japanese system, but largely failed. Hinderances to reforming systems of social control were framed as deficiencies in Korean and Japanese notions of governance, democracy, and justice itself. Rather than acknowledge the material difficulties of the ruptured colonial economy and systems of social control, MG legal authorities blamed difficulties in penal reform on Koreans themselves. Korean penal authorities, they reasoned, had to be disciplined along with their inmate counterparts. The threat of the criminal deviant and the possibility of their reform defined the limits of autonomous Korean rule. This chapter argues that establishment of an independent Korean penal system not only served to discipline social deviants and suppress political opposition in the immediate context, but also framed the development of the well-ordered prison as a prerequisite for future Korean autonomous rule. "Koreanization" of the penal system enlisted a new set of professionals to aid in state building through occupation, further dispersing the power to control Koreans *to* Koreans. As the subject of punishment changed, so shifted its goal, from one of colonial oppression to that of independent state building, and by extension, building the U.S.'s Cold War empire. So was born the Korean penological dream of the so-called "democratization" of punishment. The U.S. military's role in the 1945 turnover of Korean prisons repurposed them as incubators of future Cold War governance.

Prisons have been overlooked as sites of South Korea's post-colonial state formation. A history of the modern Korean penal system and South Korea itself must account for prisons'

radical shift from total abandonment to restructuring and overflowing in the post-liberation period. Previous scholarship has emphasized the use of the police to solidify occupation rule, but prisons have remained opaque to this analysis. This chapter utilizes MG archives and Korean press materials to historicize the transfer of the power to punish in a period that has otherwise been registered as a gap in the penal historical record. The absence of a formally recognized state renders this period of Korea's penal history one of exception or unknowability. However, establishing the power to punish is a fundamental activity of state formation, and it required buy-in from Koreans themselves. Would Koreans enjoy an autonomous legal and penal system? What would it look like? Analyzing this negotiation process reveals the prison as a crucial site for establishing the future of ROK state power and notions of national belonging.

How was the power to punish transferred between the fleeing Japanese colonizers and the new American occupiers? What remained in the power vacuum was the social need to punish and confine the deviant subject—an impulse forged in the crucible of colonial governmentality and modernization. The sudden absence of Japanese personnel at the levers of state power threatened the U.S. military's ability to govern southern Korea. To remedy this, the MG immediately set out producing knowledge of all aspects of colonial state infrastructure, ascertaining the expected level of cooperation with occupation governance, and seeking to fill the personnel gaps in crucial instruments of social control. Carceral spaces worked in tandem with knowledge production to control the conduct of poor, rural, and deviant populations hindering the occupation's rule. Foucault famously theorized this "conduct of conduct" as "governmentality," the ensemble of "institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power" with population as its target, apparatuses of security as its means, and political economy

as its principal form of knowledge.[74] Governmentality makes itself visible through the apparatuses of government and knowledge production. In the case of post-liberation Korea, the MG picked up where the colonizers left off in developing governmental power by rehabilitating systems like the police, prisons, and judiciary.

To account for the crisis-ridden process of state formation over the liberation period, this chapter appends Foucauldian readings of governmentality with James C. Scott's view of state formation as increasing populations' legibility: states achieve "authoritarian high modernism" through technologies that afford central power the most simplistic view of society, rendering a complex set of social relations legible and malleable. "Legibility implies a viewer whose place is central and whose vision is synoptic. State simplifications…are designed to provide authorities with a schematic view of the society, a view not afforded to those without authority."[75] The Korean people had to be enlisted as governable subjects, and ones capable of providing the occupier with a more accurate picture of reality on the ground. For both Scott and Foucault, it was the chart, the graph, and timetable that crystallized modern power relations better than any other symbol.[76] The administrators and advisors that made up the upper echelons of the MG—those most removed from local conditions—could only peer at and feign knowledge of the provinces with the aid of charts, graphs, and periodic summation reports. Archival work recreating such a view excavates the role of the prison in quantifying and pacifying resistance to U.S. occupation. Such changes helped lay the foundation for future ROK governance and social control.

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[74] Michel Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality* by Foucault, Michel, Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 102–3.
[75] James C. Scott, *Seeing Like a State* (New Haven: Yale University Press, 1998), 79.
[76] Foucault, *Discipline and Punish*, 7.

Employing this framework must also account for how shoddy MG knowledge production was in the first year of occupation. It can be said that the need to look—to see like a state—is an admission that power over the population is limited. One critic of Foucault's work put it best: "Consider the possibility that the panopticon represents not power but propaganda, the appearance of power. Real power means not having to look in the first place. The need to look is itself a sign of the limits of power. If you have to look, you do not really control. If you are in control you do not have to look."[77] The MG intelligence apparatus lacked control and decidedly needed "to look." Reports of crime and disorder projected an image of control, but thorough analysis of MG Department of Justice[78] internal documents reveal how little they understood their own apparatus of discipline, not to mention the population it controlled. Thinking themselves privy to the intricacies of occupying a hostile population, U.S. advisors relied on rightists and former colonial collaborators to identify which groups to suppress. This led to use of carceral spaces in their most blunt and draconian capacities to solidify state power, causing considerable blowback and greater instability. The use of former colonial *police* to restore and maintain order has been well-documented,[79] but the specific use of *prisons* in this period is understudied. Carceral spaces were vital loci for internal pacification of the population—they could slow the rapidly deteriorating conditions of the occupation by controlling the movement of dissident bodies. Over the course of the occupation, the military government progressed from merely *seeing* like a state, to *performing* like one and violently carrying out what Anthony Giddens would call an "internal pacification" on the Korean peninsula.[80] Penal facilities served

[77] C. Fred Alford, "What Would It Matter If Everything Foucault Said about Prison Were Wrong? 'Discipline and Punish' after Twenty Years," *Theory and Society* 29, no. 1 (February 2000): 129. Emphasis added.
[78] The branch was first referred to as a "bureau" and later changed to "department." This chapter uses "Department of Justice" or "DoJ" to refer to the same entity for both periods.
[79] For a comprehensive study of the MG's use of former colonial police, see An Chin, "Migunjŏnggi kukka gigu ŭi hyŏngsŏng kwa sŏnggyŏk," in *Haebang chŏnhusa ŭi insik 3*, eds. Pak Hyŏn-ch'ae et al. (Seoul: Hangilsa, 2006).
[80] Anthony Giddens, *The Nation-State and Violence*, 187.

as “locales” of this pacification—the physical spaces that “promot[e] the discipline of potentially recalcitrant groups at major points of tension.”[81] Prisons were necessary instruments for the MG to make crime and poverty legible.

In his landmark work locating the origins of the Korean War in the struggles of the military occupation period, Bruce Cumings’ demonstrated how MG authorities were ill-prepared and blind to the complexities of Korea’s post-colonial context.[82] Unaware or, arguably indifferent to the ramifications, they maintained the colony’s “giant bureaucratic octopus” that subjugated the will of the people to expedience and stability.[83] Furious uprisings made them quickly aware of the legacy of feudal landlords and colonial police. The struggle for control of the U.S. occupation zone played out in the struggle to quantify and confine dissident bodies. Former colonial prisons, jails, and police stations were the few remnants of the former regime that maintained a measurable capacity to pacify the population outside the capital. In the absence of a coherent and legitimate state authority, the MG were able to tap into and expand upon the existing matrix of colonial power relations, but also evoked the acrid memory of prisons’ use to suppress independence movements. Prisons needed to be rebranded as beneficial to ensuring social control, rather than oppressive or exploitative tools of colonization. This chapter demonstrates how the occupation reframed punishment as rehabilitation of Korea’s deviant poor. In turn, the MG engaged in knowledge production to render poverty and social crime legible as concrete objects of occupation government policy. Tracing such changes in the management of social crime reveals colonial governmentality’s afterlife in the immediate post-liberation period and early Republic of Korea.

[81] Ibid.
[82] Cumings, *Origins of the Korean War*.
[83] Ibid, 152–3.

This chapter is comprised of three parts: Part I historicizes the rupture of the colonial carceral regime in the "Liberation moment" after the surrender of Japan but before the U.S. military occupation of the southern half of Korea. It examines the spontaneous rupture of the colonial carceral regime and its suturing by the new occupiers. Part II examines the material and rhetorical challenges faced by MG authorities in their effort to establish control over penal administration through "Koreanization"—disciplining both Korean inmates *and* penal system personnel—in a balancing act to reframe the prison as a necessary tool of social rehabilitation divorced from its colonial antecedents. It highlights MG penal reformers' paradoxical framing of autonomous Korean rule as both the obstacle *and* solution to penal reform. Part III details the first significant penal reforms under nominally "Koreanized" administration. It demonstrates how the surface-level reframing of penal administration could not alleviate the worsening material conditions fueling crime and opposition to occupation.

Part I: The Liberation Moment's Rupture and Suture of the Colonial Penal Regime

The liberation moment in August 1945 impacted the Korean people in a myriad of ways according to their social position in the collapsing Empire of Japan, but nowhere did the news of Japanese surrender reverberate like it did in the halls of colonial prisons. The opaque institution of the prison is deceptively porous and reflects large-scale social changes. Economic and political crises can be felt in cell blocks even before they register as legible problems to central authorities. Such was the case for Sŏdaemun Prison guard, Kwŏn Yŏng-jun. In his memoirs he remarked, "Even though they are enclosed behind high brick walls, I think that prisoners come to know news of the outside faster than people on the outside."[84] He had an indescribable hunch

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[84] Kwŏn Yŏng-jun, "Hyŏngjŏng pansegi (1)" *Chungang ilbo*, September 15, 1971. https://news.joins.com/article/1302159

that the war effort was not going well and began hearing rumors of imminent surrender throughout the summer of 1945. Rumors became material realities when rations ran low and raw materials for penal labor supporting the war effort stopped coming.

By August, Kwŏn was instructed to begin documentation for release of political prisoners, and the final order came down on August 14, 1945 to prepare for the following afternoon's radio announcement of surrender. Independence activist Yŏ Un-hyŏng met with the Government General's head of police affairs, Nishihiro Tadao, to discuss the surrender and a joint effort to maintain order on the peninsula.[85] A key issue discussed was the future of Korea's incarcerated population. Yŏ himself had spent several years in Sŏdaemun and Taejŏn prisons. In the years leading up to the surrender, he and other prominent independence movement figures had formed the Committee for the Preparation of Korean Independence (CPKI, Chosŏn Kŏnguk Chunbi Wiwŏnhoe) to assume administrative functions of the Government General in the event that Japan lost the war. They expected a certain degree of chaos and confusion following the announcement of surrender and formed the "Peace Preservation Corps" (Ch'ian Yujidae), a volunteer police force to take the mantle from the colonial police apparatus. In this capacity, Yŏ was also able to broker the release of political and economic prisoners in exchange for ensuring safe passage for Japanese nationals fleeing the peninsula.[86] Yŏ demanded that Japanese authorities immediately release all political prisoners, ensure rations for three months, and refrain from interfering in the training of the Peace Preservation Corps.[87] The CPKI would assume the role of arbiter of law and punishment in a transitional political system.

[85] Kim Sam-ung, "Haebang konggan kwa Sŏdaemun Hyŏngmuso," in *Minjok haebang kwa Sŏdaemun Hyŏngmuso,* ed. Sŏdaemun Hyŏngmuso Yŏksagwan (Seoul: Sŏdaemun-gu City Management Corporation, 2011), 14.
[86] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 329.
[87] Kim Sam-ung, *Mongyang Yŏ Un-hyŏng p'yŏngjŏn* (Seoul: Ch'aeryun, 2015), 283.

Prisons were virtually emptied after the surrender of the Empire of Japan to the United States on August 15, 1945. After the official announcement of surrender, Yŏ met with Vice-Minister of Political Affairs of the Government General, Endo Ryusaku to discuss what the surrender meant for Koreans' immediate future.[88] With the consent of the Government General, Yŏ made his way to the gates of Sŏdaemun Prison around 4pm on August 15 to see to the release of political and economic prisoners, but the process could not be completed that day.[89] There were several administrative gestures still left in place to perform such a release. Yŏ returned the following morning and addressed those to be released in the prison auditorium to thank them for their work in securing the nation's liberation, as well as beseech them to refrain from taking rash actions in the following days.[90] News quickly spread that independence figures would be released, and a crowd formed outside the prison gates to welcome them to a liberated society. Yŏ then made his way to Map'o Prison to oversee the release of prisoners there.

Many so-called "petty criminals" (*chappŏmja*) were also released as prison staff were swept up in the day's confusion. Penal administrators immediately lost control of the carefully negotiated release that limited who would enjoy the amnesty that came with the surrender.[91] According to An Chae-hong (CPKI vice-chair and righthand man to Yŏ), there were a total of 1100 political prisoners to be released around Korea,[92] but later reports show that many more prisoners had made their way out in the following weeks, especially in rural areas. For example, over 700 "criminals of all types" outside Daegu were simply released upon the announcement of

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[88] Ibid, 278–84.
[89] Kim Sam-ung, "Haebang konggan," 14–5.
[90] Ibid.
[91] Ibid, 15.
[92] *Maeil sinbo*, August 17, 1945, as cited in Chŏng Pyŏng-jun, "Mongyang Yŏ Un-hyŏng kwa Sŏdaemun Hyŏngmuso," in *Minjok haebang kwa Sŏdaemun Hyŏngmuso* (Seoul: Sŏdaemun-gu City Management Corporation, 2011), 67.

surrender.[93] Back in the capital, prisoner releases were met with great fanfare. Around 11am, Seoul's released prisoners joined a parade of well-wishers brandishing *taegŭkgi,* the Korean national flag, and made their way to the city center area, Chong-ro.[94] The exuberant population saw their own liberated future in the image of freedom fighters passing through prison gates.

Yŏ Un-hyŏng's release of political prisoners was a spectacle that ruptured the continuity and legitimacy of the colonial penal regime. It momentarily opened space for a social existence beyond colonial penality, however it retained the system's carceral logic by ensuring that the deviant poor—perpetrators of social crime, and those criminals deemed *un*political—would remain in confinement. This period has been described as a power vacuum, but the logics and trappings of power remained in the penal regime after the Japanese had left. In so far as common people recognized the agreements of these political elites, the legitimate means to police and punish the population had been filled by Korean personnel for at least a short window of time.

What did this window or "Liberation Moment" look like, and how did it affect the remaining prisoners confined in penal spaces? The ensuing days were chaotic for colonial police and penal administrators. Prisoners left out of Yŏ Un-hyŏng's amnesty agreement began to see their window to leave prison. Kwŏn Yŏng-jun recalled with disgust how upon learning of the surrender, Japanese penal administrators looted and burned documents as they prepared to leave the peninsula.[95] Later reports made by the MG Department of Justice confirmed these accounts, as Japanese bureaucrats of various strata were arrested for embezzlement, fraud, and burning official documents.[96] Spaces of confinement, especially police stations, became the target of

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[93] USAFIK Headquarters, "Daily Report No. 43 Oct 21–22, 1945," in *G-2 Periodic Report*, vol. 1 (Hallim University Institute of Asian Culture Studies, 1990).
[94] Kim sam-ung, "Haebang konggan," 15.
[95] Kwŏn Yŏng-jun, "Hyŏngjung pansegi (12): haebang kwa Sugamjadŭl," *Chungang ilbo,* September, 30, 1971.
[96] USAMGIK Dept. of Justice, "Penal Section Status Report," October 10, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea,

popular retributive violence. Accounts of Japanese colonial residents leaving Korea are useful insight into the atmosphere that followed the announcement of surrender. The following weeks saw a dramatic uptick in attacks on police stations, officers, and their families.[97] One of the eyewitness accounts told of a "mob" of rioters, partly made up of the wives and mothers of men held on charges related to economic crimes, smashed the windows of a rural Chungch'ŏng Province police station.[98] Around the peninsula colonial penal authorities released more inmates than initially planned, pressured by the prisoners' families who "congregated about the prison walls."[99] As guards grew increasingly intimidated, prisoners simply took the opportunity and walked out. Many Japanese staff reportedly maintained an attitude of indifference, "though a few loyal and conscientious Korean guards stood their ground" and most prisoners had escaped.[100] Most of the accounts and data for these chaotic days depict Seoul, and there is little information about the state of the surrender proceedings at prisons in the provinces.

The first Korean head of the MG Department of Justice, Kim Yŏng-hŭi recalled those first days after liberation with some lament for the breakdown in legal authority:

> Prison doors were flung open to relieve political and economic criminals. Prison walls were thronged by the families of other criminals. Guards were threatened and they opened the doors and the criminals flooded out. Where were those powerful policemen? They had fled. Police stations were vacated. Glass windows were broken. Korean flags were hoisted on roofs of those so feared police stations. Japanese soldiers were put in front

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and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[97] Yi Yŏn-sik, *Chosŏn ŭl ttŏnamyŏ*: *1945-yŏn p'aejŏn ŭl majŭn ilbonindŭl ŭi ch'oehu* (Yŏksa Pip'yŏngsa, 2019), 25.

[98] Ibid, 31.

[99] USAMGIK Bureau (Department) of Justice, Draft of "Justice." NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice USAMGIK History."

[100] Ibid.

> of big buildings with bayonets on their guns. But those who once seemed so powerful showed no authority.[101]

Colonial penal authorities not only failed to maintain order following the surrender, but they also exacerbated the situation in several ways. Japanese staff of Seoul and "Westgate" (Sŏdaemun) prisons were found destroying records and selling prison materials for a profit.[102] The liberation of prisons inspired hope in some, and fear in those who would need to regain order.

As the U.S. military planned their occupation, a key concern was the state of the legal and penal system. They had to rely on first-hand accounts to understand the state of penal facilities in the interim between colonial and occupation governance. Alternatively, they could rely on records to piece together the form and practice of prison administration at the end of the war. However, many records were immediately destroyed upon the announcement of surrender. Imprecise as these statistics may be, they later served as an important rhetorical tool to explain how much (or little) things had changed under U.S. authority. An MG DoJ study claimed that in June, 1945, there were 30,413 prisoners in all 26 of the Korean peninsula's prisons, and 17,243 in 17 penal institutions south of the 38th parallel.[103] By late August, roughly 2,800 of 29,000 prisoners accounted for just before liberation remained behind bars.[104] When U.S. military personnel arrived on the peninsula on September 8, they reported an estimate of less than 1,400

[101] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim, Associate Director Bureau of Justice, before Provincial Legal Officers Conference on 7 March 1946 at Seoul." RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[102] SCAP, "Summation of Non-Military Activities in Japan and Korea for September-October 1945, Section 17, Political Activities in Korea," NARA II, RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[103] American Advisory Staff, Department of Justice, USAMGIK, "Draft of Study on the Administration of Justice in Korea Under the Japanese and in South Korea Under the United States Army Military Government in Korea to 15 August 1948," 7.
[104] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:332.

prisoners total in all the southern penal institutions.[105] By the time officials took official counts of prisoner population, many had escaped.

Turnover

The United States Army Military Government in Korea (USAMGIK, or "MG") was established on September 8, 1945. The question of maintaining order and doling out legal authority under the new government was of utmost importance. One of the first occupation personnel with direct authority over such matters, Major Emery J. Woodall noted that the first branch of military occupation government that was run entirely by Koreans was the judiciary, courts, and penal institutions.[106] These gestures validated Koreans' calls for reforming the colonial system while simultaneously positioning the MG as the sole arbiter of legitimate governance, and in turn criminalizing opposition to their rule. Supreme Commander of the Allied Forces, General Douglas MacArthur set this authoritative tone with two proclamations upon the occupation's September 1945 landing in Korea. Proclamation Number 1 formally stated the U.S. military's intention of carrying out the surrender of the Japanese and "insuring the orderly administration and rehabilitation of the country."[107] It established the punitive tone that would

[105] American Advisory Staff, Department of Justice, USAMGIK, "Draft of Study on the Administration of Justice in Korea Under the Japanese and in South Korea Under the United States Army Military Government in Korea to 15 August 1948," 29.
[106] Emery J. Woodall, "The Problem of Law and Order," George F. Mott Papers, Box 9. Hoover Institution Library & Archives.
[107] USAMGIK, "Proclamation No. 1," in *Migunjŏng ch'ŏng kwanbo: Official Gazette* (Seoul: Wŏnju Munhwasa) as cited in Monica Kim, *Interrogation Rooms of the Korean War*, 44–5. Kim's reading of the proclamation notes the shift in tone from Proclamation 1 to Proclamation No. 2: "Any Person Who: Violates the provision of the Instrument of Surrender, or any proclamation, order, or directive given under the authority of the Commander-in-Chief, United States Army Forces, Pacific, or does any act to the prejudice of good order of the life, safety, or security of the person or property of the United states or its Allies, or does any act calculated to disturb public peace, and order, or prevent the administration of justice, or willfully does any act hostile to the Allied Forces, shall, upon conviction by a military Occupation Court, suffer death or such other punishment as the court may determine." The first proclamation makes appeals to democracy and equality, the second reminds that democracy comes with the caveat of punishing all who threaten it.

become common in MG rhetoric, insisting Korean responsibility for maintaining law and order: "How well and how rapidly these tasks are carried out will depend on the Koreans themselves."[108] Proclamation No. 2 made it even more clear that Korean life was subordinate to the security of the U.S. military occupation regime: violations of U.S. military orders, acts that threaten the "life, safety, or security of the persons or property of the United States or its Allies," and any acts that threaten the administration of justice and public order would be punished (after trial in an occupation court) with death or another punishment decided by the courts.[109] It is telling that the death penalty is the only form of punishment specifically mentioned in the proclamation: the MG asserted the sole exercise of legitimate violence in the southern zone. The U.S. military established a punitive regime that operated as if occupying enemy territory. Opposition to their rule was punishable by death. The MG expected resistance and created the precedent to exercise lethal, punitive justice before they ever arrived on the peninsula. Furthermore, prolific historian of Korean state violence, Kang Sŏng-hyŏn places Proclamation No. 2 in a genealogy extending out of the colonial Peace and Preservation Law (Ch'ian Yuchibŏp) and as predecessor to the early ROK's National Security Law—the notorious tool of anticommunist repression that created a vast category of social and political existence that fell under the label of "political criminal" (*chŏngch'ibŏm*).[110] This legal and penal culture of a hostile occupation carried over into South Korea's lasting state formation process.

In the weeks following their arrival, occupation leaders set out establishing themselves as the legal authority of the zone south of the 38th parallel. Major Emery J. Woodall assumed the role of head of General Affairs as well as overseeing the reorganization of courts and issues of

[108] Kim, *Interrogation Rooms of the Korean War,* 44–5.
[109] Ibid. The MG first promised "benevolence," ensuring an orderly process of Japanese surrender, and then threatens to take Koreans' freedom and even lives, should they interfere with the US military's mission in Korea.
[110] Kang, "Han'guk Chŏnjaeng chŏn chŏngch'ibŏm," 88–9.

law and order.[111] The MG had to usurp authority from the peace preservation groups that had sprung up since liberation, and even competed with them for control throughout September 1945.[112] The remaining colonial police carried out their duties selectively, and it took Woodall's in-person visits to Seoul's police stations to compel officers to resume apprehending suspects and sending them to courts for trial. The machinery for processing and confining convicts slowly resumed operation, but still had to remove the stench of colonial abuses of power. The occupation faced the difficult choice to remove or retain Korean staff who had collaborated with the former regime, but "Koreanization" of legal and penal practice would have far-reaching implications for the legitimacy of the MG. The police station, court room, and prison cell were sites where colonial legacies could be felt most acutely, and the whole operation was delegitimated if the attendant personnel changed only their uniforms and not their practices. The MG set to work issuing ordinances that made fundamental changes in the prison system a top priority at the highest levels of planning.

Paramount for the project of establishing their own legal and penal regime's legitimacy was the task of discrediting the colonial regime's discriminatory policies. On September 13, 1945 General Order No. 5 repealed six discriminatory laws of the colonial regime, including laws that allowed for summary confinement without due process, such as the Peace and Preservation Law (Act of Preserving Public Order (1925) and the wartime Preliminary Imprisonment Act (1941).[113] Both laws were blunt instruments of colonial governance that landed thousands of Koreans in prison for a range of political activities and arbitrary charges.

[111] "VI. Transition from Japanese to American Control and Authority" from *History of the Armed Forces in Korea*, *Part III*. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[112] Ibid.
[113] USAFIK HQ, *General Order No. 5* as cited in HUSAFIK, "VI. Transition from Japanese to American Control and Authority" from *History of the Armed Forces in Korea*, *Part III*. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

The order (and its October 9 amended version) included a "General Repealing Clause" with profound legal significance for MG rule of law, stating "All other laws, decrees, or orders having the force of law are hereby repealed, the Judicial or Administrative enforcement of which would cause discriminations on grounds of race, nationality, creed, or political opinions."[114] The order also made illegal extrajudicial punishments and confinement without due process: "The detention of any person not charged with a specific crime or offense and the punishment of any person without lawful trial and conviction are prohibited."[115] The MG was positioning itself as the arbiter of liberal democratic justice and as the righteous liberator from draconian Japanese policies. Major Woodall dismissed the Japanese head of Penal Affairs on September 15, 1945 and began overseeing turnover of the prison system. The legal framework justifying their rule was in place, but there remained significant material hurdles to reestablishing the basic operation of the penal system before moving on to eradicating the legacies and practices of the colonial penal system.

Transferring jurisdiction from MG authorities to Korean personnel was fraught with structural inefficiency and confusion. In terms of basic logistics, vital equipment had been destroyed and supplies and rations were looted. MG legal officials reported a lack of typewriters, mimeograph paper to copy their reports, and even stationary to write them by hand.[116] "There were no supplies: no typewriters, no stationary, no mimeograph paper; practically speaking, no

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[114] General Order No. 5, Section II. Ibid.
[115] General Order No. 11 repealed and replaced General Order No. 5 on October 9, 1945. Ibid.
[116] This comes from marginalia on a DoJ document. Much of the DoJ's reporting for the first months of its existence remains as a pile of hand-scrawled notes tucked away in the National Archives in College Park, Maryland. See NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

means of communication."[117] Major George A. Anderson, who was assigned to tour courts and carceral spaces in the Seoul vicinity, echoed the dismay at the lack of supplies that lasted into the late Autumn: "The prisons were as bad as the rest, maybe a little worse. The prison guards had no overcoats, it was the beginning of winter, and they couldn't get overcoats. They had no arms. They had no lights. Even now the prisons are still short of light bulbs. There may be one bulb for 250–300 people—and yet…they expect us to maintain security!"[118] He spoke candidly about how the equipment problem was made even worse by the prevalence of bribes and the practice of "souvenir collecting," which he claimed all ranks of U.S. personnel were in on, even the "high brass."[119] The MG legal and penal regime was chaotic but also designed to criminalize opposition. "Koreanizing" the penal system would shift the image of incompetence and oppression from the occupier to indigenous personnel. In due time, Korean personnel would be the ones trying, sentencing, and punishing Koreans convicted of social and political crimes.

Part II: "Koreanization" of the Penal System

Immediately following the establishment of the Bureau (later Department) of Justice, the MG faced a tremendous backlog of people awaiting trial. Most people were charged with economic crimes, crimes of poverty, and violating military occupation decrees. Economic crimes of desperation were common. The scramble by Japanese residents to repatriate with as much capital as they could carry emptied colonial bank coffers. This in turn triggered inflation and grain distribution crises. While political elites jockeyed for control in the new government

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[117] USAMGIK Bureau (Department) of Justice, "Interview with Major George A. Anderson, AC, Exec Off Bureau of Justice, 25 March 46," NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[118] Ibid.
[119] Ibid.

apparatus, the working classes struggled to bear the weight of social reproduction in the ruptured colonial economy. Liberation opened space for new forms of social existence, but also increased displacement, upheaval, and social crime as a means of survival. The MG struggled to establish the prison system as a necessary tool of social control amidst such harsh material conditions.

The restoration of state power would mean reestablishing the right to punish and confine criminals' bodies, regardless of the cause of their crime. Not only did imprisonment of the social deviant have to be divorced from its colonial origins, but it also had to be established as a practice of autonomous Korean rule, rather than the repressive tool of the new occupiers. One of the symbolic measures to accomplish this task was to remove Japanese personnel at the head of the legal and penal apparatus and replace them with Korean personnel. MG authorities appointed a Yale graduate with no legal experience, Dr. Kim Yŏng-hŭi, as the head of the Bureau of Justice on October 9, 1945, with Ch'oe Pyŏng-sŏk as the head of its Penal Department.[120] A week later the acting Military Governor, General Archibald V. Arnold deemed the reorganization of courts and prison administration complete, praising its new development: "The people of Korea will long remember the day when the highest court in the land as well as other courts came under the administration of Koreans."[121] He acknowledged that some of the worst abuses of the colonial regime were carried out by justice officials and many of these abuses took place in prisons. Prisons were nominally turned over to Korean management on October 17, 1945, but retained U.S. military advisors. Even with DoJ leadership roles filled by advisors and Korean staff, the Penal Department still struggled to locate qualified personnel to administer the day-to-day

[120] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:339.

[121] "Press Release, 15 Oct 45" NARA II, RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

operations of courts and prisons. There was a severe lack of qualified men who could fill the empty positions, and those appointed were hastily vetted and needed more training. The hunt for personnel vexed Maj. Woodall and his successor (Maj. Matt Taylor) for the rest of the year. For example, the court system itself had only 150 credentialed jurists, and the majority of them faced accusations of collaboration.[122] Lack of personnel meant a lack of capacity to try the number of accused awaiting trial, and the backlog intensified.

Things were no better in the prisons. MG authorities spent the weeks following their landing ascertaining just who oversaw the penal apparatus, who had fled, and who had to be replaced. Kim Yŏng-hŭi recalled, "Prisons had to be reorganized with proper guards. Prisoners had been released. Responsible men of prison organization were nearly all Japanese and they had removed whatever money and property on which to organize these prisons."[123] Even in late September, MG personnel found Japanese penal officials with their bags packed, ready to be relieved.[124] The lack of personnel reporting for duty left the prisons vulnerable to escape by those inmates left out of the releases after the Japanese surrender. Only 305 of Seoul's roughly 2000 inmates remained in custody after the surrender, and prisoners continued to escape even after the U.S. occupation of Seoul.[125] Penal reform south of the 38th parallel began with virtually empty prisons and a roster of absentee penal officials. Far from starting with a blank slate, this deficit of institutional capacity exacerbated the already dubious process of securing control of southern Korea.

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[122] Mun Chun-yŏng, *Pŏpwŏn kwa kŏmch'al ŭi t'ansaeng*: *Sabŏp ŭl yŏksa ro ilngnŭn Taehan Min'guk* (Seoul: Yŏksa wa Pip'yŏng, 2010), 616.
[123] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim." Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[124] USAMGIK HQ, "Periodic Report, G-2 32nd Inf. [E]nclosure #1: Investigation of Seoul Prison," Sep 9, 1945. NARA II, RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Source Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[125] Ibid.

The prison system's logistical issues could eventually be remedied by stabilizing supply networks, but new recruits for prison staff had to be vetted for their past relationship to the colonial regime and current disposition towards the American occupation. They had to be trained in a truncated fashion that left later critics dismayed at the lack of nuance: new recruits were given only a month of training by those guards who worked under the colonial system and retained many of its bad habits and excesses.[126] Refilling the ranks of prison staff was not simply an issue of filling uniforms. MG authorities sought men they could trust, and their essentialized view of Koreans was exceptionally dim. Years later Maj. Woodall reflected on this crucial period of turnover to Korean personnel remarking that there was a "relatively small, but well-educated and thoroughly trained body of Korean lawyers, prosecutors, judges, police officers and administrators, and prison wardens and guards."[127] His positive assessment belied the conundrum of keeping on the few Korean staff who had experience under the former regime. He did not trust that Koreans on staff could behave differently than their training permitted under the Japanese: "In one respect they were most expert: they knew unerringly every feature of oppressive use which the Japanese had made of the codes, the courts, the police, and the prisons."[128] This reads as praise for the Korean staff's assistance to American advisors rooting out the specific legal codes and practices that would hurt the occupation's legitimacy. Within the full context of Koreanizing legal and penal administration it is also a clear acknowledgement that retaining former staff meant continuity of the abusive structures and tactics of the colonial regime.

[126] Ch'oe, "Hyŏngmuso silt'ae yŏn'gu," 73–5.
[127] Emery J. Woodall, "The Problem of Law and Order," 1. George F. Mott Papers, Box 9. Hoover Institution Library & Archives.
[128] Ibid.

Individuals on the ground were less diplomatic when appraising the role of Korean personnel in the turnover. In his particularly candid interview about the early turnover of prisons, Maj. George A. Anderson revealed the racialized discourse used to describe Korean penal workers. He criticized Korean personnel who had left their post, lamenting, "The prisons had been thrown open, the families of prisoners had come in, the great majority of convicts had escaped…a few conscientious Korean guards stood their ground. But mostly the prisoners cleared out."[129] He showed little respect even for those Korean personnel who stayed, saying they were "no help" and that they "didn't know anything either, simply followed orders."[130] He generalized about what he saw in this chaotic period to extend these characteristics to all Koreans, stating "The nature of the Korean…is that he wants everything done for him. If he thinks there's a chance of your doing his work, he'll quietly sit down and let you do it."[131] The animosity between U.S. personnel and their Korean counterparts slowed early efforts in rehabilitating penal administration. Occupation penal officials viewed themselves as guides that would antagonistically force the Korean prison system to work securely and efficiently with U.S. prisons as their model.

Among the U.S. personnel appointed for leadership positions in the Penal Section was Lt. Milroy R. Blowitz. Blowitz was shoulder-tapped for the job based on the reputation he had gained in the recent Okinawa campaign. He was deemed the perfect man for the job of sorting out Korean prisons and gained a reputation for walking around with his .45 pistol in clear view,

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[129] "Interview with Major George A. Anderson, AC, Exec Off Bureau of Justice, 25 March 46," NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[130] Ibid.

[131] Ibid.

supposedly commanding authority and establishing morale in the whole justice system.[132] Blowitz had a hand in discharging those Japanese officials indicted for embezzlement, destroying records, and selling equipment. Korean staff under Blowitz were quickly screened and appointed an American advisor, Lt. Morfogenus[133] who had experience working under Warden Lawes of the United States' infamous Sing Sing prison.[134] Morfogenus claimed they were making "wonderful progress" in turning Seoul's Sŏdaemun Prison into the "'Sing Sing' of the Orient."[135] The older facility, Seoul Prison, was closed for repairs and its prisoners, supplies, and functions were subsumed into West Gate (Sŏdaemun) Prison. Early benchmarks in reforming the facility included replacing Japanese personnel with Koreans in every post and converting the "Protective Guidance" building, formerly used for ideological conversion of political prisoners, into a juvenile "probation house."[136] The penal section noted that operations were still sluggish and would take "a number of weeks of constant harassing, pushing and reorganizing to establish each institution on a firm, sound basis."[137] Certain inefficiencies remained, but the crown jewel of the colonial penal system, Sŏdaemun Prison was functioning again under occupation authority.

The MG DoJ primarily focused on Seoul's two major penal institutions when appraising the early turnover process —Seoul Prison and Westgate (Sŏdaemun) Prison. Like with all aspects of public administration, early occupation authorities failed to ascertain a coherent

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[132] Ibid.
[133] Alternately recorded as "Morphogenus."
[134] USAFIK HQ, "Present Status of Penal Section and Plan for Future Effort of this Dept. in Reorganizing." Correspondence, HQ, USAFIK, Office of the Military Governor, Bureau of Justice Penal Section to Director, Bureau of Justice, October 15, 1945. NARA II, RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[135] Ibid.
[136] Ibid.
[137] Ibid.

picture of the situation outside the capital for the first months of their rule. Information on provincial prisons in those early days is scarce, but periodic reports recorded early efforts to ascertain what had occurred since Japan's surrender. One example illustrates their methodology: U.S. personnel were able to obtain parole board records dating as far back as 1937 and surmised that 1595 political prisoners had been released from Daegu penal facilities alone.[138] Further inquiry revealed that Japanese officials had released over 700 prisoners "of all types" from carceral spaces in nearby Kŭmch'on.[139] Penal officials would learn of the situation at provincial prisons only as fast as they could dispatch personnel to report directly. This lag in ascertaining the state of law and order in the provinces would be a thorn in the side of the military government for the remainder of the occupation.

The Korean press did not fail to point out the symbolic significance of the transfer of the major colonial prisons to Korean authority. Reestablishing the prison with a Korean warden and staff meant that legal authority to uphold law and order was returned to the hands of the Korean people for the first time in decades. The *New Korea Report* (*Sin Chosŏnbo*) remarked, "The two large prisons [Sŏdaemun and Kyŏngsŏng (Map'o) Prison], living hells our people will never forget, have been completely dissolved and transferred to our hands."[140] Another paper noted that spaces that once housed political opponents to Japanese imperialism were now being used to confine Japanese penal administrators convicted of destroying, looting, or even selling prison property.[141] Later reporting estimated that with thefts occurring in every provincial branch, the losses amounted to hundreds of millions of yen, a loss that created an even greater stumbling

[138] HQ, USAFIK, *G-2 Periodic Report,* vol. 1, "No. 37, Oct. 15–16, 1945," 160.
[139] HQ, USAFIK, *G-2 Periodic Report,* vol. 1, "No. 43, Oct. 21–22, 1945," 185.
[140] "Kŏn'guk ŭi panghaeja rŭl kugŭm," *Sin Chosŏnbo*, October 17, 1945.
[141] "Kyŏngsŏng Kamok ŭi hyŏnsang," *Minjung ilbo*, October 17, 1945.

block to restoring legal order.[142] Despite the removal of colonial penal officials, and the persistence of U.S. personnel in an advisory role, installing Koreans as penal officials was a significant gesture in building an independent Korean state.

However, the presence of American advisors maintained the colonial relation of prison administration being mediated through an occupying force. The official turnover of Sŏdaemun Prison was marked by a visit from U.S. Army Captain and Assistant Provost Marshal for the Seoul area, Maye J. Thompson. A set of Army Signal Corps photos from the visit tell a visual story of the turnover in its starkest representative terms. In one, the officially dressed Thompson poses outside the open prison cell with the former Seoul police chief and head of the city's prisons identified with the Japanese name, "Sakara Maroo" (sic) and an unidentified Korean inmate (Figure 1.1).[143] The photograph's visual metaphor mediates the transfer of authority to confine the people of the Korean peninsula from Japanese to American hands. Perhaps more telling is another photo of the former colonial penal official demonstrating to Thompson the function of the hanging noose and trapdoor apparatus in the prison's execution house (Figure 1.2).[144]

[142] Emery Woodall, "Historical Reorganization of Justice," cited in "VI. Transition from Japanese to American Control and Authority" in *History of the Armed Forces in Korea*, *Part III*. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

[143] The description on the back of the photo reads: "Capt. Maye J. Thompson, assistant provost marshal, Seoul province, stands at the West Gate prison with the Korean police chief, Sakara Maroo (*sic*), former prison master now held as a suspect, and an unidentified Korean." Oxton, "Signal Corps Photo #APS-46-99," October 25, 1945. NARA II, RG111, Records of the Chief Signal Officer, 1860–1985; Signal Corps Photographs of American Military Activity, 1754–1954 (Entry 111 SC); Signal Corps Photographs of American Military Activity Part 3 (Post-WWII). Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

[144] Figure 2. The description on the back of the photo reads: "Sakara Maroo (sic), former Korean police chief of the Seoul Prison, shows the noose in the execution chamber to Capt. Maye J. Thompson." Oxton, "Signal Corps Photo #APS-46-100, October 20, 1945. NARA II, RG111, Records of the Chief Signal Officer, 1860–1985; Signal Corps Photographs of American Military Activity, 1754–1954 (Entry 111 SC); Signal Corps Photographs of American Military Activity Part 3 (Post-WWII). Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

Figure 3.1 U.S. Army Capt. Maye J. Thompson inspects Sŏdaeumn Prison. U.S. Army Signal Corps.

Figure 1.2: U.S. Army Capt. Maye J. Thompson inspects execution house, Sŏdaemun Prison. U.S. Army Signal Corps.

The photos encapsulate the transfer of the occupation government's legal authority to confine—and even *end*—Korean life. The personnel were being reshuffled but the right to punish did not fully rest in Korean hands. In early November, the DoJ continued to establish themselves as the legitimate body for maintaining law and order. Regarding detaining and confining suspected criminals, the MG had to assert their competence in ensuring the rights of *habeas corpus* and trial under due process. Under the direction of Woodall, the DoJ's first order made clear that, despite what may have occurred under the Japanese, the Penal Department was not an apprehending agency: "Arrest and detention of persons in Korea is the function of duly authorized military forces, the civilian police, officials of the Bureau of Police, and persons

deputized by that bureau."[145] The order worked to stem colonial practices of circumventing due process, while also confronting the evolving problem of police or deputized political activists dragging their opponents straight to Sŏdaemun Prison, rather than processing them in police precincts and courts. The order had to specifically name the facility, stating that "no person shall be received for detention without trial at the Westgate Prison or any other prison institution, who is not delivered with proper papers by duly constituted arresting authorities."[146] Summary police punishment without trial was seen as yet another "Japanese custom" to be rooted out.[147] The bureau had to continually assert the role of the prison as only one part of the justice system, and fight the perception that it was a retributive tool and place to throw away one's political enemies. The occupation engaged in a program to discipline the police, prosecutors, and penal personnel so they could more efficiently and legitimately extend disciplinary power to the general population.

Penal administration became more specialized under the leadership of Maj. Matt Taylor. By mid-November penal matters were transferred from the criminal section of the Department of Justice to a dedicated "Penal Section." With control over the central penal institutions in place, the military government could begin to reconnect central authority with its disciplinary locales in the provinces. The Penal Department began reporting on the state of prisons around the peninsula in November 1945. These reports reveal some of the discrepancies between the capital and provinces, and the time lag for local administration to reflect changes that had already been implemented in Seoul. In the Ch'ŏngju area it was reported that the few qualified judges and

[145] USAMGIK Bureau (Department) of Justice, "Bureau Order No. 1, Prisons, 3 Nov 1945" Monagan Papers, Box no. 5, Hoover Institution Library & Archives.
[146] Ibid.
[147] Kim Yŏng-hŭi address as cited in HUSAFIK, "VI. Transition from Japanese to American Control and Authority" from *History of the Armed Forces in Korea*, *Part III*. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

lawyers in the province refused to appear for work. Furthermore, jails were filled with minor offenders who were kept for weeks and then released after paying miniscule fines.[148] U.S. military advisors were going into the provinces to oversee appointments and efforts at reorganizing courts, prisons, and spaces for juvenile incarceration. Local officials quoted in a November 21 press conference marking the appointment of staff in Daegu area penal and juvenile institutions reflect the official position espoused by MG authorities: the Korean public should shoulder the responsibility of maintaining order after the chaos of the turnover period. Lt. Blowitz had visited the area's penal facilities days prior on a factfinding mission. There he interviewed Korean officials who framed their recent appointments as steps towards order and stability ostensibly provided by U.S. advisors. One Korean official was quoted, "Our primary wish is the complete independence of the Korean people through their own strength," but also lamented that autonomous Korean efforts at maintaining order after liberation were chaos (*mullan*). [149] They were hopeful about their local impact in the broader effort to rein in the entire network of facilities. Prison administration of the early occupation was continually precarious but began to improve communication within its bureaucratic structure by late-1945.

DoJ reporting began to reflect the relative order established in the capital's prisons by mid-December. Penal Section reports became more streamlined under new leadership. Lt. Nicholas Morfogenus was credited with bringing order to the newly renamed Seoul Prison (formerly Sŏdaemun/Westgate Prison[150]) which was said to be "operating systematically and

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[148] USAMGIK General Affairs Section, "Report of field trip through US-Occupied Korea, Nov-Dec 1945: Legal situation."

[149] "Sonyŏn wŏnjang e Kim Yŏn-su Ssi, Hyŏngmuso Jang Ŏm Po-ik Ssi, Puro-waeissŭ [Blowitz] taewi ka naegu," *Yŏngnam ilbo,* November 22, 1945.

[150] Bureau Order No. 2 became effective November 21, 1945, changing the name of Sŏdaemun Prison to Seoul (Sŏul) Prison. "Bureau Order No. 2" as cited in USAFIK Office of the Military Governor, "Appointment Number 36," November 19, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military

with good control."[151] Acting head of the DoJ, Kim Yŏng-hŭi cited December as the turning point with prison industry restored as "tools that had been lying idle for many months, were taken up again by the inmates."[152] These positive appraisals exemplify the MG's tendency to misread smooth operations in Seoul's prisons as a trend applicable to the *entire* system. An early-December inspection could only report on conditions in half of the 17 major penal institutions and found that many were still staffed by Japanese personnel. It is hard to corroborate the persistence of Japanese personnel as late as December 1945, but authorities' inability to confirm reveals the continued chaos of penal administration.[153] The report found provincial prisons at 45 percent of inmate capacity with factory facilities idle, and a "lack of labor and direction."[154] More damning and oddly prescient was the report's warning that there was "no attempt to predict future need for prison space."[155] The MG still had trouble defining a clear relationship between apprehending agencies, jails, courts, and prisons and struggled with overlapping jurisdictions and conflicts between personnel in all of these arms of the criminal justice apparatus. Their solution was to establish a liaison who would travel and report between the institutions. A report from the same week seeking prisoner data for the provincial city of

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Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[151] Major Harold E. Keller, "Report of Inspection of Bureau of Justice," NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[152] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim, Associate Director Bureau of Justice, before Provincial Legal Officers Conference on 7 March 1946 at Seoul." Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

[153] Ibid.

[154] USAMGIK Bureau (Department) of Justice, "Report of Inspection of Bureau of Justice," 4. December 14, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[155] Ibid.

Ch'ŏngju discovered that there was still no court operating in the area and requested that personnel be sent from other areas to fill roles as judges.[156] All information had to be obtained from in-person inspections: the MG legal apparatus still lacked a network of reliable, instantaneous communication to connect the prisons, courts and police stations to fully utilize them as locales of pacification.

The early occupation's efforts to fill the void left by the colonial penal and legal apparatus were rife with confusion, material difficulty and bureaucratic inefficiency. But there was another dynamic that oscillated between advancing or hindering disciplinary power over the Korean population: the occupation's strategy for transitioning from colonial to independent rule was predicated on a racist notion that the East Asian subject was incapable of adopting Euro-American systems of justice and democratic governance. U.S. legal advisors to southern Korea had little faith in the Korean personnel to whom they had entrusted the levers of law and order in Korean society. The MG's historical section report from the last day of 1945 captures the spirit of the imperfect turnover: "To impress a Western concept of jurisprudence on an Oriental mold must inevitably give rise to a bastard result. The most that one can hope is that by a judicious discretion in its application, the overall benefits accomplished may outweigh individual injustices suffered in the process."[157] One such "injustice" was the retention of the same facilities and many of the rank-and-file staff of the colonial penal system. The occupation rooted out the

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[156] USAMGIK HQ, "Military Government History, 67th MG Hq & Hq Co, Chung-ju, Korea, 20 Dec 45," 7–8. December 20, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[157] USAMGIK HQ, "Historical Report of the 55th Mil. Government HQ and HQ Company for the Year 1945," December 31, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

collaborationist elements in the highest levels of administration and made efforts to distance the new penal system from its colonial past but had little faith in its Korean staff. Theirs was a paternalistic, advisory role: they wished to help Koreans develop a system in line with democratic values, but determining which practices constituted "democratic" and "undemocratic" elements of a penal system was perceived through a racialized lens. Occupation advisors could not see autonomous Korean governance of the penal system as anything but misguided attempts at state-building by hapless, "Oriental" actors.

The gaps between theory and practice and disagreements were not simply between advisors and Korean personnel with differing strategies drawn from a set of commonly held objective observations: they were exacerbated by American advisors' racialized attitudes about Korean personnel and their institution's Japanese colonial legacy. Advisors framed differences in Korean administrative culture as foolishness and mistook gestures of deference to authority as intractable obstacles to Korean autonomy. A report on the state of justice depicted U.S. personnel complaining about Korean colleagues' disputes over "who bows to whom" and who should sit at which desk. Such issues seemed trivial to American observers and their belittling gaze, but such matters of hierarchy and decorum were important for Korean reformers taking ownership of the legal system. DoJ papers reporting these ongoing structural issues carry marginalia (presumably made by Matt Taylor, himself) that acknowledge the issue: Taylor had to grapple with the inefficiency of squabbles between Korean and U.S. personnel as well as the widespread issue of U.S. advisors looking down on their Korean counterparts.[158]

[158] USAMGIK Bureau (Department) of Justice, "Draft of 'Justice'," 33. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

MG advisors not only decried differences in bureaucratic culture but believed the real obstacle to establishing law and order was a fundamental difference in worldview, civilizational discourse, and race itself. A post-occupation report on legal administration drew clear lines between the perceived "Western" and "Oriental" worldviews influencing reform of the Japanese-derived police system. Official reports by advisory staff stated that "Acts considered cruel by western standards were only part of the tested oriental modus operandi. Low evaluation of human life in the orient [may] be the basic reason for acceptance of cruelty as a matter of course…"[159] They judged the once-Japanese-now-Korean system against the norms of legal and penal culture in the 1940s United States. The occupation's official history implied that Koreans could not grasp the notion of individual rights or equal protection under the law: "The Anglo-Saxon's concept of an individual['s] rights and his idea of uniform and impartial justice were incomprehensions [sic]. It would take a long time and much vigorous training, backed by prompt *punishment*, to change this system of Oriental thinking."[160] The occupation's framing of racial difference as an inherent obstacle to reforming legal and penal practice doubtless also affected advisors' ability to appraise the general progress of reestablishing order in prison administration.

One DoJ executive officer, Major George A. Anderson was incredibly cynical about the future of Korean and U.S. cooperation in establishing orderly governance on the peninsula. "The American officers were of the general opinion that the Koreans as a whole were incapable of anything, they had the ideas of children, and in consequence were treated as such."[161] This

[159] American Advisory Staff, Department of Justice, USAMGIK, "Draft of Study on the Administration of Justice in Korea Under the Japanese and in South Korea Under the United States Army Military Government in Korea to 15 August 1948," 11.
[160] USAFIK, "Early Difficulties in the Provinces," in *History of the Armed Forces in Korea*, *Part III*. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022. Emphasis added.
[161] USAMGIK Bureau (Department) of Justice, "Interview with Major George A. Anderson, AC, Exec Off Bureau of Justice, 25 March 46." NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military

assessment reveals a prevalent, racial discourse that spread through the ranks of occupation forces tasked with cooperating with Koreans to rehabilitate institutions of public administration. Conflicts arising between U.S. and Korean personnel on the ground were rooted in a paternalistic attitude towards an essentialized notion of Koreans and their capacity for self-reliance. In the same interview he expounded on this cynical view of Korean-U.S. cooperation: “Of course you know…they hate us…The Americans are merely tolerated as the lesser of two evils.”[162] Korean penal reformers, U.S. military officials, and their media critics all judged progress towards a vague goal based on conflicting standards, all while locating the present state of the Korean legal, criminal, and penal systems as being stuck somewhere between a brutal colonial past and a yet unattainable “democratic” future.

This racialized rhetoric was one local manifestation of the larger geopolitical conflict coming to a head in December 1945, when the Moscow Conference between the foreign ministers of the USSR, U.S. and Great Britain concluded that Korea should only have an independent government after a period of trusteeship.[163] The conference accord also alluded to the possibility of implementing a trusteeship over Korea for five years and further delaying independence, and so was met with great opposition by Korean leaders of all pollical stripes. This disavowal of Korean capability for autonomous rule at the geopolitical level was mirrored at the local level in U.S. military advisors’ lack of confidence in the Korean judicial and penal apparatuses.

Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: “Miscellaneous Source Material on Justice, USAMGIK History.”

[162] Ibid.

[163] Cumings, *Origins of the Korean War,* 216. The U.S. position aimed to dominate this body and steer Korea’s future towards their own strategic aims with their first draft of conditions placing control of Korea’s executive, judicial, legislative and administrative functions in the hands of the trusteeship. The Soviet response amended this to include a process for establishing a provisional Korean government.

The occupation's sense of unpreparedness and crisis was not merely informed by racist notions of Koreans' capability for autonomy. They were operating under a very real crisis in material standards of living. Early occupation penal reform coincided with an increase in crimes of poverty triggered by the desperate social realities of a mass repatriation of refugees, inflation, and grain distribution crises. The abrupt announcement of Japan's surrender had disrupted the colonial economy and rice distribution along with it. Early occupation policies attempted distribution by sale on the free market, but ultimately failed.[164] Japanese residents fleeing the peninsula had made runs on banks and sparked an inflation crisis, making the purchase of rice on the free market nearly impossible. The staple crop ended up being sold on the black market at exorbitant rates, and many Koreans went hungry. The occupation period was marked by hunger and high infant mortality rates, and crimes of poverty were commonplace methods of survival.[165] These material conditions placed additional pressure on the transitional criminal justice system as penal spaces began filling to capacity with people awaiting trial for theft and larceny. In December 1945 over half of Seoul Prison's convicted inmate total (1241) were convicted of theft/larceny or robbery.[166] Another 23 percent (291) were imprisoned for violations of military government orders and these convictions were often related to stealing military supplies. When reporting on the increase, MG Penal Department officials noted a Korean adage they had picked up, "cold weather produces many thieves."[167] Occupation penal authorities were fixated on

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[164] Kim Chŏm-suk, "Migunjŏng ŭi singnyang chŏngch'aek kwa sobi silt'ae," *Sahak yŏn'gu* 61, (2000): 230.
[165] Chŏn U-yong, *Hyŏndaein ŭi t'ansaeng* (Seoul: Isun, 2011), 30.
[166] "Status of Inmates in Seoul Prison," Correspondence, Penal Department to Maj. Taylor, December 22, 1945. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[167] Ibid.

strengthening the bureaucracy for handling the influx of inmates but would have to reckon with structural causes of poverty and dissent in the coming year.

Part III: First Signs of Trouble: Assessing the Turnover of Prisons

Penal reform entered a new phase as trusteeship talks between U.S. and Soviet representatives fell apart in early-1946. Debate about the length of occupation without a trusteeship continued at the diplomatic level, but MG authorities proceeded with prison reform that would eventually serve an independent Korean state friendly to U.S. interests. Penal authorities began to tour prisons and collect letters from prisoners which they used to appraise the progress made since the September turnover. The system still rested on a precarious foundation of despised colonial legacies and material hardships, but MG officials constructed an image of difference between their penal administration and that of their Japanese predecessors. With prisons refilling to their colonial period inmate totals, officials began reworking prisons' religious, labor and hygiene practices. However, this image of "progress" was only visible by reframing existing colonial practices and deflecting responsibility for the deteriorating standard of living under U.S. occupation.

The MG DoJ began to publicize the results of their first reform measures to influence further courses of action, but pressure mounted on the penal system to address the wave of political strife, refugees returning to the peninsula, and crimes of poverty. The MG had revitalized the colonial prisons' role in producing disciplinary power that, Foucault emphasized, "centers on the body, produces individualizing effects, and manipulates the body as a source of forces that have to be rendered both useful and docile."[168] But overcrowded prisons forced them

[168] Foucault, *Society Must Be Defended*, 249.

to also tackle matters of population and develop biopolitical power—"bring[ing] together the mass effects characteristic of a population" and trying to "control the series of random events that can occur in a living mass…or at least compensate for their effects."[169] The final section of this chapter demonstrates how the MG penal regime transformed from a basket case of public administration to an instrument to control popular dissent amidst deteriorating standards of living. This transformation further solidified the prison as a social good in the occupation's legitimating narrative and lasting penal imaginary.

One technique of disciplinary power through penal reform was the revitalization of prisons' religious programming. The MG could simultaneously provide structured rehabilitation time while contrasting the new system's relative religious freedom with the memory of colonial ideological indoctrination. One of Matt Taylor's first significant changes to prisons (after bringing the system back to operational status) was the implementation of multi-faith religious services. The DoJ first implemented weekly services for Seoul Prison's inmates in November 1945. Sunday services were led by Christian pastors, Buddhist monks and Confucian scholars with the goal of encouraging prisoners to repent (*ch'amhoe*) for their past crimes and become a "new human."[170] The religious programming also taught inmates to print their own religious texts and hymnals. The services were extended to Daegu, Daejeon, and eventually all 19 of South Korea's prisons by December.[171] The addition of church services to the rehabilitative repertoire was meant to contrast the MG's religious freedom relative to colonial penology's quasi-religious reverence for the emperor as tools for instilling an imperial identity. While the

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[169] Ibid.

[170] "Iryo mada sŏlpŏp, Sŏul Hyŏngmuso esŏ" *Chungang sinmun*, November 28, 1945.

[171] "Press Release, 14 Dec 1945," RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

practice of Christianity had become widespread in Korean society over the previous century, its emphasis as one of the primary modes of rehabilitation was a notable change in penal administration. It also stands as one of many examples of the prison's role in instilling an affinity for the culture of the United States and the Cold War's emerging "Free World" bloc.

The DoJ gathered inmate feedback on the services and mined their responses for appraisal as welcome change from Japanese forms of prisoner indoctrination. In January 1946, the DoJ started to translate and analyze 141 letters of Seoul Prison inmates, looking for appraisals of the role of Christian chaplains in implementing religious services in the prior two months. Prisoners' letters offer a rare glimpse into their experience of carceral spaces in this period. The sudden and disproportionate focus on the letter campaign in DOJ reporting suggests an urgency to legitimize prisons as humane spaces for social rehabilitation. One prisoner who had been imprisoned and tortured for four years under the Japanese Government General for violating the Peace Preservation Law found himself behind bars yet again under the occupation. His charges were not specified. He noted differences between religious education in the Japanese and MG penal systems: Japanese Buddhist preachers droned on like "talking machines," but the preachers presently employed were "very amusing to us."[172] The inmate praised the new religious education which he claimed told him "what is 'love,' the love of Jesus Christ…I believe that religious reclamation is much more effective than the influence which a [sic] hard labor exerts on [convicts]."[173] Another prisoner was less enthusiastic about the religious services, complaining "it's so damned cold in church" and that the minister's sermons were

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[172] USAMGIK Department of Justice, "Letters from Prisoners," Correspondence, Department of Justice to Military Governor, January 12, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[173] Ibid.

"intolerable."[174] His letter only requested that he be allowed to leave his socks on so he might better enjoy the services in warmth—a rare critique among cherry-picked praise of religious programming. Overall, occupation officials used the study of prisoners' letters to conclude that "it was felt that American penal methods were superior to Japanese."[175] However it was received by the inmates, a rehabilitative penological model based on religious education had taken root.

The Korean press of early 1946 also furthered a narrative of stability and ingenuity in early MG penal reform through eyewitness tours of prisons. One journalist touring Sŏdaemun Prison in February noted differences before and after liberation.[176] He toured nine work buildings where prisoners made suits and shoes while another reported active wood shops, weaving looms, and an ironworks in an article headlined "The prison that reforms one's content."[177] Even though journalists framed positive changes in penology as innovations that would help establish the prison as a method of social rehabilitation, they were not new. This was a sign of prison factories slowly returning their colonial level of functionality. They also could not help but report the sharp increase in inmates since the MG took charge. The daily intake of inmates had doubled, and the total had increased sevenfold since November (from 320 to 2241). Of the convicted inmates (*kigyŏlsu*), the majority were serving sentences for nonviolent theft/larceny (*chŏlto*, 670) and violating MG ordinances (445).[178] Most of those crimes were related to illegally selling U.S. military supplies such as snacks and cigarettes. None of the total was considered a "political prisoner" by name. 60 of them were Japanese but, the article assured readers, speaking Japanese

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[174] Ibid.

[175] USAFIK HQ, "MG Daily Report #35," Radio communication, USAFIK Commanding General to SCAP, January 11, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

[176] "Haebang toen ch'ŏlch'ang e choesu nŭn kyŏkchŭng hyŏnjae 2200 myŏng," *Tonga ilbo*, February 7, 1946.

[177] "Rŏch'wi changgwan i Sŏdaemun Hyŏngmuso sich'al," *Chungang sinmun* February 8, 1946.

[178] "Haebang toen ch'ŏlch'ang e choesu nŭn kyŏkchŭng hyŏnjae 2200 myŏng," *Tonga ilbo*, February 7, 1946.

was "prohibited."[179] The reporter noted further differences under the new system, "In each factory, prisoners sing the National Anthem (*aegukka)*…[Under the Japanese] they had to say the Imperial Oath, now they sing the National Anthem."[180] He took this as a sign that even though the prison was experiencing food ration shortages (along with the rest of the country), and even though rehabilitation of the growing number of convicts was incomplete, one could feel the joy of liberation: "even in prison people are crying out 'Hurray for Korean Independence' (*Chosŏn tongnip manse*)."[181] Journalists ironically reported the alarming rate that prisons began filling up while projecting an image of normalcy after liberation from colonial rule.

An accompanying piece detailing the inspection includes a photo of American and Korean officials looking over prisoners "working hard on the path to repentance."[182] The photo of Military Governor Archer L. Lerch in formal military attire looming over prisoners presents a striking visual metaphor of the externally imposed transfer of penal regimes (Figure 1.3).

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[179] Ibid.
[180] Ibid. This presumably refers to the version of the Korean National Anthem written by An Ik-t'ae in 1936 during the Shanghai Provisional Government period.
[181] Ibid.
[182] "Choesu saenghwal sich'al, kunjŏng changgwan irhaenggi," *Tonga ilbo*, February 7, 1946

Figure 1.3: Military Governor Arthur L. Lerch inspects inmates at labor, Sŏdaemun Prison. *Tonga Ilbo*, February 7, 1946.

The accompanying article praised prisoner treatment standards, contrasting it with the Japanese system. Now prisoners could partake in proper exercise and had a better overall level of health, they claimed.[183] The same progress in rehabilitative labor and religious services took hold in the provincial prisons as well with factories up and running in Daegu in March. Prisoners were supposedly reforming themselves "spiritually and materially" at Sunday services, complete with

[183] Ibid.

singing the national anthem, but still had to contend with an extreme shortage of rations.[184] All of these press accounts from early 1946 praised advances in penal reform but also revealed the rising tide of poverty and social crime.

Attempts at disciplining the individual into identifying with the rehabilitative function of their imprisonment coincided with growth in the population of criminals. Korea was undergoing an influx of refugees and repatriating personnel who were mobilized in the Japanese war effort. MG activity reports from early 1946 further signaled a crisis in penal capacity, marking a considerable increase in "petty crime" in the Incheon area, "prompted no doubt by the influx of transient personnel."[185] Koreans repatriating from the crumbled Japanese empire were processed through a refugee camp system. The difficulty of readjusting to a "home" society in which one had never lived and worked left many no choice but to pursue crime to survive, or so went the common perception. This essentially made the court, jail, and prison systems additional nodes in the refugee repatriation network. However, the prison system was ill-equipped to handle the proportionate population of inmates for normal circumstances, let alone an influx of poor refugees amid economic crisis and political turmoil. Penal section correspondence from January blamed both the lack of adequate jail space and the "slowness and inability" of Korean civilian courts, "preclude[ing] the exclusive use of existing civil court facilities."[186] Military provost courts were established to pick up the slack. They warned that a prosecutor should "keep his eyes

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[184] "Choesu saenghwalsang imo chŏmo, kangjŏl tobŏm i suwi Taegu Hyŏngmuso e tŭrŏnan t'onggyejo," *Taegu sibo*, March 26, 1946.
[185] USAMGIK HQ, "MG Reports of Activities," n.d. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[186] "Military Occupation Courts," Correspondence, January 10, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

on every social and political movement and shall prosecute any person participating in it who is against the law."[187] Broadening categories of criminality coupled with a chaotic, bifurcated court system created untenable conditions when authorities tried to beautify the prisons' program of social rehabilitation.

Prison overcrowding begat prison breaks and authorities still battled infrastructural limitations. Even Seoul's arguably more modern facilities were found to be inadequate, old, and "Insecure as hell," as one early February report put it.[188] Reports on security revealed that the cells in national prisons still had flimsy bars that were anchored in wood, and the outside gates could be easily knocked down by a group of prisoners if a riot broke out. Guards were also inadequately trained with a notable drop in discipline after the shift from Japanese to Korean administrative personnel. An MG observer noted that the new guards did not command respect, were inefficient, and attempted breaches of protocol they "wouldn't have dared" under the Japanese.[189] It was believed that the new wardens were only maintaining control through a show of force, and that it would take more time, material assets, and training to correct the situation, but it was expected that "many breaks may be attempted."[190] In the same month Maj. Taylor was alerted that rice apportioned to Seoul Prison was insufficient and would only last one more month before they should expect riots over food rations.[191]

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[187] Ibid.
[188] USAMGIK Bureau (Department) of Justice, "Report of Security Needs, Korean Prisons," Correspondence. Penal Department to Director, Bureau of Justice, February 4, 1946. RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History. Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[189] Ibid.
[190] Ibid.
[191] USAMGIK HQ, Correspondence, Military Governor Archibald Lerch to Major Taylor, February 18, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

Concerns over security were rather prescient as one of the first of many of the year's high-profile prison breaks made headlines the same month. On the afternoon of February 13, 20 inmates rushed the gates at the Map'o branch of Seoul Prison and 8 escaped.[192] They had taken advantage of the relative freedom of movement working in the facility's paper mill. The guard overseeing the factory was seized from behind, could not fire his weapon, and was too far from the telephone to sound the alarm.[193] Inmates then broke padlocks and managed to escape by evading the view of the guard tower and breaking the gate's only lock on the inside of the door. To make matters worse, the guard in the tower reported not having a round in the chamber of his gun, adding to the mounting evidence of poor training.

This was the double-edged sword of rehabilitative penology: to allow inmates the activity of labor also required they move out of their cells. These inmates had quickly found vulnerabilities in the work area's security. Even more precarious were work details outside of prison walls. One such chain gang made headlines months later while doing work cleaning a stream in downtown Seoul's Chongno district. One prisoner waited for his chance and ran when the guard was not looking.[194] Penal administrators faced a conundrum: mobilizing prisoner labor helped maintain facilities, manufacture goods for sale on the free market, and bolster the penal system's image of social rehabilitation. On the other hand, prisoner labor also left the security of the system vulnerable to the negligence of undertrained personnel.

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[192] Freeman, "Report of Prison Break, Mapo Branch of Seoul Prison," February 15, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[193] Ibid.
[194] "Chagŏp hadŭn pisu t'alchu," *Tonga ilbo*, April 25, 1946.

On March 1 the associate director of the DoJ, Kim Young-hŭi gave an address praising advances in handing over more power to Korean personnel.[195] Despite his patronizing internal remarks to MG personnel that Koreans were like "children" who were "incapable of anything,"[196] Maj. George A. Anderson also praised expanded Korean control as a "gratifying" two-week "experiment" that would lead to further self-government by Koreans.[197] Kim added that one sign of the maturity of the Korean penal system was that despite the prison break at Sŏdaemun Prison, guards were confident enough in their authority to shoot escapees.[198] He also tallied 41 functioning courts, 18 prisons, and 3 juvenile reformatories all staffed by 2293 legal personnel and 4959 prison staff.[199] He also touted plans to improve prison industry so that the 18 prisons could produce manufactured goods "to assist the nation in making itself independent economically."[200] He waxed optimistic:

> "You are now helping us in building our new nation for us and our children. Our new nation will be really independent when it can give its own just administration of law. Together we have thus far succeeded in laying the foundation of the work. The work must be carried on to get the full strength of its roots to grow, *our Korean judicial administration should be firm and just before the nation could be recognized as* [an] *independent nation*… You are putting your finest investment in a new nation. Such a privilege is not granted by God to everybody nor in every generation. You have this great privilege of aiding in the growth of Korean judicial administration."[201]

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[195] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim," 4–5.
[196] USAMGIK Bureau (Department) of Justice, "Interview with Major George A. Anderson, AC, Exec Off Bureau of Justice, 25 March 46." NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[197] USAMGIK Department of Public Information, "Press Release," March 25, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.
[198] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim," 4.
[199] Ibid, 5.
[200] Ibid.
[201] Ibid.

Kim's words underlined the shifting attitude in penal administration in early-1946. The MG granted further autonomy to branch prisons, making them independent institutions with greater autonomy of Korean wardens, and changed Seoul's branch prison to Map'o Prison, the name it would carry for South Korea's early history as an independent republic.[202] With even more autonomy in punishing and rehabilitating their fellow Koreans, legal and penal reformers framed rehabilitating prisoners as a mission tantamount to ensuring the future of Korean autonomy itself.

Press releasees painted a very different picture than the data found in the rest of MG reporting. A burgeoning number of suspects awaiting trial or convicted of crimes of poverty continued to languish in jails throughout 1946. The national inmate total for national prisons rose 58% (3858 to 6628) from December 24 to February 1, 1946.[203] The slate had been swept clean for many when prisons were emptied upon liberation, but recidivism became a topic of public debate once the criminal justice system resumed a relatively normal level of functioning. The prison system was overburdened as it was with new offenders, let alone individuals using bedspace a second or third time. The DoJ enlisted the help of chaplains assigned to prisons and other civic organizations to buck the trend of repeat offenders by providing parolees with work and training. Civic organizations also began cropping up to tackle the problem of the rising prison population.

Thus, the occupation continued the capillary spread of disciplinary power in the postcolonial society on two fronts: for one, they continued to discipline the disciplinarians and limit public relations snafus caused by unruly personnel. The other was enlisting the help of the

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[202] USAMGIK Department of Public Information, "Press Releases," March 29, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.
[203] USAFIK HQ, "MG Daily Report #56," Radio communication, USAFIK Commanding General to SCAP, February 5, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."

broader free society, encouraging them to internalize their role as stewards of community members who had fallen into deviance. The DoJ applauded the rise in “probation societies” and planned to expand them from 10 to 18 such organizations between March and April with new groups in the provinces and 2 million yen budgeted for the project.[204] Whether or not the social safety net was ready for them, the MG was pressured to release 320 inmates from prisons in March, but Kim Young-hŭi feared they would “drift back into prison” if they were not met with jobs to “reestablish themselves in society.”[205] Being independent from the probation societies had the goal of enlisting private interests and civil society in taking up a role in the carceral system. Members of free society began to debate the source of recidivist crime: was abject poverty or communist agitation fueling the uptick in crime? Alternatively, how could the sources of crime be distinguished when the occupation itself claimed authority over improving the ailing Korean economy?

The answer was that they could not be differentiated: evolving MG legal codes and sentencing practices blurred the distinction between political and social crime. In the same period military provost courts were forced to handle the increasing number of cases involving both crimes of poverty and political crimes, including a myriad of behaviors ranging from demonstrating against the MG to directly sabotaging infrastructure and logistics networks. Courthouse jails and prisons steadily filled to capacity. From February the MG recalled military officers from provincial courts up to Seoul to help process the overflow of cases.[206] The headquarters of the XXIV Corps also got involved and urged legal authorities to rectify the troubling system-wide discrepancies in sentencing. It was terrible for public relations and could

[204] USAMGIK Department of Public Information, “Press Releases,” April 6, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.
[205] Ibid.
[206] Kim Yŏng-hŭi, “Address of Dr. Y. H. Kim,” 3.

be likened to the excesses of the colonial regime if two convicts received wildly different sentences for the same crime. To remedy this, the MG fixed fines and maximum sentences for imprisonment at hard labor. Normalizing sentencing was particularly necessary after a host of new political crimes were targeted for crackdown with the February issuance of Ordinance no. 55 which required political parties to register with the military government (making them easier to track).[207] A later ordinance issued on May 4 (Ordinance No. 72) listed 82 distinct punishable offenses ranging from acts of direct sabotage to expressions of opposition to the MG and U.S. interests in speech or formal political messaging.[208] The February ordinances came at a time of ratcheting up of Cold War rhetoric with George Kennan's "long telegram" that spelled out containment as a global strategy.[209]

This ramping up of geopolitical and local rhetoric of containment manifested in the legal system as an influx of arrestees to be tried for political crimes. The MG legal apparatus had to continually discipline its own personnel and give special attention to the excessive behavior of the National Police who systematically violated suspects' right of *habeas corpus* in crackdowns on demonstrations and political meetings. Due process became an issue not just for the MG's image as the body protecting Koreans' basic freedoms, but also logistically: cases had to be tried in a timely manner so as not to overflow court and police precinct holding facilities, nor overflow prison spaces with inmates awaiting trial for minor crimes. The general counsel headed by Secretary of General Affairs, Emory J. Woodall issued another statement on *habeas corpus* on March 5, four months after his initial Order #1 defining the police as the only legitimate

[207] Cumings, *Origins of the Korean War,* 246.
[208] Ibid.
[209] Ibid, 226.

apprehending agency.[210] His cabinet had to restate that suspects must be turned over to the prosecutor for arraignment proceedings within 48 hours of their arrest, and charged within 10 days or be released.[211] There were notable exceptions however: one could be held for longer if they were likely to flee, insane, threatening suicide, or if charged for a crime that would carry a sentence longer than 30 days.[212] There was mounting evidence of Korean police abusing their power to apprehend political opposition and even using torture to force confessions or just keep them inactive behind bars. It was not only the abusive police, but also the judges that were slowing the process: "…it is very hard to get the Korean judges to understand release on bail. They often have natives jailed and held for months, even though they will only be fined. They delay in trying cases and take an interminable amount of time in court."[213] The MG continually blamed Korean legal and penal officials for carceral overcrowding.

The habitual mistreatment of prisoners in custody could not be kept from public scrutiny indefinitely. Director of the Bureau of Police, Cho Pyŏng-ok spoke out against these "inhuman practices," framing them as a carryover from the Japanese period.[214] The U.S. advisor to uniformed police and former head of the Detroit Police Training School, Maj. Claude Broom framed the continuities in more racialized terms: "Oriental customs have always decreed that police abuse prisoners. New policemen, formerly taught to take and dish out pain stoically, are

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[210] USAFIK HQ, Office of the Military Governor, Bureau of Justice, "Bureau Order No. 1, Prisons, 3 Nov 1945" Monagan Papers Box no. 5, Hoover Institution Library & Archives.
[211] Emery J. Woodall, "Opinions of General Council: 9. Arrest and Detention, Maximum Periods of; Filing of Charges; "Habeas Corpus," 1. Walter E. Monagan Papers Box no. 5, Hoover Institution Library & Archives.
[212] Ibid, 2.
[213] USAMGIK Bureau (Department) of Justice, "Memo: Justice (Prisons and Juvenile Delinquency)," December 25, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[214] USAMGIK Department of Public Information, "Press Releases," March 25, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.

now being instructed in the more tactful western methods."[215] Broom repeated the false civilizational binary between "East" and "West" when presenting "occidental" as an aspirational goal for further reform: "Overcrowding of cells, formerly a universal fruit of all Korean jails, has practically stopped under the new system. However, a recent survey by Public Health officers indicated that jails are still below *occidental* standards."[216] The disciplinary regime that utilized physical force was as much a tool for disciplining Korean police as it was the criminal. The use of excessive violence by Koreans was attributed not only to the criminal justice system's colonial legacy, but also to Korea's cultural history. The press release referenced a rather dubious historical period of "2000 years" in which the number of punitive strokes used by Korean officials was reduced from twenty to just five to highlight the progress made in their short tenure on the peninsula. The number of strokes, time period, legal context and vagueness about who is striking whom do not align with the penal history of Korean society. Nonetheless, the official believed that the practice of corrective violence in police administration could be eradicated "in a year or two."[217] The problem of violence towards prisoners and amongst police themselves was framed as a culturally specific problem—a historical or civilizational trait of Japanese and Korean conceptions of governance. Maj. Bloom regurgitated the orientalist, civilizational discourse of MG penal reform by suggesting the mere presence of the U.S. military would accelerate an inevitable evolution from a punitive regime to a disciplinary one. Whether a colonial holdover or product of a new dynamic, the violence of overzealous National Police, coupled with overcrowded and undersupplied prisons were constant liabilities for the occupation government's public image.

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[215] USAMGIK Department of Public Information, "Press Releases," April 15, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.
[216] Ibid. Emphasis added.
[217] Ibid.

The MG expanded the category of political crimes through the issuance of several ordinances from March to May of 1946, resulting in rising total number of people in custody and more strain on the judicial system. One solution proposed was to reign in the erratic sentencing practices of the inexperienced provost court judges with fixed sentences, spelled out in a list of crimes and their maximum sentences. The highest (five-year) sentences were reserved for any form of sabotage threatening MG rule. Provost courts could imprison convicts for acts of dissent ranging in scale from attending unauthorized parades or meetings down to speech acts themselves. The crime of "Uttering speech or words, making gestures, singing song, playing music, acting in a play, or exhibiting a picture, banner, or placard hostile to the United States, its armed forces, or any member thereof, or the military government" carried a fixed two-year maximum sentence.[218] This effected a hierarchization of social and political crimes and transcribed tactics of resistance to U.S. rule as a chart of criminal acts, their severity ranked in numerical terms as months or years for sentencing.

The pattern by now will be obvious: the press served as a means for penal officials to tout progress in reforms but could not avoid mentioning the established trend of rising prisoner totals and the new challenges that accompanied that phenomenon. By April, the infamous Seoul police chief Chang Taek-sang could boast that the average number of prisoners awaiting trial in Seoul's jails had dropped to a third of their January high of 1200 coupled with a concerted effort to speed up the trial process.[219] A high-profile entrepreneur held at Sŏdaemun Prison in the same period

[218] U.S. Army XXIV Corps HQ, "Appendix C: Table of Maximum Punishments for Provost Courts," Correspondence, HQ XXIV Corps to Military Governor of Korea, January 14, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[219] USAMGIK Department of Public Information, "Press Release," April 8, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.

on charges related to embezzlement and violating MG ordinances provided a rare inmate's perspective. When interviewed he praised the prison's ventilation, uniforms, food and utensils and even likened it to a "first rate hotel."[220] There was controversy however as to the preferential treatment Pak had received that would lead him to this positive assessment, [221] but it became common for contemporary observers to use the very low bar of the impoverished society outside prisons walls to make favorable comparisons of advances in prison infrastructure. The state of prison reform was juxtaposed with the institutions' colonial past as well as the chaotic, poverty-stricken present.

Qualitative progress in the face of quantitative hardship was also the trend for provincial prisons. One press observer of Daegu Prison praised its health facilities by boldly claiming there was no great difference between those in the prison and a hospital in free society.[222] They also framed the development of prisoner recreation in contrast to the former use of the same facilities for military training under the Japanese.[223] The article broke down an inmates' ideal daily schedule which included long hours of work but also time for reading and education in the evenings. Things looked much improved from the chaos of the winter months, but even this provincial prison could not avoid overcrowding and lack of rations. The *Daegu Times* (*Taegu Sibo*) reporter compared the composition and amount of inmate rations to that of an impoverished family in free society.[224] It is up to the reader to decide if this is laudable or a sign of institutional crisis. Days later, the same paper ran a story about the ration problem that was growing more severe by the day and the need to mobilize as many as 300 inmates to carry out

[220] "Ŏngnyu saenghwalmul ŭi Pak Hŭng-sik," *Hyŏndae ilbo*, April 16, 1946.
[221] "Illyu hot'erhwa han Pak Hŭng-sik ŭi kambang," *Chungang sinmun*, April 16, 1946.
[222] "Myŏnmok ilsin han Taegu Hyŏngmuso," *Taegu sibo*, April 22, 1946.
[223] Ibid.
[224] Ibid.

restoration projects in the prison.[225] The use of inmate labor could be spun as a positive use of their time to instill job training to prevent the recidivist cycle when they rejoined society. Perhaps even better than many of their free counterparts, prisoners at Daegu Prison began daily courses learning *hangul,* and "social education" (*sahoe kyoyuk*) or education for "building the nation" (*kŏnguk kyoyuk*).[226] In Daegu, just as in Seoul, the old model of Buddhist religious education was discarded for Christian services on Sunday and one reporter described it as additional education for cultivating "sincere humans" (*ch'amdaun in'gan kyoyuk*).[227] The blending of secular and religious education became an issue in the same span of weeks when wardens and chaplains from the 18 national prisons met in the first week of May[228] to discuss further plans to produce and distribute textbooks in a campaign to "eradicate illiteracy" (*munmaeng t'oech'i*).[229] They gave special attention to expanding education *and* religious services, giving them equal weight as strategies of rehabilitation penology. They also discussed opening a prison guard academy to better train penal personnel.[230]

Time behind bars may have become more tolerable, at least to observers, but the sheer number of inmates who would also become parolees necessitated reforms in labor and education programs. Simple confinement had to be augmented with strategies of expanding social rehabilitation programs in provincial prisons. Before liberation, Daegu Prison held around 900 inmates, but by April of 1946 held 1348 inmates, the majority of them held on theft, burglary, and other "trending crimes" (*yuhaeng choe*).[231] That crimes of poverty were a "trend" was a

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[225] "Singnyang t'agae e iryŏk Taegu Hyŏngmuso suindŭl i kuil kunyong hwangmuji kaegan," *Taegu sibo*, April 26, 1946.
[226] "Myŏnmok ilsin han Taegu Hyŏngmuso," *Taegu sibo* April 22, 1946.
[227] Ibid.
[228] USAMGIK Department of Public Information, "Press Releases," April 20, 1946. George F. Mott Papers, Box 19, Hoover Institution Library & Archives.
[229] "Kyogwasŏ paebuk'o suin ŭi munmaeng t'oech'i chinnyŏk," *Kwangju minbo*, May 1, 1946.
[230] "Hyŏngmuso jang hoeŭi," *Hansŏng ilbo*, May 7, 1946.
[231] "Myŏnmok ilsin han Taegu Hyŏngmuso," *Taegu sibo*, April 22, 1946.

subtle admission that the status quo under the occupation precipitated crimes of poverty. In a rare tonal shift for press coverage of changes in penal administration, a critic in nearby Busan decried the expansion of that city's prison. This was not a welcome change: they dismayed the continued use of the same facilities that held anticolonial resistance fighters to incarcerate fellow countrymen, and expected that prisons be abolished after liberation.[232] The author alleged that yes, the colonial Peace Preservation Law had been abolished, but the MG's ordinances led to a sudden rise in people convicted as "heinous criminals" (*p'aryŏmch'i pŏmja*).[233] Another article announcing the Busan Prison expansion project provided figures for the different types of crime in the present and a year prior under the Japanese: currently, Busan held 1375 prisoners up from 633.[234] The category with the highest portion of sentences, burglary and theft (*kangjŏlto*) had more than tripled, rising from 319 to 1000 inmates after liberation. In this way, the press implicitly critiqued the occupation and resulting crime wave by comparing pre- and post-liberation inmate totals. Nonetheless, they generally portrayed changes in rehabilitation penology as advances over the colonial system.

Things were looking promising for expanding education for social rehabilitation after the May 6 meeting of wardens and religious leaders at Seoul Prison. The conference lasted for 3 days and laid out a course to eradicate illiteracy, prevent juvenile crime, and stem the tide of recidivism.[235] However, pronouncements at high-level meetings could not hide the personnel problems plaguing Korea's changing penal system. The warden of Seoul's newly independent Kyŏngsŏng (Map'o) Prison was charged with sexually assaulting a typist[236] and several prisoners

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[232] "Chŏryŏng p'irhyang," *Pusan sinmun*, 1946.
[233] Ibid.
[234] "P'ogo wiban 200 myŏng Pusan Kamok manwŏn ŭro chŭngch'uk," *Pusan sinmun*, May 15, 1946.
[235] "Hyŏngmuso kunae kaesŏn, kansujang hoeŭi esŏ hyŏbŭi," *Chungang sinmun*, May 18, 1946.
[236] "Hyŏngmuso Jang Kim Yun-gyu ŭi ch'uhaeng," *Chungang sinmun*, May 21, 1946; "T'aip'isŭt'ŭ kanggan, hyŏn Hyŏngmuso Jang Kim Yun-gyu," *Kongŏp sinmun*, May 22, 1946.

convicted of violent, “heinous” crimes escaped from the same facility.[237] The escaped convicts had climbed through an opening in the cell block ceiling.[238] The addresses of their families and former residences were published in the paper—likely a tactic to enlist the public in helping apprehend them should they seek refuge at those locations.[239] Articles covering the incident emphasized that the escapees were dangerous and convicted of brutal crimes. By June of 1946 the acting justice department director dismissed both the warden and assistant wardens by order of the military governor.[240] Strangely, they were given another dismissal order in July that claimed they were let go on their own accord, perhaps to save face.[241] Things were not running smoothly in Seoul’s premier carceral institutions.

Administrators in provincial facilities did not fare much better in their efforts to improve work, ration, and hygiene conditions. In the same month a *Yŏngnam ilbo* journalist penned an article after inspecting a local prison (presumably Daegu Prison) pleading for continued overhaul of prison infrastructure. They lamented that even where progress had been made, still more effort was needed to fully overcome the “living hell” of the prior colonial prisons.[242] The proposed solution was to provide prisoners with labor, but equipment was expensive and raw materials were scarce. The warden’s interview framed the lack of equipment and supplies as a problem of overeager participation by inmates: prison factories and workshops were insufficient to give every inmate the opportunity to engage and avoid “living an idle life.” The Daegu Prison warden

[237] “Sarin kangdo tto t'arok,” *Tonga ilbo*, May 25, 1946; “Sarin kangdo choesu 3 myŏng i t’arok toju,” *Chungang sinmun*, May 25, 1946.
[238] “Kyŏngsŏng Hyŏngmuso choesu 3 myŏng t'alchu,” *Kwangju minbo*, May 28, 1946.
[239] “Sarin kangdo tto t'arok,” *Tonga ilbo*, May 25, 1946.
[240] USAMGIK Department of Justice. “Department Discharge No. 4,” June 15, 1946. Walter E. Monagan Papers, Box 5, Hoover Institution Library & Archives.
[241] USAMGIK Department of Justice. “Department Discharge No. 6,” July 23, 1946. Walter E. Monagan Papers, Box 5, Hoover Institution Library & Archives.
[242] “Hyŏngmuso chŏmgyŏng chagi ŭi kach'i himssŏ chagŏp yŏngŏ saengwhal do wanjŏn kaesŏn,” *Yŏngnam ilbo*, May 30, 1946.

was more candid about the problems persisting in the prison. When asked about treatment of prisoners he replied that there was little difference between the present and their treatment under the Japanese.[243] The reader could judge if that were a positive or negative assessment, and when pressed on the issue with further questions he responded that the practice of extrajudicial torture/beating (*sahyŏng*, 私刑) was prohibited under both systems, but the truth of those incidences had to first be known before authorities could intervene. He claimed that in the past there were many guards who violated these rules but at present there were no violators.[244]

Press attention on prisons allowed administrators a platform to laud certain changes while also critiquing the glaring lack of nutrition, hygiene, and funding for rehabilitation programs. Daegu Prison's situation gives some idea of the condition of modestly sized provincial prisons: there were around 50 patients in the infirmary and a severe lack of necessary medicine. Prisoners were allowed to bathe once a week, daily in the summer with cold water, and could exercise twice a day for 30 minutes. When asked about whether he expected that any inmate who was sick would receive treatment the warden replied that it did not look possible at the moment. When finally asked about the reason for limiting prisoners' access to reading materials, the warden shifted blame to the policy of higher-ups, but assured the press that prisoners were indeed given access to whatever history books they wished to read.[245] Again, the surface-level image of developing rehabilitation education served as a salve for abysmal material conditions.

The MG's early strategies to discipline courts and penal administration proved somewhat successful but always contended with the nefarious deeds of the National Police and growing social problems associated with hunger and poverty. Glowing reports from late spring gave way

[243] "Kim Hyŏngmuso Jang kwa ilmun ildap," *Yŏngnam ilbo*, June 9, 1946.
[244] Ibid.
[245] Ibid.

to reports of escape, abuse of power by wardens, and hunger strikes demanding greater rations. The DoJ enjoyed some respite from bad publicity in the summer of 1946 as courts cleared the backlog of cases that grew with the early resumption of operations after the liberation. In the penal realm, they cleaned house by firing nearly every warden of major penal institutions and shuffling individuals in leadership positions around the peninsula.[246] News of food scarcity, prison overcrowding, escapes and other disturbances died down, at least for a while.

Around the same time, the MG streamlined their system of reporting each sector's non-military operations. These summation reports from mid-1946 evidence a period of standardizing practices but were only a calm before the storm. The July report listed a total population for the nation's prisons of 12,150 inmates.[247] They announced a rollout of "prison industries" as a renewed, "integral part of the rehabilitation and vocational training program at all the prisons under the Korean Department of Justice" to "expedite [prisoners'] reorientation in society."[248] These "reforms" were not entirely new: such programs existed but were undersupplied, and their proposal was not entirely different than prison work programs during the colonial period.

Summation reports did exhibit some reserved optimism with regard to alleviating the prisons' food shortage issues after officials integrated the prison work programs with agricultural work. The "two birds with one stone" approach engaged prisoners in job training while striving to achieve food security for each facility. The penal department oversaw 485 acres of dry farming land and 813 acres of paddy land, but as was the case with penal industrial training the

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[246] USAMGIK Department of Justice. "Department Appointment No. 7," July 23, 1946. Walter E. Monagan Papers, Box 5, Hoover Institution Library & Archives.
[247] GHQ Commander-in-Chief, United States Army Forces, Pacific, *Summation of United States Army Military Government Activities in Korea: No. 10 July 1946*, 20–1. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[248] GHQ Commander-in-Chief, United States Army Forces, Pacific, *Summation of United States Army Military Government Activities in Korea: No. 10 July 1946*, 5, 20. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.

agricultural programs also lacked necessary equipment and even fertilizer and were thus still reliant on outside sources. Penal authorities began to establish camps outside prison walls for prisoners engaged in agricultural and other work projects which momentarily alleviated overcrowding and other logistical issues.[249] Later reports praised the bit of progress in the use of outdoor spaces to utilize prison labor in public works projects with nearby camps for them to sleep in at night.[250] A meeting between U.S. advisors working in the DoJ revealed that U.S. personnel were trying to implement agricultural labor in "road camps" on an ad hoc basis. One officer, a Maj. Don E. Winterburg, former corrections officer at the United States' Fort Leavenworth Federal Penitentiary, was overseeing prisoners working in a former Japanese-owned apple orchard, some others in a quarry, and exploring the feasibility of obtaining a fishing boat to produce food stuffs for prisons.[251] The prisoners working in the orchard were only compensated with the apples they grew and the right to farm their own crops between the apple trees. With arguably more experience in penology than anyone else working in the MG, Winterburg was incredibly pessimistic about the viability of any of these programs. He complained of continually having to "scrounge" and make unauthorized deals to obtain equipment, only to still be struggling with "no supplies, nothing to work with, no nothing" and only "lots of prisoners who needed clothes and food and had no work."[252] All of these desperate

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[249] USAMGIK Bureau (Department) of Justice, "Investigation of Conditions in Daegu Prison," December 25, 1946. RG 332, USAFIK, XXIV Corps, G-2, Historical Section, Records Regarding the Okinawa Campaign, USAMGIK, Box No. 21, Sources Material on Administration of Justice, USAMGIK thru Miscellaneous Source Material on Justice, USAMGIK History (6 of 6). Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.
[250] GHQ Commander-in-Chief, United States Army Forces, Pacific, *Summation of United States Army Military Government Activities in Korea: No. 13 October 1946*, 1946, 26. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[251] USAMGIK Bureau (Department) of Justice, "Memo: Justice (Prisons and Juvenile Delinquency)," December 25, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[252] Ibid.

strategies for reducing prisoner starvation brought them outside of prison walls. They could be sold as rehabilitative penology to combat recidivism but were merely makeshift solutions to dire structural problems.

Conclusion

This chapter has demonstrated that the MG had made facile changes to prison administration but were still using colonial period criminal codes to round up political opposition. The occupation relied on the infrastructure and many of the staff of the colonial penal system while framing the current and future system as vastly more democratic than that of their Japanese predecessors. However, they struggled with the basic tasks of governance that had been sufficiently covered by the prior regime: they promised benevolence while also seeking control of a population with diverse material interests and difficulties caused by the sudden rupture in colonial governance. Rather than acknowledge these dynamics, military advisors employed a racialized condescension that decried Korean autonomy and promoted their ongoing presence on the peninsula. At the same time, mounting political opposition to the MG and worsening poverty conditions strained the turnover process. Basic carceral infrastructure was pushed to the breaking point as prisons quickly began refilling at a rate that would come to overflow prisons beyond colonial period totals.

This chapter has examined the MG DoJ's archive and revealed their need to quantify South Korean social dynamics as objects of policy: policy not only to turn over state power from the colonial regime, but also for building an ally state in the emerging Cold War. Under such a relationship, something as local and specific as the inmate count, grain rations at a provincial prison, or numbers of local Koreans hired to work as prison guards had implications for the

U.S.'s longer Korea strategy. In this way, controlling political and social crime was framed as a fight for democracy itself: U.S. occupiers promised a more benevolent, *democratic* justice system than either their predecessors, or a communist regime could provide.

As the next chapter explores in detail, the prevalence of political crime—organizing, sabotaging, or demonstrating against the occupation—complicated the MG's view of social problems and policy, and further threatened to delegitimate their claims to control Korean territory. As the next chapter shows, criminalizing opposition to occupation governance and its poverty-stricken material conditions overflowed carceral spaces with both political dissidents and the desperate poor. The MG responded by framing Korean peasants' and workers' collective struggles as unreasonable, criminal acts. Political opposition to the MG or the future of U.S. presence on the peninsula could be spun as opposition to law and order, communist agitation, and a threat to democracy itself. In the penal realm, authorities scrambled to increase carceral capacity to match the influx of new prisoners as these problems quickly spun out of control.

Chapter 2: "I Would Rather Die Cleanly": The Prisoner Body as Site of Resistance to U.S. Occupation

Introduction:

The previous chapter has demonstrated that U.S. occupation penal authorities achieved minor, qualitative penal reforms in the first year of their rule. These included reframing penal education, labor, and religious programs as elective and desired, improving health and recreation facilities, and continued tweaking of the parole and probation systems. However, observers also raised concerns that the system was still struggling with security liabilities, personnel issues, and an influx of new inmates amid social unrest. They installed military provost courts with unqualified judges to handle the overflow and justified the crude legal proceedings with a racialized condescension, arguing that unilaterally imposed social order was necessary before Koreans could govern an independent nation.

After a year of occupation, social forces converged on both sides of prison walls to oppose the MG's repression of political dissent and exacerbation of poverty conditions. This chapter demonstrates how the occupation government's crackdowns on leftist political activism landed more Koreans in prison at one time than ever under the Japanese colonial regime. Press attention to these milestones turned more prisoners in and out of prison against the carceral regime itself. The occupation and their rightist Korean allies used prisons to hastily confine thousands of leftists and ordinary people caught in the fray after the infamous Autumn Harvest Uprising of 1946. The uprisings were a series of events, beginning with largescale labor strikes in September that coalesced with other peasant-led uprisings attempting to reassert the rule of the people's committees (*inmin wiwŏnhoe*) that had claimed governmental authority of rural areas after the surrender of the Japanese. Bruce Cumings' landmark study emphasizes how the country

nearly erupted in an antiimperialist civil war in the autumn of 1946.[253] The uprisings spurred mass participation of rural peasants who were fueled by generational grievances and the recent memory of the excesses of landlords and the colonial police. Kim Sang-suk's *10-wŏl hangjaeng* (*The October Resistance*) looks more specifically at the uprising's epicenter, Daegu, where citizens protested mismanaged grain policies and excessive force used by local police. Kim shows how the outpouring of popular resentment was a product of starvation, countering the official narrative that the uprisings were masterminded by leftist organizers or communist agents.[254] The uprising was only suppressed through direct intervention by U.S. occupation forces. The resulting prison overflowing made even superficial gestures towards ensuring prisoners' human rights an infrastructural impossibility, and further demystified attempts to reframe the prison as a necessary tool of social control. The conditions in the facilities themselves became justification for further political agitation through riots, prison breaks, and hunger strikes.

In occupation period Korea, hunger strikers attempted to control the conditions of their approaching death. They threatened to starve *inside* prison where they were held for political crimes rather than *outside*, under mismanaged grain distribution policy.[255] They mobilized behind prison walls to continue to resist the legitimacy of the U.S. occupation and the rightist regime that suppressed meaningful expressions of opposition in both word and deed. This chapter draws from analysis of MG records and over 200 newspaper articles to trace developments in penal administration under American occupation, highlighting instances of

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[253] Cumings, *Origins of the Korean War,* 351–81.
[254] See Kim Sang-suk, *10-wŏl hangjaeng* (P'aju: Dolpegae, 2016).
[255] Kim, "Migunjŏng ŭi singnyang chŏngch'aek," 30. Kim has shown how U.S. occupation grain policy relied on faulty numbers from their colonial predecessors, failed to establish adequate supplies of grain on the free market or direct distribution, failed to stem black market sale of excess grain and distribution to a "ghost population," and ultimately failed to provide the average Korean with as much grain as they could access under the Government General of Korea.

prisoner resistance. The MG suppressed dissent while handing nominal control to the South Korean Interim Government (SKIG) in mid-1947, further solidifying Korea's division into separate regimes. Facing such a landscape, high-profile political prisoners weaponized their body through hunger strikes to bring attention to the mistreatment of prisoners and fight for better rations. They also inspired other inmates to join in fasting and even riots. Furthermore, hunger strikers threatened the public relations campaign of reframing the prison as a necessary tool of social control and rehabilitative justice. These strikes gained press attention, but even when successful only gained increased rights within the carceral order rather than dismantling it altogether.

The Autumn Harvest Uprising and resulting fallout were a watershed moment for early ROK penal history. On the one hand, acts of prisoner resistance to occupation and trusteeship reveal an anticolonial subjectivity not yet foreclosed by a lasting, separate regime in the South. These radical expressions of subjectivity were nonetheless circumscribed by a carceral logic regulating normative national belonging: occupation authorities framed mass incarceration of social deviants and political dissidents as the necessary means to ensure the safety and independence of the Korean nation. Civil society critics questioned this logic, but still reasoned that while not all prisoners of conscience should remain behind bars, *someone* had to go to jail to restore order in Korean society. Furthermore, prisoner resistance short of outright escape only granted increased rights *as a prisoner*. Nonetheless, revolts revealed weaknesses in the MG's apparatus of social control. Even with Korean personnel at the helm, the occupation could not shake the paradoxical image of overflowing prisons in an ostensibly "liberated" Korea. This chapter sheds light on this hidden history of resistance that preceded the ROK's monopolization of the legitimate means to punish the nation's deviant other. It argues that prisoner escapes, riots

and hunger strikes created a public discourse on the rights of political prisoners and forced the USAMGIK to release hundreds of inmates over the last year of occupation.

What impact did acts of prisoner resistance—easily dismissed as futile—have on the discursive carceral order? In its simplest terms, a prison *riot* is an open disavowal of penal authority short of an actual breach of the physical confines of the prison itself. News of prison riots weakens carceral power's ability to extend and bolster the exercise of social control beyond the prison walls. A prison *break* makes the rupture even more visible. Both forms of a breach reveal the prison's function in disciplining the prisoner and free society alike—what Michel Foucault called a "capillary" or "synaptic" regime of power that "reaches into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives."[256] For Foucault, the prison is both productive of this relation of power and a privileged metaphor for its capillary spread to other institutions and the whole of modern society. In his famous formulation the prisoner's "soul" (subjectivity), that they possess despite their captivity, is merely the "prison of the body."[257] That is, one's subjectivity is merely an effect of normative regimes acting on the individual's body, and both their resistance and the penal reformer's good will cannot save the prisoner from "a subjection much more profound than him."[258] For the U.S. occupation and emerging ROK regime, reforming the former colonial system was about far more than simply confining dissidents' bodies. Controlling both ordinary *and* political prisoners' revolts would secure the image of the well-ordered prison and in turn, enable further disciplining of the free population.

[256] Michel Foucault, "Prison Talk," in in *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977,* ed. and trans. Colon Gordon (New York: Vintage Books, 1980), 39.
[257] Foucault, *Discipline and Punish,* 30.
[258] Ibid.

Judith Butler's landmark work on subjectivation suggests, on the contrary, the possibility of resistance by a "soul" (clarified as the "psyche") that prefigures the disciplinary regime that confers it with subjectivity in the first place.[259] She suggests the possibility of resistance even through a subjectivity formed and circumscribed by the normative regime: "To deceive the conditions of one's own subordination is thus required to persist as oneself."[260] This chapter excavates artifacts of the prisoner's bodily experience to question the emancipatory potential of such expressions of radical subjectivity. Though inmates' struggles were ultimately subsumed by the language of prisoners' rights and negotiating "acceptable" conditions of confinement, their struggle became legible to free society as victims of the regime. This period of mass unrest reveals a resistant subjectivity that could not be contained by the prison, nor the impending founding of separate regimes on the peninsula. Prisoner resistance to U.S. occupation reveals the contested nature of the early South Korean penal imaginary. The "Koreanized" system's carceral logic dictated that some segment of the population should always be imprisoned, but whom, how, and for what crimes were still open questions for the regime and civil society alike.

This chapter compares press and MG narratives of prisoner resistance to trace changing public opinion of incarceration and the occupation. Worsening social conditions forced people to look inside the typically opaque space of prisons. Starving Koreans who unsuccessfully turned to crimes of poverty had direct bodily experience of the U.S. occupation's carceral regime. Over 100,000 Koreans passed through MG prisons in 1946 alone.[261] Politicking *outside* of prisons can exacerbate, reflect, or draw inspiration from the same dynamics of conflict *inside*. Prison breaks

[259] Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Redwood City: Stanford University Press, 1997).
[260] Ibid, 9.
[261] "Ch'ŏlch'ang e unŭn simman tongp'o nuga kŭ rŭl kŭrŏk'e hayŏttŭn'ga?" *Tonga ilbo*, April 2, 1947 as cited in Pak, "Migunjŏnggi chŏn'guk chuyo hyŏngmuso chiptan."

force an examination of what makes the carceral space unbearable beyond its basic deprivation of liberty. Breaches of the prison wall open the prison up to scrutiny by the larger public. News of high-profile prison breaks in 1946 threatened to dispel the prison's image of impermeability and segregation from free society. Newspaper exposés on prison conditions and riots' breach of carceral order projected the tension of the prison wall—defining inside and outside—onto the public imagination. Such moments of severing and suturing of the carceral order serve as meaningful junctures to analyze both physical changes and discursive shifts in the development of the penal regime. This chapter reexamines lacunae overlooked by official narratives in Korea's penal reform history. It reveals that prisoners demanding better rations and the release of political prisoners gained public sympathy when their press advocates compared their captors—and erstwhile liberators—to the recently deposed colonial regime.

Prison resistance was not monolithic, and tactics had varied degrees of impact in changing public opinion. This chapter's analysis is divided into three forms of prison resistance. Prison *breaks* breach the physical barrier between prison and free society. Prison *riots* sowed doubt in free society observers about the myth of the reformed colonial prison. In a very different way, the *hunger strike* effectively weaponizes the carceral regime's legitimating rhetoric—due process and rehabilitation free from cruel or unusual punishment—against itself. The prisoner does so without violating the basic control of their freedom of action and movement. In *So Much Wasted*, Patrick Anderson disambiguated the various cultural and political meanings ascribed to the practice of self-starvation and reveals the potency of the prison hunger strike as an act of political resistance, calling it the most extreme domain of subjectivation.[262] For Anderson, this struggle mediates a "politics of morbidity," or "interventional embrace of mortality and

[262] Patrick Anderson, *So Much Wasted* (Durham: Duke University Press, 2010), 2.

disappearance not as *destructive,* but as radically *productive* stagings of subject formations in which subjectivity and objecthood, presence and absence, life and death intertwine."[263] By forcing others—the warden, the press, the general public—to witness the wasting away of one's flesh, the hunger striker attains recognition and subjectivity in a slow death that stirs others to action. By starving themselves, the political dissident demonstrating against American occupation chooses the conditions of their death, making themselves the subject of their undoing, rather than the object of an oppressive penal regime. It is an outright disavowal of the oppressor's monopoly over the means of subject formation through subjugation. Such extreme conditions persisted through the end of U.S. occupation as Korean authorities and civil society observers prepared for autonomous rule.

Part I of this chapter situates prisoner resistance within the broader context of criminalization of political dissent swelling in early 1946, before the Autumn Harvest Uprising. Part II identifies crises in incarceration following the crackdown on popular uprisings in late-1946. Prison overcrowding resulted in a rash of prison breaks that tested the MG's narrative of improvement over the previous year. The final section demonstrates how all these dynamics culminated in prison riots and hunger strikes that eventuated mass pardons of political prisoners by the MG and South Korean Interim Government (SKIG) from 1947 to 1948.

Part I: Criminalizing Poverty and Dissent to U.S. Occupation

As the occupation of Korea dragged on, discussing how Allied powers should disengage from the peninsula transformed into a debate over whether decolonizing societies would achieve

[263] Ibid, 3. Anderson's theorizing of the hunger strike operates at the point of convergence between Foucault's notion of *assujettissement/*subjectivation, Louis Althusser's analysis of interpolation by Ideological State Apparatuses, and Butler's resistant subjectivity in the psyche's "turning" (from Butler, *The Psychic Life of Power*).

autonomy with or without the aid of the emerging Cold War superpowers. As the previous chapter has shown, the dominant attitude of occupation authorities was one of calculated paternalism: an independent nation-state with an idealized form of liberal, democratic governance and a judicial branch separate from central authority would have to wait. The Cairo Declaration of 1943's notorious promise that Korea would achieve independence "in due course"[264] was increasingly predicated on the development of stable public administration. The hope was that after a "Four-Power Trusteeship" under the U.S., U.S.S.R., China, and United Kingdom, a united Korea would be capable of governance but also be friendly to lasting American influence on the peninsula.[265] When division began looking more permanent with a U.S.-supported regime in the South friendly to capitalists and former collaborators, veteran activists and previously apolitical prisoners alike raised formidable opposition to occupation rule.

The MG responded by expanding the category of political crimes with the issuance of several ordinances in early 1946, resulting in rising totals of people in custody, and new strain on the judicial system. Inexperienced provost court judges handed out fixed sentences for a range of political activity. The highest (five-year) sentences were reserved for sabotage threatening MG rule. Provost courts could imprison convicts for acts of dissent ranging in scale from attending unauthorized parades down to speech acts themselves. The crime of "Uttering speech or words, making gestures, singing song, playing music, acting in a play, or exhibiting a picture, banner, or

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[264] "The Cairo Declaration," November 26, 1943, History and Public Policy Program Digital Archive, Foreign Relations of the United States, Diplomatic Papers, The Conferences at Cairo and Tehran, 1943 (Washington, DC: United States Government Printing Office, 1961), 448–9. https://digitalarchive.wilsoncenter.org/document/122101

[265] By March it was clear that the United States was steadfast in their support of a Korean trusteeship and claimed to have met the conditions of the concession regarding a Korean legislative body by forming the United States-friendly Representative Democratic Council. The Soviet-United States Joint Commission commenced on March 8 to reach a more detailed plan for building on the Moscow Agreement of December, but ultimately adjourned in May of 1946 without a detailed plan of how to implement a trusteeship government on both sides of the 38th parallel. "Report of the President on China-Korea, September 1947, Submitted by Lieutenant General A.C. Wedemeyer," from *Foreign Relations of the United States, 1947, The Far East,* vol. 6. https://history.state.gov/historicaldocuments/frus1947v06/d612

placard hostile to the United States, its armed forces, or any member thereof, or the military government" carried a fixed two-year maximum sentence.[266] This hierarchization of social and political crimes transcribed tactics of resistance as a chart of criminal acts with their severity ranked in numerical terms as sentences.

As military provost courts were forced to handle the increasing number of cases, courthouse jails and prisons steadily filled to capacity. The MG expedited processing cases by recalling military officers to Seoul from provincial courts to help with the overflow.[267] MG legal authorities fixed fines and maximum sentences for imprisonment at hard labor to try to remedy discrepancies. Normalizing sentencing was particularly necessary after a host of new political crimes were targeted for crackdown with the February issuance of Ordinance No. 55 which required political parties to register with the military government (making them easier to track).[268] A later ordinance issued on May 4 (Ordinance, no. 72) listed 82 distinct punishable offenses ranging from acts of direct sabotage to expressions of opposition to the MG and U.S. interests in speech or formal political messaging.[269] The February ordinances and crackdown on leftist organizing coincided with the ratcheting up of Cold War rhetoric between the U.S. and Soviet Union. George Kennan issued his "long telegram" in March, spelling out containment as a global strategy and laying the groundwork for the Truman Doctrine.[270] The geopolitical rhetoric

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[266] U.S. Army XXIV Corps HQ, "Appendix C: Table of Maximum Punishments for Provost Courts," Correspondence, January 14, 1946. HQ XXIV Corps to Military Governor of Korea. Entry RG 554 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History." Emphasis added.
[267] Kim Yŏng-hŭi, "Address of Dr. Y. H. Kim." Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[268] Cumings, *Origins of the Korean War*, 246.
[269] Ibid.
[270] Ibid, 226. Also see "George Kennan's 'Long Telegram'," February 22, 1946, History and Public Policy Program Digital Archive, National Archives and Records Administration, Department of State Records (Record Group 59), Central Decimal File, 1945–1949, 861.00/2-2246; reprinted in US Department of State, ed., Foreign Relations of the United States, 1946, vol. 6, Eastern Europe; The Soviet Union (Washington, DC: United States Government Printing Office, 1969), 696–709. https://digitalarchive.wilsoncenter.org/document/116178

of containment manifested quite literally in the legal system as containment of arrestees to be tried for political crimes.

Legal and penal authorities increasingly framed resistance to social conditions under the occupation in terms of external "agitation" and "infiltration." Maj. Emery Woodall attributed the early system's setbacks to a politically organized "crime wave" that began as far back as the first six months of occupation. According to his retrospective analysis, the occupation faced a crime wave when Korean people understood Japanese property to be free for the taking after liberation. This atmosphere persisted, he argued, for the first six months.[271] After courts and prisons came under Korean control, the "surface appearance" of a crime wave had already taken hold.[272] It is unclear whether that "appearance" reflected a social reality, but Woodall concluded that many people, especially "criminal or demoralized youth" were susceptible to persuasion by "Russia's agents" to join underground organizations.[273] He further claimed that communist agents had sabotaged the economy and efforts to democratize society, believing the growing uprisings after the summer of 1946 were instigated by Russian-trained agents and infiltrators coming over the porous border with North Korea.[274]

May 1946 marked an irreversible threshold for the criminalization of leftist organizing after the roundup of suspects in a counterfeiting case revolving around the Chosŏn Publishing Company. Believed to be the propaganda arm of the southern communist movement, the publishers were charged with counterfeiting occupation bank notes amidst rampant inflation. Their true crime was allegedly supporting communist agitation. One cannot understand criminal

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[271] Emery J. Woodall, "The Problem of Law and Order," 9. George F. Mott Papers, Box 9. Hoover Institution Library & Archives.
[272] Ibid.
[273] Ibid.
[274] Ibid.

justice and penal reform in this period without tracing this counterfeit scandal and how its suspected culprits politicized penal spaces. Numerous inconsistencies arose through the trial process such as confessions extracted through torture, sufficient alibis of the accused, and the fact that the publishers never obtained all the technical components necessary to actually print bills.[275] The trial process itself led to protests outside Seoul area courthouses, and photos surfaced of suspects taken to trial in open trucks with their heads covered by *yongsu*—the straw baskets used to conceal the identity of prisoners in transit.[276] The image would be all too familiar to the public who saw the same practice under the colonial regime. The anticommunist suppression of the colonial state continued under U.S. occupation. The counterfeit scandal trial dragged on for the rest of 1946, and was likened by one observer to the "Burning of the Reichstag."[277] The case heralded a similar age of repression against leftist movements and all forms of anti-occupation dissent.[278] Bruce Cumings characterized the early summer of 1946 as a time of "hysteria" in which Gen. John Hodge claimed all leftist activity was part of "one great master plan" and foreign observers witnessed the Korean National Police (KNP) rounding up any and every leftist activist.[279] The already strained prison infrastructure bore the brunt of the these roundups, and the U.S. authorities could not predict the blowback they would face sending committed leftist radicals into the powder keg of overcrowding prisons.

The first high-profile use of a hunger strike to protest the occupation started amidst several penal system scandals in May 1946. Prisoners who were political activists before their sentences began weaponized their precarious bodies against the very system that confined them.

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[275] Kim Tu-sik, *Pŏmnyulgadŭl: Sŏnch'ul toeji anŭn kwŏllyŏk ŭi t'ansaeng* (Seoul: Ch'angbi, 2018), 306.
[276] Ibid, 309.
[277] Chŏng Yong-uk, ed., *Haebang ŭi konggan, chŏmryŏng ŭi sigan* (Seoul: P'urŭn Yŏksa, 2019), 159.
[278] The Burning of the Reichstag building was the event the Nazis used to justify the extrajudicial takeover of the German state under the suspicion that communists had burned the legislative building in a terrorist attack.
[279] Cumings, *Origins of the Korean War,* 248–9.

A portion of Seoul Prison's political prisoners began a hunger strike on the morning of May 29, 1946. They demanded rice (*ssalbap*) on top of the barley and less nutritious grains they were being given as rations.[280] Prison administrators claimed to have arranged for an order of three trucks of rice to be distributed that day but could not deliver due to the nationwide shortage.[281] The prison was experiencing an influx of prisoners with the total at 3000 and a daily intake of 50–60 new inmates.[282] One newspaper scolded the strikers, pointing out that the sorghum, beans, corn and barley the prisoners were guaranteed were in shortage for the free population as well.[283] It signals the emergence of the penal debate over maintaining inmate life despite the prevalence of starvation among the free population. The warden was quoted condescending to the striking prisoners suggesting that since they are given jobs and guaranteed staple foods, they must be unaware of the food scarcity outside prison walls.[284] The warden's sentiment was that if prisoners knew this, they would end their strike, but they persisted as the occupation government struggled to suppress political uprisings across the country.

The MG still had not sufficiently addressed the issue of the growing number of hungry and indigent poor. The penal system became increasingly capable of absorbing the results of growing social crime, but the problem could no longer be blamed on the chaos of the turnover of courts and inefficient staff: crimes of poverty were indeed forming a wave pattern that hit the juvenile population hardest. The national prison population grew 43% (from 12,150 to 17,375) from June to July and juvenile inmates *doubled* from May to August.[285] Reports from a July 1946 press tour of Kaesŏng Juvenile Prison give a vivid snapshot of youth carceral spaces in the

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[280] Ibid. The *Yŏngnam ilbo* reported that prisoners were receiving rations that were 80% barley.
[281] "Uridŭl egedo ssalbap tao," *Kongŏp sinmun*, June 1, 1946.
[282] Ibid.
[283] "Sŏul Hyŏngmuso suhyŏngja ssalbap to naerago tansik tongmaeng," *Hyŏndae ilbo*, May 31, 1946.
[284] "Uridŭl egedo ssalbap tao," *Kongŏp sinmun*, June 1, 1946.
[285] GHQ Commander-in-Chief, USAF, *Summation No. 11 August 1946*, 27.

period. Reporters decried the state of penal affairs in which youth crime (*sonyŏn pŏmjoe*) had risen day by day since liberation.[286] One reporter noted a sharp increase in armed robbery since liberation and another remarked that the average intake of inmates per day had risen from 1.4 in July 1945 to 3.1 exactly one year later.[287] Of the 668 inmates, nearly 73 percent were serving sentences for theft and 18 percent for violating military government decrees. Reporters remarked, however, that children were learning to use industrial technology better than most adults in the prisons' work programs. They also listed the types of inmate labor used for vocational education: printing, shoemaking, and garment work. One reporter from the newspaper *Housekeeping* (*Kajŏng sinmun*) noted a threefold increase in total prisoners over pre-liberation figures.[288] These young people reportedly worked and studied for 11 hours a day, with two hours set aside specifically for "edification" (*kyohwa*). Quoted in the same article, Map'o prison warden Mun Ch'i-yŏn expressed his dissatisfaction with sentencing practices. He felt that an entire year was necessary for full guidance (*wanjŏnhan chido*), despite some inmates serving sentences of less than six months. He feared that their short time in prison would only make them more unruly (*pullyang*), implying that any time spent in prison corrupted inmates, but also that a longer sentence was needed to sufficiently transform the delinquent into the rehabilitated citizen.[289] The regime's penology maintained a dialectical tension between rehabilitation of the inmate versus the logistical problem of overcrowding.

Less than a month later, an internal MG notice[290] warned authorities to provide additional security at penal facilities to suppress any disturbances marking the first anniversary of liberation

[286] "Choe e unŭn sonyŏndŭl (sang)," *Tonga ilbo*, July 16, 1946.
[287] "Songdo koryŏ hagwŏn sonyŏn hyŏngmuso," *Hansŏng ilbo*, July 17, 1946.
[288] "Sonyŏn hyŏngmuso pangmun'gi," *Kajŏng sinmun*, July 16, 1946.
[289] Ibid.
[290] USAMGIK HQ, "Press Release: Protection of National Prisons on 15 Aug. 1946." August 8, 1946. NARA II RG 332 USAFIK, XXIV Corps, G-2, Historical Section, Box no. 25, USAMGIK: Press Releases Jan.-Mar 1948, etc. (6 of 7). Kuksa P'yŏnch'an Wiwŏnhoe Online Database. Accessed April 18, 2022.

on August 15. Kimch'ŏn was among several institutions noted most likely to see trouble due to overcrowding—the facility was packed with 831 inmates in a space intended for 500. Tensions were already high that summer as flooding, a cholera epidemic,[291] and protests of grain policy threatened the perceived stability of free society surrounding carceral spaces.[292] The juvenile inmate total alone had doubled from May to July 1946.[293] "Unruly" youth who could grow into hardened criminals simultaneously encapsulated the present crisis and ill omens for an autonomous Korean future in one subject. The MG was achieving modest reforms in juvenile incarceration in their first year of occupation, such as the Bureau of Public Health and Welfare enlisting university students to teach literacy classes, improved public education on parenting, built more youth reformatories (in Seoul, Mokp'o, and Incheon), and expanded existing juvenile detention facilities.[294] In the more explicitly punitive realm, where problems were largely seen in acutely quantitative and spatial terms, the primary response of the Department of Justice to rising juvenile crime was to expand the carceral web from the center by increasing the quantity of prison spaces in the provinces. Such reforms to penal rehabilitation projected an image of benevolence that could make violent resistance seem unreasonable, but as increasing resistance would reveal, such projections were merely an illusion. The coterminous increases in social crime among youth, political demonstrations targeting prisons, and inmate overcrowding were continual reminders that the military occupation was far from securing control of Korea's

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[291] The August 1946 USAMGIK Summation Report cited a total of 11,000 cholera patients with 7000 dead that summer alone. GHQ Commander-in-Chief, United States Army Forces, Pacific, *Summation of United States Army Military Government Activities in Korea: No. 11 August 1946*, 1946, 96. Walter E. Monagan Papers, Box 4. Hoover Library & Archives.

[292] GHQ Commander-in-Chief, USAF, *Summation No. 10 July 1946*, 1946, 14. Hoover Institution Archives. Walter E. Monagan Papers, Box 4.

[293] "For example, he told of getting one warden to cooperate in the program by promising him an airplane trip to Seoul." GHQ Commander-in-Chief, USAF, *Summation No. 11 August 1946*, 1946, 27. Walter E. Monagan Papers, Box 4. Hoover Library & Archives.

[294] Yi Haeng-sŏn, "Ilche mal/haebang konggan usaenghak kwa sonyŏnsu rŭl tonghae pon 'ch'ak'an/pullyang kukka': Kŏse, tanjongbŏp, kyŏngni, chŏngsinbyŏng," *Tongasia munhwa yŏn'gu* 53 (2013): 349–50.

recalcitrant and dissident populations. Most acutely, the figure of the juvenile delinquent prisoner crystalized anxieties around the fragility of social control under an unpopular occupation. Military government advisors had to cultivate their image of fostering Korean autonomy while still preventing a nationwide popular uprising.

Part II: Prisoner Resistance and the Autumn Harvest Uprising

When the national total reached 17,000 inmates,[295] MG prisons had surpassed pre-liberation figures.[296] The benchmark was especially embarrassing considering that the portion of inmates held for anticolonial resistance had been replaced with those punished for violating MG ordinances. In contrast to winter months however, when inmates awaiting trial led to overcrowding, the vast majority (around 85%) in August 1946 were convicted and sentenced.[297] That meant that the majority of the approximately 5,000 inmates incarcerated that summer would remain for some time. The sharp increase momentarily stabilized by September,[298] but saw another jump in October with an increase of 2,358 inmates over the August figure.[299] The new national total of 19,407 was one full facility's capacity higher (around 2,000) than at the end of the colonial regime. The daily average prisoner count was approaching 20,900, a high previously only seen at the height of the Pacific War.[300] One of Korea's only penal historians, Ch'oe Chŏng-gi compiled data to sketch the general contours of overcrowding in the MG period and found a

[295] This estimate is derived from USAMGIK reporting but there are discrepancies between these and later Korean records. Pak I-jun quotes figures much higher as they were recorded in a 1948 issue of the journal *Penal Administration* (*Hyŏngjŏng*), with a figure as high as 20,318 for May of 1946. Pak, "Chiptan t'arok sagŏn yŏn'gu," 148.
[296] American Advisory Staff, Department of Justice, USAMGIK, "Draft of Study on the Administration of Justice in Korea Under the Japanese and in South Korea Under the United States Army Military Government in Korea to 15 August 1948," 7.
[297] GHQ Commander-in-Chief, USAF, *Summation No. 11 August 1946*, 1946, 27.
[298] GHQ Commander-in-Chief, USAF, *Summation No. 12 September 1946*, 1946, 20.
[299] GHQ Commander-in-Chief, USAF, *Summation No. 13 October 1946*, 1946, 26.
[300] Pak, "Chiptan t'arok sagŏn yŏn'gu," 147.

significant increase from July to November 1946.[301] The carceral system had not only resumed its normal operation, but it was also being used to the fullest extent by a new occupier.

The impact of the Autumn Harvest Uprising on penal infrastructure cannot be overstated. The southeastern city of Daegu was the site of some of the most violent, direct attacks on local police. Suppressing such attacks consequently flooded Daegu's jails and local prison. After a major uprising on October 1, 53 police were reportedly killed, and over 100 prisoners escaped from Daegu Prison.[302] Popular uprisings took root in the rural areas of the southeast and spread in the ensuing weeks. The chaos outside prison walls occasionally leaked inward and left wardens to wonder whether leftist organizers under their charge were planning disturbances and even jail breaks. One such plot was discovered on October 24 at Kwangju Prison where political prisoners planned to use the aid of a guard to escape.[303] The ringleaders were discovered and separated from the general population, but this caused other prisoners to shout and chant for their release, leading to another riot. The atmosphere of widespread revolts made prisons targets and incubators for political dissidents.

Journalist Mark Gayn's memoir of traveling through Korea during the unrest of October and November of 1946 is an invaluable eyewitness account citing candid interviews with Korean and U.S. personnel on the ground. Gayn was a rare outside observer of spaces used to confine political prisoners in the aftermath of the October uprisings. More than simply attending the usual press round of events in Seoul, Gayn also travelled around the southeastern provinces and witnessed the strain on the carceral apparatus, firsthand. Gayn described an overflowing precinct jail in T'ongnae (outside Busan):

[301] Ch'oe, "Hyŏngmuso silt'ae yŏn'gu," 77.
[302] "Taegu sodong," *Kongŏp sinmun*, October 6, 1946; "Taegu soyo sagŏn hwaktae," *Tongnip sinbo*, October 6, 1946.
[303] "T'arok kyehoek palgak, Kwangju Hyŏngmuso suin," *Kyŏnghyang sinmun*, October 27, 1946.

> Back in T'ongnae, we headed straight for the police station and asked to see the jail. The chief, small, flabby and middle-aged, readily agreed. He led us to a wing, into a small, dark enclosure filled with a warm, animal stench. When our eyes grew accustomed to the dim light, we saw before us—separated only by bars—a cell, about 10 feet by 16, with men sitting in rows on the floor. There were 31 men in that cell. In the next cell there were 33, and two men had to stand up because there was no place for them to squat. There were four cells altogether, two with 33 inmates each, two with 31. The chief said the men had been there for twenty-one days.[304]

The chief of the police station had spent several weeks trying to get a response from the MG central authorities about how to remedy the overcrowding and hadn't received an answer, nor from anyone at the nearby Busan jail about whether they could absorb a transfer of prisoners. The majority of those held were "sharecroppers," in Gayn's words. That is, famers rounded up for suspected political agitation. When he asked the chief how many of them were so-called "agitators" the chief replied there weren't any. When asked what he would do at present if forced to jail a "common criminal" he was unsure:

> 'Unless it's a serious crime, we can't take care of him,' the chief said. He thought a moment. 'Even if it's a serious crime, I don't know where I'd put him. There's no place.' The chief said he had served nineteen years in the Japanese police force. *Never had he been so busy*.[305]

The spaces to confine suspects awaiting trial had become completely overwhelmed with political prisoners. Daegu area police rounded up truckload after truckload of teachers, lawyers, farm and labor leaders, and members of the People's Committees. When jails were full, they commandeered schools and office buildings as makeshift jails.[306] To handle the influx of

[304] Gayn, 407.
[305] Ibid. Emphasis added.
[306] Ibid.

detainees, the brunt of the trial process had again been shifted to the U.S. Army Provost courts, where ill-prepared officers served as judge and even counsel for both the defense and prosecution.[307] Discouraged American soldiers had to adjudicate cases that (by their calculation) were largely rooted in interpersonal grudges. Daegu provost court personnel revealed that some 6,500 people had been arrested.[308] They estimated it would take their and six other courts in the province around 30 days to process all the cases. Through observing the trial process, Gayn formulated a picture of what had transpired in Daegu.[309] In one testimony, student activists marched to one police precinct and presented the body of their fallen comrade killed by police suppressing the demonstrations. They demanded the police disarm themselves and release all those arrested in the roundups. The frightened police tried escaping into the adjoining American compound, only to be sent back. The U.S. military "didn't want to take sides in this mess."[310] Ultimately the crowd overwhelmed the station, destroyed police records, and released one hundred prisoners.[311] Confining opponents to the occupation ended up fueling more outrage and politicizing more people who would in turn need to be pacified and put in the same overcrowding spaces. Carceral spaces became targets to free political activists from inside and out.

Though they had been avoiding it, provost courts had to rely on testimonies given by the notoriously corrupt police:

> "The Korean Cops," the major said "still function under the J*p rules of evidence. You have to have a confession. How you get it doesn't matter. We see these jokers brought in all beat up, with lacerations. Each has made a confession. We finally had to try

[307] Ibid, 417.
[308] Ibid. 417–8
[309] Ibid. 418–9
[310] Ibid. 419
[311] Ibid.

indoctrinating the Korean cops, and now many prisoners are set loose."[312]

U.S. advisors seemed ambivalent about extrajudicial torture to extract confessions and summary punishment when it made things run more smoothly. Shirking due process was seen as a feature, not a defect, of the autonomous Korean system emerging out of U.S. tutelage. When interviewing a U.S. officer, Gayn was treated to his acquired "wisdom": "Have you lived in the Orient before?...Well you know then that the police don't operate our way. They are cruel and undemocratic."[313] According to Gayn, this officer was complicit in framing these farmers as political agents. Despite reports that there was no riot in T'ongnae, the US officer responded "with a happy grin":

> 'Oh, we just put them in on a charge of conspiracy. We can jail anyone on that charge. Hell, I've just come back from the riot country. The cops would bring a man before me and say he is a rioter. I'd say, 'How do you know?' They'd say, 'He has just confessed, in the back room.' Well, it's easy to get a confession *the way the Korean cops work*.'[314]

Another interviewee in Busan was even more transparent about the futility of trying to discipline the Korean National Police when they were part of one large, corrupt network. Not only was it futile, he argued, but it was actually *ideal* for the occupation context: "The machine is the same we found when we got here. For our purposes it's an ideal setup. It's organized military fashion. All you have to do is push the button, and somewhere some cop begins skull cracking. They've been learning the business under the J*ps for thirty-five years. Why should anyone expect them

[312] Ibid, 418.
[313] Ibid, 369.
[314] Ibid, 411. Emphasis added.

to unlearn all they know?"[315] Yet again the failure to reform Korean police and jailors' extrajudicial practices was framed as futile, and complicity by U.S. personnel excused as a necessary evil. Gayn concluded his account of travelling in Korea in the Fall of 1946 lamenting, "It has been the blackest, the most depressing story I have ever covered."[316] He lamented, "I was a reporter, who had found, with shame and anguish, that under our flag—and often with our active encouragement—there had come into being a police state so savage in its suppression of man's elemental liberties that it was difficult to find a parallel for it."[317]

Suppressing the uprisings of 1946 had virtually reset progress that had been made in streamlining the judicial and penal system since liberation. The infrastructure was in place to prevent all-encompassing chaos, but qualitative reforms were still halted by structural limitations and the government's conflation of material hardships with political agitation. Authorities vacillated between likening political activists to common criminals and alternately that social crimes were politically motivated attacks to destabilize the occupation. Official reports from this period betray their obstinate refusal to acknowledge occupation responsibility for the rapidly deteriorating system of governance. Having grown out of labor disputes and rice riots, the autumn uprising should have been a clear juncture to adjust economic and public administrative policy. Instead, the occupation doubled down by framing their presence on the peninsula as justified and needed, and their political opposition as violent thugs. In a public statement, USAFIK commanding General John R. Hodge labeled leftist agitators as "dangerous criminals" with the primary goal of sowing disorder.[318] He acknowledged the failures of the occupation to

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[315] Ibid, 398.
[316] Ibid, 443.
[317] Ibid, 429.
[318] "I do not condemn all Koreans who have participated in the serious disorders. I know full well that there are many members of the mobs who have been misinformed and misled by *dangerous criminals* who are willing to destroy their nation to gain selfish immediate personnel or political aims. These self-styled leaders are merely taking advantage of the *well known and clearly recognized unpleasant conditions to stir up riots and disorders.* […] Their

ensure stable living conditions since liberation but fell short of connecting the eruption of criminal activity with poverty under mismanaged grain policies. The military government did not interpret "riots and disorders" as material dissatisfaction, and instead framed them as the manipulation of "mobs" by a wicked few. Furthermore, Hodge's statement shifted responsibility for remedying the situation onto Koreans themselves:

> The American Command is doing everything possible to help the Korean people improve their condition. It is doing everything it can to improve the condition of the worker and farmer. It is doing all in its power to build better economic conditions. But it cannot do these things alone. The Korean people must help. *Each and every one of you has a definite personal responsibility to add his patriotic efforts to improve conditions, and to prevent agitators from putting your peaceful country in a bloody turmoil.*[319]

Hodge emphasized the need for Koreans to take "personal responsibility" in building the economy and helping the occupation government maintain social control. However, occupied Korea lacked the basic institutions typically necessary for such an extension of state power, and authorities did not attack poverty conditions at the source; they could only arrest people protesting those conditions.

The Autumn Harvest Uprising of 1946 was a crucial watershed for South Korea's early penal reforms: initial approaches to address the wave of social crime caused by poverty and famine were subsumed by the occupation authority's primary motive—eliminating opposition to U.S. interests in the region. Similarly, MG reports on carceral spaces were somehow detached from social and political upheaval: despite the swell of detainees, they reported a significant drop

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efforts have been and are to throw all of South Korea into turmoil and strife…By their recent action of deliberately murdering many police and other Koreans in Kyongsang-pukto and Kyongsang-namdo, they have branded themselves for the *criminals that they are."* GHQ Commander-in-Chief, USAF, "Commanding Generals' Statement," *Summation No. 13*, October 1946, 24. Emphasis added.

[319] Ibid. Emphasis added.

in "criminal offenses" in September and October, down from the peak in August.[320] A more comprehensive report showed a nearly 10 percent increase in "violations of MG ordinances" for September during the initial labor disputes that spread into provincial uprisings.[321] By October, rates of burglary and robbery had quadrupled, and arson had doubled.[322] In these reports these categories of social crime are separated from "political crime" (or "violations of MG ordinances"), but in the more public-facing statements made by Hodge and Woodall, all crime that year was seen as part of a communist plot. Despite specialists' efforts to quantify and control crime in the occupation period, the emerging Cold War rhetoric framed crime and punishment as local instantiations of a broader war against communism. Consequently, what were once the targets of penal reform policy—crimes of poverty, illiteracy, and recidivism—were now enmeshed in paranoid, conspiratorial rhetoric that conflated the social and political motivations for opposing the American occupation.

As the prison became more politicized, so too did its inmate population. It is necessary, however, to establish the prison break as an act of resistance in of itself, even if divorced from a broader movement or guerilla tactics. Historian Pak I-jun's study of prison escapes in the MG period suggests that a steady increase in the population of ill-equipped prisons led to a rash of prison breaks in the fall of 1946.[323] These included a mass escape attempt at Chŏnju Prison on November 11 where 418 inmates[324] escaped, and another a few weeks later at Kwangju Prison

[320] GHQ Commander-in-Chief, USAF, *Summation No. 14 November 1946*, 1946, 4. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[321]GHQ Commander-in-Chief, USAF, *Summation No. 16 January 1947,* 1947, 30. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[322] Ibid.
[323] Pak, "Migunjŏnggi chŏn'guk chuyo hyŏngmuso chiptan." Pak's study of prison breaks reveals the squalid conditions that motivated prisoners to flee and the ill-equipped penal administrators who failed to prevent them. Later escapes during the Military Government period included Kongju Prison (Aug. 30, 1947: 200 escaped) and more of a smaller scale at Ch'unch'ŏn, Kaesŏng and Seoul Prisons.
[324] News media kept this figure consistent, but MG reports claimed 417.

where the facility's 900 inmates were prevented from escaping. Pak ultimately concludes that while some escapes were motivated by political agitation, as they were usually reported, many inmates simply took their chance to escape the ration-deprived prisons to survive. This work is vital to historicize the conditions of penal spaces in this period but creates a dichotomy of politically motivated prison breaks and those used for survival. A more complete penal history needs to reassess the political nature of prison breaks regardless of the motivations or affiliations of their ringleaders. Situating prison breaks within the broader context of the occupation's failed prison reforms explicates the prison as a crucial site of both real and perceived ideological struggle between the MG and its leftist opponents.

Looking more critically at the archive surrounding these events reveals a mixture of political and material motivations for attempting mass prison breaks. Politicized ring leaders could exploit the rehabilitation programs that allowed prisoners freedom of movement while on work duty. MG authorities were wary of a concerted effort by committed leftists to instigate prison escapes across the entire system in November of 1946. The U.S. Army Counterintelligence Corps (CIC) intercepted mail between the Seoul police officials warning that leftists across facilities were using sympathetic wardens to pass messages between institutions and were planning to "start riots and disturbances in order to create disorder and unrest in as many places as possible."[325] It was little surprise, at least to internal MG intelligence, when over 400 prisoners escaped Chŏnju Prison on November 11, 1946. The escape was reportedly masterminded by Kim Hyŏn-gwŏn, a labor union leader from Kunsan who was nearing the end of a six-month sentence for assault.[326] Kim was working as a prison janitor when he led 11 other

[325] USAFIK HQ, "G-2 Periodic (Daily) Report No. 380, November 12–13, 1946," November 14, 1946, 233. Institute of Asian Culture Studies, Hallim University, 1990.
[326] Ibid, 234.

inmates into the facility's kitchen, overpowered the guards and then proceeded on to cell blocks freeing more inmates by breaking the locks with boards, rocks, and other heavy objects.[327] It was believed that most of the escapees worked in prison shops and were serving long-term sentences. This was an unfortunate stumbling block for the work-based rehabilitative model; escapes such as these revealed the inherent weaknesses workspaces posed for prison security. More than half of the prison's 822 prisoners escaped in the ensuing riot, a police cordon was established in the area, and the other prisons were put on alert.[328] Some prisoners had obtained rifles, pistols and swords from the guards,[329] and some escaped into the mountains while others even took a train.[330] Chŏnju Prison itself was left vulnerable in the wake of the mass escape, and more prisoners working in the laundry facility attempted to escape just days later. Two guards were injured, and two prisoners were killed in the smaller, failed escape attempt.[331]

The hunt for escaped prisoners involved in the initial escape produced more headlines than any other topic related to prisons that year. Regional newspapers covered the process of recapturing the escapees over the course of three weeks, updating the tally of those arrested and revelations that came from interrogating them. The narrative increasingly came to center the labor leader, Kim, and his political motivations for staging a prison break. One escapee captured along with 60 others claimed the entire thing was planned by political prisoners.[332] Another report gave the makeup of the escaped group at large with the vast majority for theft and robbery,

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[327] Ibid.
[328] "Chŏnju Hyŏngmuso choesu 400 myŏng mugi t'alch'wi k'o t'arok toju," *Kyŏnghyang sinmun,* November 13, 1946.
[329] "Chŏnju Hyŏngmuso choesu sabaek myŏng changch'ong tŭng mugi t'alch'wi t'arok toju," *Susan kyŏngje sinmun*, November 13, 1946.
[330] "Chŏnju Hyŏngmuso rŭl p'aok, 900 myŏng sugam chung 400 yŏ myŏng i t'alchu," *Tongnip sinbo*, November 13, 1946.
[331] "Yagan t'onghaeng chehan k'o t'aroksu rŭl ŏmt'am chung," *Kyŏnghyang sinmun*, November 14, 1946.
[332] "Chŏnju t'arok sumyŏng ch'ep'o," *Hansŏng ilbo*, November 14, 1946.

as well as 50 political prisoners.[333] Some articles pointed out the irony that Kim had only a few days remaining in his sentence.[334] Kim and other leaders of the escape attempt were resentenced to life in prison.[335] The circumstances suggest that Kim was using his remaining time behind bars to organize and free his comrades. It was not logical to attempt an escape to avoid languishing in prison, nor as a method of survival. Media framed the escape as a tactic of violent resistance, that ensnared other hapless inmates activated by "bad apples." They were nonetheless perceived as a threat to the public. It was unclear how many of the escapees had weapons and citizens were warned to exercise caution. Updates such as these externalized the threat of the politicized convict to society outside: the criminal at large was a threat to public safety and authorities were "laying a net across southern Korea" to regain control of the security apparatus.[336] 166 escapees[337] were recaptured by November 21, and many had given themselves up voluntarily.[338] The leftist plot—real or perceived— to free all of Korea's prisoners put the year's advances in penal practice and infrastructure to the test.

Newspapers kept the public abreast of developments in the Chŏnju escape until another large prison escape attempt at Kwangju Prison. On the night of November 21, a group of inmates on work detail set fire to one of the prison's factories and began rioting that included 200 of the facility's 900 total inmates.[339] Four prisoners were killed while putting down the rebellion. News of the thwarted plot created a counternarrative to the fear of escaped convicts in the public's penal imaginary after the Chŏnju escape. Different from that incident, prisons were already on high alert, the warden was able to use a telephone to call in dozens of local police and over a

[333] "Chŏnju t'arok choesu 5 myŏng ch'ep'o," *Susan kyŏngje sinmun*, November 14, 1946.
[334] "T'arok chubŏm e mugihyŏng," *Kyŏnghyang sinmun*, November 19, 1946.
[335] "Sahŭl toemyŏn chayu ŭi mom i sodong irŭkkigo mugiyŏk," *Hansŏng ilbo*, November 19, 1946.
[336] "Chŏnju Hyŏngmuso t'aroksu," *Tongnip sinbo* November 14, 1946.
[337] "Chŏnju t'aroksu 166 myŏng kwigam," *Tonga ilbo*, November 21, 1946.
[338] Ibid.
[339] "Kwangju sŏdo t'arok sodong," *Hansŏng ilbo*, November 24, 1946.

hundred more guards from Seoul for backup.[340] Some articles related the timing of the prison riot with student demonstrations that were happening simultaneously in Kwangju's downtown area, further linking prison escapes to the wave of popular uprisings outside prison walls.[341] One civilian DoJ advisor travelled to report on the Kwangju break and claimed it was "well organized and communist inspired."[342] Despite the growing sense of a crisis in penal management, the quick handling of the incident was an antidote to press fearmongering over the prior large escapes. Furthermore, the police apparatus had proven its capacity to quickly supplement prison security, and penal administrators had developed strategies to prevent further disturbances. 51 of the inmates thought to be the ringleaders of the riot were transferred from Kwangju to Taejŏn Prison, most likely a strategy to prevent them from organizing their fellow inmates in Kwangju.[343] Without extant sources internal to those facilities it is impossible to say whether the uprisings had an explicitly political nature or were merely spontaneous eruptions.

Whether the rash of prison breaks were part of a larger communist plot or simply opportunists seizing the moment, Korean penal authorities had vastly improved their security infrastructure over the situation a year prior and could now weather the unprecedented influx of inmates and their escape attempts. Additional prisoner uprisings were squashed around the peninsula in the same span of weeks in the fall of 1946. An attempted break at Daegu Prison was put down quickly and surrounded with a police net that "not even a single ant" could

[340] "Kwangju Hyŏngmuso e p'aok sodong choesu nŭn t'arok misu misangja sibo myŏng," *Susan kyŏngje sinmun*, November 24, 1946.
[341] Ibid; "T'arok misu sodong Kwangju Hyŏngmuso e ch'urhwa," *Kyŏnghyang sinmun*, November 24, 1946.
[342] USAMGIK Bureau (Department) of Justice, "Memo: Justice (Prisons and Juvenile Delinquency)," December 25, 1946. NARA II, RG554 Records of General HQ, Far East Command, SCAP and UN Command. USAFIK, XXIV Corps, G-2, Historical Section. "Records Regarding the Okinawa Campaign, U.S. Military Government in Korea, U.S.-U.S.S.R. Relations in Korea, and Korean Political Affairs. 1945–48. Entry 1256 (A1), Box 21, Folder: "Miscellaneous Source Material on Justice, USAMGIK History."
[343] "Kwangju t'arok choesu chumo 51 myŏng ŭl igam," *Tonga ilbo,* November 28, 1946.

penetrate.[344] Another attempt was thwarted at Mokp'o Prison when a plan hatched by 12 convicts was discovered.[345] The CIC believed a break at Kaesŏng (with the collaboration of five guards) was connected with breaks at Kwangju and Chŏnju and orchestrated by "North Korean Left Wing elements."[346] Korean penal authorities met and announced a plan to improve the walls and fences of prisons with U.S. Army assistance, as well as continue to develop separate juvenile institutions thus lowering the inmate total in some facilities.[347] Penal administrators viewed breaks as defects in their own system, rather than the logical outcome of a wave of political opposition. Their only recourse was to increase available cell space and continue to absorb the influx of inmates. In this context the site of resistance to the carceral regime moved inside prison walls and onto the body of the prisoners themselves.

Part III: The Prison Hunger Strike as Resistance to U.S. Occupation Rule

Over one hundred thousand people had passed through South Korea's prisons in 1946. Despite the heightened tension around social unrest and supposed leftist plots to attack prisons, the fact remained that nearly 60% of the year's inmates had been in prison for economic, rather than politically motivated crimes.[348] Hunger persisted in free society, and likewise rations were still hard to obtain for inmates. Prison infrastructure was pushed to the brink of collapse absorbing more prisoners than the colonial period, but it was still standing. Korean personnel exhibited increased efficacy in containing prison breaks, and open resistance to the carceral order

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[344] "T'aroksu ch'ep'o," *Yŏngnam ilbo*, November 27, 1946.
[345] HQ, USAFIK, "Daily Report No. 386, Nov 24–25, 1946," in *G-2 Periodic Report,* vol. 3 (Hallim University Institute of Asian Culture Studies, 1990), 260.
[346] HQ, USAFIK, "Daily report No. 395, Dec 1–2, 1946," in *G-2 Periodic Report,* vol. 3 (Hallim University Institute of Asian Culture Studies, 1990), 298.
[347] "Kak hyŏngmuso tansok wŏnjang kanghwa k'o sinch'uk," *Susan kyŏngje sinmun,* November 30, 1946.
[348] "Ch'ŏlch'ang e unŭn simman tongp'o nuga kŭ rŭl kŭrŏk'e hayŏttŭn'ga?" *Tonga ilbo*, April 2, 1947 as cited in Pak, "Migunjŏnggi chŏn'guk chuyo hyŏngmuso chiptan."

had been violently suppressed. The U.S.-backed regime was tightening its grip on South Korean society, and victories for its political opposition were increasingly of the moral variety. With the autumn's major uprisings suppressed, the MG's police and penal apparatuses coalesced the security apparatuses, making large scale prison breaks unlikely or impossible. The site for a violent confrontation between inmates and the penal apparatus turned inward to the body.

Prisons in the winter of 1946–7 were primed for further resistance, but end-of-year MG reports claimed steady progress in the reform goals set the year prior to the uprisings. Order may have been restored, but only to the occupation period "norm" of poverty conditions and social crime. End of year reports[349] correlated declines in the prison population with the concurrent decline in the crime rate for November and December of 1946, but more comprehensive data later revealed a spike in economic crimes in the same period.[350] Official sources also failed to account for the impact of the developing parole system in lowering inmate totals. Authorities could use parole and pardons as pressure valves to keep the national inmate population artificially low without properly addressing poverty and political discontent fueling the crime rate. Penal officials released 2,464 of the 2,856 inmates (nearly 86%) who applied for release in the final months of 1946.[351] MG periodic reports recorded a countrywide prison population of 17,742 at year's end, down from 18,096 in October.[352] The slight decrease of less than two percent can be read as an improvement but is absent the necessary context of yearend pardons.

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[349] GHQ Commander-in-Chief, USAF, *Summation No. 16 January 1947,* 1947, 31. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[350] GHQ Commander-in-Chief, USAF, *Summation No. 17 February 1947,* 1947, 25. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[351] GHQ Commander-in-Chief, USAF, *Summation No. 16 January 1947,* 1947, 31. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[352] Ibid.

However, a Korean press later reported a yearend inmate total of 20,016 inmates for the system's 18 prisons.[353]

After a tumultuous year of overcrowding, decreases were newsworthy signs of progress however they were calculated. For example, the miniscule number of women inmates rarely entered the public discourse but got special mention when their numbers decreased. The *Women's Daily* (*Punyŏ ilbo*) shared some yearend good news that the monthly average of female prisoners at Daegu prison had decreased to one fifth the colonial period figure.[354] However, the immediate drop in crime following the Fall's disturbances was also later shown to be inaccurate—while the political upheavals may have been suppressed, there was a rise in larceny and other economic crimes.[355] Prisons were as crowded as ever, but penal institutions continued to implement rehabilitative programs such as literacy and general education courses.[356] Yearend reporting on labor claimed that "all prison institutions are utilizing the capabilities of the inmates in useful occupations and more work camps are being established for the purpose of creating useful work and relieving the congested conditions in the prisons."[357] As for the year's rise in juvenile crime, the end-of-year report touted increased capacity to adjudicate cases but still warned of the spread of juvenile delinquency.[358] MG officials were reporting conflicting information about the ongoing crisis of imprisonment in Korea.

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[353] "Kigyŏlsu 20,000 myŏng, Nam Chosŏn 18 kae hyŏngmuso kŏŭi manwŏn," *Tongnip sinbo*, February 2, 1947.
[354] "Yŏsŏng choesu kamso ilchok," *Punyŏ ilbo*, December 22, 1946.
[355] GHQ Commander-in-Chief, USAF, *Summation No. 17 February 1947,* 1947, 25. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[356] Education programs were back up and running with classes in a range of subjects including Korean, "citizenship," history, geography, mathematics, English, music, natural science and sports, however most institutions were limited to language, history, math and citizenship courses. All institutions still suffered from a lack of adequate facilities and a shortage of teachers. GHQ Commander-in-Chief, USAF, *Summation No. 16 January 1947,* 1947, 31. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[357] GHQ Commander-in-Chief, USAF, *Summation No. 15 December 1946,* 1946, 22. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[358] Ibid, 22. It was believed greater cooperation between the DoJ, the police, and "boys' organizations" would help with the issue.

Personnel issues were also a significant stumbling block for reforms. The system turned over 1,200 guards in 1946 alone, with the most significant portion (328) being dismissed for "violation of orders, neglect of duty and inefficiency."[359] Publication of a manual to instruct wardens, guards, and other employees was expected to "make practices uniform throughout all penal installations in South Korea and to raise the standards of operations."[360] Although "Koreanization" had taken place, the drain in human capital following liberation limited meaningful reform of prison administration and bureaucracy. The system could not refill empty positions with qualified applicants at a rate sufficient to keep pace with the turnover of guards—1,206 guards had been dismissed, but only 807 new guards completed their training in the prison guard academy.[361] Such personnel issues weakened the already fragile order of overcrowded facilities.

Penal reformers struggled to keep pace with the deluge of inmates convicted of both political and social crimes moving into another year of occupation. By February 1947, the national inmate total returned to the highs seen in summer 1946—MG periodic reports claimed 17,400[362] while top officials quoted figures as high as 20,000.[363] Climbing totals sparked yet another debate about the cause of overcrowding and what sorts of crimes warranted incarceration as punishment. Whether incarcerated for committing desperate crimes of poverty or for willfully opposing occupation rule, the overcrowding of prisons in the American zone was always politicized. The awkward truth was that the erstwhile liberators had incarcerated a significant

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[359] GHQ Commander-in-Chief, USAF, *Summation No. 16 January 1947,* 1947, 31. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[360] Ibid, 29.
[361] Ibid, 31. Of the 3,751 applicants examined to enter the Prison Guard Academy, 39 percent (1,472) were rejected for failing the physical, and 38 percent (1,425) for failing the written exam, leaving only 854 academy attendees, with 807 of them completing the program through to graduation and then placement in facilities.
[362] Ibid, 19.
[363] "Kigyŏlsu 20,000 myŏng, Nam Chosŏn 18 kae hyŏngmuso kŏŭi manwŏn," *Tongnip sinbo*, February 2, 1947.

portion of the country's prisoners for breaking MG special ordinances—nearly 15,000 in 1946.[364] The irony of the "liberators" maintaining similar penal codes and filling the prisons of their predecessors within 18 months of liberation was not lost on an American journalist in Korea. Richard E. Lauterbach saw military governance in Korea as a misrepresentation of American values and aims in the region:

> "As the record in Korea shows, American democracy cannot be taught by "getting around" American principles. Fine speeches mean nothing when the people find out how the voting took place; when they learn that U.S. troops were used to break a strike; when labor leaders are arrested, newspapers suppressed for being "shrill," and wages held down while prices soar. *They want to know why, for example, Seoul's West Gate prison is jammed with political offenders and there are "more political prisoners now than ever"*... The Korean people are still confused by our high words and our low performance." [365]

His indictment of postwar U.S. occupations in Asia presented a skeptical (and arguably, orientalist) view of Koreans' capability to govern themselves, but also critiqued the public administration he saw on the ground. Worse, U.S. military personnel and facilities were often used to directly suppress local political leaders. Much like the ringleaders of the counterfeit scandal being taken there for interrogation, leaders of leftist political movements like the Democratic National Front ("Minjŏn") were arrested and held not in a regular jail or prison, but in the U.S. Military Stockade at Pup'yŏng (now the greater Incheon area).[366] The image of the U.S. military imprisoning political leaders did not help their uphill battle for asserting legitimate legal authority.

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[364] Kang, "Han'guk Chŏnjaeng chŏn chŏngch'ibŏm," 97.
[365] Richard E. Lauterbach, *Danger from the East* (New York: Harper, 1947), 246.
[366] "Hong Nam-p'yo Ssi kugam e minjŏn sŏ tamhwa," *Tonga ilbo*, December 12, 1946.

Prison-based resistance to U.S. occupation gained potency and sympathy in free society as prison overcrowding laid bare the contradictions of a regime of liberators-as-jailors. A flurry of press attention on incarceration rates in early 1947 highlighted the regime's practice of prosecuting politically motivated crimes as violent or "heinous crimes" (*p'aryŏmch'ibŏm*).[367] MG officials continually reiterated the line that the prisons were not overcrowded with "political prisoners," but instead with individuals who were arrested in groups for causing riots in politically contentious areas like Daegu. In an early press conference as the new military governor, Major General Archer Lerch answered questions about the status of political prisoners in facilities that had reached their capacity limits and addressed rumors of prisoners being tortured. Lerch claimed there were no political prisoners as such, but rather people arrested for their part in the events that were described as "riots."[368] MG officials refused to acknowledge the category of "political criminals" (*chŏngch'ibŏm*), and often corrected the use of that term to "violators of MG ordinances." Lerch claimed that people arrested in such manner would be released if there were no clear evidence of illegal behavior or intentionally sowing disorder.[369]

For some critics of the occupation, *all* Korean prisoners were political prisoners, and should be pardoned as such. A statement from the Democratic National Front (Minjŏn) responded to Lerch's characterization of activists as ordinary rioters, by arguing *for* reclassifying prisoners as political prisoners.[370] Their stance was that the law was supposed to promote the wellbeing of the people and maintain social order, but it was currently being used to imprison thousands of "democratic patriots" (*minjujuŭi aegukja*) who, regardless of being politically left

[367] Noted historian of Korean state violence, Kang Sŏng-hyŏn has shown how the occupation government's General Order No. 2 and related legal codes "mass produced" political criminals to occupy a significant portion of the cases prosecuted in the first two years of occupation. Kang, "Han'guk Chŏnjaeng chŏn chŏngch'ibŏm," 96–8.
[368] "Kak hyŏngmuso nŭn manwŏn sangt'ae," *Minju ilbo*, January 18, 1947.
[369] "Ch'omanwŏn ŭi hyŏngmuso en p'oktong kwallyŏn jappun," *Kyŏnghyang sinmun*, January 18, 1947.
[370] "Hyŏngmuso e chŏngch'ibŏm ŭn ch'ungman, Sŏul-si minjŏn sŏ chŭksi sŏkpang yogu," *Tongnip sinbo*, January 29, 1947.

or right, were all invested in founding an independent Korea.[371] They appealed to the MG's own raison d'etre by claiming that since the Allied Powers had so gracefully liberated Korea to enable democratic rule, it was not right to classify politically motivated offenders as common lawbreakers. This position paradoxically recognizes the rule of law to hopefully enable a resistant identification with the category of prisoners of conscience.

The press also began to question emerging crime statistics and exposed the dissensus over causes of social and political crime. A *Tonga ilbo* article carried the headline, "Who are the 100,000 compatriots (*tongp'o*) who [wept] behind bars?" to report national statistics on categories of inmates.[372] National prosecutors found that the largest portion of individuals imprisoned the prior year—around 30,000 of 118,866—were serving time for robbery, but only around 860 were serving time related to riots or "disturbances" (*soyo sagŏn*).[373] This figure might have assuaged critics' fears that prisons were filled with activists who dared challenge MG authority, but the retrospective account did not align with other journalists' present panic over the politicization and overcrowding of penal spaces. The MG's public information office reported the new highwater mark of 20,000 at the end of December 1946. A "considerable number" of these 20,000 were convicted or awaiting trial for violating General Order No. 2.[374] Overcrowding had become quite visible: a press tour of Busan prison revealed 15 or 16 inmates packed into the 3.5 *p'yŏng* cells (about 125 square feet), with some cells holding as many as 20.[375] Many were Koreans returning from Japan who ended up committing crimes of poverty when they could not resettle.[376] U.S. military authorities announced the construction of prison

[371] Ibid.
[372] "Ch'ŏlch'ang e unŭn simman tongp'o nuga kŭ rŭl kŭrŏk'e hayŏttŭn'ga?" *Tonga ilbo*, April 2, 1947.
[373] Ibid.
[374] "Sugamja 2 manyŏ, Nam Chosŏn kak hyŏngmuso nŭn manwŏn," *Taehan tongnip sinmun*, February 2, 1947.
[375] "Pusan Hyŏngmuso rŭl pogo (2), kambang hana e 20 myŏng!" *Minju chungbo*, February 2, 1947.
[376] "Pusan Hyŏngmuso rŭl pogo (3), hyŏngmyŏng t'usa ŭi kamok sari sŭlpuda," *Minju chungbo*, February 5, 1947.

camps in Suwon and Incheon[377] to supplement the existing ones in Busan and Daegu.[378] Stopgap measures to solve the perennial issue of a lack of cell space only exacerbated the problematic image of the occupiers jailing political opposition en masse.

Prison overcrowding was not only a sign of the occupation's mismanaged public administration. Smaller leftist papers harshly critiqued prison overcrowding in nationalist terms, citing the very recent colonial past. A fishermen's union newspaper framed the imprisonment of *any* Korean individuals—regardless of charge—as an extension of the excesses of colonial rule. Another article on the 20,000-inmate milestone questioned how this could be true, even after the "Japanese invaders" (*waejŏk*) had gone.[379] The situation prompted an anticolonial resistance fighters' support association to point out the drastic increase in political prisoners from 263 in January, 1946 to 904 a year later. [380] The story running these figures erroneously implied all 20,000 were political prisoners while also citing the aforementioned political prisoner, Yi Chu-ha as their source, revealing the politically motivated attention to prison conditions. Other local papers piled on criticism of news of the same statistics, with the *Kyŏngnam ilbo*'s version rhetorically asking "*What was achieved with Liberation*?"[381] Different iterations furthered the same line of reasoning that while most of the 20,000 inmates were classified as "heinous criminals" (*p'aryŏmch'i pŏmja*), they should be considered as political prisoners.[382] Skeptical

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[377] "Nam Chosŏn kak hyŏngmuso ŭi choesu ch'ŏri sanghwang wŏnman," *Nongmin chubo*, February 1, 1947.
[378] GHQ Commander-in-Chief, USAF, *Summation No. 17 February 1947,* 1947, 27. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
[379] "Ch'ŏlch'ang ŭn yŏjŏn taemanwŏn! Nam Chosŏn eman 2 manyŏ myŏng, waejŏk i kan hue i musŭn kkadak," *Susan kyŏngje sinmun,* February 2, 1947.
[380] "Chŏngch'ibŏm sugamja 20,000 myŏng, panil undongja kujehoe sŏ chosa palp'yo," *Susan kyŏngje sinmun*, February 1, 1947.
[381] "Haebang ŭn muŏt ŭl kajŏ wanna, yŏngŏ ŭi sinŭmja 2 manyŏ myŏng, nanari nŭrŏ ganŭn ch'ŏlch'ang sok," *Yŏngnam ilbo*, February 3, 1947. Emphasis added.
[382] "P'aryŏmch'i ranŭn choemyŏng ŭro chŏngch'ibŏm sugamja 2 man, panil kuwŏnhoe sŏ chosa kyŏlgwa palp'yo," *Taegu sibo*, February 2, 1947.

members of the press openly rejected characterization of leftist organizing as common criminal behavior and the validity of the MG criminal justice system along with it.

Critiques following the publication of national inmate totals portrayed the military government's incarceration as extending and even exceeding the political repression of the colonial regime. The *Nongmin chubo* (*Farmer's Weekly*) pressed MG Deputy Chief, Charles G. Helmick about the details of incarceration statistics, asking what he thought about the increasingly common assertion that treatment of inmates exhibited more cruelty (*kahok*) than the Japanese. Helmick was forced to admit that prisons were indeed at max capacity but cited the influx of poor refugees returning to Korea and claimed people would be released if there was no evidence of illegal behavior. He assured press that authorities were taking rumors of torture in police stations and prisons very seriously.[383]

Press coverage questioning the validity of growing incarceration made appeals to prisoners' national belonging. Articles in the *Women's Daily* appended statistical updates with human interest blurbs that illuminated the manifold problems facing prisons. One article drew attention to the food security issues at Daegu Prison, claiming that one can see how desperate life after liberation was by examining its prisoners, calling prison the "dark face of society" (*sahoe ŭi myŏnsang*)[384] Daegu Prison had to rely on the local government to supplement their insufficient food rations after the influx of political prisoners—a February count found 823 of the 2,150 inmates convicted of violating MG ordinances.[385] Another article emphasized the tragedy that so many people spent the Lunar New Year holiday in prison, but wardens still marked the occasion

[383] "Nam Chosŏn kak hyŏngmuso ŭi choesu ch'ŏri sanghwang wŏnman," *Nongmin chubo*, February 1, 1947.
[384] "Taegu hyŏngmuso, amhok ŭi sahoe myŏnsang maeil kach'i chŭngga hanŭn choesu, singnyang hwakpo e sijang mi kuip," *Punyŏ ilbo*, March 9, 1947.
[385] Ibid.

by serving inmates rice cake soup and dried pollack.[386] Such sympathy endowed prisoners with honorary status as members of the nation who celebrated the same holidays. Even prisoners, one article reasoned, fostered a notion of patriotism, like the inmates who offered up their scarce earnings as donations for the returning overseas Korean refugees.[387] By 1947, additional holidays like the anniversary of the 1919 March First Independence movement were also marked with pardons. After two months of bad press, authorities at the problem-ridden Daegu Prison released 69 prisoners to mark the day.[388] Press appeals to prisoners' national belonging implicitly questioned their removal from normal social life by an unpopular occupation regime.

Critiques of prison overcrowding implied that not *all* prisoners need remain in the overwhelmed carceral system. But who was worthy of clemency in the current parole system, and how did public pressure affect these decisions? The *Women's Daily* ran several stories covering prisoners' pardons surrounding holidays. News of the Christmas parole[389] of 59 inmates at Daegu prison also carried the caveat that the fate of those classified as "political prisoners" was still undecided.[390] At least 93 prisoners applied for release in January, but the question remained whether MG ordinance violators would be considered for parole.[391] 43 of these such political prisoners (ordinance violators) were not released from Daegu Prison until late March.[392] There was growing public pressure to grant amnesty and consider politically motivated offenders as nonviolent patriots, but the MG was primarily concerned with quashing dissent.

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[386] "Insaeng biae, ch'ŏlch'ang e onŭn kusŏl, ttŏkkuk kwa myŏngt'ae rŭl kirok," *Punyŏ ilbo*, January 22, 1947.
[387] "Kamgyŏk ŭi 2 chungju, choesudŭl do nunmul ŭi tongjŏng," *Yŏngnam ilbo*, January 26, 1947.
[388] "3.1 kinyŏm, kach'ul okcha 69 myŏng kyŏlchŏng," *Punyŏ ilbo*, March 1, 1947.
[389] Those receiving a special pardon, or *ŭnjŏn.*
[390] "Chŏngch'ibŏm ŭn ajŭk migyŏl, k'ŭrissŭmassŭ kach'urok 59 myŏng," December 27, 1946.
[391] "Taegu hyŏngmuso, kusesu kach'urokcha, 93 myŏng ŭl naesin chung," *Punyŏ ilbo*, January 24, 1947.
[392] "Taegu Hyŏngmuso, p'ogoryŏng wibanja 43 myŏng, ŭiŭi kipŭn ch'odo ŭi kach'urok," *Punyŏ ilbo*, March 27, 1947.

One high-profile case put the contradictions of the MG's Janus-faced legal system on full display. In March of 1947, a Seoul court reached a guilty verdict for a group of U.S. servicemen who sexually assaulted several Korean women on a train.[393] Three of the men were convicted of battery, but the MG judicial system's own investigation did not find sufficient evidence to convict them of the initial rape charges; the longest sentence given was 18 months' imprisonment.[394] The case shined a spotlight on the occupation's bifurcated justice system: U.S. personnel received relatively short sentences for brutalizing Korean women, but Korean political activists languished in overcrowded and under-rationed prisons. The verdict was reported alongside news that nine Koreans were sentenced to life in prison for their role in the previous October's Daegu uprising—and only after their sentences had been commuted from death sentences.[395] Political crime was treated as equal to, if not more heinous than the traditionally abhorred violent crimes of rape, battery, and murder. Gen. John R. Hodge's claim from the previous autumn that activists were "dangerous criminals" sowing disorder had been demystified by journalists' critiques of prison overcrowding. Carceral spaces were primed for another resurgence of internal resistance in the form of riots and hunger strikes.

The debate over what constituted a politically motivated criminal versus a "normal" one changed from a rhetorical to a biopolitical one, as a year of overcrowding precipitated an alarming rate of inmate deaths. The press continued to question the use of prisons that were becoming sites of disease and starvation: "Is this what's called 'Liberation?'" (*Haebang iran irŏn kŏt in'ga?*) read the headline for one very critical writeup of an interview with the warden of

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[393] Yi Im-ha's study on women in the post-Liberation period has an invaluable chapter on the case and its ramifications: Yi Im-ha, "Minjok ŭi 'nŭngyok' sagŏn ttonŭn nŏmuna 'sasohan' pŏmjoe," in *Haebang konggan, ilsang ŭl pakkun yŏsŏngdŭl ŭi yŏksa* (Seoul: Ch'ŏlssuwa Yŏnghŭi, 2015), 229–69.
[394] "Punyŏ nŭngmyŏrhan 3 migunin, ch'oego 1 nyŏn 6 kaewŏl ŏndo," *Minbo*, March 12, 1947.
[395] "Taegu sagŏn ku sahyŏngsu kamhyŏng," *Kyŏnghyang sinmun*, March 12, 1947.

Sŏdaemun Prison.[396] When asked if it were true that political prisoners were receiving harsher treatment, he replied that no matter leftist or rightist, *as Koreans* they should not receive discriminatory treatment.[397] Like American officials, wardens interviewed in this period would not overtly recognize the category of "political criminal," nor admit to their discriminatory treatment.

Accessing sources that directly reflect life inside prisons during this period of crisis may be impossible. However, reading officials' silences in the press archive reveals *de facto* discriminatory treatment of anti-occupation activists. Several warden interviews began to reveal the correlation between overcrowding and inmate deaths. Being the flagship of the prison system in many ways, Sŏdaemun[398] Prison's conditions were representative of the general starvation and disease that fueled prison uprisings. The facility was exceeding its intended 3,000 inmate capacity with a total of 4,369 in April of 1947.[399] The total had increased by two and a half times since Liberation and was three times its colonial period average.[400] Different articles quoting the same warden gave different figures, but between 500[401] and 1000[402] of the total were convicted or awaiting trial for military ordinance violations. The differing figures give pause to question both the reliability of the journalism *and* the elasticity of the political prisoner category. An additional 900 inmates had been assigned to Sŏdaemun Prison's associated farm and workshops in the nearby town of Suwon. Work camps relieved prison overcrowding, but Sŏdaemun Prison

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[396] "Haebang iran irŏn kŏt in'ga, aeguk chisa nŭn ch'ŏlch'ang e ulgo 5000 myŏng hansum ŏrin Sŏdaemun Hyŏngmuso," *Taejung sinbo*, April 11, 1947.
[397] Ibid.
[398] The official name had been changed to Seoul Prison but the press sometimes referred to the facility by its even older name, Kyŏngsŏng Prison.
[399] "Haebang ŭn toeŏdo ch'ŏlch'ang an ŭn ch'omanwŏn, sŏhyŏng sugamja 4,300 yŏ," *Sŏul sŏkkan*, April 11, 1947.
[400] "Taeu kaesŏn ŭl yogu, Sŏul hyŏngmuso sugamja tansik sodong," *Chungang sinmun*, April 30, 1947.
[401] Ibid. Another article claimed as many as 600: "Kyŏngsŏng Hyŏngmuso kija bangmun'gi sach'ŏn-sambaek yŏ myŏng i sugam (ha)," *Tongnip sinbo*, April 12, 1947.
[402] "Haebang ŭn toeŏdo ch'ŏlch'ang an ŭn ch'omanwŏn, sŏhyŏng sugamja 4,300 yŏ," *Sŏul sŏkkan*, April 11, 1947.

still had as many as fifteen inmates packed into 117 square-foot cells (3 *p'yŏng* and 3 *hop*).[403] [404] Political prisoners could point to the visible inhumanity of prison overcrowding, but when cries for change fell on deaf ears, some turned to destruction of their own bodies.

To understand the hunger strike as a weapon of resistance against the occupation government, one must understand the ideological nature of the maintenance of prisoner life. April press coverage of the overcrowding issue turned its critical attention to the impact on inmate rations. Several interviews with wardens revealed that inmates' food apportionment was based on potential labor output: inmates assigned to the heaviest work duty received more grain than others. For example, inmates at Sŏdaemun Prison who were not assigned to labor were reportedly given 1 *hop* and 8 *chak* (slightly more than 3/4 of 1 U.S. cup) of a mixture of 1/5 white rice and 4/5 beans and other grains.[405] Inmates doing heavy labor were given the largest ration set at 2 *hop* and 5 *chak* of grain (slightly less than 2 U.S. cups). It was generally understood that prison labor kept prisoners healthy, but the warden explained that prisoners convicted of crimes tried under the U.S. military provost courts (MG order violations) were not allowed out of the cell blocks for work projects.[406] This meant that real or perceived opponents of the regime were systematically given smaller rations.

Coupled with the lack of facilities and proper supplies for full labor operations as it was, these reports signaled that relatively few people were receiving the maximum ration. Furthermore, the maximum was already paltry compared to other facilities: for comparison, the heaviest ration at Sŏdaemun was around half of the smallest rations reported at Daegu Prison in

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[403] "Kyŏngsŏng Hyŏngmuso kijadan pangmun hyŏngmuso to [inp'ure] (sang)," *Tongnip sinbo*, April 11, 1947.
[404] "Sŏul Hyŏngmuso e isang itta mojong ŭi sodong ŭro sugamja myŏnhoe sajŏl," *Tongnip sinbo*, April 30, 1947.
[405] "Haebang ŭn toeŏdo ch'ŏlch'ang an ŭn ch'omanwŏn, sŏhyŏng sugamja 4,300 yŏ," *Sŏul sŏkkan*, April 11, 1947. Another article (*Tongnip sinbo*, April 11, 1947) claimed the mixture was 15% rice, 45% wheat grain, 40% beans.
[406] "Haebang iran irŏn kŏt in'ga, aeguk chisa nŭn ch'ŏlch'ang e ulgo 5000 myŏng hansum ŏrin Sŏdaemun Hyŏngmuso," *Taejung sinbo*, April 11, 1947.

the same month.[407] Even the more substantial amount was reportedly insufficient to sustain inmates' health.[408] Resisting U.S. occupation indirectly carried the additional punishment of malnourishment and even starvation for inmates in the most crowded and undersupplied facilities.

Ration shortages and cramped living conditions led to increased prisoner deaths from 1946 to 1947. MG periodic reports later reported 303 prisoner deaths in 1946 and began to speculate about the rate of death for 1947 with an obfuscating calculation of "24.65 deaths per 1000 prisoners per annum."[409] Put another way: the penal system was on track to produce 493 deaths that year. By mid-1947 the periodic report's regular section updating nationwide inmate populations included a figure for prisoner deaths. Nationwide facilities were short on medical supplies and personnel to administer proper treatment for the sick and malnourished. Sŏdaemun Prison's three physicians had to serve over 80 patients, and the facility had at least 47 prisoner deaths since August 1945.[410] The causes of death were not specified for Seoul (Sŏdaemun), but an interview with the warden of Daegu Prison revealed that nearly 50 inmates had died there as well, most due to starvation and infectious diseases. [411] [412] A reporter visiting Taejŏn Prison painted a similar picture but added that tuberculosis was one cause for the rise in prisoner deaths.[413] Daegu Prison's inmate total of 2,223 greatly exceeded its pre-liberation figure of

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407 "Haebang huro oksa 50 myŏng, sugam inwŏn haebang chikhu ŭi 11 pae," *Taegu sibo*, April 11, 1947.
408 "Hyŏngmuso Jang kwa mundap, oksa wŏnin ŭn yŏngyang pujok poyak tŭng ch'aip ŭn hwanyŏng handa," *Punyŏ ilbo*, April 11, 1947.
409 GHQ Commander-in-Chief, USAF, *Summation No. 20 May 1947,* 1947, 27. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.
410 "Haebang ŭn toeŏdo ch'ŏlch'ang an ŭn ch'omanwŏn, sŏhyŏng sugamja 4,300 yŏ," *Sŏul sŏkkan*, April 11, 1947.
411 "Haebang huro oksa 50 myŏng, sugam inwŏn haebang chikhu ŭi 11 pae," *Taegu sibo*, April 11, 1947.
412 "Hyŏngmuso Jang kwa mundap, oksa wŏnin ŭn yŏngyang pujok poyak tŭng ch'aib ŭn hwanyŏng handa," *Punyŏ ilbo*, April 11, 1947.
413 "Chayu wa kwangmyŏng ŭl tŭngjŏsŭna minjujuŭi nŭn yŏginŭn yŏgi sŏdo ssaunda (sang), Taejŏn Hyŏngmuso sich'algi," *Taejung sinbo*, May 20, 1947.

around 1,500.[414] Taejon Prison was exceeding its colonial period high (1,300) at 1,783 prisoners and facing a tuberculosis outbreak.[415] The situation in the provinces' smaller institutions was clearly no better than the capital. Provincial prisons were nonetheless able to feed their prisoners much more than Seoul's packed facilities. For example, Daegu Prison provided nearly three times the amount of grain as the overcrowded prisons in the capital with a range of 4 to 6 *hop*, based on labor assignment. The warden reportedly laughed when asked if political prisoners were receiving harsher treatment than regular prisoners, replying "There is not a single political prisoner. But if you consider those related to the October First Incident, then there are about 700."[416] Given Daegu's recent history of political uprisings, "rioters" occupied the largest category of offenders after theft/larceny.[417]

The indirect categorization of political prisoners had been negotiated in press statements for months, but the distinction had potentially deadly implications for inmates held awaiting trial or sentenced by the provost courts who were not allowed on labor duty, and thus receiving fewer rations. Categorization as a political prisoner in the most crowded institutions ensured an even more precarious existence. The MG penal regime not only criminalized political dissent: it slowly destroyed ideologically recalcitrant bodies by feeding them less and allowing fewer activities that would promote physical health. However, these material conditions only precipitated greater dissent. Prison uprisings and hunger strikes became the last resort for prisoners who might otherwise succumb to their squalid conditions. As the following will demonstrate, hunger strikes further transformed the exceptional inmate body into dual sites of

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[414] "Haebang huro oksa 50 myŏng, sugam inwŏn haebang chikhu ŭi 11 pae," *Taegu sibo*, April 11, 1947.
[415] "Nam Chosŏn hyŏngmuso sich'algi (sang) kyŏkchŭng hae kanŭn oksaja igam toen idŭl korangch'an ch'ae tansik hanggŏ," *Minbo*, May 22, 1947.
[416] Ibid.
[417] "Hyŏngmuso ch'ang ŭl t'ong haya pon saesimhan sahoemyŏn ŭi tanghyang, sugamja nŭn nallo chŭngga illo," *Yŏngnam ilbo*, April 11, 1947.

biopolitical violence *and* its resistance. The concomitant increase in hunger strikes alongside food insecurity illustrates the threat recalcitrant bodies posed for the regime's legal authority.

As the ration issue gained press attention, another consequence of the previous year of unrest resurfaced in carceral spaces. The MG legal apparatus had been dealing with the case known as the "Chosŏn Publishing Company counterfeiting incident" (*Chosŏn Chŏngp'ansa wip'ye sagŏn*) for nearly a year when activists implicated in the plot linked their cause with struggles for better treatment in prisons.[418] Two activists previously implicated in the scandal made headlines again when they refused to appear in court and began a hunger strike in November 1946. Their more subtle protest of the penal regime was largely drowned out by the more overt prison breaks of the same period, but their status as high-profile political prisoners brought the MG regime's treatment of political prisoners into stark relief. Yi Kwan-sul and Yi Chu-ha, both veteran organizers with anticolonial activist and prison experience, refused to appear at their November 12 court date. The latter Yi's moment in the spotlight accentuates the slow development of carceral authority under U.S. occupation rule.

Yi Chu-ha was a central committee member of the Chosŏn Communist Party with considerable nationalist credentials accrued as a labor organizer during the colonial period. He had been arrested in September, 1946 for the crime of "disturbing the peace" (*annyŏng chilsŏ e kwanhan choe*).[419] After nearly two months in custody, Yi was summoned for interrogation by the CIC and taken to the American stockade at Pup'yŏng (Pup'yŏng Hyŏngmuso).[420] According to his lawyer, Yi was interrogated in the American facility and was forcibly administered an

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[418] The May 1946 discovery of a plan to counterfeit money was all the regime needed to effectively criminalize leftist affiliation under the presumption that those activities aided northern communist plots to undermine the US occupation. The autumn uprisings cemented the association between leftist organizing and militant revolt in MG rhetoric.
[419] Im Sŏng-uk, "Migunjŏnggi Chosŏn Chŏngp'ansa 'wijo chip'ye' sagŏn yŏn'gu," PhD diss., (Hankuk University of Foreign Studies, 2015) 94.
[420] Ibid, 139.

unspecified injection after refusing orders, the contents of which caused him to fall into a brief coma.[421] Once transferred back to Seoul (Sŏdaemun) Prison, Yi was reportedly in a state of "suspended animation" (*kasa sangt'ae*), refusing food and water. Another account described how he was taken away in a vehicle lying comatose with his eyes tightly shut.[422] Yi resumed his hunger strike after regaining lucidity and returning to prison, now with fellow leftist Yi Kwan-sul joining him in solidarity. Though but a small act of defiance, the hunger strike was firmly established as one tactic for carrying out resistance inside carceral spaces.

The official MG archive silences the impact of resistance to carceral power and expanded criminalization of political dissent. It is incredibly rare to have access to the voice of the prisoner in this period, but the high-profile nature of the case meant increased press attention on the actions of the accused. One newspaper reported that the area judge and a prosecutor, Sin Ŏn-han (future head of the Penal Bureau and vice Minister of Justice) were investigating the CIC's use of the shot to subdue him. The regime's intelligence apparatus would not allow the prisoner to die without serving an instrumental purpose as the object of interrogation: Yi was drugged into a state of suspended animation to perform the theater of due process that legitimated the entire juridical regime. Once lucid, his defiant statement announcing his hunger strike—a declaration of subjectivity through self-annihilation—was printed in the leftist paper, *Tongnip sinbo*: "I have given forty years of my life for the liberation of the Korean nation. But I too have the persistence of a Korean (Chosŏn) person and *would rather die cleanly as a Korean*. Until I die, I will not move from this cell and will leave a corpse."[423] Rather than simply waste away as a carceral subject, Yi attempted to die "as a Korean," and on his own terms. MG discourse painted the

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[421] "Yi Chu-ha Ssi tansik, Chosŏn saram ŭro kkaekkŭsi chukketta," *Tongnip sinbo*, November 13, 1946.
[422] "Yi Chu-ha Ssi chaesugam," *Kyŏnghyang sinmun*, November 21, 1946.
[423] "Yi Chu-ha Ssi tansik, Chosŏn saram ŭro kkaekkŭsi chukketta," *Tongnip sinbo*, November 13, 1946. Emphasis added. Yi is quoted using the Kyŏngsang dialect form of "cleanly" (kkaekkŭri, 깨끌이).

political dissident and social deviant with the same brush of criminality, but Yi's invocation of the nation evades this condemnation. He posits his life and potential death as commensurate with struggles for the liberation of the "true" nation. Though he was forcibly transferred from one carceral space to another, Yi Chu-ha's consistent disavowal of legal authority in the press reveals the judicial and penal system's lingering precarity. They could confine recalcitrant bodies but could not yet achieve discursive hegemony over the penal system's normalizing function to revoke, deny, or newly confer a rehabilitated subjectivity.

By refusing to appear in court but joining hunger strikes the political prisoner could assert their resistant subjectivity through control of their biological life, either by withholding sustenance or by outright self-annihilation. These often-futile acts of resistance are artifacts of a dissident, anti-occupation subjectivity. Simultaneously, their subjectivation was expressed through—and subsumed by—the category of the Korean nation. Instantiations of dissent reflect the MG's ongoing rhetorical struggle to establish themselves as the sole, legitimate authority to define, punish and control the deviant body. After a tumultuous period of uprisings and escapes, reformers desperately needed time and resources to reach their increasingly farfetched goal of (re)establishing a rehabilitation-based penal system in Korea—one that was recognized and legitimated by civil society. However, the growing inmate population continued threatening to upend the carceral order.

While the context that inspired committed activists was acutely ideological, scores of ostensibly apolitical prisoners also asserted their resistant subjectivity through prison riots and hunger strikes. It had been nearly a year since the Chosŏn Publishing Company counterfeiting case began, but activists imprisoned for their involvement found common cause with Seoul (Sŏdaemun) Prison's starving inmates. The previous July, leftists had protested the closed nature

of the hearing, gathering outside the Seoul District Courthouse and chanting slogans calling for a "people's trial."[424] When the crowd stormed into the courthouse the police opened fire and injured many, including one middle school student who later died from his wounds.[425] 38 people were arrested and sentenced to 3 to 5 years in prison, many of them at Sŏdaemun (Seoul) Prison. Nine months later the same people began a group hunger strike in solidarity when another leftist youth group leader, Yi Chun-ma died while serving a four-year sentence.[426] The *Kyŏnghyang sinmun* transliterated the English phrase "hunger strike" into Korean hangul (*hangga sŭt'ŭraik*). to describe the group protest demanding the cessation of handcuffing prisoners in their cells, allowing prisoners to read social science texts, and improving the prison's hygiene and health facilities.[427] Yi's death had shined a spotlight on the worsening prison conditions and spurred activists' families to petition the Sŏdaemun Prison warden Kim Pyŏng-wan to release prisoners with serious illnesses, and even reexamine and acquit the charges against their relatives.[428] The growing resistance at Seoul Prison influenced prisoners' families to focus on the conditions of the prison system and drew even more local attention when prison riots could be heard in the surrounding community.

The hunger strike had transformed over a month into loudly audible disturbances with prisoners chanting the familiar expression of patriotic fervor, "*Manse*!" and had 10 hunger strikers continuing to resist food.[429] One paper listed their five demands—increase food rations, distribute sugar/candy, distribute cigarettes, release inmates from handcuffs, and provide labor opportunities.[430] When Military Governor Archer Lerch himself was brought to attention on the

[424] Kim, *Pŏmnyulgadŭl,* 304–5.
[425] Ibid, 304.
[426] "Chŏn Tolkyŏk Sujang Yi Chun-ma Ssi oksa," *Sŏul sŏkkan*, April 3, 1947.
[427] "40 myŏng okchung tansik Yi Chun-ma Kun oksa tongjŏng," *Kyŏnghyang sinmun*, April 20, 1947.
[428] "Sugamja ŭi kajok, yoro e chinjŏngsŏ," *Minbo*, April 18, 1947.
[429] "Sŏdaemun Kamok sodong," *Tonga ilbo*, April 30, 1947.
[430] "Sugamja ga tansik k'o 5 hangmok ŭro t'ujaeng," *Hyŏndae ilbo*, April 30, 1947.

matter, the demands discussed were for more food, ceasing the use of handcuffs, allowing access to newspapers, and giving prisoners more labor opportunities.[431] Demanding access to news sources was highly sensitive because it could link struggles on the inside with political developments on the outside. When one journalist asked vice-warden Kim Chae-wŏn about the demonstrations demanding basic reforms in penal administration, he responded that there had been such demands but now they were just asking for more food, and that the movement was not political.[432] In keeping with the official line that refused to acknowledge a distinction between political prisoners and the common criminal, the statement disavows the hunger strikers' integration of the life-or-death struggle for increased rations with a larger political program.

To the contrary, later remembrances of the period highlight the acutely political nature of struggles taking place behind iron bars. Kwŏn Yŏng-jun's memoirs of his life as a prison guard provide an ardently anticommunist perspective on prison conditions at the time. The April 1947 incidents are prominent in his section on "disturbances" (*nandong*) caused by leftist prisoners.[433] He remembered the period as one of "terror" in which leftist prisoners chanted pro-communist slogans and threatened the guards daily. Chants of "*Manse*!" and other slogans were seemingly endless, so newspapers variously referred to the events as "*Manse* disturbances" (*manse sodong*). Guards reportedly feared for their lives in an environment where ringleaders of the counterfeiting scandal like Yi Kwan-sul were running things "as if the cell were their own office."[434] They were organized, Kwŏn claimed, and could communicate by knocking on pipes to plan riots and breakout attempts. He shared what the vice warden of Seoul (Sŏdaemun) Prison, Kim Chae-wŏn told him about when the hunger strike grew into a major disturbance and drew attention from the

[431] "Taeu kaesŏn ŭl yogu, Sŏul Hyŏngmuso sugamja tansik sodong," *Chungang sinmun*, April 30, 1947.
[432] "Tansik ŭl han il i ita, Sŏdaemun Hyŏngmuso pusajang kwaŭi mundap," *Taejung sinbo*, April 30, 1947.
[433] "Chwaik choesudŭl nandong, hyŏngjŏng pansegi 13," *Chungang ilbo*, October 2, 1971.
[434] Ibid.

local community: Kim was eating lunch in a nearby restaurant when he heard chants of "Long live the communist party!" and leftist leaders' names followed by "*Manse!*" emanating from the prison.[435] Chants extended into the night and included the names of Josef Stalin and South Korean Workers' Party leader Pak Hŏn-yŏng.[436] One tactic used to contain the event was to isolate counterfeit scandal inmates, but more inmates in the general population protested their removal.[437] Facing accusations that the uprising was put down with undue force, an investigation by Department of Justice and U.S. military personnel found that 18 prisoners were beaten and otherwise punished for their involvement, but not seriously injured.[438]

After two weeks of the initial start to hunger strikes, several prisoners were in critical condition, prompting a press conference with Warden Kim Pyŏng-wan to respond to the mounting demands. Kim cited the prison's unprecedented overcrowding as a pretext to transfer high-profile leftist prisoners to other facilities.[439] With regards to the demand for newspapers, he said the prison's internal magazine titled "*Bright Future*" (*Kwangmyŏng*) would have to suffice.[440] As for increasing rations, Kim could only say that it was structurally difficult (or impossible) to do. The disturbances were eventually put down and the ringleaders were transferred to different prisons. Ever at the center of prison resistance in Seoul facilities, Yi Kwan-sul and other activists were sent to the similarly overcrowded Taejon Prison.[441]

Pointing out the hypocrisy of the occupation's "liberation" marked by overcrowded prisons, economic instability and political chaos were constant and familiar editorial refrains in

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[435] Ibid.
[436] "Tansik ŭl han il i ita, Sŏdaemun Hyŏngmuso pusajang kwaŭi mundap," *Taejung sinbo*, April 30, 1947.
[437] "Sŏdaemun Hyŏngmuso sugamja 3000 yŏ myŏng i manse sodong, kŭpsik kaesŏn tŭng yogu puŭng ŭro," *Taegu sibo*, May 1, 1947.
[438] "Sŏdaemun Hyŏngmuso sodong sagŏn," *Kyŏnghyang sinmun*, May 13, 1947.
[439] "Sŏdaemun Hyŏngmuso sugamja 3000 yŏ myŏng i manse sodong, kŭpsik kaesŏn tŭng yogu puŭng ŭro," *Taegu sibo*, May 1, 1947.
[440] Ibid.
[441] "Taeu gaesŏn ŭl yogu, Sŏul Hyŏngmuso sugamja tansik sodong," *Chungang sinmun*, April 30, 1947.

leftist periodicals like the *Minbo*.[442] However, even Korea's larger, more centrist papers began to use the nation's 18 prison facilities as a yardstick for worsening social conditions and call for systemwide penal reform after a season of unrest.[443] A *Kyŏnghyang sinmun* reporter touring provincial prisons noted the generally empty atmosphere of the countryside after so many young men had been imprisoned in the previous year, and after massive local protests by farmers commemorating May Day landed even more in jails and prisons. It was as if the countryside had "lost its protagonists" and the few farmers left were busy "as if swept up by the wind" making up for the lack of laborers.[444] This feeling of emptiness was juxtaposed with the scene inside southwestern prisons which were just as crowded as the capital: Chŏnju Prison was overflowing with 70% of its inmates held for MG ordinance violations[445] and as many as 20 people packed into even smaller 2.5 *p'yŏng* (around 89 square feet) cells.[446]

The tactic to divide and conquer the leadership behind prison uprisings seemed to have quelled unrest at Sŏdaemun Prison, but the tactic had spread to other facilities in the southwest and central provinces. One hunger striker, Song Ŏn-p'il, was transferred from Mokp'o Prison to Taejon to join other hunger strikers moved from Seoul. Even in his new environment, Song would reportedly wake in the morning and sing the national anthem (*aegukga*) and international socialist anthem, "The Red Flag" (*Chŏkgiga*).[447] He continued to praise leftist leaders, chant "*Manse!*," and resumed his hunger strike in handcuffs.[448] Journalists touring Taejon prison also

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[442] "Nam Chosŏn hyŏngmuso sich'algi (sang) kyŏkchŭng hae kanŭn oksaja igam toen idŭl korangch'an ch'ae tansik hanggŏ," *Minbo*, May 22, 1947.
[443] "Chibang hyŏngmuso sich'algi (ha)," *Kyŏnghyang sinmun*, May 20, 1947.
[444] "Chibang hyŏngmuso sich'algi (sang)," *Kyŏnghyang sinmun*, May 20, 1947.
[445] "Honam chibang kak hyŏngmuso sich'algi (chung), ch'irhar i p'ogoryŏng wibanjoe, haebang chŏn paesu suyong toen Chŏnju Kamok," *Minbo*, May 23, 1947.
[446] "Chibang hyŏngmuso sich'algi (sang)," *Kyŏnghyang Sinmun*, May 20, 1947.
[447] "Chibang hyŏngmuso sich'algi (sang)," *Kyŏnghyang sinmun*, May 20, 1947.
[448] "Nam Chosŏn hyŏngmuso sich'algi (sang) kyŏkchŭng hae kanŭn oksaja igam toen idŭl korangch'an ch'ae tansik hanggŏ," *Minbo*, May 22, 1947.

spotted a very emaciated Yi Kwan-sul in Taejon prison reading the aforementioned prisoner magazine *Bright Future* (*Kwangmyŏng*) that was to serve as a substitute for prisoner access to news materials.[449] A larger structural change than simply moving political prisoners around equally overcrowded facilities was needed, but the initial movement emanating from Sŏdaemun Prison appeared to have been effectively subdued.

Some of the last, largescale demonstrations and hunger strikes under formal U.S. occupation hit Kangwŏn Province's Ch'unch'ŏn Prison in July 1947. 158 of the 422 inmates began refusing food and making similar demands as prior movements, including access to newspapers, better and more rations and an end to the practice of "private" or extralegal punishment (*sahyŏng*).[450] Strikes won some demands, especially after prisoners assigned to labor projects refused to work and further protested the ringleaders being put in solitary confinement. In the same month, prisoners at Kongju Prison began singing patriotic songs during church services before being forced back to their cells.[451] Both incidents highlight the double-edged sword of rehabilitation: tying solvency of the penal system to prisoner labor gave them considerable negotiating power in a strike. Additionally, access to religious services allowed free movement and a space for group communication and expression. The increasing potency of prisoner protest meant authorities and penal reformers could no longer maintain the prison as a runoff for free society's economic and political turmoil.

Conclusion

Evaluating the effectiveness of prison resistance in the occupation period is difficult, but

[449] "Chibang hyŏngmuso sich'algi (sang)," *Kyŏnghyang sinmun*, May 20, 1947.
[450] "Kigyŏlsu tansik, Ch'unch'ŏn Hyŏngmuso esŏ" *Susan kyŏngje sinmun*, July 5, 1947.
[451] "Kongju Hyŏngmuso chaegamja tansik," *Chungang sinmun*, July 13, 1947.

a few things can be said about its material impacts. By the summer of 1947, governmental authority had nominally passed to the South Korean Interim Government (SKIG). For some, the change signaled the possibility of a shift in penal policy, like the case of one woman asking an advice columnist if the establishment of a new interim government meant that her husband would be released from Sŏdaemun Prison.[452] The columnist's answer was that North and South would have to be reunited, and such things could always change depending on the progress of U.S.-Soviet talks. It would take time for macro geopolitical changes to impact the individual prisoner, but the newly branded interim government did enact several measures to reduce the prison overcrowding that caused such chaos in the spring. For one, juvenile prisoners were relocated out of adult institutions and onto work farms wherever possible.[453] A separate juvenile carceral system had been slow to develop and the alarming prevalence of child offenders sharing prison cells with adults was harshly criticized along with the mounting critique of penal administration.[454]

Another welcomed change was that the Korean judicial system finally took over trial functions from the MG provost courts. Korean courts began clearing out some of the egregious cases of incarceration for minor offenses. 1,069 prisoners were released in June alone for cases that did not involve murder or other serious crimes.[455] The interim government released hundreds of prisoners in June 1947 with a special pardon (*t'ŭksa*), but overtly political prisoners were still excluded. For example, none of the 400 prisoners released from Seoul (Sŏdaemun) Prison were classified as "political" prisoners, but were those held on charges of theft for stealing U.S.

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[452] "Ŏtchi harikka, imjŏng sŏmyŏn chŏngch'ibŏm sŏkpang toelkkayo," *Yŏsŏng sinmun*, June 14, 1947.
[453] "Ch'ŏlch'ang ŭi sonyŏnsu nongwŏn ŭro," *Tonga ilbo*, June 14, 1947.
[454] See James D. Hillmer, "'A Children's Paradise': Reforming Juvenile Incarceration Under the US Military Government in Korea, 1945–48," *Transactions* 94 (2020): 19–42.
[455] GHQ Commander-in-Chief, USAF, *Summation No. 21 June 1947,* 1947, 32. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives.

military supplies.[456] Other pardons included members of leftist groups, such as the release of 94 prisoners when reinvestigation of offenses related to labor strikes found the activists not guilty.[457] Such reevaluations led to the release of hundreds of MG ordinance violators that quickly reentered free society in the summer months.[458] One newspaper article remarked that the families greeting the pardoned felt similar to the days after August 15, 1945, like a kind of "second liberation."[459] The sentiment suggests that politically active Koreans had to be liberated yet again from their supposed liberators by a stand-in government of fellow Koreans. On the other hand, it suggests that the same authorities rebranded as the SKIG had regained the MG's initial aura of "liberators." The SKIG ushered in the new paradigm by granting amnesty to 1,596 more prisoners to mark the two-year anniversary of the August 15 liberation.[460] Released prisoners had to have served at least one third of their sentence in good behavioral standing and would be returned to serve the remainder if they broke parole. Where at the beginning of the year legal authorities were reluctant to acknowledge the hasty incarceration of protestors and nonviolent offenders, struggles over prison overcrowding had finally forced a shift in policy to mass pardons.

The specific meaning of a "political crime" was never officially recognized by MG authorities and constantly renegotiated in public discourse, but the previous year's mass incarceration of political opposition had proven untenable for the slowly developing penal

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[456] "400 yŏ choesu ch'ulgam," *Kyŏnghyang sinmun,* June 19, 1947.
[457] "Kunjŏng wiban 94 myŏng ch'urok, Minjŏn Jungwi Yun Hyŏng-sik Ssi do ch'ulgam," *Tongnip sinbo*, June 19, 1947.
[458] For example, 130 were released from Daegu Prison: "Kunjae kwan'gye sŏkpangja, 130 myŏng i chayu ch'ŏnji ro," *Yŏngnam ilbo*, June 24, 1947; 64 from Busan Prison: "Pusan ŭn 64 myŏng sŏkpang," *Minju chungbo*, July 2, 1947.
[459] "T'ŭksa hyet'aek ŭl chŏn chŏngch'ibŏm e," *Kyŏnghyang sinmun*, June 21, 1947.
[460] USAFIK USAMGIK National Economic Board and Statistical Research Division, Office of Administration, *South Korea Interim Government Activities No. 1 August 1947*, 195. Walter E. Monagan Papers, Box 1. Hoover Institution Library & Archives.

system. Aside from hotspots of ongoing prisoner resistance, releasing political prisoners briefly relieved the majority of institutions of their overcrowding. The summer nationwide inmate total dropped back down below the winter's highwater mark into a decreasing trend with 20,554 in May, 19,833 in June[461], and 19,777 in July.[462] The total reached a low of 19,263 in August.[463] It should be noted, however, that Sŏdaemun Prison was still packed beyond its capacity, and well over the 4,000-inmate benchmark that first made headlines. Over the course of the year the projects promising expanded carceral capacity with work camps and specialized institutions for refugees and juvenile offenders. The decreasing rate of prisoner deaths also became a bellwether of progress in penal reform, even if the decreasing totals were achieved through pardons rather than a miraculous reversal of economic conditions on both sides of the prison wall.

This chapter has argued that prisoner resistance forced the MG to improve rationing and prison overcrowding. The Autumn Harvest Uprising of 1946 led to an unprecedented number of prison riots and escape attempts. The resulting crackdown succeeded in squelching overall dissent, but it also shifted the site of prisoner resistance to the prison's inside, and even to the body itself. If prison breaks were seen as merely opportunistic, hunger strikes forced observers to reckon with the unmistakably dismal state of prisons. Critiques of such conditions were an implicit indictment of the occupation's retrograde progress in penal reform. By locating the site of resistance to their bodies, hunger strikers integrated their political struggles with a broader

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[461] GHQ Commander-in-Chief, USAF, *Summation No. 22 July 1947,* 34. Walter E. Monagan Papers, Box 4, Hoover Institution Library & Archives; USAFIK USAMGIK National Economic Board and Statistical Research Division, Office of Administration, *South Korea Interim Government Activities No. 1* [23] *August 1947,* 34. Walter E. Monagan Papers, Box 1. Hoover Institution Library & Archives.
[462]USAFIK USAMGIK National Economic Board and Statistical Research Division, Office of Administration, *South Korea Interim Government Activities No. 1* [23] *August 1947,* 195. Walter E. Monagan Papers, Box 1. Hoover Institution Library & Archives.
[463] USAFIK USAMGIK National Economic Board and Statistical Research Division, Office of Administration, *South Korea Interim Government Activities No. 2* [24] *September 1947,* 121. Walter E. Monagan Papers, Box 1. Hoover Institution Library & Archives.

public appeal for humane treatment of their fellow countrymen—even convicted criminals. The occupation eventually caved to press critique and prisoner resistance as releases of minor political offenders became a common pressure valve for prison overcrowding. As the following chapter will demonstrate, the prisoner pardon was not a disinterested act of benevolence. The subsequent regime under Syngman Rhee utilized pardons to bolster support for South Korea's newly established First Republic.

Chapter 3: From Pardons to Massacres: Prisons and the Establishment of the ROK

Introduction

Despite ongoing, nationwide resistance, the May 1948 election resulted in a lasting, separate regime in the south. Syngman Rhee and his allies moved to consolidate their rule and eliminate internal opposition. Rhee heralded the founding of the new republic in August 1948 with a special pardon of nonviolent offenders, called the National Foundation Pardon (NFP, Kŏn'guk Taesaryŏng). As detailed in the last chapter, mass pardons of political prisoners and nonviolent offenders were used to reduce overcrowding and mitigate the lack of rations in the occupation prison system. But the NFP was different because of its massive scale and its implications for the relationship between state and subject. Over 27% (6100) of inmates[464] in the nationwide prison population of nearly 22,000 were released in the autumn of 1948.[465] This pardon was also different in that a new, autonomous regime nominally detached from U.S. occupation exercised its right to adjudicate which of its subjects' actions were pardonable transgressions against the state and society.

Being one of the first acts of the National Assembly after establishing the organization of government, the pardon is a pivotal moment to examine foundational discourses of national belonging and exclusion in contemporary Korean history. In more specific terms of Korea's penal history, reformers continued developing rehabilitation programs under the auspices of a system ostensibly controlled *by* Koreans, *for* Koreans. The founding of the republic simplified the regime's narratives of punishment and redemption: rather than being portrayed as obstacles

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[464] "Kukhoe ponhoe ŭi pŏmmu Mun'gyo Sŏbu sijŏng pangch'im yŏnsŏl sabŏp kigu ŭi kansohwa," *Kyŏnghyang sinmun*, October 6, 1948.

[465] The systemwide daily average of inmate population was 22,279 inmates. Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:348.

to U.S. occupation, inmates were judged for their potential to contribute to constructing a new nation. On a symbolic level, punishment for social crime was being meted out *by* Koreans, *to* Koreans with the implication that prisoners would be rehabilitated and rejoin society. The South Korean state established its sovereign right to punish criminals within its borders, but that relation was never free from the intensifying external pressure to go beyond punishing and begin eliminating internal others. The U.S. occupation had left, but the local manifestations of Cold War anticommunism and containment were just beginning.

This chapter contrasts two distinct phases in the ROK's pre-Korean War penal policy to make sense of this watershed moment. The first phase, after the founding of the republic was one of *opening*, in which prison gates flung open and the criteria for imprisonment and national belonging were renegotiated. The second phase, beginning with the Yŏsu–Sunch'ŏn Rebellion (discussed further below) and climaxing with the outbreak of war in June 1950, was one of *closing*: the intensifying struggle by anticommunists to rid South Korea of leftist opposition redefined rehabilitation to include overt ideological conversion of suspected leftist prisoners. The early Cold War manifested in prisons as a rapid reversal from a policy of mass pardons to mass incarceration. The conflict behind bars came to a disastrous conclusion with the eventual massacres of political prisoners in the outbreak of the Korean War. The reversal from pardons to massacres reveals the penal apparatus's Janus-faced function to produce the nation's ideal subject as well as its other.

The discourse surrounding the NFP rendered the release of inmates tantamount to liberating the nation itself. Articles covering the pardon featured photos of released prisoners meeting their families at the prison gates and framed the return of so many inmates to free society as hope for a brighter future in the newly established republic. In the weeks, days (and

even hours) following release, many released inmates without financial support resorted yet again to crime. The press was harshly critical of recidivists who were promptly caught and rearrested. The condemnation of the failure to rehabilitate social crime suggests that fear of the criminal—society's original, internal other—prefigured and even facilitated the later massacre of suspected leftists. Before the civil war mounting on the Korean peninsula, civil society actors critiqued the Rhee regime for exacerbating the social problem of recidivism. However, attitudes quickly reversed and supported the regime's anticommunist rhetoric, separating subjects into categories of redeemable and irredeemable others.

This reversal from fanfare to criticism over recidivist parolees reflects a deeper function of state pardons and parole systems. Cultural anthropologist Victor Turner's theory of social drama[466] is useful for analyzing the performance aspect of the mass pardon: passing in or out of the prison gate not only *represents* a threshold between ingroup and outgroup status: the performance *mediates* the former convict's act of redress and qualifies them for reintegration into the social order. In more ordinary contexts, the paroled prisoner is said to have "done their time" and the public accepts or disavows this narrative of redemption. Their good behavior qualifies them for reintegration into society, but this is often unpopular in the retributive court of public opinion: the "social drama" can also end in "legitimation of *irreparable schism* between the contesting parties."[467] In the extraordinary case of the National Foundation Pardon, however, more than a quarter of the total inmate population were released for the arbitrary reason of

[466] Turner employed the concept of 'social drama' to explain changes in the social order. He defines 'social drama' as "units of aharmonic or disharmonic social process, arising in conflict situations." These conflicts are solved through symbolic rituals with four main phases: First, there is a *breach* of normal social relations; second, the breach is followed by the moment of *crisis*; third, a '*redressive action*' must occur, ranging from informal dispute resolution to legal, judicial action. Finally, the disturbed social group is either *reintegrated*, or there is a large social reorganization, and "legitimation of *irreparable schism* between the contesting parties." Victor Turner, *The Anthropology of Performance* (New York: PAJ Publications, 1988), 74–5 (emphasis mine).
[467] Ibid.

celebrating the founding of the new republic. The pardon's patriotic framing made disavowal of parolees' redemption narrative a cynical, anti-national act. However, employing the same framing, some press critics argued that the recidivist had betrayed the very nation that had just granted them amnesty. They were seen as ungrateful and, worse, cast the narrative of personal *and* national redemption into doubt.

This chapter argues that early ROK prisons were not sites of excess or exception—they were fundamental to the formation of South Korea's national identity and Cold War consciousness. Beyond the level of ritual or performance, the prison became a space to confine and monitor the regime's (real and perceived) internal enemies. Shortly after the National Foundation Pardon, prisons became highly politicized spaces of anticommunist conversion. The stakes of passing in and out of prison walls became increasingly heightened in the growing conflict between the state and leftist forces. But the prison is far more than a means of social control: it was simultaneously a mechanism for producing the ideal, anticommunist, Cold War citizen while also identifying, containing, and converting the nation's recalcitrant other. Conversion rituals in pre-Korean War prisons were not aberrations or divergences from the program of penal reform, but instead the logical result of an increasingly nation-centered program of prisoner rehabilitation touched off by the National Foundation Pardon.

This chapter reconsiders the First Republic's increased criminalization of political dissent as a watershed moment. It posits the mass pardon and its backlash as the more accurate high-water mark to assess a fundamental hatred for criminals as the fundamental mechanism changes in the prison system. Part I compares press coverage celebrating the pardons with those condemning recidivists in the same period to reveal the pardon's dual function of defining the ideal national subject and its excluded other. Part II considers the theoretical implications of the

National Foundation Pardon and resulting recidivism scandal, interrogating the logic of pardons, condemnation, and massacres used to build state power. It brings Giorgio Agamben's notion of *homo sacer*[468] into relation with historian Kim Tŭk-chung's theorizing of the "birth of the commie" in South Korean society.[469] Part III uses this frame to compare the logic of pardons with anticommunist conversion strategies in penal spaces just before the Korean War. The conclusion considers the potential direction of penal reform in the final days before the outbreak of the Korean War led to outright massacres of leftist prisoners and others suspected of being leftists. The anticommunist fervor of the early ROK manifested in prison spaces by merging penological praxis with ostentatious shows of conversion. Notions of rehabilitation had transformed from a nationalist project to promote productive use of manpower, to one rooting out and converting hidden internal enemies. Prison conversions became local sites of Cold War contestation, produced spectacular images and narratives for propaganda, and elevated the penal system's role from basic social control to that of ensuring national salvation from the Cold War's internal and external threats.

Part I: Pardons as Liberation, Recidivism as Treason

The Syngman Rhee regime marked the founding of the Republic of Korea with a series of mass pardons and commutation of prison sentences. It must be reiterated that the precedent of largescale pardons had been set by the USAMGIK as a strategy for gaining popular support and alleviating the penal system's difficulty in ensuring prisoner rations. Several months before the end of formal U.S. military rule on the peninsula in August 1948, acting leader of U.S. forces in Korea and deputy to Gen. John R. Hodge, William F. Dean approved the release of 3,740

[468] Giorgio Agamben, *Homo Sacer*.
[469] Kim Tŭk-chung, *Ppalgaengi ŭi t'ansaeng: Yŏsun sagŏn kwa pan'gong kukka ŭi hyŏngsŏng* (Seoul: Sŏnin, 2009).

inmates, excluding those with outstanding fines and lengthy sentences remaining.[470] Among the releasees were 438 political prisoners.[471] The *Kyŏnghyang sinmun* headline for coverage of the pardon empathically referred to being released from prison as entering the light (*kwangmyŏng*). The military government pardoned only half as many inmates as the later pardon under Rhee[472] but had significant implications for citizenship and national belonging: the March 31 pardon was signed just over a month before the May 10 election that resulted in the founding of the separate republic, so released inmates enjoyed the restoration of voting rights to participate in South Korea's first election. Dean also signed the order just days before April 3, when the initial conflict began that gave the ongoing massacres on Cheju Island the common name of the "4.3 Incident" (Sa-Sam Sakkŏn) or "4.3 Uprising" (Sa-Sam Hangjaeng). Political opposition to separate elections in North and South Korea was met with violent crackdowns by U.S. and Korean personnel, including a protracted search-and-destroy campaign that resulted in the slaughter of tens of thousands of men, women, and children. While such pardons were overseen by the nominally autonomous South Korean Interim Government (SKIG), it was still carried out and sanctioned by the U.S. military occupation. A true expression of sovereign power through the penal pardon would not come until the August announcement of the NFP.

The National Foundation Pardon (*kŏnkuk taesaryŏng*) started to trickle into news reports in early August 1948. The *Kyŏnghyang sinmun* reported the scale and criteria discussed by the Ministry of Justice using the capital's facilities: among Seoul Prison's 4,800 inmates, more than 600 of those who have served more than half of their sentence would qualify, pending review of

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[470] "Yŏngŏ esŏ kwangmyŏng e! 3740 myŏng ŭl t'ŭksa simin'gwŏn hoebok t'up'yo e tang ch'amga," *Kyŏnghyang sinmun*, April 8, 1948.
[471] "Chŏngch'ibŏm e t'ŭksaryŏng 8-il kkaji 3000 yŏ myŏng sŏkpang," *Hansŏng ilbo*, April 8, 1948.
[472] Over 6100 inmates were released in the final months of 1948. See "Kukhoe ponhoe ŭi Pŏmmu Mun'gyo Sŏbu sijŏng bangch'im yŏnsŏl sabŏp kigu ŭi kansohwa," *Kyŏnghyang sinmun*, October 6, 1948.

individual cases.[473] The details were still being determined about who would be released, how the pardon's commutations would reduce longer sentences, and how it would affect different categories of prisoners, such as political prisoners who would be released by other special pardons. The paper later reproduced the full text of the draft bill to be passed by the national assembly.[474] The pardon had far-reaching potential, but release and/or commutation of sentences would only come after a complex series of investigations and reports by each facility's warden and the prosecutor who handled the applicant's original sentencing.[475] Authorities considered if the applicants' crime had extenuating circumstances, their behavior in prison, the status of their livelihood upon release, and their "character" (*sŏnghaeng*).[476] An extensive process was needed to filter the nearly 7,000 inmates initially eligible for release.[477] Reports had to travel up and down a chain of command involving prosecutors, judges and prison staff, making it theoretically difficult to receive full commutation and reinstatement of one's rights (*pokkwŏn).*[478]

Like with any of the attempted penal reforms in this period, it is difficult to ascertain how extensively and uniformly the processes were implemented in prisons themselves. Journalists at the time anticipated news of how many inmates would be freed in the two months between discussing the pardon in the National Assembly in July and the first actual releases in late September. When interviewed, the head of Map'o Prison urged speed in processing pardons as the whole affair had a large impact on prisoners' "morale" (*sagi*).[479] With the delays, journalists accentuated the long-awaited nature of the pardons. Some used the language of eagerly awaiting

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[473] "Kamgyŏk ŭi nal 8.15 majŏ taep'okchŏk t'ŭksa tanhaeng," *Kyŏnghyang sinmun*, August 6, 1948.
[474] "Samyŏnbŏp chŏnmun ch'oan," *Kyŏnghyang sinmun*, August 13, 1948.
[475] Ibid.
[476] Ibid.
[477] "7000 myŏng i ch'urok kŭmwŏl chung e samyŏnnyŏng parhyo," *Tonga ilbo*, September 17, 1948.
[478] "Samyŏnbŏp chŏnmun ch'oan (2)," *Kyŏnghyang sinmun*, August 14, 1948.
[479] "Samyŏn silsi sigŭp Map'o Hyŏngmuso changdam," *Tonga ilbo*, August 26, 1948.

a return to "light" or a "bright future" (*kwangmyŏng*).[480] The *Pusan sinmun* had a transparent affinity for the prisoners and poor when describing those among its 1,659 inmates awaiting pardon as the "underprivileged class who long for the light" (*kwangmyŏng kŭrinŭn puu ŭi kyŏre*).[481] However, articles from as late as mid-to-late September revealed ongoing discussion at a national meeting of prison wardens over who would be pardoned and who would be handling the process of applications for release.[482] Prison wardens assured the press that they were working day and night to have the process done before the end of September.[483]

Details about just who would be released—and who wouldn't—were still being solidified right up until the first actual releases. The pardon covered all 19 of the ROK's national prisons, then holding an estimated total of 22,300 inmates.[484] With the NFP's "general pardon" (*ilban samyŏn*) of over 100 categories of nonviolent crime prosecuted during the military government, nearly every inmate was impacted by at least one of the simultaneous pardons, commutations, and special amnesty measures carried out that month.[485] The general pardon excluded those convicted of murder, arson, rape, armed robbery—violent crimes—from outright release, but they might have had sentences reduced. This separate "general commutation" (*ilban kamhyŏngryŏng*) marked the anniversary of liberation and reduced sentences from life to 20 years, as well as sentences of determined lengths.[486] More concretely, those inmates having served less than half their time would have one fourth removed; those having served more than half their sentence for a nonviolent crime could apply for release. As detailed further below,

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[480] "Yŏngŏ e kittŭrinŭn kwangmyŏng Samyŏnbŏp parhyo rŭl haksu," *Tonga ilbo*, August 26, 1948.
[481] "Kwangmyŏng kŭrinŭn puu ŭi kyŏre, kwansim chipjung sik'in samyŏnnyŏng silsi nŭn ŏnje, Pusan Hyŏngmusoe chaegamja 1659 myŏng," *Pusan sinmun*, September 24, 1948.
[482] "Hyŏngmuso jang hoeŭi samyŏn haedangja simŭi," *Hyŏndae ilbo*, September 19, 1948.
[483] "Chobŭn mun chom tŏ nŏlp'yŏjinda samyŏnnyŏng pŏmwi hwaktae," *Tonga ilbo*, September 26, 1948.
[484] "Samyŏnbŏp silsi nŭn naeju ch'o," *Kyŏnghyang sinmun*, September 25, 1948.
[485] *Encyclopedia of Korean Culture*, "Samyŏn," accessed April 22, 2022, http://encykorea.aks.ac.kr/Contents/Item/E0025572
[486] Ibid.

press coverage often conflated the specific justification for the pardon (national foundation) with that of the simultaneous commutation of sentences (anniversary of liberation from Japanese rule). The shared anniversary is arguably an intentional strategy to blur the two events and assert the ROK state as the sole legitimate inheritor of liberated Korea. Adding to this conflation, the simultaneous commutation and pardon are symbol-laden expressions of sovereign power.

The general pardon also excluded people convicted of obstructing government business, threatening public safety, forging documents, conspiring to riot, or violating the prior occupation's infamous Proclamation No. 2, though many were being released with special pardons.[487] With those groups excluded, one article estimated, about one quarter (7,000–8,000) of the population of 22,000 were eligible for release and the rest for reduced sentences.[488] This ritual would establish ideal forms of citizenship in a new, separate state, and implicitly define the nation's abject other by excluding those convicted of interpersonal violence. More specific to the context, it also excluded convicts held for "political violence"—activities aimed at dismantling, destabilizing, or altering the regime through political organization. The state nonetheless projected an image of grace and forgiveness by commuting sentences for serious crimes.

Syngman Rhee finally signed the assembly act into law as the National Foundation Pardon on the morning of September 27, 1948.[489] The first releases began that afternoon and continued into the next day. The major Seoul newspapers' articles announcing the release are laden with nationalist rhetoric and invocations of the recent memory of liberation from Japanese rule, three years prior. The *Kyŏnghyang sinmun* updated information on the pardon's scope and

[487] "Samyŏnbŏp silsi nŭn naeju ch'o," *Kyŏnghyang sinmun*, September 25, 1948.
[488] Ibid.
[489] "Yŏngŏ esŏ chayu wa kwangmyŏng ŭi segye ro taesaryŏng tŭdiŏ kongp'o," *Kyŏnghyang sinmun*, September 28, 1948.

scale, replete with nationalistic slogans and a photograph of families waiting for their released loved ones outside the gates of Sŏdaemun Prison (Figure 3.1).[490]

Figure 4.1: Families await the release of their loved ones outside Sŏdaemun Prison. Kyŏnghyang sinmun, September 28, 1948.

The most updated information on the pardon included the news that around 5,700 inmates would be released from Korea's 19 prisons and juvenile institutions. Prisoners who did not qualify but had served more than half of their sentence would have it reduced by one quarter. Inmates who had been civil servants would have their titles reinstated and their civil rights (*konggwŏn*) restored. The pardons were not only symbolically important for building public support for the new regime. They also directly alleviated the penal system's overcrowding and material lack.

[490] Ibid.

Statistics from Seoul's facilities reveal the sudden and direct impact the pardons would have on penal administration: of Seoul Prison's 3225 convicted inmates, 1,064 (around one third) would be released, and 608 of 1,813 would be released at Map'o Prison.[491]

Perhaps greater than the state's material goal of building the nation's economy, the pardons had a significant rhetorical impact bolstering support for the new regime. Analysis of over 30 articles released the week of the pardon reveal themes of personal redemption, hope, and a long-awaited independence. When articles had space for editorial flourish, they emphasized the "light" and "bright future" (*kwangmyŏng*) that free society had in store, contrasted with the dark and steel bars of prison. Some blurred the lines between personal and national independence. One article directly equated the NFP with Korea's liberation from Japanese rule with bold print proclaiming that "All people yearn for independence" (*kwangbok ŭl manmin tonggyŏng*) while others implored the releasees to "contribute to the national foundation" (*kŏnguk ch'angŏp e konghŏn hara*) and "repay the nation's grace" (*kugŭn podap hara*).[492] Some articles were more explicit that the command to repay the nation was a quote from the first ROK Minister of Justice, Yi In.[493] His use of "the nation's grace" or "the nation's favors" (*kugŭn,* 國恩) lays bare the burden placed on the pardoned criminal—freedom came with the price of rebuilding the nation and an expectation to outperform the average citizen. The released inmate would become, as one comparatively hopeful article put it, "genuine workers building a new nation."[494] Since they were beginning with a fresh start, the author reasoned, the public must do its own duty to avoid branding the released inmates as "criminals," and prevent "our brothers, our parents, our

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[491] Ibid.
[492] Ibid.
[493] "Samyŏnnyŏng 27-il kongp'o 5700 yŏ myŏng choesu sŏkpang, Sŏdaemun Hyŏngmuso wŏnt'aegyŏn sojang tam," *Hyŏndae ilbo*, September 28, 1948.
[494] "Kwangmyŏng ŭi taesaryŏng chinjŏnghan yŏkkun ŭro saenara kŏnsŏl e nasŏra," *Kyŏnghyang sinmun*, September 29, 1948.

compatriots" from going back to prison.[495] Far to the south, a reporter covering the release of 756 inmates from Busan prison interviewed the warden who echoed the same sentiment: "don't come through these doors twice…"[496]

Another common theme of coverage was to invoke the memory of the Japanese colonial period. Whether inadvertent or intentional, these invocations erased the recent history of a new regime coming to power through political violence and collaboration with the U.S. occupation. More overtly, articles' use of "independence" (*kwangbok,* 光復) or, literally, "the return of light,"[497] alongside the common reference to inmates' release as a "return to light" or "bright future" (*kwangmyŏng*, 光明) cannot be ignored. Conjuring memories of Korea's recent liberation framed the pardon as the long-awaited, "true" liberation from occupation. The *Hansŏng ilbo*'s coverage of the releases at Map'o Prison explains that the fatherland of Korea could now achieve the dream of revitalizing (*hoebok*) the nation by establishing a new government.[498] This framing introduces the pardon and then shifts to the personal dimension, mentioning that parents rushed to the prison gates as soon as the order was signed to await the release of their children.[499]

To press observers the state's ability to pardon—to exercise sovereign power to restore the free status of subjects—made (South) Korea's independence more concrete. More than completing Korea's liberation after the colonial period, some accounts suggested the pardon was a step in advancing Korea's reunification. An article in a women's paper, *Puin sinbo* claimed the

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[495] Ibid.
[496] "Ch'ŏlch'ang yŏllinŭn nal! Migyŏlsu 150 myŏng kigyŏlsu 606 myŏng sŏkpang, urŭm! Usŭm i pukpach'ŏ, 'tasi nŭn oji maso' sojang ŭi majimak hun," *Pusan sinmun*, September 29, 1948.
[497] "Yŏngŏ esŏ chayu wa kwangmyŏng ŭi segye ro taesaryŏng tŭdiŏ kongp'o," *Kyŏnghyang sinmun*, September 28, 1948. The term "*kwangbok*" (光復) literally means "the return of light" but is primarily used to refer to liberation from Japanese colonial rule.
[498] "Soesasŭl pŏsŏ nanŭn och'ŏn-ch'ilbaek yŏ myŏng, Map'o Hyŏngmusosŏ ilch'ŏn 64 myŏng sŏkpang," *Hansŏng ilbo*, September 28, 1948.
[499] Ibid.

pardon realized the dream the people had yearned for day and night for 39 years (presumably the time since Japan's annexation of Korea), with the pardon as a step to building the nation and eventually a unified Korea.[500] It also quoted Minister of Justice Yi In's command to "repay the nation's grace."[501] It was not only the new state, but the Korean *nation*—declared in 1919 but understood to draw on thousands of years of lineage—that was owed a debt for its grace.

Rhee's statement marking the first day of releases established the official line on the goal of the pardon in an article with the headline, "The doors of light open! Pardon finally declared."[502] Released compatriots (*tongp'o*) should also enjoy the welfare and benefits of all under the new republic. They should rehabilitate (*kaengsaeng*) themselves and become "good-natured citizens" (*sŏllyanghan kungmin*) to contribute to "developing freedom" (*chayu palchŏn*).[503] Rhee argued that it would take a monumental, communal effort to build the nation—and former prisoners were just as vital for this endeavor as anyone else. Rhee asked that they mend their ways (*kaegwa ch'ŏnsŏn*). Rhee's nationalist and sentimental framing established an atmosphere in which the recidivist prisoner reversing course in their rehabilitation *and* the press observer doubting them could be seen as antinational.

When the complicated system of releases had finally begun, press coverage was sentimental and triumphant. In contrast to the *Kyŏnghyang sinmun*'s more optimistic tone, the *Tonga ilbo* was more forthcoming about ongoing issues processing those released from the pardons.[504] It carried one of the more striking photos of the events with families greeting released

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[500] "Kugŭn e podap hara, Yi Janggwan samyŏn silsidam," *Puin sinbo*, September 28, 1948.
[501] Ibid.
[502] "Kwangmyŏng ŭi mun yŏllida! Samyŏnnyŏng tŭdŭiŏ kongp'o, sŏllyanghan kungmin ŭro kaengsaeng hara," *Pyŏnghwa ilbo*, September 28, 1948.
[503] Rhee quoted in Ibid.
[504] "Hyŏngyŏ ŭi omyŏng ssinŭn cha hŭimang ŭi pit ŭl chura chagil, t'ŭksa sŏkpang wallyo," *Tonga ilbo*, September 29, 1948.

loved ones or waiting for theirs to emerge, likely not understanding the process that remained opaque even to press and interviewed officials.

Figure 3.2 Families greet released loved ones outside Map'o Prison. *Tonga Ilbo*, September 29, 1948.

The *Tonga ilbo* was more clearheaded about the situation: although 1,600 prisoners were being released from Seoul's two major prisons, "taking first steps with a new resolve and as new members of society," not all had family to greet or a place to stay.[505] A representative from a Seoul parolee relief society (*kuhohoe*) told the journalist they were unsure if the released would commit crimes again, urging that parolees without family needed places to stay. Authorities claimed they were dispatching more personnel to continue investigating pardon applicants' cases and providing 2 million won to each prison to distribute to releasees.[506] Beyond the philanthropic, nonstate relief societies, there was no evidence of a system-wide network for supporting parolees in this period. The article is one of the few that grasped the difficulty that would follow in the proceeding weeks.

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[505] Ibid.
[506] Ibid.

Most of the initial releases were complete by late September and early October, but people with concurrent sentences for multiple crimes and those related to the military government's courts were still being processed.[507] The provincial prisons were slower to act but released significant numbers of inmates in late September and into October. For a sample from that week: around 200 inmates were released in Daegu, over 760 in Taejon, 153 in Chinju, and 800 in Busan, cutting that prison's population in half.[508] The pardons would bring noticeable relief to perennially underserved prisons in smaller cities and rural areas. By October 6, National Assembly minutes were reporting a total of 6,192 inmates released.[509] Whether in provincial cities, rural areas, or the capital itself one still had to wonder what parolees would do for work to survive.

Reports of recidivism in Seoul appeared within days of the first major releases. One prosecutor was interviewed to comment when two young men in their early twenties committed burglary days after being released from Map'o Prison. He urged a severe crackdown on recidivism, and that committing crime directly after being pardoned was "ungrateful" (*pae ŭn mang tŏk*).[510] Others emphasized the small amount of time it took—sometimes minutes—for a released prisoner to become a recidivist. Recidivist cases only bolstered the *Tonga ilbo's* more pessimistic view of the pardons, like one case of theft committed just twenty minutes after being released.[511] Their article on the case invoked Jean Valjean, the Victor Hugo character who was given a second and third chance at redemption, while asking if the pardon was a gift given in

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[507] "Chaegamja ŭi t'ŭksa kamhyŏng kak hyŏngmuso sŏ manban chunbi," *Tonga ilbo*, September 30, 1948.
[508] "Taegu 200 yŏ myŏng sŏkpang," *Kungmin sinmun*, October 1, 1948; "Taejŏn Hyŏngmuso do 777 myŏng i ch'ulgam," *Honam sinmun*, October 1, 1948; "Chinju Hyŏngmuso e 153 in ŭi sŏkpang," *Nam Chosŏn minbo*, October 1, 1948; "Pusan sŏ 800 myŏng ch'urok," *Susan kyŏngje sinmun*, October 1, 1948.
[509] "Kukhoe ponhoe ŭi Pŏmmu Mun'gyo Sŏbu sijŏng pangch'im yŏnsŏl sabŏp kigu ŭi kansohwa," *Kyŏnghyang sinmun*, October 2, 1948.
[510] "Ŏm Daegŏmsa tam, pansŏng mothago tto tojŏkchil sŏkpangja ŭi chaebŏm tan'gyŏl hara," *Hansŏng sinmun*, October 2, 1948.
[511] "Ch'urok 20-pun hu chŏlto ŭnsa do hŏsa rŏn'ga," *Tonga ilbo*, October 3, 1948.

vain. Police reported a spike in crime with at least 15 cases of parolees committing new crimes on October 2 alone.[512] Even the more optimistic *Kyŏnghyang sinmun* was lamenting that though 2,000 inmates were released from Seoul's prisons, many had committed crimes within five days. The headline begged the question, "Is [the pardon] hopeless?" (*hŏlsu halsu ŏpsŭm in'ga*).[513]

The pardon was not the panacea it had been framed as a month prior. The rising prevalence of recidivism cooled the press's warm reception and forced recognition of crime as a social problem that would not disappear with the arbitrary reconfiguration of prison population. A return to crime was not even the most tragic option for some parolees. A *Pusan sinmun* article titled "Is there no path to redemption?" reported the suicide of one released inmate, calling it a "miserable social tragedy!" (*pich'amhan sahoe pigŭk*).[514] The *Pyŏnghwa ilbo* poetically described the state of society as being "covered in dark clouds," citing the fact that there were still 3,000 inmates in Seoul held primarily for burglary and theft charges.[515] This was made only worse by the fact that there were new inmates admitted every day after the pardons.[516] Likely an adverse effect of the previous month's fanfare, most of the coverage of the October wave of recidivism was markedly pessimistic. Some tied crime to its social causes rather than the character of the individual, but as the cases poured in coverage grew bleaker and more retributive in tone. The paramount example is the harsh condemnation of a young man (22 years old) who was released from Kaesŏng Prison's farm and promptly rearrested for breaking into a home and stealing a suit. Papers condemned him with a phrase that equates to "Once a thief, always a

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[512] Ibid.
[513] "Hŏlsu halsu ŏpsŭm in'ga," *Kyŏnghyang sinmun*, October 3, 1948.
[514] "Kaengsaeng ŭi kil ŏpna, chŏngwaja egen ch'an sesang, ch'am! Kwao ch'ŏngsan k'o hwangch'ŏnhaeng," *Pusan sinmun*, October 5, 1948.
[515] "Amun e ssahin sahoesang, tongjanggun aptugo saengno magyŏn, samyŏn huŭi Sŏul hyŏn chaegamja 3-ch'ŏn yŏ myŏngm," *Pyŏnghwa ilbo*, October 14, 1948.
[516] "Samyŏn hu chaebŏmja sokch'ul," *Pyŏnghwa ilbo*, October 16, 1948.

thief" (*che pŏrŭt kae mot chunda*).[517] Another young man (19 years old) released from Seoul Prison committed his third offense and was similarly condemned in an article that related the number of releasees who were convicted of theft to their likelihood of stealing again.[518] The court of public opinion had rested. The pardon was a failure.

The pardon marks the first of many points in early ROK penal history where authorities attempted to solve a structural, material problem with an ideological solution. They cloaked the solution to prison overcrowding in a mix of nationalist posturing and real concern for the direction of their society. Recidivism highlighted the prison system's lack of job training or capacity for successful rehabilitation, and the parole system would not come close to adequately addressing this issue until the late 1950s. Observers initially revered the paroled prisoner as a paragon of the hope to be found in the new republic; they were foot soldiers in the project to build the Korean nation. Though the initial response was positive to the point of equating pardons with the finally realized liberation of the Korean people, authorities ultimately failed to use the pardon to legitimize their rule when recidivism quickly overtook press coverage. The act of mass pardon served as ritual performance on the national stage, but it did not carry out a widely accepted social shift; it failed in the 'redressive' phase of Turner's social drama to reintegrate parolees into the social order. Such framing facilitates an opposite effect—a more severe hatred for recidivists. The NFP muddled the prison's clearly defined threshold between the in-group and out-group—between nation and traitor. Like in 1945, the prison gates had been thrown open again. The difference in an ostensibly autonomous Korean polity was that the public would be even harsher in deciding who should be excluded from society.

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[517] "T'ŭksa padŭn sonyŏn i tto chŏlto t'aga ch'ep'o," *Kyŏnghyang sinmun*, October 16, 1948. "T'ŭksa toen sonyŏn tasi chŏlto t'aga ch'ep'o," *Tonga ilbo*, October 16, 1948.
[518] "Taesaryŏng e yŏkhaeng," *Nam Chosŏn sinbo*, October 17, 1948.

Part II: Theorizing the Reversal from Pardons to Massacres

As the previous chapter has shown, the sorting of prisoner populations into the political and nonpolitical variety had deadly implications for their wellbeing in the military occupation's poorly equipped penal system. While some difficulties were momentarily alleviated with the release of thousands of inmates, the system saw a new degree of politicized incarceration after the Yŏsu–Sunch'ŏn Rebellion. The rebellion planned by leftist soldiers arose in October of 1948, primarily in opposition to the violent suppression of the ongoing Cheju Uprising. The soldiers were joined by civilians sharing their anti-regime sentiments, and the state responded by instituting martial law and embarked on a campaign to suppress the rebellion and eradicate its leftist sympathizers in the rural provinces. After the rebellion was put down, another arose in the Daegu area but was also violently suppressed. Prisons that were recently emptied were filled back to capacity. For a direct example, Taejŏn prison had released around 700 inmates in October, only to be filled with 700 more rebel soldiers apprehended in the Sunch'ŏn area in November.[519] The South Korean state used the events to justify an unprecedented crackdown on supposed leftists, their sympathizers and other civilians caught in the fray.

Historian Kim Tŭk-chung's thorough study of the events marked the rebellion and resulting crackdown on political opposition as the "birth of the commie" (*ppalgaengi ŭi t'ansaeng*) in South Korean society.[520] News and images coming out of the provinces of massacred policemen, captured rebels stripped down to their underwear, and throngs of detained bodies produced the cultural shorthand of the dangerous "red" (*ppalgaengi*) or "commie." The reports created fear of an internal other: young men, women, and even children could be communist rebels lying in wait. The regime responded by instituting the National Security Law

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[519] "Taejŏn Oksŏ e sugam nan'gun usŏn 151 myŏng man yujoe ŏndo," *Nam Chosŏn minbo*, November 18, 1948.
[520] Kim, *Ppalgaengi ŭi t'ansaeng*.

(NSL; Kukka Poanbŏp), greatly expanding the state's capacity to violate citizen's rights of expression, political association, and *habeas corpus* when their actions were deemed threats to national security. The law extended the state of war and atmosphere of suspicion to the whole of ROK society. Building a network of surveillance and confinement was particularly accelerated by the creation of the National Guidance League (NGL), a pseudo-voluntary civic organization for registering, surveilling, and converting suspected leftists to an anticommunist, pro-regime position.[521] Kim's work demonstrated how the regime used the post-rebellion state of exception to confine, convert and ultimately massacre political opposition.

Kim Tŭk-chung's theorizing of the ROK state's specific context and turn to genocidal anticommunism invites reexamination of theoretical tools commonly deployed to explain the excessive violence of the twentieth century. The reduction of prison population in the first months of the Rhee regime can be read as a biopolitical[522] strategy of governance: by releasing inmates from overcrowded prisons, authorities ceased giving them rations and let them fend for themselves. Those that could sell their labor outside of prison were said to be contributing more fully to building the national economy. However, the state was still just as inadequate as their occupation predecessors at improving Korea's devastated post-liberation economy. Only through very liberal reading does the state's strategy appear as an example of Foucault's oft-cited exercise of power to "*foster* life or *disallow* it to the point of death."[523] There was very little

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[521] Kang, "Kungmin Podo Yŏnmaeng," 119–76.
[522] Michel Foucault's notion of "biopolitics"—a form of relation between state and subject that solidified in the modern era in Western Europe, under which states no longer rule on the basis of sovereign power's right to take life but rather on the basis of "foster[ing] life or disallow[ing] it to the point of death." For Foucault, modern states' propensity for violence was not a return to an ancient form of sovereign power's right to take life from individuals. Quite the contrary, the degree of violence experienced under modernity was because modern power had become "situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population" that the right to take the life of the individual was subsumed by strategies of power that—no less violently—operated to ensure the safety of the whole population. Michel Foucault, *The History of Sexuality, Volume 1: An Introduction* (New York: Vintage, 1990), 137–8.
[523] Ibid, 138. Emphasis in original.

fostering of life to be found, and the pardon's act of grace and benevolence only suggested a marginally better life in Korea's impoverished streets and villages, not ensured it. The early ROK's lack of infrastructure and difficulty maintaining the technologies of modern governance make analysis rooted in biopolitics strained and difficult. The biopolitical framework alone does not fully account for the reversal to mass incarceration, costly ideological conversion programs and eventual massacre in the months following the founding of the republic.

In theorizing the "birth of the commie," Kim makes brief reference[524] to Giorgio Agamben's notion of *Homo sacer*, the historical legal category of persons who exist in a state of exception where their killing does not register as homicide. Sovereign power bans such figures from the protections of politically qualified life, and they are relegated to the category of so-called "bare life"—natural, biological life untouched by the protections *and* limitations of life under the state.[525] But this bare life is not simply "free." Agamben revealed the paradoxical logic of the "relation of the ban," by which being excluded from a state's category of politically qualified life means one is paradoxically most vulnerable: being exceptional makes one the target of the violence made legal by that very exception. Kim's view of the ROK state's violent turn hinges on the Yŏsu–Sunch'ŏn Rebellion as the inciting incident for inaugurating such a state of exception, after which the rights of the suspected leftist (and all citizens) rapidly deteriorated.

However, Agamben's work in *Homo Sacer* exhibits an even more fundamental critique of state power and its inherent potential for violence that does not necessarily require the specific anticommunist iteration inaugurated by specific laws and their exceptions. He refutes Michel Foucault's genealogical formulation of the biopolitical state, arguing instead that the original function of the state and sovereign power is to separate life into categories of the politically

[524] Kim, *Ppalgaengi ŭi t'ansaeng*, 370
[525] Agamben, *Homo Sacer*, 82–3.

qualified and the excluded, not just in the modern era when nation-states took populations as their target of power.[526] Whenever there exists a body, he reasoned, it is "always already caught in a deployment of power. The "body" is always already a biopolitical body and bare life."[527] Put another way:

> The inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power*. In this sense, biopolitics is at least as old as the sovereign exception. Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret tie uniting power and bare life, thereby reaffirming the bond…between modern power and the most immemorial of the *arcana imperii*.[528]

The case of pardons and condemnation of recidivists brings this view of power into relation with the violent potential of the establishment of the ROK state. Though there may be a perceived difference between the "common criminal" released in 1948 and the acutely political offender massacred as part of the National Guidance League, their status as either politically qualified or bare life is mediated by the same mechanisms and rituals for determining pardonable and condemnable offenses.

The comparison of events in South Korea with Agamben's case study of the Nazi concentration camp is admittedly fraught but is worth considering in the case of South Korea's political massacres. The concentration camp revealed for Agamben the indistinguishability between the juridical norm and the facts on the ground which justified its exception: "The bare life into which the camp's inhabitants were transformed is not, however, an extrapolitical, natural

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[526] Agamben, *Homo Sacer,* 83. "…the production of bare life is the originary activity of sovereignty."
[527] Ibid, 187.
[528] Ibid, 6. Emphasis in original.

fact that law must limit itself to confirming or recognizing. It is, rather, a threshold in which law constantly passes over into fact and fact into law, and in which the two planes become indistinguishable."[529] The concentration camp invites study as the site of unmediated confrontation between power and bare life, not as exception or aberration, but as the true norm—the *nomos*—undergirding modern state power.

The question to ask when examining events of extreme violence is not how human beings could commit such atrocities, but instead inquiring "what seemingly more ordinary, supposedly less violent mechanisms of power enabled that violence?"[530] Agamben argued it was more honest, and "more useful to investigate carefully the juridical procedures and deployments of power by which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime."[531] Agamben helps bring the ROK's pardons and conversions in prisons into similar focus with the camps' experimentation with allowing and disavowing life:

> In such a space of exception, subjection to experimentation can, like an expiation rite, either return the human body to life (*pardon and the remission of a penalty are, it is worth remembering, manifestations of the sovereign power over life and death*) or definitively consign it to the death to which it already belongs…in the biopolitical horizon that characterizes modernity, the physician and the scientist move in the no-man's-land into which at one point the sovereign alone could penetrate.[532]

It is telling that Agamben's reminder of the sovereign power exercised in pardons is parenthetical: by freeing the pardon and remission from parenthetical or peripheral concern, we

[529] "The bare life into which the camp's inhabitants were transformed is not, however, an extrapolitical, natural fact that law must limit itself to confirming or recognizing. It is, rather, a threshold in which law constantly passes over into fact and fact into law, and in which the two planes become indistinguishable." Ibid, 171.
[530] Ibid.
[531] Ibid.
[532] Ibid, 159; emphasis added.

can ask what role the Korean penologist had in returning some prisoners to life and condemning others to death. The threshold mechanism for qualifying or disavowing biological life in the early ROK was established not solely through the violent suppression of rebellions, but also through the penal system's seemingly benevolent gestures of pardon and amnesty. With hindsight knowledge of the Korean War's impending calamity, the National Foundation Pardon appears then as a violent process of division between the nation's qualified and unqualified forms of life. The threshold for allowing life and death is the creation of state power itself.

In the early ROK state, both the common criminal and the "commie" had been declared *homo sacer*, but it was not a change in laws that created the state of exception that allowed for their massacre. Establishing a separate regime on divided national territory was a fundamentally violent expression of sovereignty. The sovereign exception in modern, carceral states is mediated through incarceration and reintegration into free society. By writing the specific events of the ROK carceral regime into the larger political history of the short period before the Korean War, we can extend consideration of the "birth" of such a category of killable, internal others to the very inception of the republic itself.

Part III: Anticommunist Conversion and Penal Spaces

This final section of the chapter highlights some of the ways prison spaces took on overtly ideological forms of education and rehabilitation in the year before the outbreak of the Korean War. Understanding South Korea's anticommunist fervor of 1949–50 must consider the prison's role in confining those labeled as communists. The relief mass pardons had afforded overcrowded prison spaces was short-lived. After suppressing the Yŏsu–Sunch'ŏn Rebellion, the Rhee regime's National Security Law (Kukka Poanbŏp) widened the scope and category of

political crimes, thus leading to an increase in the leftist political prisoner population.[533] The NSL made communism effectively illegal by branding the regime's opposition as criminals for colluding "with a betrayer sought to consolidate or group together with the object of disturbing the tranquility of the state."[534] Its second article enabled courts to suspend pronouncing sentences while detaining the accused for ideological reeducation.[535] By 1949, allegedly leftist prisoners comprised as much as 80% of the prison population.[536] While a useful tool for the regime to eliminate opposition, this categorical expansion of political crimes only exacerbated prisons' material difficulties. At the same time, mobilizing the masses with anticommunist fervor on both sides of prison walls fueled the consolidation of state power.

The National Guidance League (*Kungmin Podo Yŏnmaeng,* 國民保導聯盟, hereafter NGL) was established in the summer of 1949 as a civic organization for converted leftists. According to Kang Sŏng-hyŏn's study of the league's formation, the publicized intent of the organization was to "guide" (*podo*; 保導) converted leftists in a new life helping to build the state rather than subverting it.[537] However, the group quickly revealed itself to be a sophisticated technology of surveillance that could be utilized to control the broader population. It expanded the reach of state surveillance by mobilizing suspected leftists to report on their and their neighbors' activities. The fear of being accused of being a leftist for even minutely related political affiliation led many people to join without even being convicted of an offense punishable under the NSL.[538] Wide application of the law led to the detainment of over 100,000

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[533] See Kang Hye-gyŏng, *Che-1 Konghwaguk ch'ogi kungmin t'ongje ŭi hwangnip* (P'aju: Han'guk Haksul Chŏngbo, 2005).
[534] Translation of the NSL quoted in Gregory Henderson, "Human Rights in South Korea, 1945–1953," in *Human Rights in Korea*, ed. Henry Shaw (Harvard University Asia Center, 1991), 150.
[535] Ibid.
[536] Ch'oe, *Pijŏnhyang changgisu,* 40.
[537] Kang, "Kungmin Podo Yŏnmaeng," 119–76.
[538] Ibid, 124, 133.

people in 1949.[539] The figures are hazy, but it is undeniable that the NSL made prison overcrowding even more severe than before the mass pardons of 1948. The pre-Korean War penal system held as many as 35,000 prisoners—well beyond the sustainable capacity.[540] Gregory Henderson's study of human rights in the early ROK points out that Ministry of Finance had prepared rice-rations for as few as 58,0000 and as many as 75,000 for 1950.[541] National Assembly investigations found that 50–80 percent were held for NSL violations.[542] Even when accounting for the common practice of corrupt officials falsifying population numbers to pocket surplus rations for themselves, either figure is exponentially greater than the intended capacity of 15,000, and at least doubled the total prison population for the peninsula under Japanese rule.[543]

The National Guidance League created necessary infrastructure to process the influx of ideological offenders after the passing of the National Security Law.[544] It is unclear how much of the NGL's membership overlapped with prison population. Just before the outbreak of the Korean War, the league had a recorded membership of up to 300,000 people.[545] The league also served as a civic organization that produced propaganda through cultural activities. The league created an outlet for leftist prisoners to prove their ostensive transformation through participation in the publicity activities of local branches including parades, rallies, concerts, and plays. In one two-week period in 1949, around 3,800 people voluntarily joined the league's Seoul organization, followed by a parade of over 6,000 previously converted members.[546] The organization eventually spread to the provinces through the proliferation of local branches. Kang

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[539] Ibid, 131.
[540] Ibid.
[541] Henderson, "Human Rights in South Korea," 137.
[542] Ibid.
[543] Ibid.
[544] Kang, "Kungmin Podo Yŏnmaeng," 158.
[545] Ibid, 128.
[546] Ibid, 138.

Sŏng-hyŏn summarized the effects of mass mobilization: the NGL facilitated the extension of state surveillance to the entire society. Through its proliferation, the state's subjects began to internalize their self-surveillance and vigilance towards a dormant, omnipresent, internal enemy.[547]

As a side effect, the NGL's intragroup surveillance alleviated the space and personnel shortages of the early First Republic prison system. Most league members deemed "convertible" were mobilized in 'guidance detainment centers' (*podo kugŭmso*), alleviating some of the burden on traditional prison spaces. They could be sentenced for up to 2 years in 'guidance centers' for evaluation and released if found to be unlikely to commit further political crimes. The league had also become a part of penal rehabilitation.[548] Press coverage of a 1950 prison observation tour evidences the NGL's synergy with the penal apparatus. The *Kyŏnghyang sinmun* published a "state of prisons" report after a multiday press corps tour in April of 1950.[549] Similar reports from before the league's founding concentrated solely on prisons, but this inclusion of league activities makes it clear they had become an integral part of penal administration. Penologists utilized the full array of then cutting-edge technology to convert ideological prisoners. Wardens installed speakers in cell blocks to instill national spirit (*kungmin chŏngsin)* through daily programming of live broadcasts of the same propaganda directed at North Korean receivers. Other programming included patriotic lectures by the warden, music, and screenings of propaganda films produced by the United States Information Service (USIS).[550] The newspaper article makes bold, propagandistic claims while also providing a rare snapshot of the league's

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[547] Ibid, 163.
[548] Ibid, 132. Kang cites Kim Sŏn-ho's thesis on the National Guidance League: Kim Sŏn-ho, "Kungmin Podo Yŏnmaeng sagŏn ŭi kwajŏng kwa sŏnggyŏk," Master's Thesis, Kyung Hee University, 2002.
[549] "Namhan kak hyŏngmuso sich'algi (sang)," *Kyŏnghyang sinmun*, April 12, 1950.
[550] Ibid.

activities in prisons. It claimed that the majority of leftist prisoners had been converted, standard prisoner rehabilitation (*kyohwa*) programs were one hundred percent effective, and overflowing prisoner populations were reduced to the fixed capacity (for some facilities).[551] The NGL was credited with reducing overcrowding, serving as a pressure relief to process a portion of leftist political prisoners outside of prison walls. Inside, conversion efforts were just as dramatic. In Masan Prison, all but three leftists were supposedly converted, and three others at Taejŏn Prison signed a blood oath (*hyŏlsŏ*) titled "An Apology to Thirty Million [fellow Koreans]"[552] to perform their conversion. Conversion of ideological prisoners was a primary function of prisons in this period.

A similar *Tonga ilbo* report of the same observation tour emphasized the role of the National Guidance League with some differences in tone.[553] The *Dong-a* article is more critical of the league's approach to conversion through cultural activities. The article laments that the biggest problem with the regional organizations is that converted members are simply "playing," rather than earnestly developing an anticommunist consciousness. These activities included performing theater and writing literary pieces (*munp'il)*.[554] The official cited in this report took a dim view of these activities, but theater was a prominent medium for both the performance of conversion and dissemination of ideological propaganda in pre-Korean War penal spaces. One example is a Map'o Prison theater event held in observance of New Year's Day. Thousands of prisoners attended a play entitled *Repentance* (*Ch'amhoe*).[555] The reporter remarked that some prisoners wept. The article was accompanied with a photograph of one scene of the performance

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[551] Ibid.
[552] This figure ostensibly represents the combined population of the two Koreas in 1950.
[553] "Hyŏngjŏng unyŏng sajŏng kwa Poryŏn ŭi tonghyang," *Tonga ilbo*, April 12, 1950.
[554] Ibid.
[555] "Sinch'un ŭn okchung edo Map'o Hyŏngmuso sŏ ch'ukha yŏn'gŭk taehoe," *Tonga ilbo*, January 4, 1950.

in which one character clutches the legs of another in a groveling pose. The characters are backgrounded by a simulacrum of the iconic prison hallways of the time, creating the strange phenomenon of prisoners viewing a representation of their daily life played out in a tiny "prison-within-a-prison." Even the literary world of their entertainment was confined to prison walls and the narrative confined to a message of self-reform.

It is hard to ascertain the true success rate of cultural programs to indoctrinate ordinary inmates or deprogram committed ideological prisoners. However, we do know that early ROK penologists were heavily influenced by the conversion (K: *chŏnhyang*, J: *tenkō*) practices developed in the Japanese Empire's metropolitan and colonial penal apparatuses.[556] Pak Kyŏng-mok's definitive study of colonial-era Sŏdaemun Prison details the way leftist and anti-imperial inmates were classified for a systematic reeducation process, starting in 1933 and lasting through the end of World War II.[557] Colonial-era political prisoners participated in quasi-religious group edification (*kyohoe*, 敎誨), where a chaplain (*kyohoesa*, 敎誨師) would teach the "the path towards (becoming) imperial subjects" (K: *hwangguk sinmin ŭi to,* J: *kōkoku shinmin no michi*).[558] Such edification was designed with the goal of convincing inmates to write a confession or, "conversion narrative" (*chŏnhyangsŏ*), the document that ultimately mediated their conversion from a leftist or anti-imperial position to a collaborationist one. Post-liberation prisons were using the same form of edification to indoctrinate political prisoners.

However, the press was skeptical of the efficacy of the NGL's cultural activities in prisons before the Korean War. Authorities blamed financial and personnel limitations for the

[556] See Max Ward, *Thought Crime: Ideology and State Power in Interwar Japan* (Durham: Duke University Press, 2019).
[557] Pak, *Singminji kŭndae kamok,* 287–99.
[558] Ibid, 295. *Kyohoe* (敎誨) is a form of prison edification that resembles Protestant church services (*kyohoe,* 敎會), but is not explicitly Christian in content.

disconnect between the intent and performance of the organization. In Seoul, local police and district prosecutors oversaw league activities, but their provincial counterparts were slow to solidify proper leadership structures.[559] The public displayed a considerable amount of suspicion (*uihoksim*) about the organization, but confidence in the organization grew as people started to cooperate with its activities.[560] While the overall tone of the *Kyŏnghyang sinmun*'s report on prisons is positive, it also summarized the continuing issue of overcrowding. One or two prisoners reportedly died each day in Taejon Prison, where cell blocks were filled two or three times their normal capacity. Other prison facilities experiencing similar overcrowding resumed expedited construction of additional cell block facilities. Space was one issue, but rations were another. The rice supply in the country was so dire that one Masan Prison guard reported his own family was on the verge of starving. [561] One can infer how much worse conditions were for the prisoners themselves.

The second part of the article focused on conversion program activities which reportedly fostered a growing confidence in the National Guidance League.[562] Under the enthusiastic leadership of rightist members, the league was even successful in mobilizing former leftist militants for use in propaganda activities.[563] Members were organized into local branches and those in leadership roles engaged in self-supported lecture tours. This eased the burden on civil servants to perform propaganda activities, and a portion of them were even laid off as a result. Ideological offenders who would otherwise be occupying prison space and consuming rations were instead mobilized for propaganda production. However, public prosecutors opposed this

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[559] "Sinch'un ŭn okchung edo Map'o Hyŏngmuso sŏ ch'ukha yŏn'gŭk taehoe," *Tonga ilbo*, January 4, 1950.
[560] Ibid.
[561] "Namhan kak hyŏngmuso sich'algi (sang)," *Kyŏnghyang sinmun*, April 12, 1950.
[562] "Namhan kak hyŏngmuso sich'algi (ha)," *Kyŏnghyang sinmun*, April 13, 1950.
[563] Ibid.

organizing tactic, as it displaced civil servant labor by employing former leftists in direct leadership roles of a large bureaucratic organ. Authorities of the public prosecutors' office demanded further development of a system for processing NGL members out of the organization, arguing their allegiance could be better utilized after successfully reentering society. The report ends by describing the problem of unemployment among former league members.

Despite differing opinions on effectiveness in converting leftist prisoners, the press treated prisons and the NGL as two parts of the same penal system. The league brought different organs of the state apparatus into cohesion with the prisons to alleviate material deficiencies that threatened state control. In the same period, penal authorities continued to reform the prison's administration and rehabilitation programming under the slogan of "democratic punishment" (*minju haenghyŏng*) and revision of the Penal Law (Haenghyŏngbŏp) in March of 1950, though many of the programs were interrupted by the war. [564] In passing the law, the National Assembly elevated the debate over the function of prisons first stirred by the backlash to the recidivism scandal in 1948. The new penal law shifted the purported goal of the penal system towards the reform (*kyohwa*) of prisoners to ensure a productive livelihood after life behind bars. [565] The reemphasis of reforming convicts into productive members of society coincided with mounting pressure on penal institutions to perform ideological conversion of political prisoners and was thus drowned out by anticommunist fervor and mounting threats of war.

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[564] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:361.

[565] See also: "Kukhoe kijasŏk," *Kyŏnghyang sinmun*, February 5, 1950; "Kukhoe Haenghyŏngbŏp wanjŏn t'onggwa, sonyŏn pŏban sangjŏng simŭi," *Tonga ilbo*, February 8, 1950; "Haenghyŏngbŏp t'oŭi chongnyo," *Kyŏnghyang sinmun*, February 8, 1950.

Conclusion

The *Tonga ilbo* newspaper ran an article covering an ideological conversion rally held at Seoul's Map'o Prison on June 19, 1950—one week before the outbreak of the Korean War. The article carried the headline: "Even in Prison, Cries of Conversion."[566] According to the report, six long-term leftist prisoners had asked the warden to hold a rally to be held in the prison's chapel. They regretted their past errors and volunteered to lead the way in conversion (*chŏnhyang*) activities. The warden invited representatives from the military, Ministry of Justice, public prosecutor's office, and police to attend the rally, complete with a military band playing martial songs. The description is reminiscent of an Evangelical Christian revival meeting: participants reportedly sang in unison with fellow inmates before tearfully confessing their past mistakes and admitting their activity with North Korean "puppet" (*koeroe*) organizations.[567] Although their bodies were confined to prison, they vowed to volunteer as citizens of the republic and enlighten their fellow inmates to the path towards conversion.[568] The journalist remarked that those listening were moved by the show of conviction.

The anticommunist rally described above provides a snapshot of prison life during the height of anticommunist anxiety preceding the Korean War. This chapter has argued that early ROK prisons were not sites of excess or exception even after harsh anticommunist crackdowns—they were fundamental to the formation of South Korea's normative national identity and emerging Cold War consciousness. After the National Foundation Pardon failed to produce the common criminal as the paragon of reform under the new republic, indoctrination of prisoners had to be more explicit. However superficial or sincere a reader may find the leftist

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[566] "Yŏngŏ esŏdo chŏnhyang ŭi hamsŏng, Map'o Hyŏngmuso esŏ t'ohoe kaech'oe," *Tonga ilbo,* June 19, 1950, 4.
[567] Ibid.
[568] Ibid.

prisoners' claims to conversion, one may question why they volunteered their efforts to perform their conversion in front of the other inmates. Perhaps it is because a change in mentality had to be performed and recognized by others. The ostentatious displays were necessary because people had to be convinced one's conversion was real. This contrasts sharply with the case of the ordinary criminals pardoned to mark the founding of the First Republic. Their (lack of) performance was not convincing to the press, and the public had grown hardened to narratives of redemption of criminals. However, after the threshold moment of the passing of the National Security Law, all crime could be distorted as political crime, and all prisoners could be viewed as traitors. The state and penal authorities yet again portrayed conversion of criminals as not only possible, but common and expected in a newly autonomous Korean nation. Punishment was thus reframed as reeducation to live with a new set of anticommunist values: the public would learn along with the converted leftist. The converted were not exceptions—they were paragons of the anticommunist fervor required for ROK national belonging.

During the Korean War, gestures towards conversion were abandoned as suspected leftists were massacred *en masse*. When the Korean People's Army (KPA) crossed southward over the border, prisons became the sites of massacre of political prisoners and other inmates caught in the fray. Kim Dong-choon's landmark study of Korean War massacres outlines the known incidents of massacre of NGL members in preventive custody.[569] In the case of Sŏdaemun Prison, members of the rightist extremist group, the Northwest Youth held guards at gunpoint, dragged communist prisoners out, and executed them near the Han River. Of the total membership (an unknown figure ranging from 100,000 to 300,000 members), 80 percent are said to have been oblivious to the difference between a "rightist" and a "leftist"— many peasants

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[569] Kim Dong-choon, *The Unending Korean War: A Social History*, trans. Kim Sung-ok (California: Tamal Vista, 2009), 161–4.

simply joined to receive a gift of free fertilizer or were afraid of otherwise being labeled a communist.[570] Massacres of prisoners were a paranoid and retributive response that far exceeded the realpolitikal tactic of eliminating actual opposition to the regime. They were the logical result of years of anticommunist fervor and an impassioned distrust of the criminal poor after the failure to reintegrate recidivists into society. Wartime massacres of prisoners are an abject failure of a ritualized settling of Turner's social drama: their rituals of conversion did not suffice as acts of redress.

The following chapter explores the wartime role of prisons and displacement of civilian internees (CI) in prisoner of war (POW) camps. Both South Korean and North Korean armies committed massacres of inmates as prisons changed hands in both states' taking and retaking the peninsula. The role of carceral spaces in the actual waging of the Korean War are dubious, but the war's destruction forced ROK penologists to rebuild facilities and redefine rehabilitation as a project to build the Cold War's so-called "Free World" of U.S.-aligned nations. Such influence and material aid from the U.S. and United Nations further solidified the ROK penal system as a local site of Cold War contestation.

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[570] Ibid.

Chapter 4: Reconciliation, Rehabilitation, Reconstruction:

The Archival Gaze and Korean War Prisons

This chapter analyzes the scant archival material available to assess the state of South Korea's prisons during the Korean War (1950–3). Just as the war indelibly shaped postwar Korean society, events in and around prisons forever altered the course of South Korea's penal history. The conflict's front changed many times, bringing the battle from one end of the peninsula to the other before ending in a stalemate with borders relatively unchanged. Such upheaval erased most knowledge of wartime prisons through fire, loss of personnel, or the seizure of documents. The loss of archival material makes it difficult to accurately assess the period's changes in penal administration, but the war also reintroduced the presence of the U.S. military's intelligence apparatus directly into South Korea's prisons. Establishing a comprehensive narrative of South Korea's penal history through the war years may be difficult, but the conflict's international scope put prisons in the archival focus of more prolific and effective record-keeping entities than the struggling ROK state. War clouds the historian's view of already opaque penal institutions, but their role maintaining social control made them essential targets of international aid in South Korea's war effort and reconstruction. Archival materials of the U.S. military and United Nations Command (UNC) not only fill in gaps in the penal historical record—they reveal Korean prisons as sites of both direct and indirect Cold War contestation: whether through overt violence towards staff and inmates, or covertly through material aid, the war was also fought in and through prisons, even after outright military operations had come to a halt. Rebuilding and improving the ROK's prisons was an integral project within the U.S.-U.N. effort to rebuild their Cold War ally's infrastructure, economy, and public health system.

This chapter reveals how the Korean War's international scope opened prisons up to even greater U.S. military influence and in turn reframed South Korean penology as a tool of Cold War bloc building. Until the war, the U.S. military had been largely ineffective in developing a prison system upholding the espoused values of a decolonized, democratic nation. The early ROK government struggled to maintain the prison's ordinary social function alongside its more overt political use for anticommunist conversion. As previous chapters have shown, prewar penal officials were continually struggling to establish uniformity in inmate population, medical treatment, and access to rations. Chapter 3 demonstrated how the Rhee regime failed to reduce prison population through the National Foundation Pardon. The top-down, arbitrary reduction of prison inmate totals could not alleviate the social conditions that led so many Koreans to resort to crimes of poverty or rebellion in the first place. Furthermore, anticommunist laws and harsh crackdowns only exacerbated overcrowding. While the system's flagship institutions could boast of improved inmate conditions from 1948 to early 1950, reports of such changes alongside news of fanatical anticommunist conversion complicates assessments of the actual progress of reforms. The tenuous distinction between "political" and "ordinary" uses of prisons disappeared completely when the Korean War broke out in late June of 1950.

The Republic of Korea's Correctional History (*Taehan Min'guk kyojŏngsa*; hereafter, "*Kyojŏngsa*") positions the war as a calamitous detour in which communist invaders disrupted the march towards the telos of South Korea's well-ordered correctional system of today. Nearly all prison facilities were destroyed or damaged in the war, save for the southernmost facilities in Busan and Masan.[571] Reconstruction was still only partially complete as late as 1960. Either intentionally, or resulting from a lack of historical materials, this official history writes off the

[571] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:424–5.

war as an exceptional period when prisons became sites of massacre, and the typical relationship between crime and punishment played out outside the established carceral order.[572] Being an institutional history, the war does not fit the work's typical form of a record of notable changes in each successive republic's prison system, structured by breakdowns of the number and quality of facilities, average inmate totals, updates to the prisons' amenities, training of personnel, inmate rehabilitation, and so on. The section on the war makes a tonal shift to be more emotional, highlighting the bravery of ROK prison staff in the face of invasion. A schematic appraisal of penal reform gives way to vivid narratives of the cataclysm of war. This renders the war as a rupture, with penal reform halting and starting on either side of formal military conflict.

However, war is a crucial space to examine regulation of the nation's ideal subject and the destruction of its others. The prison's role in the process continued across the rupture of war and with more influence from the international order. Despite its framing as an inherent social good, "reform" is not only a peacetime affair: it continues through and is shaped by the wartime experience. Therefore, what can be said of "reform" in South Korea's prisons during the Korean War? Answering these questions reveals how the conflict impacted the larger development of the ROK prison system beyond simply halting progress towards institutional stability. Far from a simple rupture, the Korean War was a watershed moment in ROK penal history that opened carceral spaces to international purview and unprecedented U.S material support of Korean prison development. War and reconstruction invited even greater U.S. investment in bolstering South Korea's systems of social control, and in turn strengthened the nation as a bulwark against communist expansion.

[572] Covered later in the chapter in detail, the official history is primarily concerned with the murder of ROK prison staff, not civilian massacres or extrajudicial murder of inmates.

This chapter's methodology is structured by two archival "gazes" brought to bear on South Korea's wartime prisons: the reconciliatory, and rehabilitative gazes. These are the gazes of reconciliation regarding massacres, and the rehabilitation of POWs and prisons, respectively. Beneficial to the present study, the broader bureaucratic mission of institutions such as the International Committee of the Red Cross (ICRC), United Nations Command (UNC) and U.S. military all produced entries in the sparse archive of Korea's penal institutions from 1950 to 1953. Their archival gestures allow researchers to piece together a narrative of change in Korea's wartime prisons and better understand South Korea's Cold War penal norms. Record-keeping by international actors in war-torn Korea passively enforced the norms of the yet-to-be-realized well-ordered prison. Despite dismal conditions in war-damaged facilities, foreign occupiers sought to enforce the penal norms of due process, rehabilitation of inmates, and proper hygiene. Though they worked toward disparate ends, foreign institutions' archival gestures all assumed the norms of civilian incarceration in an idealized, peacetime society beyond the war's chaotic interregnum. This detached gaze could either condemn or condone the extrajudicial excesses of prison spaces. For example, the U.S. military supported rebuilding damaged cell blocks, but could not hold its ally sufficiently accountable for extrajudicial slaughter—that is, the destruction of inmates' bodies either implicitly, through dismal prison conditions or explicitly, through outright massacre. This calculated distance between observer and observed subjected Korean penology to an arguably unrealistic reform ideal. U.S. personnel made policy suggestions that were unrealizable in war-torn material conditions. Such was the continuation of the penological reform ideal of "democratizing" punishment.

Part I of this chapter concerns the reconciliatory gaze. This archival gesture is often applied in retrospect, as researchers, government officials and bereaved families collaborate and

contest one another to construct narratives about the extrajudicial slaughter of inmates during the war. This is the gaze of the critical scholar and the "truth and reconciliation" commission. In the initial stage of the war, marked by the invasion of Seoul by the Korean People's Army (KPA) and eventual retreat of South Korean forces to Busan, prisons became sites of hasty massacre of political prisoners.

Part II analyzes the "rehabilitative" gaze of the international community occasioned by the United Nations' intervention in Korea's civil war. U.S. and UN forces joined the war and retook Seoul (for the first time) in the fall of 1950. They then pushed beyond the thirty-eighth parallel into North Korea before being repelled southward by the People's Republic of China's volunteer army. The war raged back and forth before fronts settled again near where the war first began. The war's expansion into an international conflict brought with it the more robust infrastructure of the U.S. military and its junior partners in the United Nations Command (UNC) to strengthen the ROK's systems of social control. While the prewar persecution and confinement of political prisoners made prisons' role somewhat ambiguous as either civilian or wartime institutions, the outbreak of open warfare by uniformed armies led to the construction of massive prisoner of war (POW) camps in South Korea. The largest camp—the infamous UN Prisoner of War Camp Number 1, located on Kŏje Island—constituted an entirely separate realm of confinement of enemy combatants and civilian wartime offenders. While ostensibly under the auspices of the UNC, the international project was overwhelmingly controlled by U.S. military personnel and should be treated as a renewed effort of the U.S. occupation to bolster Korea's carceral state and ensure the stability of the emerging "Free World" Cold War bloc.

When performing in their ideal capacity for public relations consumption, POW camp commandants adhered to the Third Geneva Convention[573] of 1949 and provided rehabilitation beyond simple incarceration that included education, work programs, recreation, promotion of arts and cultural life, and medical care. A POW subject to this treatment was defined in UNC regulations as "(1) any person detained by the United Nations Command who falls within the definition of a prisoner of war contained in Article IV of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, and (2) *all other persons interned by the United Nations Command in a prisoner-of-war facility*."[574] Though the overwhelming majority of POWs were North Korean and Chinese enemy combatants, a significant portion of ROK Army and "Civilian Internees" (CI) were subject to the same (re)education and rehabilitative programming. The introduction of such programs set the stage for their implementation in civilian prison spaces after the war.

Part III follows the pivot of this rehabilitative gaze from UN POW camps to the reconstruction of the ROK civilian prison system. The archival materials of the UN's Civil Assistance Corps, Korea (UNCACK, hereafter, CAC) provide rare data and first-person reports shedding light on the status of Korea's wartime civilian prisons. Their archives are evidence of the direct impact of U.S./UN efforts to not only reconstruct physical prisons, but also define

[573] Article 38: "While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment. Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps." International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)*, 12 August 1949, 75 UNTS 135, available at: https://www.refworld.org/docid/3ae6b36c8.html Accessed January 18, 2022.

[574] UNC HQ, "Appendix A" in *Operations Instructions Reference: Enemy Prisoners of War,* 1952, 3.; Hayden L. Boatner Papers, Box 8, Call Number 73037. Hoover Institution Library & Archives. Emphasis added.

goals for penal reform. Korean penologists would struggle to meet these lofty goals for the rest of the 1950s.

Simultaneously critiquing and adopting these archival gazes, this chapter argues that Korea's wartime prisons should not be overlooked, bracketed off, or treated as exceptional: prisons were a crucial conduit for infusing Korea with a normative, ideal form of Cold War citizenship and bolstering U.S. control of the region. Programs for "humane" and "civilized" treatment of civilian offenders defined by the Geneva Convention entered Korean penological thought through UN POW camps, and then seeped into civilian penal spaces. These ideals refined the goal of ROK punishment as not only a domestic technology of social control, but also one for shaping Koreans into Cold War subjects. Both reformers and prisoners experiencing the post-Korean War penal system were subject to ideological programing that reframed their self-identification with not just a national category, but also as a citizen of the U.S.-aligned "Free World." Though they were mobilized with rhetoric that highlighted *national* reconstruction, South Koreans living under the U.S. military's Korean War occupation and subsequent reconstruction of systems of social control were coerced into subjugating personal and national autonomy in favor of the global spread of U.S. empire.

Part I: The Reconciliatory Gaze and Prisons as Sites of Massacre

Even while analyzing its historiographical implications, one must adopt the reconciliatory gaze to establish basic contours of the historical record of prisons in the early Korean War. This gaze fixates on numbers of dead and the legal auspices for their slaughter. It makes atrocities legible as officially recognized statements of truth about a disputed past. The Korean conflict's dynamics as a civil war complicate establishing perpetrators and victims: parties both critical *and*

supportive of the state's actions during the war don the reconciliatory gaze to make appeals to redress. It is not only civilian victims who seek justice for violence perpetrated by ROK state officials. As this section illustrates, members of state institutions (like the Ministry of Justice's correctional service) also seek recognition of violence perpetrated by uniformed KPA and their civilian supporters. The Republic of Korea Truth and Reconciliation Commission (Taehan Min'guk Chinsil Hwahae rŭl Wihan Kwagŏsa Chŏngni Wiwŏnhoe; hereafter, TRC) began investigating Korean War atrocities in 2005 and completed initial investigation and published its findings in 2010.[575] The commission is nominally separate from a particular branch of the ROK government, but ultimately reflects a state-sponsored effort at adjudicating claims of past violence between the state and its subjects. Such an entity focuses and legitimates the reconciliatory gaze. Far from neutral, their process of investigation still provides a baseline from which to assess local specificities. For the purposes of this study, the TRC report establishes the basic historical fact that prisons were prevalent sites of massacre, and political offenders the primary victims.

The TRC organized victims of massacres into several categories: civilians while the ROK military cleared areas of partisans (civilians who took up arms against the ROK police and military), members of the National Guidance League (Kungmin Podo Yŏnmaeng, NGL), suspected antigovernment operatives in preventive custody (*yebi kŏmsok*), and inmates.[576] In the first year of survivors and victims' families applying for official recognition as victims historical atrocity, 73% (7,922) were registered under the category of "mass massacre of civilians"

[575] Chinsil Hwahae rŭl Wihan Kwagŏsa Chŏngni Wiwŏnhoe, C*honghap Pogosŏ (I): Wiwŏnhoe yŏnhyŏk kwa hwaltong chonghap kwŏn'go (chŏngni wiwŏnhoe 1-kwŏn)* (Seoul: Chinsil Hwahae rŭl Wihan Kwagŏsa Chŏngni Wiwŏnhoe, 2010).
[576] Ibid, 96.

(*min'gan in chipdan hŭisaeng*).[577] Of those incidents, 7.1% (548) took place in or around prisons, and 3.8% involved inmates in "preventive custody" (presumably in jails, prisons, and other carceral spaces).[578] Considering these figures together, over 10% of reported wartime atrocities involved inmates and/or carceral spaces. As spaces that concentrated people under suspicion of aiding the enemy, prisons were prevalent sites of Korean War massacres.

The state of the penal system in the early phase of the war was marked by massacres of prisoners in-transit in the southward retreat down the peninsula. Inmates were being evacuated from prisons near the thirty-eighth parallel, transferred through South Korea's central region, Ch'ungch'ŏng Province, and eventually concentrated in the last bastion of ROK defense, the "Busan Perimeter." The area surrounding the city of Busan was the last territory controlled by the ROK before the U.S. military counterattacked and retook Seoul in the autumn of 1950. Thousands of prisoners were executed by ROK military and police who either feared a "fifth column" of political offenders sympathetic to the invading communist forces, or simply shirked the responsibility of transferring hundreds of prisoners away from the advancing enemy. The most infamous example of such a hasty decision is the massacre of political prisoners at Taejŏn Prison in July of 1950. The South Korean TRC concluded that between June 28 and July 17, over 1,800 prisoners and members of the NGL were killed without legal due process by area police, members of the South Ch'ungch'ŏng Province Counterintelligence Corps (CIC), and ROK Military Police (*hŏnbyŏngdae*).[579] The role of the U.S. military in observing and allowing the Taejon massacre has rightfully occupied most attention paid to prisons in this period. In the surrounding area, as many as 400 inmates and NGL members were executed at Kongju Prison on

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[577] Ibid, 69.
[578] Ibid, 72.
[579] Chinsil Hwahae rŭl Wihan Kwagŏsa Chŏngni Wiwŏnhoe, C*honghap Pogosŏ (I),* 98.

July 9, and around 1200 at Ch'ŏngju Prison between June 30 and July 5.[580] Inmates killed in this fashion were violators of national security and defense laws and special orders. Few carried death sentences, and the vast majority (88.1%) were serving sentences of 10 years or less as "ideological" or "political" offenders (*sasangbŏm*, *chŏngch'ibŏm*).[581] The TRC concluded that prisoners in these facilities were executed out of fear that they'd aid the approaching enemy, but the killings were nonetheless extrajudicial—the report states they were executed "without due process" (*chŏkpŏp chŏlch'a ŏpsi*).[582]

Massacres in the early phase of the war were not only in haste as the enemy advanced. Even rear area prisons were used to concentrate suspected leftist offenders for execution. A seminal, early work shedding light on the massacre of NGL members well before the TRC was established, Kim Ki-jin's *Unending War, the National Guidance League* (*Ggŭt naji annŭn chŏnjaeng, Kungmin Podo Yŏnmaeng*) focuses on the activities and massacre of NGL members in Busan and the surrounding South Kyŏngsang Province.[583] Normally thought of as a "rear area" with its prisons being the few untouched by invasion and war damage, southeastern prisons were nonetheless used to process and execute NGL members.

The aforementioned *Republic of Korea Correctional History* (*Taehan Min'guk kyojŏngsa*) treats the first year of the war very differently—and emotionally—than the rest of its historical survey of Korea's prison system. The editors of its Korean War chapter[584] admit the lack of sources to write a comprehensive record of wartime prisons and focus instead on personal testimony, highlighting the sacrifice of hundreds of prison staff who were "killed in the line of

[580] Chinsil Hwahae rŭl Wihan Kwagŏsa Chŏngni Wiwŏnhoe, C*honghap Pogosŏ (I),* 98.
[581] Ibid.
[582] Ibid.
[583] Kim Ki-jin, *Ggŭt naji annŭn chŏnjaeng, Kungmin Podo Yŏngmaeng: Pusan/Kyŏngnam Chiyŏk* (Yŏksa Pip'yŏngsa, 2002).
[584] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk lyojŏngsa*, 1:377–423.

duty" (*sunjik*) by the invading KPA or released inmates.[585] It may seem counterintuitive, but one must also consider how this historical framing also employs the reconciliatory gaze, only from the position of the state, rather than the civilian victims of massacres. It relies on oral history narratives and secondary historical research on the Korean War more broadly, making several gestures to establish penal workers (guards, wardens, and other staff of prisons) as victims of both state negligence and the North's wartime atrocities. First, the introduction frames the period as one of haste and negligence, claiming that the state had only military strategy in mind and lacked a policy for how to evacuate prisons.[586] This left prisons and their staff open to "revenge" (*pobok*), "slaughter" (*salyuk*), and "destructive acts" (*p'agoe haengwi*) by released leftist inmates (*chwaik suyongja*), resulting in an "enormous national loss" (*makdaehan kukkajŏk p'ihae*).[587] This establishes the chapters' recurring theme that penal staff were victims of leftist inmates (implicitly justifying their hasty executions), but also the negligence of the ROK state for leaving prisons to fend for themselves in the hurried southward retreat.

Second, the chapter explains the constitutional and legal grounds for the wartime authority to protect "public peace and order" (*ch'ian chilsŏ*) and crackdown on "antinational" (*panminjokjŏk*) and "antisocial" (*pansahoejŏk*) crime.[588] The editors establish the constitutional and legal basis for the special measures for punishment in a state of emergency—ROK Constitution Article 57, Presidential Decree (*taet'ongryŏng ryŏng*) No. 377, Emergency Order (*kingŭp myŏngryŏng*) No. 1, and the decree of martial law on July 8, 1950—all to explain that there was no plan devised for what to do about the existing population of offenders of national

[585] Ibid, 378.
[586] Ibid, 377.
[587] Ibid.
[588] Ibid, 381.

security laws.[589] Conspicuously, this section also invokes the Yŏsu–Sunchŏn Rebellion as thousands of convicted leftists and rebels involved in the uprising were held in prisons closest to the border with the North.[590] Framing the chapter's introductory context this way implicitly absolves the penal system for extrajudicial killing of inmates.

The *Kyojŏngsa*'s narrative then details noteworthy incidents and acts of heroism by penal staff at each major institution. The reconciliatory gaze uplifts the efforts by staff at each prison. First, there is considerable space devoted to the evacuation of the northernmost institution, Kaesŏng Juvenile Prison.[591] The account highlights penal officers' paternal and patriotic duty to see the young inmates safely to Seoul, and then further southward in the first days of the invasion. It's noted that no inmates escaped or were lost in the evacuation of the Kaesŏng Juvenile Prison Farm.[592] Staff who stayed behind at Kaesŏng Prison were executed by the KPA.[593]

Second, the account of the system's flagship institution, Seoul Prison reiterates the lack of planning and high number of leftist inmates who anticipated the invasion of their KPA liberators.[594] The authors attributed the staff's ability to maintain order before retreating to their ardent anticommunism: "The fact that can't be overlooked is correctional officers'[595] anticommunist consciousness (*pangong ŭisik*) and sense of duty to defend their workplace."[596] The section again cites the negligence of President Syngman Rhee (and central government) in

[589] Ibid, 380–1.
[590] Ibid.
[591] Ibid, 381–7.
[592] Ibid, 387.
[593] Ibid, 384.
[594] Ibid, 388–9.
[595] The book uses the anachronistic term "*kyodogwan*" when "*hyŏngmugwan*" was in contemporary usage. This reflects the Ministry of Justice-employed writer's identification with the subject. The *Kyojŏngsa* is imbued with institutional pride and legacy.
[596] Ibid, 389.

evacuating Seoul without regard for other governmental institutions like the prison.[597] It then proceeds to give examples of individual penal officers who were imprisoned or "sacrificed" (*hŭisaeng*) in the ensuing KPA invasion of Seoul. A quintessential example of such profiles includes the fate of Chŏng Sang-gŭn, a Seoul Prison section head who had built a reputation as an anticommunist while uncovering inmates' leftist cell organizations. Facing reprisal by released leftists, Chŏng took his own life.[598] Being a uniformed member of an ROK governmental institution, especially those implicated in suppressing leftist organizations, was tantamount to a death sentence in KPA-occupied South Korea. The occupation lasted until the September 1950 Incheon Landing and retaking of Seoul by U.S. and UN military forces.

The *Kyojŏngsa*'s short narrative of each of the nation's penal institutions' wartime experience features a bullet-pointed list of penal workers slain in retreat or during the KPA occupation. For institutions in the Southwest/Honam region, the entire section reads as bullet pointed lists of dozens of penal workers who were killed by the KPA.[599] Chronicling their stories constitutes a very different archival gesture from the work of the TRC and other historical work more critical of the state. The *Kyojŏngsa* is also critical of the state, but from its own institutional perspective and decidedly anticommunist ideological position. A key difference in its reconciliatory gesture versus that of the TRC is the focus on named individuals, rather than a tabulation of numbers of victims. For example, in narrativizing the transfer of prisoners through the central area of the Ch'ungch'ŏng provinces, notably through Taejŏn Prison, it carries the same list of names of slain officers, but conspicuously absent any mention of the 1,800 massacred leftist inmates now historicized under the labeling of the event as the "Taejon

[597] Ibid, 390.
[598] Ibid, 391.
[599] Ibid, 410–7.

Massacre."[600] The *Kyojŏngsa* reiterates the narrative used in a period (before 2008) prior to the start of TRC work and declassification of U.S. military archives[601] that established separate inmate massacres by ROK and DPRK forces at Taejon. The 2010 publication rehashes the narrative that mass graves around Taejon were only created by the KPA massacre of up to 2,000 "anticommunist individuals" (*pangong insa*) from July to August of 1950.[602] Rather than citing more updated TRC findings, it cites early factfinding work from the early Park Chung Hee military dictatorship (1961–79). The 1961 report by a South Ch'ungch'ŏng Province committee of the "Anticommunist Patriotic Revival Movement" (Pangong Aeguk Puhwal Undong) is decidedly politically motivated, calling the KPA perpetrators "Red barbarians" (*pulkŭn orangk'e*).[603] The silences, selective citation and memorialization are nonetheless effects of the reconciliatory gaze of the *Kyojŏngsa*: its authors seek the recognition of the victimhood of penal workers who were neglected or massacred by the invading enemy. In this instance the archival gaze fixes on historical events of the gazer's choosing and may rely on an outdated archive.

Historicizing the early wartime massacres of inmates is necessary work for reconciliation projects. From a penal historical perspective, however, these early-war cases have limited capacity to reveal anything particular about South Korea's penal history. Prisons during the invasion were spaces used to concentrate and contain eventual targets of execution. The larger project of writing an early ROK penal history must account for the prevalence of massacres centered on carceral spaces in all phases of the war: massacres of inmates were not only a hasty means of eliminating potential opposition in periods of flight, but also a means of reestablishing

[600] Ibid, 402–5.
[601] Associated Press, "AP: U.S. Allowed Korean Massacre in 1950," *CBS News*, July 5, 2008, https://www.cbsnews.com/news/ap-us-allowed-korean-massacre-in-1950/.
[602] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:405.
[603] Ibid, 406.

the punitive order after the return of relative stability. After the South reoccupied its territory, the regime set out imprisoning and executing those who collaborated, as well as those who were suspected of collaborating with the KPA.

Part II: Wartime Reprisal and the International Reconciliatory Gaze:

Massacres of inmates in later phases of the war occurred as retributive rather than preventive measures. They are thus imbued with a transitional quality, violently closing one chapter in the carceral order's chaotic wartime experience and opening another, in which the recovering ROK state attempted to reestablish a monopoly on law and order. However, the state was only saved from total destruction by international intervention. Likewise, its sovereignty and right to punish were beholden to the U.S. military and United Nations Command. After the retaking of Seoul from the KPA occupation, the Rhee regime carried out massacres of inmates suspected of aiding the enemy. Prisons took on the role of punishing people deemed responsible for the loss of life, destruction of the homeland, and (implicitly) for halting the progress of developing the independent Korean nation. Authorities sought reprisal for alleged collaboration with North Korean occupiers through mass incarceration and execution after speedy trials. Likewise, the public sought retribution for oppression they faced under the occupation and took out their own revenge on collaborators. ROK authorities had to make a special decree outlawing "private punishment" (*sabŏm*) or interpersonal revenge against people who had aided the occupiers.[604] Punishment of "traitors" (*puyŏkja*) reimplemented imprisonment and execution's peacetime function of maintaining social control.

[604] Ibid, 422.

However, international actors observed, evaluated, and altered the process of remaking the carceral order. Over the course of its existence and application in various conflicts, "international observers" are commonly thought to be passive, or a means to raise consciousness around an injustice in the hopes of inviting an armed intervention. This chapter has thus far explored the impact of the reconciliatory gaze in retrospect, but people on the ground also demanded recognition of injustice in the present moment. That gaze carried more power when wielded by an international observer. The Korean War was the first high-profile attempt of many in which the United States attempted to enforce and maintain the new international order after World War II.

The specific case of hasty executions in reoccupied Seoul's overcrowded prisons demonstrates the international gaze impacting local negotiations of "just" and "unjust" wartime retribution. International Red Cross (ICRC) delegate, Frank Bieri and his associates observed Seoul's prisons from October to December of 1950. While U.S. military forces extended the war's front into North Korea, following them was an extensive humanitarian mission repairing damage and ensuring medical and food aid to the formerly occupied areas. The expansion of the war into a UN "police action" opened the war's home front to international purview and standards. Wartime emergency orders created gray areas for due process and execution of "traitors" when reestablishing civilian legal rule.

Such were the conditions under which Frank Bieri intervened in the treatment of political offenders in Seoul's carceral institutions. ICRC staff observed the appalling conditions at Seoul's Sŏdaemun and Map'o prisons in the fall of 1950 and reported the findings to the UNC and ICRC, as well as directly to Syngman Rhee. Bieri's December 10, 1950 report listed a combined population of around 9,200 prisoners—men, women, children and infants—all in varying states

of starvation, with a death toll of around 100 prisoners per day.[605] The UN Command alerted personnel in the U.S. State Department of their being "deeply disturbed by continuing reports of inhumane treatment of political prisoners by ROK…Complaints center around (1) atrocious conditions existing in Seoul prisons and (2) brutal and arbitrary mass executions of alleged political prisoners, including women and children, by ROK authorities."[606] Bieri summarized his findings of Seoul prison's atrocious conditions in an official letter to Syngman Rhee:

> On October 20, 1950, Mr. de Reynier, Delegate of the International Committee of the Red Cross and I witnessed a batch of civilian prisoners (both male and female, some of the latter carrying infants on their backs) all tied to a rope, marching towards Westgate Prison.[607] We followed them until they entered the Prison…we saw a number of female prisoners (some with infants on their backs) kneeling on the ground with bowed heads…I presume, Mr. President, that your Officials have already informed you about what Mr. de Reynier saw and heard in the two prisons he visited in Seoul…He found 9,200…prisoners in a state of semi-starvation…without adequate medical care…without facilities for washing themselves, absolutely inadequate accommodation (20 to 25 persons in a cell normally intended for 3), with permission to write only one letter, once and for all to relatives or friends, without special care for women, mothers and in particular, their babies…also innumerable cases of dysentery, tuberculosis, influenza and many signs of starvation.[608]

To the dismay of the ROK regime, the two ICRC delegates could invoke the Geneva Convention to seek access to spaces of confinement as providers of medical care. They acted as focal points of the international gaze to indict the failed penal system, implicitly enforcing a

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[605] Frederick Bieri, Correspondence ICRC Delegation in Korea to Dr. Syngman Rhee. December 18, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.

[606] Correspondence, SCAP Tokyo Japan to Department of State, December 19, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51. [RG 554 EA1 153 Box 1]

[607] Sŏdaemun Prison.

[608] Frederick Bieri, Correspondence, ICRC Delegation in Korea to Dr. Syngman Rhee. December 18, 1950, 1–2

norm for punishment the struggling regime claimed was unrealistic. Their indictment suggested reconciliation by providing ideal conditions of confinement that the ROK penal authorities could (and would) not provide:

> As factual evidence of the apparent impossibility of the Governors of these prisons to take even the minimum of care required to at least sustain the lives of their charges, Mr. de Reynier saw a total of about 50 dead bodies in the morning of his visit, including men, women and babies. According to the statements made…by the Governors of the prisons, and the Prison Doctors themselves, the daily rate of deaths due to starvation alone, is about 100…What Mr. de Reynier saw represented the sorry harvest of one night only.[609]

The ICRC's condemnation of prison conditions was thorough and biting. International observers made the condition of Korea's prisons an international matter by forcibly archiving the events in correspondence between different arms of the UNC/U.S. military intelligence apparatus and its civilian counterparts back in the United States. Urged by the U.S. embassy and missionaries, Rhee made a visit to Sŏdaemun Prison and was quoted saying "I was a prisoner myself for seven years…This cannot go on."[610] His official statement on the matter was less benevolent, threatening that "flagrantly malicious collaborators" would be excluded from any consideration for mitigation of punishment.[611]

The point raised about executions of prisoners arose from reports by British forces under the UNC of mass execution of prisoners by ROK authorities near Seoul in the village of Hongje-ri.[612] On December 16, 1950, ROK police took between 34 and 39 people from Seoul's prisons

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[609] Ibid, 3.
[610] "Brief of Press Messages Pertaining to Alleged Atrocities in South Korea," December 17, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[611] Ibid.
[612] Im, *Han'guk esŏŭi haksal*, 282.

and executed them by firing squad, then buried them in mass graves. The place of execution was near a camp of UN soldiers of the 29th British Brigade who reported the incident to their superiors:

> The prisoners were herded out of the truck and made to kneel in trenches where they were shot by rifle and machinegun. Two women and two children, age 8 and 13, were alleged to have been included, according to eyewitness accounts. No verification on the children has been made. A number of people were witnesses including British and American soldiers.[613]

The British soldier observers brought their reconciliatory gaze immediately to the site of atrocity, and reportedly intervened before more people were killed:

> British troops appear to be considerably wrought up by this incident. The morning after the incident occurred they disarmed the Korean police who appeared with prisoners, and forced them to fill the trenches dug to bury prisoners. One reporter believes the incident will have a marked effect on the morale of British troops in this area.[614]

ROK state officials were forced to respond to the reports circulating between local observers and international agencies. In an official press release, Minister of Justice, Kim Chun-yŏn tried to assuage accusations of massacre, explaining that Sŏdaemun Prison's execution facilities were damaged in the war, and mass execution was necessary to quickly carry out sentences. Facing continued questioning by ICRC delegates and UNC officials, Kim doubled down, asserting the juridical basis for the mass killing of convicted traitors under Emergency Decree No. 1.[615] Convictions of murder, arson, rape, destruction or theft of military equipment, disrupting public

[613] "Summarization of a Number of Recent Radio Messages by Press Correspondents Re: Alleged Atrocities by ROK Agencies Against Political Prisoners" December 18, 1950, 2. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[614] Ibid.
[615] "Pisangryŏng e ŭi han kŏt," *Chosŏn ilbo*, December 24, 1950.

infrastructure, or causing prison break, all carried a death sentence.[616] As for the method, Seoul Prison's execution house had been destroyed in recent fighting, so prison guards were designated to shoot the condemned.[617]

Cognizant that international observers were making such things known in the United States, one of Rhee's American advisors, Robert T. Oliver, helped clarify the "misunderstanding" to readers of his Korea policy newsletter, *Periscope on Asia*. The publication was aptly titled for its role in providing a selective gaze into Korean penal spaces:

> Considerable discussion and some unfortunate misunderstandings have followed the execution of thirty-nine prisoners, by shooting, in the Hong Jai Ri area, just north of Seoul, on December 15. Some persons have been under the misapprehension that the persons were executed callously and illegally, that they were merely communist sympathizers and hence were executed for the mere holding of beliefs contrary to those of the Republic of Korea. Such was not the case.[618]

Oliver's editorial on the matter reiterates the legal basis for execution, the need to defend against internal communist collaborators, and condemn the allegations of extrajudicial killing. He invokes the notion of "civilized" maintenance of social order to condemn people who were reportedly delighting in the extrajudicial killings, ultimately defending the executions on the grounds of defending society: "It need hardly be said that executions in and of themselves are repugnant to all *civilized* men, whether private citizens or public officials. Whether criminals are shot or hanged, no sensible man would enjoy the sight of their death, and only those whose official duties require presence would attend such executions, no matter how humanely they were carried out. *Nevertheless, society cannot permit that those guilty of such crimes against*

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[616] Robert T. Oliver, "From a Bulletin Issued by the Office of the Public Information of the Republic of Korea, December 21, 1950," *Periscope on Asia*, no. 128, 1951, 2. George F. Mott Papers, Box 23. Hoover Institution Library & Archives.
[617] Ibid.
[618] Ibid.

their fellowmen shall go unpunished."[619] Oliver admits that from October 1 to December 15, 1950, at least 242 citizens were charged with collaboration and executed as traitors.[620] However, the UNC's internal documents suggest figures much higher. Reporters on scene for the exhumation of mass graves near Hongje-ri reported that hundreds were found when the investigation only sought the 34 (later determined to be 39) in question.[621]

The UN Command's official position was to treat punishment of ideological offenders as an internal ROK matter. Whether they could intervene in the ROK's sovereign right to punish suspected traitors was a touchy issue, but the appalling conditions of prisons holding women and children was unavoidable. U.S. Ambassador Muccio reiterated the ROK regime's talking point that communist prisoners should not be held in prison for long, as they could be freed again to wreak havoc as they reportedly had when KPA forces took Seoul the previous June.[622] If both security measures and material difficulties would not allow for incarceration, Bieri suggested, ideological prisoners should be moved to Civilian Internee camps alongside military prisoners of war.[623] There, they would be subject to the protections of the 1949 Geneva Convention that served as a baseline for treatment of POWs. Bieri's December 22 report to Syngman Rhee made the appeal on behalf of the ICRC that "all persons detained for political reasons be either

[619] Ibid, 2–3. Emphasis added.
[620] Ibid.
[621] "Summarization of a Number of Recent Radio Messages by Press Correspondents Re: Alleged Atrocities by ROK Agencies Against Political Prisoners" December 18, 1950, 2. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[622] Far East Command GHQ Adjutant General's Office, Radio Branch, Correspondence from Ambassador Muccio, American Embassy, Seoul. December 21, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[623] Correspondence, General HQ, Far East Command, Adjutant General's Office, Radio Branch, August 12, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.

released or, if this is not feasible for security reasons, be placed in Civilian Internee camps in accordance with the provisions of the 'Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of August 12, 1949.' Further that lists of names of alleged political prisoners be submitted to the Central Agency, ICRC in Geneva and the ICRC delegates who have been officially accredited to ROK be permitted to visit such camps at will."[624] The ROK government's sovereignty and right to punish suspected traitors was increasingly subject to criticism by international observers. Their involvement in the matter also tested the U.N.'s application of the Geneva Conventions to wartime Korea's penal order.

Bieri's invocation of the Conventions was wishful thinking for several reasons. First, the Republic of Korea did not ratify the 1949 Geneva Conventions until 1966[625] (the United States not until 1955).[626] Although they were not formally bound by the conventions, the ROK was still courting support by U.S.-aligned international community and would seek at least aspirational consideration as one of the convention's adherent states. Second, collaborators and convicts imprisoned for civilian crimes occupied an ambiguous position between combatant and civilian. They were not uniformed members of another nation's army, and thus their punishment could be limited by the Fourth Geneva Convention's General Provisions, Article 3 for "Conflicts not of an international character."[627] Civilians in this sense were "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed

[624] Bieri, Frederick, "Report of Mr. Frederick Bieri, Delegate ICRC, to President Syngman Rhee," December 22, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[625] "Treaties, States Parties and Commentaries," ICRC, accessed April 22, 2022, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=KR&nv=4
[626] Ibid.
[627] International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949*, 169. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

hors de combat by sickness, wounds, *detention*, or any other cause…"[628] They would be entitled to freedom from violence, torture, and notably, "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by *civilized peoples*."[629] Although the ROK had not ratified the conventions, Syngman Rhee had agreed to nominally observe their provisions. Bieri directly quoted Article 3 in his in-person report to Rhee: "You, Mr. President, gave your agreement to Article 3 of the Conventions on July 4, 1950, and also on July 7, 1950, issued a Proclamation concerning the Conventions which was directed to the Armed Forces, the Police and other officials of the Republic of Korea."[630] He then quoted the article's protections for civilians and concluded, "I am of the opinion, that the incidents witnessed by Mr. de Reynier and in part by myself are hardly in keeping with the stipulations of Article 3 of the Conventions, in particular with regard to the treatment of women, mothers and their babies."[631] The shifting international paradigm of human rights and "civilized" warfare began seeping into Korea's prisons.

Also noteworthy for Bieri's invocation of the conventions is the provision that medical care should be provided to such individuals by "an impartial humanitarian body, such as the International Committee of the Red Cross."[632] However, the next article (4) provides more grounds for the Seoul inmates falling *outside* the definition of the convention's "protected persons": "Persons protected by the Convention are those who at a given moment and in any

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[628] Ibid, 169. Emphasis added.
[629] Ibid, 170. Emphasis added.
[630] Bieri, Frederick, "Summarization of Remarks of Mr. F. Bieri, ICRC at Interview on 22 Dec 50, with PM and Asst CS, G-1," December 22, 1950. NARA II, RG554 Records of General HQ, Far East Command, Supreme Commander Allied Powers, and United Nations Command. Provost Marshall's Section. Entry A1 153: Records Relating to Anticommunist Measures, Prisoners of War, and Troop Planning, 1950–51, Box 1.
[631] Ibid.
[632] International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949*, 170.

manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict of Occupying Power of which they are not nationals."[633] Application of these definitions would take parsing, considering that the DPRK was not officially recognized, and Seoul had recently changed hands between KPA and ROK/U.S. forces. None of that would matter, however, since the ROK had not officially ratified the conventions. Therefore, transfer to the "third space" of UN POW camps would be advantageous to those facing trial or summary execution.

The ICRC demanded that the ROK government seek international aid to carry out fundamental tasks of domestic governance like imprisonment. These international partners helping rebuild the war-torn nation enforced penal norms through observation and condemnation. International actors pressured the Rhee regime to process collaborators as Civilian Internees. Proper partnership in the U.S.-led international alliance required at least a surface appearance of adhering to the Geneva Convention's "civilized" legal due process. The condemnation of the legally dubious executions pushed Rhee to grant special amnesty and commutation to suspected collaborators around Christmas of 1950.

The *Kyojŏngsa* reprinted his official statement on the pardons, in full, alongside the special orders prohibiting personal vendettas and providing the legal basis for executions.[634] This inconsistently frames the period as one of mercy and amnesty, despite the widespread executions. Rhee maintained that the pardons reflected their democratic nation's fundamental values of protecting human life (*inmyŏng*) and human rights (*in'gwŏn*).[635] He admitted that their legal system could not process the large number of inmates awaiting trial, that they could not

[633] Ibid.
[634] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:420–3.
[635] Ibid, 423.

adequately separate young from old, women from men, or provide care for inmate mothers carrying infants.[636] He also explained the situation regarding inadequate facilities for execution. Tellingly, those released were still to be monitored by the local heads of "Citizens' Associations" (*kungminhoe*) and the notorious rightwing "youth groups" (*ch'ŏngnyŏndan*). Each association would communicate with one another to make a "watertight" (*mul sael t'ŭm ŏpsi*) "net of the law" (*pŏbmang*).[637] The failure of ensuring humane incarceration was to be remedied by diffusing surveillance of suspected traitors to the civilian population.

As in the early First Republic, and even earlier under U.S. military rule, pardons of political offenders operated as a pressure release valve for prison overcrowding. The difference during the Korean War was that Rhee was pushed to these measures by a non-U.S. international entity that couched amnesty in the language of universal human rights. Korea's penal system was now subject to the even broader influence of the post-World War II human rights paradigm.

However, in the case of prisoners dying in Seoul's prisons or executed in incidents like Hongje-ri, the damage had already been done. Many were given hasty trial processes and either executed as collaborators or moved to penal facilities further south. However, those transferred under the category of Civilian Internee (CI) would be protected by the UN and Red Cross's experimental new paradigm for treatment of civilians in prisoner of war camps that were at least nominally beholden to the Geneva Conventions. Zooming back out to the level of early ROK penal history, it is now apparent that the war fundamentally redefined punishment as an international, rather than purely domestic issue.

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[636] Ibid.
[637] Ibid.

Part II: The Rehabilitative Gaze in UN POW Camps

The retributive and struggling Rhee regime was pressured by international actors to confine some wartime offenders in a third space. While not typically considered alongside civilian penal history, accounting for changes in the modern Korean carceral system must include UN POW camps in its narrative. The camps were largescale experiments in governmentality and social engineering that impacted postwar incarceration as well. Notably, the educational curriculum tested in the camps was designed by the United States Information Service (USIS), the cultural and educational propaganda arm of the U.S. State Department who would also support postwar penal education. To understand postwar penal reform, one must question how the war's most prolific carceral endeavor in the POW camps may have influenced the civilian prison system. This section considers POW education as a privileged site for transmitting and enforcing U.S. penological norms.

The Civil Information and Education (CIE) Section of the UN Command carried out an extensive experiment in social engineering and Cold War subject formation in UN POW camps. Their "Instructional Program Branch" first implemented a system for rehabilitative education and "reorientation" of POWs in June of 1951.[638] The U.S. National Archive and Records Administration (NARA II) so extensively archived the course materials and weekly reports of activities that one could virtually recreate the program today. Though most participants were enemy POWs, a significant number of South Korean civilian internees received the same education as captured DPRK and PRC soldiers. A weekly report from the start of October 1951 shows over 40,000 South Korean nationals participating in education (compared to 84,374 North

[638] UNC CIE Section Field Operations Division, "Operational Memorandum" June 21, 1951, 1. NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, General Records, 1951–52, Box 1.

Korean and 15,355 Chinese POWs).[639] Nearly 29% of the participants receiving education aimed at reorientation of former enemy combatants were of South Korean nationality.

The Instructional Programs Branch's responsibilities included classroom education, "informal educational activities," maintaining a library, vocational training, and physical education programs.[640] Classroom instruction would include a weekly two-hour session for all prisoners that could include some combination of question-and-answer sessions, lectures by instructors, presentations by other personnel, group discussion, motion pictures, slide shows, listening to records, and "controlled talks by the POW's."[641] Other forms of media consumption included screenings of films and radio programs produced by the USIS. Lectures of up to 200 students were supplemented with small group discussion and reading of propaganda pamphlets (translated into Korean or Chinese) extolling the virtues of American society and democracy. The curriculum progressed in stages starting with establishing Korea's historical situation leading up to the war, giving the USIS's version of how the war started—a pamphlet titled "How War Came to Korea"—and then moved on to debating the merits of the communist and capitalist systems.[642] USIS Pamphlets for each lesson were produced in English, Korean and Chinese. Noteworthy titles comparing liberal democratic and communist governance include, "Human Freedoms and Welfare Under Democracy & Under Communism," "Democratic Government and Totalitarian Government," and "Democracy and Peace—Communism and War."[643] The

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[639] UNC CIE Section Field Operations Division, "Composition of Compounds – 5 October 1951" from "Report for Week Ending 5 October 1951." NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, General Records, 1951–52, Box 1.
[640] UNC CIE Section Field Operations Division, "Operational Memorandum" June 21, 1951, 2. NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, General Records, 1951–52, Box 1.
[641] Ibid, 3.
[642] Ibid, 15.
[643] Ibid.

curriculum progressed to eventually promote the virtues of Western democracies and U.S. society.

The program's syllabus was extensive, but one "advanced" lesson on communism's question-and-answer pamphlet perfectly illustrates the curriculum's propagandistic framing: "1. The Communist Party claims that under communist rule the individual enjoys great freedom. Is this true? Far from it. In communist nations there exist practically none of the liberties which have been achieved in the West after centuries of effort. Under dictatorship there is little if any personal freedom."[644] The pamphlets include political cartoons satirizing Joseph Stalin and caricatures of nameless Korean communist party members. Some cartoons helped illustrate the book's message decrying more complex policy differences between communist and capitalist systems. In the section describing the problems with land redistribution, a caricature of a communist official gives an A-frame-toting, prototypical Korean peasant redistributed land, only to cart away all the grain and even the peasant's clothing in the final frame.[645] The anticommunist curriculum had entry points for prisoners of varying levels of literacy, and even those who could not read or properly comprehend would be able to participate in discussions.

Operational memoranda also spelled out the work programs and vocational training designed to run camps more efficiently while also contributing to rehabilitating Korea. The vocational program was designed to give internees new skills building and maintaining the camp's facilities that they could then take into civilian life after the war. However, work

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[644] UNC CIE Section Field Operations Division, "Instructional Unit No. 16: Some Questions and Answers About Communism, Korean Language Series English Version" October 19, 1951, 1. NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 A1, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, Instructional Publications, 1951–52, Korean Regular Series #13-#22, Box 3.
[645] UNC CIE Section Field Operations Division, "Kongsanjuŭi e tae han mundap: Kodŭng pu," 34. NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, Instructional Publications, 1951–52, Korean Regular Series #13-#22, Box 3.

programs should "in no way involve exploitation of the prisoners. The work program should be so planned as to contribute to the achievement of the objectives of the reorientation program. Work should be attempted that (a) contributes to the welfare of the prisoners or (b) which contributes to the economy of Korea."[646] Internees built and maintained their conditions of confinement as an early step in reconstruction while the war was still being fought.

The program made students active participants rather than passive recipients of education. In addition to putting on shows and performances for entertainment, they were mobilized to do physical *and* ideological work in the camps. Prisoner pupils should also write their own works that, once inspected, could be distributed to their compound and even the whole camp. Informal educational activities included "actual participation in democratic group procedures."[647] Such activities would mobilize the prisoners to put into practice the lessons in democratic rule lauded in their reading materials. Planners hoped prisoners would form "small group councils, compound councils and perhaps a central council for the entire prisoner population on the island."[648] It was believed that if handled carefully, such activities would be "one of the most worthwhile experiences in the entire program."[649] A principal goal was to demonstrate the virtues of a democratic system and hopefully convert communist prisoners to a pro-United States position. A second memorandum clarified the goals of all forms of instruction: to reorient and deprogram communist prisoners while also determining what methods were effective in their home "indoctrination."[650] Prisoners themselves could be used to produce intelligence for the U.S.'s "Free World" Cold War bloc.

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[646] UNC CIE Section Field Operations Division, "Operational Memorandum," June 21, 1951, 10.
[647] Ibid, 4–5.
[648] Ibid, 6.
[649] Ibid.
[650] Ibid, 2.

The Instructional Branch continually refined the program by evaluating the program's efficiency with numerous procedures in place to test physical and mental proficiency in the camps' prisoners. Their time was carefully planned to spend four hours per week attending classes, eight for work projects, two for entertainment events, two for library access, and eight for physical education. 28 hours of radio broadcasts passed through loudspeakers positioned throughout the grounds, saturating the camp's space and time with CIE ideological indoctrination. [651] A November 1951 memo outlined the proper procedure to test the physical fitness of internees, complete with descriptions of each exercise meticulously detailed down to the inch of extension for a proper push-up, proper position for sit-ups, and so-on. [652] The UN Command's rehabilitative gaze meticulously charted the growth of internees' minds and bodies. Aiding the instructors were "recorders" (bilingual in English and either Chinse or Korean) who jotted down comments and questions that arose from discussion periods and then made English-language reports of their findings.[653] Progress of the education and vocational training programs was meticulously recorded in tables of attendance. Then, the "man-hours" spent attending literacy education, vocational classes, athletic programs, and other forms of training were tabulated for weekly reports of the CIE's Field Operations Division. Calculating attendance in this way presented camps as factories spending manpower to produce converted prisoners. Reports included lists of noteworthy questions raised by POW/CI's in discussion that were recorded by instructors and submitted for reporting. Sample questions from one October 1951 report included "Why does America show interest in the Korean War?" "Do you think that the United Nations has the right to interfere with the Korean conflict?" and "What are human

[651] Ibid, 14.
[652] UNC CIE Section Field Operations Division, "Annex I to Operational Memorandum for Evaluation Branch: Plan for Evaluating Physical Proficiency of Prisoners of War," November 1951.
[653] UNC CIE Section Field Operations Division, "Operational Memorandum," June 21, 1951, 12.

rights?"[654] The classroom discussions were miniature fronts of the Cold War's ideological conflict.

Other tabulation included charting the hours internees spent on various activities to determine the effectiveness of distributing USIS educational materials. For example, one survey of a POW compound from October of 1951 tabulated how many inmates at a given time were found sewing, sleeping, talking, reading the USIS newspaper, reading CIE booklets, or playing games. Most inmates (55.5%) were observed playing games, but small numbers were seen reading the newspaper and educational materials aloud to one another, reducing the barrier between CIE propaganda and the illiterate prisoners. [655] These archival snapshots only scratch the surface of the immense project in social engineering taking place in POW and Civilian Internee camps.

Aside from conforming to the Geneva Convention requirement to provide POWs with education and physical exercise, a more clandestine goal was to convert communists into anticommunist citizens of the "Free World." Monica Kim's groundbreaking work contextualizes the POW camps' interrogation rooms as an actual "front" of this Cold War conflict.[656] Kim focuses on the interrogation and repatriation processes resulting from CIE education. UNC authorities reasoned that POWs should make an informed decision about whether to repatriate (to North Korea or the PRC) or choose to defect to the ROK or Republic of China (Taiwan). Some chose other countries as a third option. The implication was that reorientation could sway an internee's ideological leaning. Kim's study shows how camps influenced individuals'

[654] UNC CIE Section Field Operations Division, "Annex IV: Some Questions Asked and Statements Made by POW's During Week 20–26, October 1951" from "Report for Week Ending in 26 October 1951." NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, General Records, 1951–52, Box 1.
[655] NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry 103 AI, Records of General HQ, FEC, SCAP, and UNC, Civil Information and Education Section, General Correspondence, 1951, 001.-353.8.
[656] Kim, *The Interrogation Rooms*.

negotiation of their repatriation decision and in many cases, intensified identification with their original position. Whatever their decision, affording erstwhile communist internees a choice gave their decision exponentially more value for propaganda if they defected to the side of the "Free World."

Even though most pupils in CIE programming were North Korean and Chinese soldiers, the presence of South Korean civilian internees must be accounted for in historicizing ROK penal reform. The reorganization of rehabilitation in a carceral space made it known that such things could be accomplished in Korea if given the proper funding from international aid. This was the most comprehensive, well-funded and well-attended form of penal education that had ever been attempted on Korean soil. For many impoverished Korean internees, "reorientation" was formal education for the first time. Much like more typical penal education, the POW camp was the first situation in which the state had such unmediated contact with so many captive Korean subjects. For these reasons, the POW camp is an integral part of early ROK penal history.

For those CIs accused of treason, how one behaved in the camps were—like civilian prisons—a purity test of ROK identity. The Provost Marshall Section's translation of one civilian internee's 1951 suicide note reveals the harsh experience of proving oneself at the camp: "My dear parents: I did not obey your instructions. I was suspected at the lunatic asylum…and also here at the POW camp. A worthless man such as I should die. My friends in the POW camp, try your best for the Republic of Korea. Long live the republic of Korea."[657] This enforcement of normative, ideal citizenship in POW camps should be considered in conjunction with civilian

[657] USAF Far East Command Provost Marshall Section, "CI Incident Reports: Report of Proceedings of a Board of Officers: Exhibit 'H'," January 2, 1952. NARA II, RG 554 GHQ, Far East Command, SCAP and UN Command. Entry A1 218: U.S. Army Forces Far East; Provost Marshall Section; Prisoner of War Division, Correspondence Relating to Interned Korean Civilians, 1951–1954; 12/03/1951-02/15/1954. EA1 218 Box 1. Loc: 290/51/9/2.

prisons. Though it took part in the camps, the CIE created a model of citizen-making-through-incarceration that would be implemented in postwar civilian prisons. The UN Command attempted rehabilitation of the civilian internee as a tool of Cold War propaganda and to ease reintegration into civilian life. Rehabilitative penology in the postwar period continued this type of citizen-making under experiment in wartime POW camps (a process explored in the next chapter). Outside the fences of POW camps, the UN Civil Assistance Corps, Korea (UNCACK) set to work rehabilitating South Korea's infrastructure and civilian prisons along with it.

Part III: The UN Civil Assistance Corps, Korea (UNCACK)'s Rehabilitative Gaze and Civilian Prisons

A poster publicizing the work of international aid organizations in rebuilding the ROK's war-damaged infrastructure carried the slogan, "Strength from the Free World" (*chayu saegye ro but'ŏŭi him*).[658] The artwork depicts the Korean peninsula held aloft by an ionic, Greek-style column, with its fluting labeled as the Korean words for CAC, "the Korean spirit of cooperation," the United Nations Korean Reconstruction Agency (UNKRA), and other aid organizations. The Korean map is being lifted into the sky, away from the bare earth and dilapidated, traditional housing, towards a bright, new Korea with modern factories, housing, and transportation networks. A more thorough version of the CAC propaganda poster might also include tiny illustrations of modernized prisons. As this final section will show, the CAC and UNKRA played a crucial role in rebuilding Korea's civilian prisons after the initial fighting had stopped.

[658] Troy J. Sacquety, "Same Organization, Four Different Names," in *Veritas* 7, no. 1 (2011): 75.

The CAC was established in 1950, bringing together an amalgamation of activities supporting the reconstruction of South Korea by the U.S. Eighth Army and United Nations Public Health and Welfare Detachment (UNPHWD). The organization took on the name UNCACK in January of 1951 and was tasked primarily with "preventing disease, starvation, and unrest among civilian population" until September 30, 1953.[659] South Korean scholar Kim Hak-chae has a critical study problematizing the joint military occupation and humanitarian aid program of the CAC. He argued that the "humanitarian" nature of CAC activities was at worst a myth, or at best should be interrogated as a method of preparing South Korea for extended U.S. control.[660] This study takes a similarly critical view of CAC activities to consider the ways the postwar United States' "humanitarian" aid alleviated Korea's human suffering while nonetheless securing hegemony in the region. Appearing benevolent, such activities bolstered systems of domestic social control to strengthen South Korea as a bulwark against Asian communism.

The CAC's archive of observation tours provides some of the rare eyewitness reports of South Korea's prisons from 1951 to 1953. Their observations subjected Korean prisons to a rehabilitative gaze that transmitted and enforced the United States' penological ideal of the well-ordered prison. While comprehensive data for the first year of fighting remains elusive, the *Kyojŏngsa* gives some inmate totals for 1951–3 that evidence extreme fluctuation and overcrowding. The systemwide daily average for inmate total for 1951 rose from 15,874 in 1951 to 27,071 in 1952, and back down to 17,277 by 1953.[661] The simple rise and fall in numbers doesn't account for the fact that the physical space for cell blocks had been greatly reduced by

[659] Ibid, 65–7, 71.
[660] See Kim Hak-chae, "Han'guk Chŏnjaeng kwa 'indojuŭijŏk kuwŏn' ŭi sinhwa," in C*hŏnjang kwa saramdŭl: Chuhan Yuen Min'gan Wŏnjo Saryŏngbu (UNCACK) charyo ro pon Han'guk Chŏnjaeng ŭi ilsang*, Sŏ Chung-sŏk et al. (Seoul: Sŏnin, 2010), 17–80.
[661] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:448–9.

bombing and other war damage. All facilities were damaged except for Busan and Masan Prison.[662] The conditions of overcrowding were not unique to Seoul or the other damaged facilities in the occupied areas. Prisons left intact in the "rear" areas unoccupied by the KPA had to make up for the loss of cell space in the others. Places like Busan Prison were overflowing with prisoners awaiting trial. This was evidenced tellingly in a CAC photograph by Sgt. Ralph Storm of at least 13 young men lying front to back, practically on top of each other in a Busan Prison cell meant for three or four inmates.[663] Prisons had to be repaired or completely rebuilt and inmate populations were shuffled around the peninsula as the front changed along the original border separating North and South.

While the war entered a final stalemate along the thirty-eighth parallel, the U.S. military and its U.N. partners began taking account of the damage done to South Korean infrastructure. The CAC were primarily concerned with securing economic and material support to rebuild South Korea's infrastructure and supply medical institutions, but provincial team reports also featured sections on "public safety" with the conditions of prisons and jails. The CAC's regional teams conducted semi-regular inspections of Korea's prisons from late-1951 to early-1953, reporting progress in reconstructing war-damaged facilities, meeting holding capacities, administering medical care, and generally providing for the welfare of inmates. Each team reported information differently, some more organized than others. They also devised a system of evaluating sources of information that did not come from a team's eyewitness observation, revealing that many ROK penal staff could not be trusted, or were putting on a show when CAC teams inspected prisons. By 1952 most team reports used a standardized form that could be filled

[662] Ibid. 424–5.
[663] Ralph Storm, "Prisoners Awaiting Trial Are Crowded Into Cell at prison in Busan, Korea," U.S. Signal Corps Photograph, 1952. NARA II, RG 111, Entry 111-SC, Signal Corps Photographs of American Military Activity, 1754–1954. Kuksa P'yŏnch'an Wiwŏnhoe Online Database.

out with blanks for institution and date, inmate total versus intended capacity, numbers serving sentence or awaiting trial, number of sick inmates in infirmary, etc. Other reports were simply narrative in style with a few sentences describing the general condition of the facilities. While their methods were scattershot and sometimes unreliable, their data is some of the only available for prisons in this period. The following is an analysis of some of their noteworthy findings based on weekly, semi-monthly, and monthly activities reports when made available for each region's institutions from 1951 to 1953.[664] It will compare examples of positive and negative team reports to demonstrate the rehabilitative gaze at work.

Two comparative examples of Kyŏngsang and Chŏlla Provinces illustrate the spectrum of wartime prison conditions that varied drastically by region. Smaller institutions like Kŭmch'ŏn Prison in the rear areas of North Kyŏngsang Province were found to be in excellent condition, and prisoner labor had been used to completely rebuild cell block capacity: "With the use of prison labor, the area within the walls has been cleared of all signs of damages; several buildings have been completed and others are now under construction. Prisoners have the best living conditions available under the circumstances; they receive adequate food. Good medical care is available when needed. An UNCACK team member is of the opinion that the ward and his staff are carrying out their mission to the best of their ability and in a creditable manner."[665] Daegu Prison was similarly pristine in their eyes: "the buildings and area were clean, food preparation was well planned, and all prisoners seemed to be receiving a clean and adequate ration. The work

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[664] The author has analyzed all available team reports available in NARA II Record Group 554's entries for "Adjutant General Section, Team Reports" for 1951 to 1953. The names of provinces in UNCACK records (and their entries in NARA II records) are not standardized or Romanized using McCune-Reischauer romanization. The archivists' idiosyncratic spellings have been recreated here for accuracy.

[665] UNCACK, Adjutant General Section, "Consolidated Weekly Activities Report, 15 Aug 51," 1951, 9. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command," UN Civil Assistance Command, Team Reports, 1951–53, 1951 Segment, Kyonggi-do to Kyonggi-do, Entry A-1 1303, Box 69.

shops were well organized and engaged in producing well-made and essential products. Classes in elementary schooling were being conducted. Juvenile prisoners were receiving military close-order drill. All prisoners were clean and well-disciplined."[666] However, the ratio of political prisoners was still 3:1 with 1,920 of the 3,249 inmates serving for ideological offenses and 598 for other "criminal" offenses.[667]

Seoul's institutions occupy an inordinate amount of attention in reporting, but the rural and provincial prisons tell more of the story about the CAC's penetration into the country's ailing infrastructure. In quite different circumstances, the observation team for the neighboring Chŏlla provinces toured in November of 1951 and found prisons in extreme disrepair and lacking medical supplies. The CAC official was emphatic and openly frustrated at the ROK penal authorities: "UNCACK Teams have apparently taken over the responsibility of prisons from an indifferent central authority. This additional burden will siphon materials away from the needy refugees, but such are the conditions in these prisons; it is imperative that relief and medical care, in one form or another, be brought to the unfortunate prisoners. Insufficient medicines, inadequate clothing and the lack of a balanced diet make a death sentence out of a two-year term."[668] CAC distribution of international aid to prisons was not met with a domestic plan to see reform or aid put to use. The report of Chŏlla prisons continued: "Lacking sufficient funds, the governors of the prisons can accomplish little or nothing in the relief of suffering amongst the unfortunate crowding [sic] the limited cell space. It is hoped that Headquarters can bring strong pressure to bear on the responsible officials for an increase in the monetary allowance for each

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[666] Ibid.
[667] Ibid, "Annex B."
[668] UNCACK, Cholla Namdo Provincial Team, "Semi-Monthly Activities Report," November, 1951, 19. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section, Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto, Entry A-1 1303, Box 77.

prisoner."[669] As demonstrated earlier, one fared far better being sent to a UN POW camp than languishing in civilian prisons. The team found Kunsan Prison's infirmary with 33 tuberculosis patients—increasing by 5 or 6 patients per month—and only one doctor dispatched from the province's main hospital.[670] More than anything else, the warden requested the issue of two or three light machine guns to replace the prison's armory of 35 nonfunctional Russian rifles.[671] Supplies for inmate labor amounted to shipments of tin cans to be fashioned into eating utensils. The CAC team concluded that, "The disciplines, cleanliness and good order of the prison leaves little to be desired. It is thought that it lacks material support, and every effort will be made at this level to assist as far as possible."[672] The team put in orders for building materials, DDT, and medical supplies, while also making an official statement of the prison's failure to meet the standard of acceptable carceral conditions.

Slightly farther north, things were not much better at South Ch'ungch'ŏng province's Taejŏn and Kongju prisons. The team's report found that only the working inmates were in good physical condition, likely receiving more rations.[673] There had been seven deaths recorded in the two-week period under review, and improper medical care at both institutions. Working inmates were also the only ones with proper uniforms while most others wore civilian clothes. A large percentage of inmates were reported undernourished, exhibiting "wasting of their muscles due to an inadequate diet accompanied by poor living conditions in cold and crowded cells, lack of

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[669] Ibid.
[670] UNCACK, Cholla Puk-To Team, "Semi-Monthly Activities Report: 30 November 1951," 4. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section, Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto, Entry A-1 1303, Box 77.
[671] Ibid.
[672] Ibid.
[673] UNCACK, Chungchong Namdo Team, "Semi-Monthly Activities Report: Chungchong Namdo Team- 4 December 1951," 3. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section, Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto, Entry A-1 1303, Box 77.

outdoor exercise and scant clothing."[674] Kongju had no medical facilities with all of the sick inmates kept in one cell, and Taejŏn had sick prisoners intermingling with the (comparatively) healthy ones. This was particularly problematic for its failure to segregate prisoners with tuberculosis. Neither prison had adequate medical supplies. Kongju Prison only had doctors who visited twice a week and fellow prisoners worked as the orderlies.[675] Conditions only worsened as the winter set in, evidenced by the fact that guards had stolen relief blankets meant for inmates and only gave them back after CAC teams returned for another observation.[676] The January 1952 report found that inmates were receiving more exercise but their health remained poor. The warden blamed their basic condition on arrival, but the CAC disavowed these claims in favor of a system-level approach: "it is believed that the prison diet is the basic fault. When an increase in the ration was recommended to prevent malnutrition, the warden replied that national government regulation specified the amount of food each prisoner could receive, and that in any case the prisoners were receiving more food than refugees."[677] Here one sees the rehabilitative gaze's corrective, normative effect. The warden's equivocating is discounted in favor of a policy-based solution that foregrounds U.S. aid and knowledge and overrides local administration. The situation in winter of 1951–2 was extremely dire, but the CAC's institutional presence established a baseline for rebuilding Korea's penal system.

The larger cities' prisons were not faring much better than rural areas. The central government was pushed back down to Taejŏn for a second time in November of 1951, and inmate populations fluctuated wildly. Many had been transferred back and forth between South

[674] Ibid, 8.
[675] Ibid, 9.
[676] UNCACK, Chungchung Namdo Team, "Semimonthly Activities Report, 16–31 December 1951," January 3, 1952, 3. NARA II, RG554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section, Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto; Entry A-1 1303, Box 77.
[677] Ibid.

Korea's southern and northern prisons after the first retaking of Seoul, but the system was reshuffled yet again after the U.S. and ROK armies were pushed back south of the 38th parallel and out of North Korea. The sudden influxes exacerbated overcrowding and lack of supplies in select facilities. For example, the CAC team was puzzled to find the usually overcrowded Map'o Prison completely empty in November as inmates had been transferred away from the ongoing war's shifting front.[678] Southern facilities in the war's "Busan Perimeter" absorbed the overflow, and greatly exceeded their capacity. The CAC reported extreme overcrowding for South Kyŏngsang Province in October 1951. Masan, Busan and Chinju prisons had a combined capacity of 1,706 but were holding 4,679 inmates and reported 24 deaths for the month.[679] Busan Prison's case was particularly dire, holding 3,470 inmates—almost five times the recommended capacity of 706.[680]

CAC officer Sgt. Ralph Storm captured the state of overcrowding in a December 1951 photo carrying the caption, "Prisoners awaiting trial are crowded into cell at prison in Pusan,

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[678] UNCACK, Chungchong Pukto Provincial Team, "Semi-Monthly Activities Report," November 30, 1951, 5. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command," UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section - Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto, Entry A-1 1303, Box 77.
[679] UNCACK, Kyongsangnamdo Provincial Team, "Semimonthly Activities Report, November 1–15, 1951." NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command," UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section - Team Reports, 1951–53, 1953 Segment - Chungchong Pukto Nando to Pukto - Entry A-1 1303, Box 77.
[680] Ibid.

Korea."[681] At least 11 inmates are pictured crammed into a cell meant for two or three, all lying front-to-back and covering the entire floor (Figure 4.1).

Figure 5.1: Prisoners awaiting trial in Busan, South Korea, Sgt. Ralph Storm, UNCACK, December 11, 1951.

The image was classified and for internal eyes only but allows the present-day historian to adopt the CAC's gaze as an external observer. They witnessed a system in disrepair with inhumane standards and practices while presenting the UN's international community as the corrective that would "humanize" or "democratize" punishment.

[681] Ralph Storm, "Prisoners Awaiting Trial Are Crowded Into Cell at prison in Busan, Korea," U.S. Signal Corps Photograph, 1951. NARA II, RG 111, Entry 111-SC, Signal Corps Photographs of American Military Activity, 1754–1954. Kuksa P'yŏnch'an Wiwŏnhoe Online Database.

Conclusion

The war's extreme conditions became the standard view of Korean punishment for aid-giving organizations. Their external view framed reconstruction as a project to bring Korea's prisons in line with a "universal" standard defined by the U.S., UN, and its aligned Cold War bloc. Much of Korea's penal infrastructure was still in disrepair when the war was halted in 1953, but the system was showing signs of stabilization in inmate population. Despite continued difficulty procuring lumber and glass to repair the extensive war damage to prisons, CAC reporting turned optimistic at the sight of resumption of inmate labor. Prisoners at work were not only a sign of well-ordered prisons, but also the transmission of skills that would lead to improving the Korean economy.

Prison industry could also bolster the U.S. military's control of South Korea. In one very concrete example, prisoners were building literal U.S. military infrastructure at Seoul's Map'o Prison. The facility was still operating at greatly reduced capacity (1,500 down from 2,500) after its facilities were damaged, but as many as 650 inmates were working to produce doors for the U.S. 8th Army's new base.[682] Seoul Prison's 5,500-inmate capacity had been reduced to 1,500, and officials had to use salvaged materials from some buildings to repair the cell blocks while the kitchen and boiler room remained exposed to the elements.[683] Resources were being used to solidify U.S. military presence in Korea while domestic prison facilities remained in ruins. Despite these conditions, a February report claimed Seoul Prison's conditions were "above [the] Korean standard."[684] Here one sees the rehabilitative gaze refocusing to observe progress in

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[682] UNCACK, Seoul City Team, "Monthly Activities Report," March, 1953. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command; UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section; Team Reports, 1951–53, 1953 Segment, Seoul City to Cholla Pukto, Entry A-1 1303, Box 78.
[683] Ibid.
[684] UNCACK, Seoul City Team, "Monthly Activities Report," February, 1953. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command;

reconstruction in general rather than in basic penal reform. By linking prisons to international aid and military occupation, basic penal administration had been subsumed by a larger reconstruction project that expanded the role of prisons to that of Cold War bloc building.

A CAC report for March and April of 1953 highlighted that there were still rampant cases of "disregard of human rights" in the ROK penal and judicial systems.[685] At the same time, things were relatively improved over the horrific overcrowding and blatant abuse of prisoners during the start of the war. For example, the North Ch'ungch'ŏng Province CAC team was quite optimistic, reporting that "general conditions of prisons and jails is very satisfactory. In most institutions there is a program of readjustment in operation and the utilization of prisoner labor is proving beneficial to the communities. The prisoners are used in the construction of schoolrooms and playgrounds."[686] Living conditions had greatly improved (at least to observers) at Taejon prison as well. The provincial CAC team described the almost-idyllic scene of the prison yard where women did laundry and sick prisoners sunbathed around "neatly adorned" and "attractive" ponds landscaped using prison labor.[687] The facility had also allowed for inmate mothers to care for their babies who looked "healthy."[688] The reader will recall and contrast this appraisal with that of the Red Cross observers' dismaying reports of the treatment of inmate mothers two years

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UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section; Team Reports, 1951–53, 1953 Segment, Seoul City to Cholla Pukto, Entry A-1 1303, Box 78.

685 UNCACK, Kyongsang Pukto Team, "Monthly Activities Report, 1–31 March 1953," April 1, 1953, 5. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command; UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section; Team Reports, 1951–53, 1953 Segment, Kangwon-do to Kyongsang Pukto, Entry A-1 1303, Box 80.

686 UNCACK Ch'ung Ch'ong Pukto Team, "Monthly Activities Report, 1–30 April 1953," NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command" -UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section - Team Reports, 1951–53, 1953 Segment, Chungchong Pukto Nando to Pukto, Entry A-1 1303, Box 77.

687 UNCACK Chungchong Namdo Team, "Monthly Activities Report, 1–30 April 1953," May, 1953, 6. NARA II, RG 554 Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command; UN Civil Assistance Command, Korea (UNCACK) Adjutant General Section; Team Reports, 1951–53, 1953 Segment, Cholla Nando & Pukto to Chung chong Nando, Entry A-1 1303, Box 79.

688 Ibid.

prior. The ROK penal system's material inadequacies would have registered as emergencies before June of 1950, but the war had drastically altered reformers' perspectives. In many ways reform progress had been totally reset and even regressed beyond prewar material difficulties. In another way, South Korea's prisons had been opened to the resources and purview of the U.S.'s Cold War bloc building project.

This chapter has simultaneously adopted and critiqued what I call reconciliatory and rehabilitative archival gazes to demonstrate that prisons were a conduit for infusing Korean penology with a normative, ideal form of Cold War subjectivity and bolstering U.S. control of the region. It has shown how the gaze of such international actors as the ICRC worked to infused Korean penology with the rhetoric of "humane" and "civilized" treatment of civilian inmates defined by the Geneva Convention, but also enabled an unprecedented project of indoctrination in UN POW camps. The chapter has concluded by demonstrating how the rehabilitative gaze can turn from the POW camp to the civilian prison through entities like the UNCACK.

Progress in reforms was legible to the CAC's rehabilitative gaze when it accorded with goals and trends in the same institutions in the United States: Korea's reconstruction required that prison work programs integrate inmate labor with free society its other apparatuses of social control, like education. This process of integration between punishment and free society through rehabilitative education in the post-Korean War period came to be known as the "democratization" of punishment. The following chapter demonstrates how penal reformers wielded this rhetoric of "democratization" to pursue idealistic penal reform goals that were born out of increased interaction their counterparts in the United States and other Cold War allies.

Chapter 5: Postwar Reconstruction and the "Democratic Punishment" Penological Ideal

Introduction

South Korea's penal reformers claimed their primary goal after the Korean War was to bring about an era of "democratic punishment" (*minju haenghyŏng*). When interviewed in 2020 about life in the prisons in which he served eleven years (1950–61), former political prisoner Y---- --- ----[689] was asked if he felt that his punishment had in fact been "democratized," he answered immediately and emphatically: "No! Not at all."[690] He nodded his head at being reminded that the Penal Bureau under Syngman Rhee did use slogans containing the term. He did not need clarification about what it meant to "democratize" punishment. For people who lived through the era, working for or against the corrupt regime, "democratize" (*minjuhwa*) would either connote an earnest attempt at reforming an institution to reflect the will of people, or a more nebulous reference to liberalization, modernization, or Americanization. Though appearing oxymoronic, or at the very least empty propaganda, the goal of democratizing penal administration was an earnest call to rebuild and transform South Korea's prisons into more efficient sites of rehabilitation and Cold War subject formation.

The Korean War left all but three (Masan, Busan, Daegu) of the Republic of Korea's twenty-one prisons severely damaged. Other facilities were lost completely to bombing or, like the case of the Kaesŏng juvenile facility, lost to a shift in borders redrawn through hilltop fighting that ended in a stalemate near the 38th parallel. Beyond infrastructural damage, prison staff had also been killed at their post in the disastrous war that changed fronts rapidly over the first year of fighting. After open hostilities had subsided, and the Ministry of Justice and its Penal

[689] Mr. Y---'s name has been redacted to protect his privacy.
[690] Interview with the author, Hwasun-gun, South Korea. February 8, 2020.

Bureau resumed normal operations, prison reformers set to work assessing the damage and charting a path forward beyond the minimal reform progress of the nascent, prewar regime. As Chapter 4 has shown, the prewar prison system's capacity for fulfilling the state's basic need to convict, try and punish perpetrators of ordinary crime was in shambles even before waves of political offenders transformed prisons into runoff sites for surveillance of leftist opposition. Postwar reformers had to rebuild the system to its unsatisfactory prewar state before reaching the loftier goal of modernizing prisons and Korean society along with them.

The archive of postwar South Korean penological writing shows that penal workers themselves internalized a new ideology that transformed their role from simply confining society's internal others to reforming and improving them for the good of the developing nation. The ideal penal worker would develop a new Korea from the dregs of its colonial past and impoverished, war-torn present. This chapter analyzes penal reform discourse in the immediate post-Korean War era, highlighting significant changes in the espoused ideology undergirding the treatment of prisoners. It situates South Korea's reconstruction of the penal system in broader historical context to reveal carceral institutions—sites of acute contact between state and subject—as sites producing a particular Cold War subjectivity in both prisoners and guards. Analyzing their legitimation of confining their fellow countrymen with a changing set of grandiose ideals reveals the ways the Cold War order influenced the most intimate interactions between state and subject—even coopting the self-identity of the individual. Guards and prisoners alike came to see themselves as subjects of Korea's development into a prosperous nation.

Postwar penal reformers were anxious about their institution's colonial past and aware of its importance for Korea's Cold War future. They reimagined the facilities and culture of

punishment itself under a slogan and movement known as *minju haenghyŏng*, or so-called "democratic punishment." Often eliding more than it explained, *minju haenghyŏng* became a shorthand for a far-reaching cluster of aspirations for developing not only prisons, but the South Korean nation as well. Penal workers came to view the humane treatment of prisoners as a prerequisite for democratizing their system and developing Korean society along with it. *Minju haenghyŏng* discourse expanded the notion of humane treatment to include opportunities for labor, education, recreation, and religious/moral edification in properly equipped and hygienic facilities. Furthermore, "democratizing" Korean prisons meant using UN and U.S. aid to send Korean penologists to the United States and other Cold War allies to observe penal practice with the hopes of applying those technologies back home. This international exchange integrated Korean reformers into a community of penologists with Korea taking its place as one of many democratic states in the Cold War's so-called "Free World."

To analyze this discourse of "democratizing" punishment, this chapter primarily analyzes writings published in the professional journal, *Penal Administration,* from the end of the Korean War to the final days of the Syngman Rhee regime. When possible, it cites the rare testimony of prisoners themselves. More specifically, this chapter highlights changes in South Korea's prison system brought about through postwar reconstruction, international aid, and firsthand technological training of Korean penologists in the United States and Europe. It considers Cold War-era aid and technical assistance training not only in terms of disconnected instances of material exchange between ally states, but also as the constant, disciplinary ordering of time, bodies, and space through regimented activity. If prisons looked and operated like their American counterparts, reformers hoped, perhaps free society and its other institutions would follow suit.

Ultimately, the chapter argues that although changes to material conditions in postwar South Korean prisons were incremental and fell short of espoused goals, the influx of material aid and technological exchange with the United States shifted the reform paradigm to equate penological practice with decolonization, nation-building, and fighting the Cold War itself. Whether through material aid, imported methodologies, or rhetorical reframing, no Korean penal space was left untouched by the influence of the United States' Cold War bloc-building. The movement furthermore completed the transformation of post-liberation Korean penal spaces into sites of not only citizenship (re)formation, but also Cold War contestation. Under this *minju haenghyŏng* reform ideal, prisons were reimagined as laboratories for creating and exhibiting model ROK citizenship. They enlisted everyone from the lowly inmate up to the wardens as frontline soldiers in the cultural Cold War.

Recent scholarship helps contextualize the historical moment surrounding the rise of *minju haenghyŏng* discourse. Korean penologists were undoubtedly influenced by the reframing of prisoner rights brought about the Korean War and its POW camps. Monica Kim's pivotal work on Korean War interrogation rooms elucidated the local manifestation of a tidal shift in the post-World War II nation-state system. [691] The war had relocated the front of ideological confrontation to the self-identification processes of POWs themselves in their choice to defect or repatriate to their respective "sides" of the Cold War. Kim highlights how the application of Geneva Convention principles in UN POW camps facilitated and even mediated these ideological struggles. If one follows these juridical and geopolitical currents further outside the war's temporal bounds, we might consider how this relocating of the site of Cold War contestation played out in civilian carceral spaces as well.

[691] Kim, *The Interrogation Rooms of the Korean War*.

Free society's discourses around developmentalism and Korea's international standing also penetrated carceral spaces. Christina Klein has identified a current of "Cold War cosmopolitanism" in the work of South Korean filmmakers and cultural critics in the 1950s. She defined Cold War cosmopolitanism as a political discourse, attitude towards modernity, and cultural style that emphasized opening up South Korea to new modes of living and consuming culture in the image of the United States.[692] Contrary to the era's inherent divisiveness that "radically delimited peoples engagement with whole regions of the world" and deemed their ideas "unacceptably Other," Klein illuminates the ways the Cold War was also "a force of integration as well as division…the binding together of the Free World required of its members a new degree of openness towards noncommunist Others."[693] Such openness to ideas flooding into postwar Korea can also be found in the realm of penology. Korean penal reformers of the 1950s slowly accepted things like inmate-led rehabilitation and the minimum security ("intermediate") prison because they were possible through international aid, and accepting such innovations gave one an air of worldliness. This chapter reveals traces of Klein's "Cold War cosmopolitanism" in penological discourse. To "democratize" the prison often meant transforming the outward appearance of the facilities and practices to appear like their "Free World" counterparts.

This chapter follows the contours of the evolving *minju haenghyŏng* discourse from 1952 to 1960. Each section highlights major themes and developments in postwar Korean penal reform. These changes must be understood in the context of postwar reconstruction and external influences in the early stages of the global Cold War. Part I follows Korean penologists on their technical assistance training and observation tours in the United States and Europe. Part II interprets early attempts to define the "democratization" of punishment and assesses what

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[692] Christina Klein, *Cold War Cosmopolitanism* (University of California Press, 2020), 6–7.
[693] Klein, 5.

reformers were able to accomplish with renovated facilities and an influx of international aid. It reveals the ways U.S. resources and methods connected Korean penal spaces to the broader Cold War imperative of securing an anticommunist bulwark in East Asia through education, film, religious services, and youth scouting organizations. Part III details the construction of Suwon Intermediate Prison, the crystallization of *minju haenghyŏng* ideals in South Korea's newest and most innovative carceral facility in the postwar period. The chapter's conclusion briefly explores how the "democratization" of punishment was consumed and evaluated by the public. It considers what reforms remained materially out of reach for realizing the *minju haenghyŏng* ideal, and what remained as fictions of propaganda. By the end of the Syngman Rhee regime the humane treatment of society's convicted criminals remained an elusive, but compelling dream for reformers, and an outright lie when confining opponents of the regime. The slogan nevertheless altered the course of South Korea's penal history.

Part I: Rebuilding Prisons, Strengthening Cold War Alliances

Changing practice and guiding ideology would take time, but reformers' most immediate concern was rebuilding penal facilities damaged in the war. It was estimated that 80% of facilities were damaged systemwide with most of the prisons' industrial equipment either destroyed or stolen.[694] The previous chapter showed how expanding carceral capacity became an urgent necessity to confine suspected partisans and wartime civilian political prisoners. Prisons were perennially overcrowded, but even more so with the uptick of political prisoners being held for acts of wartime treason, and with reduced capacity in war damaged facilities. Reformers

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[694] International Cooperation Administration, "Projects – Suwon Prison Rehab.," 2. NARA II, RG 469: Records of US Foreign Assistance Agencies, 1942–1963. Entry UD 1276: Central Subject Files, 1950–1956, Box 41. Kuksa P'yŏnch'an Wiwŏnhoe Online Database.

picked up where their predecessors left off and planned to surpass the existing system by building state-of-the art facilities that would integrate *minju haenghyŏng* penological theory with material practice. These were lofty goals for an impoverished society completely ravaged by the war.

Even before the armistice in July of 1953, aid-giving organizations like the United Nations Korean Reconstruction Agency (UNKRA), United Nations Civil Assistance Corps, Korea (UNCACK), and International Cooperation Administration (ICA)[695] were engaged in projects to rebuild South Korea's factories, hospitals, and other important public infrastructure. While fighting still raged around the 38th parallel, the UNKRA and ICA committed resources in November 1951 to rebuilding 5,445 square meters (1,650 *p'yŏng*) of cell block space in seven of the most badly damaged prisons in the southern provinces.[696] The CAC provided $229,323 worth of building materials to help maintain "the minimum for the immediate requirements of confinement" across the damaged system.[697] Additionally, yearly apportionment of the ROK national budget went to restoring prisons to their prewar capacity. The entire system was estimated to be restored 45% in 1954, 52% in 1956, and still only 70.1% by 1960.[698] The process was slow, and official sources' propagandistic tone blurs real progress with institutional self-justification. Furthermore, the goal posts continually moved as new technology, information, and sources of aid flowed into the Korean penological sphere. No matter how gradual, U.S. support

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[695] The ICA was the U.S. State Department agency engaged in international aid from 1955 to 1961 that was preceded by the Foreign Operations Administration (FOA; 1953–55) and succeeded by the United States Agency for International Development (USAID; 1961-present).
[696] Ch'ŏngju, Kwangju, Kongju, Chŏnju, Chinju, Kimch'ŏn, and Andong prisons. Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:424; Pŏmmubu, *Pŏmmu paeksŏ* (Pŏmmubu, 1957), 202.
[697] International Cooperation Administration, "Rehabilitation of the National Prison at Suwon – FY 56 Program," March 11, 1955, 2. RG 469: Records of US Foreign Assistance Agencies, 1942–1963; Korea Program files, 1954–1957, Entry UD 479: Korea Division, Korea Prog Files, 1953–1957, Box 3. Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[698] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:424.

for postwar reconstruction implicitly reframed prisons and penology as Cold War bloc-building concerns. As Korea was rebuilding its prisons at home, the ICA began funding trips to send Korean technicians of all fields to the United States and Europe with jurists, police, and penologists among them. Prison reform discourse about modernizing prisons was also about reshaping society along a developmental path derived from direct experience with prisons in South Korea's Cold War patron and role model, the United States.

The first prominent case of such a trip after the Korean War is that of Ch'oe Se-hwang. Ch'oe travelled to the United Kingdom in early 1953 and visited a variety of penal institutions. His trip stands out as an early test for penologists' observation tours and trip to a non-U.S. ally in the recent Korean War. The U.K.'s prisons and penal traditions were old, some with histories older than the United States itself. Ch'oe summarized his reporting in an article for *Penal Administration* magazine in 1954 titled "The English Prison Administration System," and published a book bearing the same title.[699] Ch'oe also visited the United Nations Office in Geneva, Switzerland and received training in English cultural competency and UN organizational structure.[700] Far from politically neutral, this type of orientation was indoctrination into the methods and bureaucratic culture of the "Free World." Funding Korean technicians' trips abroad had material and propaganda effects for solidifying an anticommunist bloc: such trips were worthwhile investments if they applied their learning to bolster the strength and social control of one ally state in Asia. The training was even more effective if those technicians spread the ideology of Euro-American cultural and governmental superiority.

Ch'oe Se-hwang's 1954 book is a published recreation of his report to his United Nations funders, published with both English and Korean versions of the same content in one volume.

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[699] Ch'oe Se-hwang, *Yŏngguk ŭi hyŏngjŏng chedo* (Seoul: Ch'ihyŏng Hyŏphoe, 1954).
[700] Ch'oe Se-hwang, "Yŏngguk ŭi hyŏngjŏng chedo," *Hyŏngjŏng* 13 (May/June 1954): 36–7.

Advertisements in the *Penal Administration* journal called it the first account of overseas penal systems to be published since the liberation.[701] Overall reporting on his travels to England are straightforward with only slight traces of comparative analysis or prescriptions for Korea's penal reform. Notably, Ch'oe broke with the popular line in Korean penology that saw the problems in the prison system as stemming from outdated facilities and methods. First in Ch'oe's itinerary of English institutions was London's notorious Wormwood Scrubs Prison where he observed operations for three weeks. Ch'oe noted that despite the age of the Victorian Era building, it was well lit and ventilated—essential elements for basic maintenance of prisoners' health and hygiene.[702] In the conclusion of his book, he assessed that the English were applying the latest in penal theory even in "antique" facilities.[703] Ch'oe's assessment of the English system ran counter to many of his contemporaries. Mid-1950s Korean reformers stressed a clear break from the past through the construction of new facilities because old prisons conjured colonial memories. Wormwood Scrubs was an example of an old, castle-like structure that functioned satisfactorily, despite its old age. For Korean reformers, aging facilities and attachment to old ways were loathsome stumbling blocks to progress.

Ch'oe was also impressed with the English system's stable employment structure. The Wormwood Scrubs penal officers commonly worked in one facility for their whole career and expressed to Ch'oe that it was a stable livelihood, not just a labor of love. He remarked, "…working continuously for many years is not a result of the belief that this job is one's sacred profession (*sŏngjik*). In short, it cannot be overlooked that it is a secure livelihood."[704] Ch'oe emphasized the need for this attitude in Korea where a job in penal administration was

[701] Advertisement. *Hyŏngjŏng* 14 (July/August 1954): 14.
[702] Ibid, 38.
[703] Ch'oe, *Yŏngguk ŭi hyŏngjŏng chedo*, 99.
[704] Ch'oe, "Yŏngguk ŭi hyŏngjŏng chedo," 40.

financially unstable throughout the 1950s.[705] Furthermore, Korea's "veteran" guards had usually worked under the former colonial system and bore a stigma that only intensified with each passing year of progressive reform programs. Their "knowhow" obtained in a long career was vilified as remnants of colonial practice. In contrast, Ch'oe's account idolized the English veteran wardens who could focus on the more demanding emotional aspects of their job, such as meeting prisoners, hearing their complaints as soon as they arise, and treating them "as English citizens."[706] Ch'oe's brief reporting on this early trip was influential, but not nearly as instructive or colorful as the accounts of those who later embarked on similar tours.

Ch'oe's successful trip prompted further tours by penal officials. The director of the Ministry of Justice's Penal Bureau, Sin Ŏn-han made trips to the United States, Sweden and Denmark on two separate trips in 1954.[707] He would later cite his Swedish and Danish tours in advocating for renovating Suwon Prison into a minimum-security facility and published articles about those countries' juvenile facilities for years to come.[708] The essays are rather straightforward reports about the makeup of those countries' systems and eschew comparative analysis, telling readers very little about his point of view or Korea's changing penal system.

Penologists writing about the United States provided significantly more fodder for their curious colleagues reading *Penal Administration*. The key figure writing about his American experience was Ch'oe Wŏl-tong. Ch'oe was a Busan Prison warden who conducted observational tours of U.S. federal and state penal institutions from September 1955 to January 1956. Choi had served as the head of several provincial prisons and was later appointed the chief of the Penal Bureau's Reform and Health (*kyohwa bogŏn*) section. His highly-descriptive travel

[705] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:430–4.
[706] Ch'oe, "Yŏngguk ŭi hyŏngjŏng chedo," 40.
[707] "Sin Ŏn-han Hyŏngjŏng Kukchang kwiguk," *Hyŏngjŏng* 16 (December 1954): 15.
[708] For example, see Sin Ŏn-han, "Sŏjŏn ŭl hyŏngjŏng chedo (2)," *Hyŏngjŏng* 35 (February/March 1957): 8–12.

writings were serialized as a monthly feature in *Penal Administration* from mid-1956 to late-1957, under the title "My Inspection Journey" (*na ŭi sich'al haengjŏng*) (나의 視察行程). *Penal Administration's* articles on the U.S. penal system were usually didactic texts that translated or reproduced American penal law and historical texts in Korean. For the first time, Korean penologists could read Ch'oe's articles based on his direct observations of major institutions and meetings with top penal officials, making him the most experienced and prolific penologist writing about U.S. prisons in the 1950s.

In contrast to comparative essays citing secondhand information, Ch'oe's writing more adequately reveals a working prison warden's concern about the applicability of what he saw for use in his home institutions. His analysis is situated between the culture of two penal systems undergoing pivotal stages in their developmental histories: Korea's prisons were undergoing a dramatic reconstruction and renovation while American prisons were reaching a peak in effectiveness of the rehabilitation-based correctional model. Several high-profile prison riots in the early 1950s shocked American penal reformers into a renewed effort to realize the broken promises of the prewar "Progressive Era" and reignited the prisoners' movement, ultimately coalescing with the civil rights movement of the 1960s and 1970s.[709] American reformers were further pressured to meet international standards spelled out in the aforementioned UN Standard Minimum Rules for the Treatment of Prisoners, published in 1955.[710] Erving Goffman was conducting his famous research on the alienating effects of "total institutions" from 1954 to 1957.[711] Though there is no record of their direct contact, the most progressive Korean penal

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[709] Edgardo Rotman, "The Failure of Reform: United States, 1865–1965," in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, eds. Norval Morris and David Rothman (Oxford: Oxford University Press, 1995), 170–2.
[710] Ibid, 169.
[711] Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Anchor Books, 1961), ix.

reformers' shared Goffman's concerns that the prison, if left to run as a total institution without social contact, had dissociating effects that worked counter to rehabilitation.[712] Even with its controversies, the United States' prison system was a critical roadmap for further development of Korean prisons.

In addition to Ch'oe's views on comparative penal reform, his observational tour was part of a larger project to build stable, anticommunist East Asian partner states as members of the "Free World." Ch'oe's run in *Penal Administration* covers his visits to Washington, D.C., New York, New Jersey, Pennsylvania, West Virginia, and Illinois.[713] The serialized reporting ended before covering his experiences in California, but one US newspaper ran a photo of him and his Taiwanese colleague in January of 1956.[714] The extensive travel was funded by the Foreign Operations Administration (FOA), the predecessor to the ICA. From 1954 to 1960, a coalition of US aid organizations supported around 1,700 Koreans' technical training trips to the U.S.[715] Ch'oe participated in a concerted, costly effort to promote American influence abroad through direct participation in technical training programs. An August 1955 telegram from the Washington FOA office arranged to support Ch'oe's four-month trip with $1500 USD for international travel and a $2000 stipend.[716] The specific details would be worked but FOA officials wanted Ch'oe to tour "penal and correctional institutions in the eastern area of the United States with particular emphasis on smaller and less complicated facilities" with a chance to tour Californian institutions *en route* back to Korea.[717] Ch'oe's official FOA project title was

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712 Rotman, "The Failure of Reform," 170.
713 Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng," *Hyŏngjŏng* 29 (June/July 1956): 22.
714 "South Korea Has Juvenile Thieves But Not Formosa," *Sacramento Bee*, January 7, 1956, 2.
715 Han Chin-gŭm, "1950-yŏndae Miguk wŏnjo kigwan ŭi taehan kisul wŏnjo hullyŏn kyehoek yŏn'gu," *Han'guksaron* 56 (2010): 476–9.
716 ICA Foreign Operations Administration, "Operation and Management of Prisons," Airgram, August 20, 1955. NARA II, RG 469: Records of the U.S. Foreign Assistance Agencies, 1948–61; Office of Far Eastern Operations; Korea Subject Files, 1953–59; 1955 Technical Assistance-Trade: Statistics, Box 46.
717 Ibid.

"Operation and Management of Prisons."[718] In the criminal justice fields alone, Korean police, juvenile reformers, public prosecutors, jurists and legislators also embarked on FOA-funded tours. The FOA technical assistance program had a veritable army of Korean professionals dispatched across the United States for much of the mid-to-late 1950s.

The U.S. State Department's institutional basis and financial support provided Ch'oe with a very rare experience for Koreans living in the impoverished conditions of 1950s post-war Korea. His prose reflects this jarring experience with references to what impressed him about the prisons of a mid-twentieth century technological superpower—automatic doors, visitation facilities separated by bulletproof glass and phone receivers, radios in inmates' cells, and more. Various other accounts by Korean trainees reveal a common fixation with the automation and mechanization of everyday life.[719] Ch'oe's exciting depictions provided entertainment value and offered a blueprint for future integration of technology into the Korean penal system.

South Koreans were not the only citizens of developing anticommunist allies to participate in tours of U.S. prisons. Ch'oe was also accompanied by a Taiwanese penal administrator he referred to as "Warden Ding" from "Free China" (*Chayu Chungguk*).[720] In one of the final installments of "My Inspection Journey," Ch'oe mentioned accompanying the Taiwanese Warden Ding to meet the infamous FBI director and anticommunist, J. Edgar Hoover.[721] This fact further demonstrates the anticommunist theme of the mid-1950s inspection tours. Considering the high cost of months-long overseas travel, Ch'oe's access to high-level bureaucrats, and the presence of representatives from other anticommunist states, these tours

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[718] Foreign Operations Administration, "Table of FOA Projects, 1955." NARA II, RG 469: Records of the U.S. Foreign Assistance Agencies, 1948–61; Office of Far Eastern Operations; Korea Subject Files, 1953–59; 1955 Technical Assistance-Trade: Statistics, Box 46.
[719] Hŏ Ŭn, "'Chŏnhu' (1954–1965) Han'guk sahoe ŭi hyŏndaesŏng insik kwa saenghwal yangsik ŭi chaegusŏng," *Han'guksa hakpo* 54 (2014): 298–300.
[720] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng (6)," *Hyŏngjŏng* 34 (January 1957): 47.
[721] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng," *Hyŏngjŏng* 42 (October 1957): 51.

were not simply a service to those engaged in Korean prison reform. They must be seen as part of a deliberate strategy to promote stability within a transnational, anticommunist bloc in the early Cold War.

Ch'oe's specific experience as a Korean national also cannot be overlooked. His travel writing often focused on the emotional and interpersonal aspects of meeting U.S. penal administrators. In one installment, Ch'oe described meeting a veteran warden of a New York City jail.[722] Upon entering, the warden stared at Ch'oe intently, letting him know that his son was deployed to Korea with UN forces and remained there after the war. Ch'oe noted seeing the young soldier's picture in the warden's office. They shared a base level of camaraderie as colleagues, but their interaction as Korean War allies was also colored by recent history and geopolitics. As a result, the warden was more candid while giving a tour and let Ch'oe in on some of the negative aspects of his job and the facility.[723] This kind of interaction is captured more effectively in the freer form of travel writing and can't be found in the other more objective reportage found elsewhere in *Penal Administration*.

Ch'oe's writing also reflects his difficulty juggling multiple roles in his observation trip—Ch'oe the warden, the cultural ambassador, and representative of Korean penal reform. Throughout his observational tour, he was able to exchange ideas and materials with the highest level of penal officials in the United States. His description of meeting with the director (1937–64) of the Bureau of Prisons, James V. Bennet was particularly striking.[724] In one loaded exchange, Ch'oe was taken aback by Bennet's misunderstanding of the Korean system:

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[722] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng (6)," *Hyŏngjŏng* 34 (January 1957): 46–54.
[723] Ibid, 52.
[724] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng (5)," *Hyŏngjŏng* 32 (October 1956): 34–45.

> The director mentioned he possessed penal administration documents of various other countries but had not yet obtained documents on Korean penal administration, didn't know anything about it and requested that I explain. I gave him some printouts I was carrying of the English translation of the Korean Penal Law and organizational chart of the Penal Bureau. He looked the printouts over for a bit and said, *"It's almost the same as the Japanese system,"* as if disinterested, and took off his glasses. For him, the contents of those printouts were only *pieces of an old memory*—he didn't know what they were.[725]

The interaction represents the clash between over a decade of attempted penal reform, embodied in Ch'oe, and the sum of Western penological development, embodied in Bennet. More than just a casual observer, the head of prisons in the United States had casually and unknowingly suggested that the Korean prison system of 1955 had retained its colonial roots. Ch'oe was tremendously disappointed to hear that his efforts amounted to something nearly identical to the former colonial system. Ch'oe further attempted to salvage the interaction:

> I tried hard to explain my position that due to the Korean War, our destroyed penal facilities, the difficulty of dealing with communist prisoners, and financial poverty caused by the inability to unite North and South…our penal system was making slow progress, and we debated for a bit about those issues.[726]

Ch'oe's detailed rebuttal to Bennet's offhanded remark can be extrapolated to understand the anxieties of all Korean penal reformers in the 1950s: they struggled with the view of the Korean system as stagnant, implying that the yardstick to measure progress was the degree of difference with the old Japanese system. They continued to talk and mutually acknowledged the material and structural roadblocks to progress brought on by the damage from the war and the ideological

[725] Ibid, 38.
[726] Ibid.

implications of success or failure in Korea's reconstruction. Ch'oe's insecurity over being conflated with his colonial predecessors reveals the importance of qualitative distance from that system for reformers.

Ch'oe's insecurities were an unavoidable result of being exposed to the international penological discourse of the mid-twentieth century. As an observer from a developing country considering more liberal prison administration, he had to tackle the debate over the principle of "less eligibility" several times in his reportage. The principle of less eligibility states that for incarceration to retain its deterrent effect, the standard of living within prison cannot be seen as preferable to those outside prison.[727] If living in prison is seen as preferable to life as a member of the free working class, so critics of progressive penal reform argued, there is little stopping someone from engaging in criminal activity if it is more advantageous and less risky than selling their labor on the formal market. The experience of inspecting state-of-the-art U.S. facilities was jarring for someone working in squalid 1950s South Korean prisons. Cho'oe was often impressed with the cleanliness of the cell blocks and relative freedom enjoyed by the prisoners. Afterall, he saw inmates living in quarters with infrastructure far superior to that enjoyed by most of the non-convict Korean population. After inspecting daily operations at Lewisburg Federal Penitentiary, he likened the cell blocks of single rooms to a "hotel," and the congregate cells to a college dormitory.[728] For him, Lewisburg's congregate cell blocks and constructive recreational time rid the institution of any notion of "retribution" (*ŭngbo*). "Retribution" had become an antonym for "rehabilitation" (*kaengsaeng*) and was synonymous with the evils of the former

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[727] Dario Melossi, "Introduction to the transaction edition: The simple 'heuristic maxim' of an 'unusual human being'," in *Punishment and Social Structure*, Georg Rusche and Otto Kirchheimer (New Brunswick: Transaction, 2003), ix–xlv.
[728] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng," *Hyŏngjŏng 41* (September 1957): 35.

Japanese and Chosŏn (1392-1910) systems.[729] Adding to American prisoners' relatively free atmosphere was the practice of nightly recreational time. When summarizing his experience at Lewisburg, Ch'oe was impressed by American penologists' guiding philosophy:

> "[Men] are committed to Prison *as* punishment, not *for* punishment." In other words, "The prison exists to prevent crime in society as well as to guide [prisoners] as people you would meet in a future workplace, on the street, or place of entertainment"—I can see that they comprehend and practice this principle of modern penology well.[730]

He attributed the prisoners' active participation in hobbies and recreational activities to what he called the common American spirit of "work hard, play hard."[731]

However, Ch'oe's glowing assessment of U.S. prisons cannot strictly be taken at face value. As demonstrated above, his yardstick for reform was predicated on qualitative and temporal distance from the draconian colonial prison model. Secondly, the U.S. prisons Ch'oe inspected were amid implementing reforms that would later be found ineffective or superficial. Current scholarship of the American criminal justice system characterizes the 1950s as a period when prison administration shifted away from the more draconian penitentiary system, and towards the "correctional institution" which included greater recreational freedom, education, and vocational programs.[732] However, these reforms were implemented haphazardly and later assessed as "window dressing": prisoners ultimately found recreation time to be "dead time" that

[729] Ibid.
[730] Ibid, 36. Emphasis added.
[731] Ibid.
[732] Robert Johnson, Ania Dobrzanska, and Seri Palla, "The American Prison in Historical Perspective: Race, Gender, and Adjustment," in *Prisons Today and Tomorrow*, eds. Ashley G. Blackburn, Shannon K. Fowler, and Jocelyn M. Pollock (Burlington: Jones & Bartlett, 2012), 33–5.

left them "more or less unchanged."[733] Nevertheless, Ch'oe shared the lofty goal of his superiors and colleagues to implement better recreation and vocational training in Korean prisons.

The most directly applicable reform measure for Korean prisons that Ch'oe witnessed was the inmate classification system, devoting two articles to explaining it and claiming it as the crowning achievement of the U.S. system at the time.[734] The Americans utilized committees comprised of psychologists and criminal justice specialists to classify prisoners for reform plans tailored to their educational and psychological needs. The need for such a system was not ignored in Korean penology, but Ch'oe ultimately judged those Korean attempts at similar vocational training programs as simply "lip service."[735] This incongruence between a penological ideal and the reality of its application can be attributed to extreme polarization between Korean and U.S. standards for reform. Applying U.S. methods to the tumultuous experience of the 1950s Korean penal system was problematic at best.

By late 1957, *Penal Administration* editors began publishing dispatches from another team of penal officials embarking on a similar inspection tour alongside the final installments of Ch'oe Wŏl-tong's series.[736] Publishing the team's telegrams within one month of the events they describe gave their reporting a more contemporaneous feel. The later tours became more standardized through ICA orientation classes. One team member counted thirteen classmates from South Korea, seven from "Free China" (Taiwan), three from Iceland, and one from Vietnam in his ICA courses.[737] The new team's tour was bookended by the same training required of all recipients of ICA technical assistance funding: mandatory English language,

[733] Ibid, 34.
[734] Ch'oe Wŏl-tong, "Na ŭi sich'al haengjŏng," *Hyŏngjŏng* 36 (April 1957): 13–21; Ch'oe Wŏl-tong "Na ŭi sich'al haengjŏng," *Hyŏngjŏng* 37 (May 1957): 14–22.
[735] Ch'oe Wŏl-tong, "Na ŭi sich'arhaengjŏng," *Hyŏngjŏng* 36 (April 1957): 15.
[736] Ha Chae-gu, "Sin Kukchang im chŏnsangsŏ," *Hyŏngjŏng* 43 (November/December 1957): 87–8.
[737] Yi Kŭm-dong, "Sin Kukchang nim ekke," *Hyŏngjŏng* 43 (November/December 1957): 89.

etiquette, and American culture classes in Seoul, and then orientation at the Washington International Center upon arrival in the United States. After conducting their observation tours, they were required to submit reports of their findings and, most importantly, prove that they had in fact returned to Korea to share their acquired knowledge.[738] By implementing a rigid reporting system before and after tours, U.S. aid organizations and Korean officials sought to ensure participants' repatriation, at a time when only 10% of self-funded Korean exchange students returned to Korea after their education.[739] For many of these dispatched Korean intellectuals, the lure of a demonstrably better standard of living in the United States trumped their patriotism or civic duty to return to Korea and apply what they had learned.

The framing of the tours as part of a development project also manifested itself in descriptions of the cultural experience beyond the professional goals of the trips. Two tour members summarized their trip to facilities in Kentucky, Pennsylvania, and New York's infamous Sing Sing prison in a joint letter to the head of the ROK Penal Bureau.[740] They thanked him for the opportunity to conduct observational research in "advanced America" (*sŏnjin Miguk*).[741] In all Ch'oe Wŏl-tong's articles he does not use the language of "advancement/backwardness" (*sŏnjinsŏng/hujinsŏng*) that others did, opting instead for terms like "new" (*ch'oesin*) and "modern" (*hyŏndae*) to describe American prisons. However, by the late 1950s the binary logic of advancement/backwardness had become more popular in South Korean discourse and likewise permeated the 1957 tour member's correspondence.[742] Framed in this way, the success of penal reform and Korean society is predicated not on an ideal historical

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[738] Han, "1950-yŏndae Miguk wŏnjo kigwan," 437–95.
[739] Ibid, 475.
[740] Yi Kŭm-dong and Ha Chae-gu, "Sich'al t'ongsin (3)," *Hyŏngjŏng* 44 (January 1958): 36.
[741] Ibid.
[742] Yun Sang-hyŏn, "1950-yŏndae chisigindŭl ŭi minjok tamnon yŏn'gu," Phd diss., (Seoul University, 2013), 157–8; Kim Chong-t'ae, "Palchŏn sidae ijŏn palchŏn tamnon ŭi wisang: 1950-yŏndae taejung maech'e ŭi palchŏn, munmyŏng insik," *Han'guk sahoehak* 49, no. 4 (2015): 101–29.

progression away from the bogeyman of its colonial past, but instead on the material fact of economic stability. This belief that economic development would significantly alter the character of Korean society is echoed in Prosecutor Kim Hong-su's letter to the Penal Bureau chief back in Korea. While in the United States, Kim contrasted American and Korean societies, citing economic difference as the defining factor for their difference:

> …people are friendly and deeply polite. I came to this place and the first impression I felt was that Korea's circumstances are transitional and irregular, and that people are very skeptical. But if the economy stabilizes, can't we also live well?[743]

Like many Korean intellectuals, the author internalized tropes of the modernization theory rampant in post-Korean War developmental discourse.[744] The 1957–8 team's correspondence did not continue long in the pages of *Penal Administration*, but the team members went on to publish academic articles based on their observations.

Long after his tour, Ch'oe Wŏl-tong published one final piece in 1959 titled "The Kindness and Wit of American Prison Guards,"[745] a sentimental piece reminiscing about the jovial but efficient American prison guards. He claimed this helped maintain their system, suggesting a need to consider the human element—both the guards and prisoners—in penal reform. From the immediate post-war reconstruction period to the late 1950s, penal officials' travel writing provided a more comprehensive view of the Western model at work than secondary literature's comparative analysis could provide. At the same time, the discourse of prison reform was shaped by the unique experience of decolonization and civil war, and their

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[743] Kim Hong-su, "Sich'al t'ongsin," *Hyŏngjŏng* 45 (February 1958): 57.
[744] Hŏ, "'Chŏnhu' (1954–1965) Han'guk sahoe ŭi hyŏndaesŏng insik," 287–326.
[745] Ch'oe Wŏl-tong, "Miguk hyŏngmugwan ŭi ch'injŏl kwa kiji," *Hyŏngjŏng* (June/July 1959): 20–3.

reception of a western model was confined to the project of stabilizing apparatuses of state control in Northeast Asia as a bulwark against communist expansion. The following section turns attention back to the domestic Korean prison reform movement and the actual implementation of American penological models and ideals.

Part II: The *Minju Haenghyŏng* Penological Ideal: Producing the Cold War Citizen

Running parallel to Korean penologists' interaction with their Western counterparts was the emergence of the reform discourse of "democratic punishment" (*minju haenghyŏng*). Though the term was often used in vague or even euphemistic ways, the invocation of *minju haenghyŏng* did center on a cluster of practical issues to be remedied, as well as more elusive changes in the ideology of punishment itself. Its material impact was to integrate Korea's penal spaces into the broader project of securing South Korea in the United States' Cold War bloc. Personnel in the postwar reconstruction period ranging from frontline guards up to wardens, penologists and jurists at the highest levels of the Ministry of Justice articulated the *minju haenghyŏng* penological ideal in slightly different ways, but usually returned to several key reform imperatives: rebuilding damaged facilities, developing minimum security prisons based on the "congregate" model, improving prisoner education and recreation programs, and ensuring hygiene and medical facilities in all prisons. More abstractly, fueling *minju haenghyŏng* was a desire to complete the decolonization of Korean punishment by integrating it into the transnational developmental project of building the Cold War's "Free World."

As a kind of vague shorthand, the boundaries of "democratic punishment" expanded to fit the project at hand. In ideological and penological terms, *minju haenghyŏng* reframed punishment as "educational," with guards as educators and prisoners as pupils. This was a shift

away from the retributive punishment of their colonial predecessors and the Chosŏn dynastic rule before them. The inaugural postwar issue relaunching *Penal Administration* in 1952 featured short statements by various officials all articulating their vison of what the postwar era had in store. In his first of many such addresses published at the start of each issue, Penal Bureau Director Sin Ŏn-han reframed the task of modern punishment as treating the individual character (*in'gyŏk*) of each criminal through correctional rehabilitation (*kyojung kyohwa*).[746] Another author, Kim Ch'ang-dŏk (who would become the journal's expert on all things *kyohwa*) cited German philosopher Immanuel Kant (1724–1804), reminding readers that education and cultivation make the man.[747] No matter how wicked the criminal, they can be completely rehabilitated and *made into* a virtuous human (*sŏllyanghan in'gan*).[748] Sin and Kim invoked a teleological penal history unfolding after the Western Enlightenment to argue that traits of the criminal like idleness, laziness, or (lack of) self-control, are all facets of the individual that can be molded with the correct education and treatment in prisons. What made the new era of punishment distinct from the recent modern era, they argued, is the penal administrator's role in shaping the individual character of each prisoner. When defining the essence of "educational punishment" in a 1954 essay, Minister of Justice Cho Yong-sun made obligatory mention of the protection of inmates' human rights and loving the prisoner as another member of the nation.[749] Penal workers should think of themselves as one part of the broader social welfare system. Their ideal postwar prison would be integrated into the developing educational system and industrial economy as classrooms to mold the modern citizen and human.

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[746] Sin Ŏn-han, "Hyŏngjŏng swaesin ŭi kijo," *Hyŏngjŏng* 1 (January 1952): 3.
[747] Kim Ch'ang-dŏk, "Kyohwa saŏp ŭi chŏnmang," *Hyŏngjŏng* 1 (January 1952): 4.
[748] Ibid.
[749] Cho Yong-sun, "Pŏmmubu janggwan kakha hunsi," *Hyŏngjŏng* 15 (September/October 1954): 6–8.

"Educational punishment" and "democratic punishment" were often conflated or used interchangeably as signifiers for an array of reform initiatives. However, the invocation of "democracy" and its correlation with Korea's Cold War allies made *minju haenghyŏng* a trendier catchall term for the wide-ranging changes affecting prisons. In an essay titled "The basic project of constructing *minju haenghyŏng*,"[750] Seoul Prison's manager of general affairs, Chŏng Ch'a-hong, made one of the earliest articulations of concrete goals for *minju haenghyŏng*: rebuilding facilities to allow for proper separation of prisoners, a safe visitation system to increase contact with family members and society, better equipping of medical facilities and labor programs, and improving guards' treatment of prisoners.[751] Proponents framed the project of democratizing punishment on a civilizational scale: to Chŏng, the measure of a country's cultural advancement is its level of education, and "democratizing" the penal system means to improve its ideology and material resources to advance the nation's economy and culture as a whole. It is to change the purpose of punishment to be like that of the education system. Punishing the criminal does not conclude the interaction between state and criminal, nor absolve their responsibility for their crime. They must be educated in technical skills to rejoin free society and the workforce to contribute to building the nation. This would in turn lift Korea up among the advanced "democratic" nations of the world.

These articulations of penal reform go beyond previous iterations to include more cosmopolitan implications for rehabilitation of prisoners: the point of democratized penology is to start with the "anti-social" (*pansahoe*) elements of the Korean nation, transform them (along with all of Korea) into "excellent people of the world" (*usuhan segyein)*.[752] The world of free

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[750] Chŏng Ch'a-hong, "Minju haenghyŏng kŏnsŏl ŭi kibon kwaje," *Hyŏngjŏng* 9 (October/November 1953): 25–8.
[751] Ibid, 25.
[752] Ibid, 27.

society and prisoners could be more connected, he reasoned, by increasing the points of access/contact (*chŏpkŭn*) through works projects and visitation.[753] A year later, Seoul Prison warden, Mun Ch'i-yŏn articulated *minju haenghybong* as the work of infusing penal administration with democracy and "socializing punishment"[754]—increasing interaction between free, democratizing society and its inmates to benefit both. *Minju haenghyŏng* discourse emphasized building a culture in and out of prisons according to the model prisons of the "advanced civilized democratic countries" (*sŏnjin munmyŏng minju cheguk*).[755] But, Chŏng also states, Korea can't build all of this without changing the ideology of penal workers. Korea's social "stragglers" or "deadbeats" (*sahoe nag*o) are falling behind and causing Korea to lag in advancement. Rather than punish these internal others, they need to be educated. To do so, penal workers should discard the old, retributive way of thinking and imagine themselves as "doctors treating a mental patient and teachers teaching children."[756] Penal workers should take up the burden to improving prisoners *as humans* (*in'gan kaesŏn*). During Korea's postwar reconstruction, penal reform rhetoric equated the well-ordered prison with not only the basic protection of human rights, but a means to mold the model citizen and human.

Minju haenghyŏng discourse emphasized the role of penal workers in reforming themselves and their treatment of inmates. To mark the new year in 1954, the Ministry of Justice announced a plan to improve legal institutions complete with the slogans "Protect Human Rights" (*in'gwŏn ongho*) and "Democratize Penal Administration" (*hyŏngjŏng ŭl minjuhwa*).[757] Improving the ROK National Police and prosecutors' dismal human rights record was an

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[753] Ibid.
[754] Mun Ch'i-yŏn, "Minju haenghyŏng ŭi naa kal kil," *Hyŏngjŏng* 16 (December 1954): 45.
[755] Chŏng Ch'a-hong, "Minju haenghyŏng kŏnsŏl," 27.
[756] Ibid, 28.
[757] "Hyŏngjŏng ŭl minjuhwa," *Kyŏnghyang sinmun*, January 5, 1954.

embarrassing and straightforward target for reform, given the previous years' rash of arrests without warrant, hasty executions, reports of torture, and other violations. But reformers calling for "democratizing" punishment also sought a change in prison guard culture to eliminate inmate abuse. Reformers framed abuse of prisoners as culturally backward behavior, and benevolent guards as saintly. One article on possible measures for improving treatment of inmates invoked comparison with "advanced" countries, saying that in so-called "civilized" countries (*munhwa kukka*), just as patients go to hospitals, prisoners receive treatment in a similar way.[758] The spirit of penal administration should be next to holy, the author argued, citing the bible's John 3:16: the love the Christian God had for his only son or love of a mother for her child is the kind of love needed for rehabilitating inmates. It went on to explain that the penal worker's "refinement" *(kyoyang*) becomes the driving force of the prisoners' rehabilitation. The guard had to be more than physically tough, they had to be like the penal workers in the "advanced civilized countries" (*sŏnjin munhwa kukka*) that supposedly had the level of education of university professors.[759] Seoul Prison warden, Mun Ch'i-yŏn also shared this fantasy about U.S. penal workers, arguing that to continue on a path towards *minju haenghyŏng,* Korea's prison guards needed to become "spiritual technicians" (*chŏngsinjŏk kisulcha*) for refining inmates.[760] Such benevolent and adept penal staff were already believed to exist in the "advanced" countries of North America and Europe, and Korea was falling behind.

This idealization of American and European penal administration in reform discourse was juxtaposed with demonization of the system's Japanese colonial past. Authors writing in *Penal Administration* followed the party line espoused in the penal bureau's more official written

[758] "Chaesoja kyojŏng ŭi pangan," *Hyŏngjŏng* 29 (June/July 1956): 18–21.
[759] Ibid, 20–1.
[760] Min, "Minju haenghyŏng ŭi naa kal kil," 44–6.

materials framing postwar reform measures as a historical awakening from a feudal past.[761] It was the historical calling of their generation of penologists to finally implement incarceration (*chayuhyŏng*) free from the feudal remnants of bodily harm and violating human rights. This framing of penological development ignores the system's colonial legacy and ongoing abuse of inmates after liberation and looks forward to a future where prisoners' human rights are respected and South Korea is an equal partner in Cold War alliances. World Human Rights Day celebrations became an expected calendar event for South Korean prisons. Every tenth of December prisons would have special programming to mark the anniversary of the Universal Declaration of Human Rights, mobilizing prisoners to praise their own treatment, integrating them into the public relations campaign promoting protection of human rights across the UN-aligned world. The major newspapers based in Seoul would list the organizations holding events with Map'o and Seoul prisons often making the list.[762] Korea's prisons were increasingly connected to the UN and U.S.'s public relations efforts throughout the 1950s, but actual change in practice was slow-going.

Changing the culture and practices of penal administration developed over decades would be difficult, but the challenges could be surmounted with political motivations to do so. Conversely, the material issue of ensuring hygienic prison conditions and medical care could only be surmounted with money and supplies provided by international aid. *Minju haenghyŏng* articles often thanked the United Nations Civil Assistance Command in Korea (UNCACK) for providing medical supplies while reminding that still more was needed to improve prisoners' medical care. U.S. aid organizations' archives provide some third-party observers' view of the

[761] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram* (Pŏmmubu Kyojŏngguk, 1956), 8–9.
[762] See: "10-il ŭn in'gwŏn sŏnŏn il, pŏmmubu chuch'oe tach'ae han haengsa," *Kyŏnghyang sinmun*, December 9, 1954; "Onŭl ŭn segye in'gwŏn sŏnŏn," *Chosŏn ilbo*, December 10, 1956; "Nal ttae put'ŏ p'yŏngdŭnghan in'gwŏn," *Tonga ilbo*, December 7, 1958.

state of penal medical facilities. ICA-dispatched public health officers inspecting Map'o and Seoul Prisons' hospital facilities in the Fall of 1954 found Map'o's infirmary in decent condition with x-ray and operation rooms, but the isolation ward was still without heating capability.[763] The perennial problem was keeping dispensaries stocked with modern medicine: Map'o Prison's doctor resorted to growing medicinal plants in the prison yard.[764] Likewise, most of the budget provided by ICA and UNCACK was used for buying proper medicine.[765] Fully equipped isolation wards were crucial for fighting tuberculosis outbreaks that were still present in Korea's prisons. In the same period, ICA public health officers reported an order to transfer TB patients to Masan Prison.[766] Eager to report progress in this area, Ministry of Justice publishers included photos of fully functioning surgical facilities and X-ray machines in prisons in their 1956 and 1957 reports.[767] There were advances in prison hospitals, but the system would not shed reliance on international aid for its medical supplies for another generation.

Some of the most impactful changes in the *minju haenghyŏng* reform program were in education and recreation. Reformers published detailed data in the pages of *Penal Administration* to measure the programming's' efficacy. The Penal Bureau's official position on penal education before liberation was that colonial prisons were simply in service of making imperial subjects (*sinmin hwangdohwa*).[768] The period of USAMGIK occupation and the early First Republic were

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[763] UNCACK, "Mapo Prison," October 12, 1954. NARA II, RG 469: Records of U.S. Foreign Assistance Agencies, 1943–1963. Entry P 321: Unclassified Subject Files, ca. 1955–11/03/1961. Folder: "38. Prisons." Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[764] Ibid.
[765] UNCACK, "Budget (Mapo Prison Hospital)," December 1954. NARA II, RG 469: Records of U.S. Foreign Assistance Agencies, 1943–1963. Entry P 321: Unclassified Subject Files, ca. 1955–11/03/1961. Folder: "38. Prisons." Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[766] UNCACK, "Masan Tuberculosis Annex (San.)," August 1954. NARA II, RG 469: Records of U.S. Foreign Assistance Agencies, 1943–1963. Entry P 321: Unclassified Subject Files, ca. 1955–11/03/1961. Folder: "3. Masan Tuberculosis Annex (San.)" Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[767] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram*, 52; Pŏmmubu, *Pŏmmu paeksŏ*, 212–3.
[768] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram*, 10.

seen as too chaotic to implement any real education program for inmates, but as Chapter 3 has shown, early ROK prisons were sites of intense ideological conversion. The first article of the ROK penal law stated that the guiding ideology of the penal system is to isolate and protect prisoners to "reform and edify them" (*kyojŏng kyohwa*), to cultivate wholesome national ideology and laboring spirit *(kŏnjŏnhan kungmin sasang nodong chŏngsin*), implement education, and return inmates to society with trade skills.[769] Postwar penal reformers continued to struggle to fulfill these tasks of modern corrections.

The first goal of penal education was to teach trade skills to help releasees find work and combat recidivism. In 1957 the Ministry of Justice calculated that 29.4% of male inmates and 86.2% of female inmates were jobless before entering prison.[770] Coupled with that was the shifting ratio of inmates convicted of economic crimes (crimes against property, *chesanbŏm*) from 29.3% in 1952 to 53.2% in 1957.[771] Attempts at tweaking social welfare initiatives to influence rates of social crime was complicated as always by the ROK's Cold War context and preponderance of political prisoners. In 1952, 60.7% of inmates were held for political crimes associated with leftism, and the number had only decreased to 57.6% in 1954.[772] In the system's graduated treatment classification (*nujin ch'ŏuje*), leftists were seen as too much of a risk to allow tools and freedom of movement to work. Classified as a political prisoner at the time, the aforementioned Y--- --- ---- could only begin working in the prison's printing press after he wrote a statement of conversion from his leftist political beliefs.[773] ICA public health officers

[769] Ibid, 13.
[770] Pŏmmubu, *Pŏmmu paeksŏ,* 198.
[771] Ibid, 196.
[772] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram*, 26.
[773] Interview with the author, Hwasun-gun, South Korea. February 8, 2020.

found Seoul's prisons to be quite busy with prisoners at work,[774] but the *minju haenghybong* ideal of prison labor supporting the subsistence of the prison *and* contributing to national industry was far out of reach. Labor programs were dependent on obtaining raw materials—a problem for all areas of industry in reconstruction-era South Korea. Furthermore, as with previous generations of penal labor transporting prisoners to and from work sites outside prison walls carried its own risks of escape attempts. The construction of new facilities would aid this development by better integrating workflow with security.

Secondly, *minju haenghyŏng* penal education aimed to eliminate inmate illiteracy. Reformers often used the language of eradication (*t'oech'i*), befitting the popular discourses of isolating and eliminating elements of Korea's underdevelopment. Starting in 1952 prisons had measurable results resuming a curriculum running from April to September teaching basic literacy in the Korean hangul alphabet. According to a 1954 yearend report, 1421 inmates of the national total (16,626)[775] were classified as illiterate with 86% of them (1073) deemed literate by the end of the year.[776] Again, their conversion was described as "eradication" (*t'oech'i*) of illiteracy, mirroring free society's approach to the same social problem. The number of illiterate inmates was down considerably from previous years, but the efficacy of the program was estimated at 73%: from 1952 to 1954 6,729 inmates received literacy education with 4,782 achieving literacy.[777] Beyond learning *hangul*, there were history courses comparable to an elementary school education for younger inmates, and supplemental "democratic edification" (*minju kyohwa*) classes for those with an elementary education.[778]

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[774] UNCACK, "Mapo Prison," October 12, 1954. NARA II, RG 469: Records of U.S. Foreign Assistance Agencies, 1943–1963. Entry P 321: Unclassified Subject Files, ca. 1955–11/03/1961. Folder: "38. Prisons." Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[775] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1:448–49.
[776] "1954-yŏn ŭi hoego," *Hyŏngjŏng* 16 (December 1954): 50.
[777] Ibid.
[778] Ibid, 53.

Blending education, recreation and cultural enrichment was at the core of *minju haenghyŏng*'s goal of socializing inmates. The yearend report found that the most effective forms of educational or otherwise edifying programming were largescale group events, such as concerts and film screenings.[779] Audience-based events did carry the danger of concentrating prisoners from across the facility in one space, giving them time to plan disturbances, but the generally positive impact of group events that could now be held in the proper facilities outweighed such concerns over time. The period's foremost reform and rehabilitation specialist, Kim Ch'ang-dŏk also espoused the benefits of group reform programs.[780] Programming based on both religion and national ideology still carried the stigma of the colonial period's Shintoism and imperial assimilation brainwashing, but Kim claimed this could be overcome by providing options for different religious services (Catholic, Protestant, Buddhist, non-religious assemblies, etc.).[781] Additionally, assemblies, speakers, plays and debates could be used to cultivate a refined, more civic-minded individual. Attendance should be voluntary, but the inmates' need for any form of social time should come first. A strong proponent of religious rehabilitation, Kim's argument was that religious and recreational programming in prisons did not need to be used for ideological conversion. The need to distance their programs from such notions only highlights rehabilitation's potential for indoctrination.

Film screenings would also seem like innocuous forms of entertainment to fill idle time, but the type and source of films in 1950s Korean prisons served U.S. propaganda objectives. By 1954, there had been 212 film screenings in Korea's prisons since the war, and 91 of those were hosted or had films provided by the United States Information Service.[782] The USIS was a

[779] Ibid.
[780] Kim Ch'ang-dŏk, "Ch'ongjip kyohwa wa kaesŏnjuŭi," *Hyŏngjŏng* 17 (January/February 1955): 56–61.
[781] Ibid, 56–7.
[782] "1954-yŏn ŭi hoego," *Hyŏngjŏng* 16 (December 1954): 53.

propaganda and psychological warfare agency created by the Eisenhower administration to "influence friends, woo neutrals, and alienate enemies."[783] The agency was responsible for producing and disseminating propaganda materials in Korea's educational and cultural spheres throughout the twentieth century. *Penal Administration* editors assessed the proliferation of film screenings and listed the monthly average number of viewers. Map'o Prison had the best screening facility and averaged 2,088 viewers, beating Daegu's 1,649 and more than doubling Seoul's 911 viewers. There was a twenty-fold increase in prison screenings from 1952 to 1954 as facilities were made available.[784] By 1956 inmates came to expect the screenings and it became a welcome respite from the harsher aspects of prison life. Several prisoners' reflections on film screenings were published in *Penal Administration* in 1956.[785] A Kwangju prisoner identified by the English letter "C" wrote of the excited atmosphere on a screening day.[786] Another, "K", claimed he finished his work faster when there was a film scheduled for the afternoon—it was something to look forward to, he explained, like school children going on a picnic.[787] One Suwon inmate explained how the prison's chaplain said a prayer before the screening, and how the screenings made him feel that the prison's "warehouse" serving as a screening hall disappeared, along with their negative feelings, and it was as if they were visiting a theater in the city.[788] Between the news reels, instructional films on hygiene, and story about an artist escaping communist oppression to live in the "Free World" (*chayu chinyŏng*), he liked the escape story best.[789] "K" in Daegu prison thanked the "American cultural center" (*Mimunhwagwan*, likely the

[783] Kenneth Osgood, *Total Cold War: Eisenhower's Secret Propaganda Battle at Home and Abroad* (Lawrence: University Press of Kansas, 2006), 8.
[784] "Chaesoja kyohwa silsi t'onggyep'yo," *Hyŏngjŏng* 18 (March/April 1955): 86.
[785] "Sarye pogo: Chaesoja ŭi kamsangmun naksu," *Hyŏngjŏng* 25 (February 1956): 22–5.
[786] Ibid, 22.
[787] Ibid.
[788] Ibid, 23.
[789] Ibid.

USIS) for providing him the opportunity to see clear images of the "free world" (*chayu segye*).[790] Here the inmate likely means "free world" to mean society outside of prison, but could also be referring to the Cold War's "Free World," or United States-aligned anticommunist bloc. The editors likely selected prisoner writings with the most potential as propaganda promoting their reforms, but the testimonies reveal that films were powerful tools that could be used for edification, recreation, and ideological indoctrination.

Another popular medium for disseminating Ministry of Justice propaganda to inmates was the prison periodical, *New Path* (*Saegil*). The magazine featured content for readers of varying levels of literacy ranging from humorous comic strips to philosophical essays on the meaning of life. It also featured some creative and journalistic writing by prisoners themselves. The exact level of prisoners' reception of the publication is unknowable, but there were 22,400 issues distributed (about 1 copy shared by 5 inmates each month) in 1954.[791] Being a monthly publication it was more frequently updated, had more content, and wider distribution than even the primer for basic penal education. When asked about the magazine in a 2020 interview, Y--- --- ---- lit up, saying he knew it well and said many inmates read it out of sheer boredom.[792] Between film screenings, magazines, and lectures, there were several methods for disseminating literature with *minju haenghyŏng* ideals.

As earlier chapters have shown, instituting religious services was one of the first projects for the U.S. occupation's penal reformers. ROK reformers took up the baton and continued integrating prisons with free societies religious leaders and communities. The services had taken on anticommunist content in the buildup to the Korean War and brought U.S. influence directly

[790] Ibid, 24.
[791] "1954-yŏn ŭi hoego," *Hyŏngjŏng* 16 (December 1954): 50–66.
[792] Interview with the author, Hwasun-gun, South Korea, February 8, 2020.

into prison spaces. The personal papers of one American missionary, Gertrude S. Voelkel (wife of Presbyterian missionary and U.S. military chaplain, Harold Voelkel) reveal the role of Americans and religious programming for continuing ideological conversion in post-Korean War prisons.[793] Voelkel was known for her work with converting Korean women to Christianity and especially for her work in women's prisons. She and her husband had been involved in ministry in Korea since 1928, teaching in various universities and bible colleges, but fled Korea once during the colonial period, and then again after the KPA invasion of 1950. A 1963 Presbyterian church profile of her lauded her work in Seoul Prison helping provide food, medicine, and clothing for prisoners, caring for women inmates' babies, but also for converting over one hundred prisoners to Christianity, and leading another 60 to renounce communism.[794] Beginning in 1954, Voelkel taught bible study classes to women inmates for six hours per week and led a monthly church service in Seoul Prison. A 1957 press release credited her with converting formerly communist prisoners.[795] In a 1955 letter, Voelkel described her women's prison bible study in chilly, unheated rooms: "They love to sing and they love the word, and we have had great times together. As I have come to know them in this way, I no longer thin[k] of them as prisoners, but as individuals, loved of the Lord, and loving Him, sisters in Christ."[796] She started by leading women's services but helped by playing music for the men's services (then attended by 460 inmates). By 1960, Harold and Gertrude Voelkel were leading religious services in Seoul

[793] Thank you to Sandra H. Park at the University of Chicago for alerting me to these archives and sharing her resources.
[794] United Presbyterian Church in the U.S.A - Commission on Ecumenical Mission and Relations, Office for Communications, "Profile: Mrs. Harold Voelkel." October 1963. Presbyterian Historical Society Archives, Philadelphia, PA. RG 360, Series III, Folder 2: "Gertrude Voelkel."
[795] Press release, "Women in the Church" by Mary Fowler, released by W.W. Reid, May 20 to 25, 1957. Presbyterian Historical Society Archives, Philadelphia, PA. RG 360, Series III, Folder 2: "Gertrude Voelkel."
[796] Letter, Gertrude Voelkel, April 18, 1955, Presbyterian Mission, Seoul. Presbyterian Historical Society Archives, Philadelphia, PA. RG 360, Series III, Folder 2: "Gertrude Voelkel."

Prison for 700 men and 100 women respectively.[797] Under the auspices of religious freedom in the "democratized" rehabilitation programs, the Voelkels were direct agents of anticommunist conversion inside men's and women's prisons. Their work staged miniature Cold War confrontations between U.S. citizens and suspected communist partisans inside Korean penal spaces. The *minju haenghyŏng* reform movement applied U.S. penology and anticommunist ideology as curatives at the source of social problems supposedly keeping Korea underdeveloped. Reforming prisoners was tantamount to building a bulwark against communist expansion.

In a similar way, the introduction of the Boy Scouts of America's model of youth organization integrated South Korea's juvenile correctional institutions with broader Cold War strategies. A Korean penal reformer and boy scout troop leader, Hong Chong-sik, claimed to have started the world's first prison-based Boy Scout troop at Incheon Juvenile Prison in the Republic of (South) Korea just days after the 1953 armistice pausing the Korean War. Hong had worked as a guard in adult penal facilities since 1947 and transferred to Incheon Juvenile Prison (IJP) in 1949. After the Korean War, he convinced his apprehensive superiors to allow him to start what he called the "Loyal Youth Brigade" (Ch'ungŭi Sonyŏndae)[798] modeled after the Boy Scouts of America. His superiors were fearful of the amount of freedom inmates would enjoy to properly participate, but Hong pledged to take responsibility for any incidents. Hong started his experimental program with 44 of the oldest inmates in 1953. At first Hong could not get uniforms, made scout badges by cutting up tin cans, and did military training with mock wooden rifles. In 1954 he made the Brigade an official part of the larger Korean Boy Scouts (Taehan

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[797] Letter, Harold Voelkel, November 23, 1960. Presbyterian Historical Society Archives, Philadelphia, PA. RG 360, Series III, Folder 2: "Gertrude Voelkel."

[798] Sometimes written as "Ch'ungŭi Sonyŏndan," or "Loyalty Boy Scouts."

Sonyŏndan)[799] and had the organization's use codified in penal law by the ministry of justice in the same year. In retrospective accounts, Hong was proud that his program was a first in global penology, and that he never lost a Scout to escape, even when taking part in offsite camping trips and volunteer projects around Incheon. Eventually he would go beyond simply imitating the American boy scout model and expand on it, eventually linking his scout troop to the larger international Cold War scouting movement.

In his 1981 memoir, *The Scouts' Candlelight Illuminating the Darkness*[800], Hong laid out the mission statement of scouts at IJP: first protect and reform inmates; second, foster a wholesome, anticommunist national ideology and work ethic; and third, carry out technical education in accordance with the "Scout Spirit" (*sŭk'aut'ŭ chŏngsin*) to restore inmates as upright members of society.[801] Hong's version of the Boy Scout Spirit reinforced through songs, oaths, and pledges would be familiar to one knowledgeable of the American Boy scouts—service, appreciation for the outdoors, civic duty, volunteerism—and he was clear that activities such as hiking and spending time in nature were easy to implement regardless of Korea's impoverished conditions.[802] Hong blended notions of the Boy Scout Spirit with a brand of humanism similar to Klein's Cold War cosmopolitanism, seeing himself and his scouts as aspirational world citizens and members of the "Free World." He espoused the efficacy of the scouting model to instill not only a nationalist but *inter*nationalist spirit: he believed the goal of the boy scouts and their international network was to instill them with "international fraternity" (*kukche uae*) and "humanism" (*indojuŭi*).[803] The scout spirit was believed to transcend race and nationality. Hong

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[799] Inch'ŏn Sonyŏn Kyodoso*, Inch'ŏn sonyŏn kyodososa* (Inch'ŏn: Inch'ŏn Sonyŏn Kyodoso, 1990), 39.
[800] Hong Chong-sik, *Ŏdum sok ŭl palk'inŭn sŭk'aut'ŭ ŭi ch'otpul* (Seoul: Myŏngji ch'ulp'ansa, 1981).
[801] Ibid, 7.
[802] Ibid, 55.
[803] Ibid, 44.

was an early pioneer for localizing the Boy Scout model while connecting his scouts to their non-incarcerated counterparts in the Boy Scouts of America and other countries. One of the shining points of his career was overseeing the 1958 visit of the head of the World Boy Scouts Bureau, Daniel Spry, in yet another instance of Cold War ally representatives setting foot directly in Korea's prisons and bestowing their reform efforts with approval from international organizations.

Throughout the 1950s, the growing scouting movement in Korea appeared as a cause for charity advertised in the pages of *Scouting*, the official magazine of the Boy Scouts of America. As early as 1947, American scouts were asked to donate supplies such as musical instruments to be sent to their brethren in Korea.[804] Early editions of the Korean boy scout manual were printed through funds collected as a penny drive from U.S. Boy Scouts.[805] Developing a humanitarian aid network between U.S. scouts and Korea as part of a "World Friendship Fund" was characterized as developing preparedness in the domestic fight against communism. At the height of the Cold War's first open hostilities, the seemingly mundane job of collecting clothing for Korean War refugees was portrayed by one *Scouting* contributor as practice for wartime mobilization,[806] revealing one strain of thought about Boy Scouts being a reserve military force for a vague but impending future conflict. The addition of the scouting model to juvenile corrections further implicated penal spaces as sites of Cold War bloc-building.

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[804] Boy Scouts of America. "The Scout Field," *Scouting* 35, no. 6 (June/July 1957): 28. University of Texas Online Archives, https://texashistory.unt.edu/ark:/67531/metapth313135/, accessed April 25, 2022.

[805] W.A. McKinney, "World Scouting," *Scouting* 42, no. 4 (April 1954): 23. University of Texas Online Archives, https://texashistory.unt.edu/ark:/67531/metapth329225/, accessed April 25, 2022.

[806] "Organizing a pattern for mobilization, practicing first aid and rescue methods is practical, but reasons for trial and testing need to be developed if readiness is to be maintained. It will be more effective if these activities are not pointed exclusively at possible wartime needs." Ken Wells, "One of the Team," *Scouting* 39, no. 4 (April 1951): 6. University of Texas Online Archives, https://texashistory.unt.edu/ark:/67531/metapth329195/, accessed April 25, 2022.

This section has raised the case of the Boy Scouts, penal education, American missionaries, and various forms of entertainment in penal spaces to rethink Cold War aid not only in terms of reciprocal trade of resources and information, but also in terms of disciplinary orderings controlling time and the movement of bodies through regimented activity. “Democratizing” penal rehabilitation facilitated cultural activities that included film screenings, dissemination of USIS reading material, religious indoctrination from American missionaries, and Boy Scout activities for juvenile offenders. Cold War rehabilitation brought the most vulnerable members of the South Korean and American societies into concert with one another. Korean reformers didn’t just mimic American models, they strove for simultaneity and synchronicity between prisons and the developing Free World. All these innovations transformed the *content* of prison rehabilitation, but what about the form and structure of the prison facility itself? The next section details the construction of entirely new penal facilities during the postwar reconstruction period. It centers the building of a veritable shrine to *minju haenghyŏng* ideals, Suwon Prison.

Part III: Suwon Intermediate Prison as Monument to “Democratic Punishment”

In the immediate postwar reconstruction period, advocates of *minju haenghyŏng* wielded the nebulous term to justify their personal visions for improving prisons. But what did it mean to democratize punishment in a materially significant way? One concrete goal of penologists from the Ministry of Justice down to the frontline penal worker was to modernize facilities in the image of the United States. More efficient security that allowed for greater freedom of movement better integrated rehabilitation activities with inmates’ living space. Korean penologists had seen this firsthand in the United States but had to make a feasible plan for its

implementation in Korea. The Penal Bureau's 1955 Five-year plan had the following goals: complete reconstruction of buildings; improve facilities to ensure hygiene and protect inmates' human rights, rebuild Suwon Prison, make women's prisons independent from men's prisons, reorganize the inmate classification system, establish better offsite work camps, and increase "special" (i.e. rehabilitation, medical, recreation etc.) prison facilities.[807]

The postwar reconstruction of prisons lasted from the last days of the war until the very end of the Syngman Rhee regime. Well before it was complete, penal reformers started to think about how to optimize the prison form beyond simply restoring buildings to their prewar state. Prison facilities could shed their image of being merely repressive, deterrence-based instruments of social control and be reimagined as classrooms, laboratories, and factories for molding ideal citizens and human beings. Veteran prison guard and warden of Map'o Prison, Kwŏn Yŏng-jun had worked for two decades in the Japanese colonial prison system, witnessed Seoul's facilities at the height of wartime mobilization in the Second World War, and also struggled through disrepair and chaos under U.S. occupation. His 1955 essay on "educational punishment" (*kyoyuk haenghyŏng*) emphasized reimagining the layout of the prison itself for realizing *minju haenghyŏng* ideals.[808] Surrounding his list of material needs for realizing educational reform—the very basic one being facilities were still too dark to even conduct literacy education— Kwŏn also emphasized the human element of physical interaction between prisoners and guards. Education of prisoners should not only be a kind of "tough love" or adversarial relationship. Contrasting it with the retributive, stark isolation of inmates under the Japanese system of his early career, Kwŏn argued for reorganizing the prison to increase the chances for "exchange of

[807] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram*, 14.
[808] Kwŏn Yŏng-jun, "Kyoyuk haenghyŏng ŭi chŏnmang: Sisŏlmyŏn ŭl chungsim ŭro," *Hyŏngjŏng* 17 (January/February 1955): 21–5.

emotions" (*kamjŏng ŭi kyohwan*) between guards and prisoners. Their constant interaction would lead to them solving the problems of penal administration together.[809] Without the emotional connection, Kwŏn reasoned, the prison was no different than the animal kingdom.[810] As with many invocations of *minju haenghyŏng* ideals, the onus was on penal staff to change their relationship to inmates to fully utilize updated facilities.

Suggestions like Kwŏn's were finally heard when Syngman Rhee passed a presidential decree to construct a fully functional, minimum-security facility (referred to as an "intermediate prison" (*chunggan hyŏngmuso*) in October 1954.[811] The announcement came after the now-familiar calls for improving penal administration in the wake of high-profile inmate escapes.[812] The site chosen for this grand experiment was Seoul Prison's former prison farm at Suwon, then a small farming community outside of Seoul in Kyŏng'gi Province. The press praised Suwon Prison as a "model prison" that would have heat, toilets, and beds in each cell.[813] Solidifying an independent prison for Suwon expanded total cell space to ease overcrowding and the choice of an existing prison farm would reduce the danger in shuttling prisoners to and from the construction site. Suwon Prison became a beacon of hope inspiring systemwide changes that applied technologies observed abroad.

The groundbreaking for Suwon's intermediate facility was set for September 1, 1955. An outline of the project highlighted the more "cultured" prison would be funded in part by the U.S. Foreign Operations Administration (FOA) and would house 2,000 "model" prisoners transferred from around the system in a "semi-free" (*panchayujŏk*) atmosphere to promote a "self-governing

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[809] Ibid, 21–2.
[810] Ibid, 22.
[811] "Suwŏn Hyŏngmuso sŏlch'i," *Chosŏn ilbo*, October 24, 1954.
[812] "Hyŏngmu haengjŏng e maengjŏm," *Chosŏn ilbo*, September 13, 1954.
[813] "Nanbang kwa ch'imdae do sŏlch'i suwŏn e mobŏm hyŏngmuso," *Chosŏn ilbo*, December 16, 1954; "Suwŏne mobŏmhyŏngmuso," *Tonga ilbo*, December 15, 1954; "Suwŏn e mobŏm hyŏngmuso," *Tonga ilbo*, December 15, 1954; "Hyŏndaesik mobŏm hyŏngmuso," *Kyŏnghyang sinmun*, December 29, 1954.

life" (*chach'i saenghwal*) to prepare for life outside of prison.[814] Later that year, the FOA (predecessor the ICA) committed $450,000 USD[815] to purchasing materials for Suwon Prison with 40% going to new machinery for inmate labor programs.[816] The plan estimated that 75% of the labor would be done *by prisoners*, so the project itself was a source of inmate labor and technical training. A second proposal for 1956 sought an additional $500,000 USD. The ICA framed the ongoing lack of cell space as a direct threat to the United States' mission in Korea. Continued funding would "provide facilities for incarceration of prisoners who if unconfined could be a menace to life and property, and therefore a direct threat to economy."[817] It was justified further within the context of the larger reform program: "Prison administrators are carrying out [a] modern program of rehabilitating prisoners by vocational training so when released they can be returned to society as useful and productive members who will contribute to improvement of economy rather than returning to a life of crime and violence."[818] It was stipulated that no prison labor is paid out of this requested funding and local materials and labor would be used when possible.

The renovation was put forward as a panacea for the anxieties about underdevelopment that lingered in the new republic's penal system. After the implementation of the 1955 five-year plan, the renovation of Suwon Prison was listed as its own portion of yearly budgets, rivaling the amount set aside for running every other facility.[819] The plan was referenced and integrated into

[814] "Charyo: Suwŏn hyŏngmuso pokku kaeyo," *Hyŏngjŏng* 22 (October 1955): 15.
[815] Approximately $4.5 million in 2021 USD.
[816] International Cooperation Administration, "Rehabilitation of the National Prison at Suwon," 1. RG 469: Records of US Foreign Assistance Agencies, 1942–1963; Korea Program files, 1954–1957, Entry UD 479: Korea Division, Korea Prog Files, 1953–1957, Box 3, Korea Program – FY 1955/56 Cong. Pres. Back-up Material (1 of 2). Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[817] International Cooperation Administration (ICA), "Projects – Suwon Prison Rehab," 1. NARA II, RG 469: Records of US Foreign Assistance Agencies, 1942–1963. Entry UD 1276: Central Subject Files, 1950–1956, Box 41. Kuksa P'yŏnch'an Wiwŏnhoe Online Database.
[818] Ibid.
[819] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram,* 76

most “big picture” planning for penal reform thereafter. Sending Korean penologists abroad now had the specific goal of observing similar intermediate sanctions systems and rehabilitation facilities like those projected for Suwon.[820] Early appraisals called Suwon’s renovation evidence of a significant “leap” (*piyak*) in penal technology.[821] Penal Bureau head, Sin Ŏn-han held up Suwon as a prototype of innovation and evidence of a new era for Korean penology. Suwon Prison was the new ideal model that could transform penology and spread to the rest of the system.[822]

Under Shin’s leadership, the Penal Bureau’s Prison Revitalization Task Force (Hyŏngmuso Pokhŭng Taech’aek Wiwŏnhoe) pushed reconstruction efforts to go beyond simply rebuilding Suwon Prison. They could use the opportunity and crucial support from the ICA to make prisons more “modern and *cultural*.”[823] The phrases “cultural” or “modern” were often stand-ins for the more specialized penological terms “intermediate sanctions” or “intermediate prison.” What made a prison more “cultural” was its capacity to meet every need of the prisoners and staff in one clockwork facility that churned out rehabilitated, educated citizens. This meant Korea’s newest prisons should have indoor exercise facilities, movie halls, smoking rooms, break rooms for guards, hospital facilities with surgery capabilities, laboratories, birthing facilities for female prisoners, exercise grounds of at least 3,000 *p’yong*, gardens and agricultural fields, modern education facilities, and more.[824] Penal authorities projected the image that a completed Suwon Prison would have “facilities that can stand beside the penal facilities of the

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[820] Ibid, 13.
[821] Ibid, 17.
[822] Sin Ŏn-han, “Hyŏng ŭi kaebyŏrhwa wa chigwŏn sagi ŭi paeyang munje,” *Hyŏngjŏng* 18 (March/April 1955): 6–7.
[823] “Hwibo: Hyŏngmuso pokhŭng taech'aek wiwŏnhoe hoeŭi nokch'o,” *Hyŏngjŏng* 20 (July 1955): 89. Emphasis added.
[824] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram,* 17.

world's advanced nations (*segye sŏnjin kukka*)."[825] The new, "cultural" prison would propel Korean efforts to develop the nation along a path laid out by its Cold War allies.

The renovation of new facilities also entailed aesthetic concerns that reveal penal workers' ongoing anxiety about decolonization of the prison system. The prisons left intact after the war still carried the stigma of having been the principal point of contact between the repressive colonial state and Korean compatriots. The new Suwon Prison was supposed to shatter this paradigm by getting rid of the red brick walls—a visual reference to the Japanese period for veteran guards, prisoners, and the free population alike. The red brick wall was a shorthand for both the old system's colonial nature *and* its antiquated approach to penology that overlooked prisoner rehabilitation in favor of harsh isolation from society. A 1956 summary of penal operations referred to the final ideal product of ongoing innovations in prison reform as "prisons without red brick walls."[826] While seemingly trivial, the telltale color of the bricks was an immediate visual reference to the repressive penology of the colonial regime. One official observing the progress at Suwon in 1955 was adamant that to rid itself of the stereotypes associated with prisons, the new one should have low, light-gray walls.[827] These anxieties are not so unfounded when one considers that even today Sŏdaemun Prison History Hall's restored red brick walls, gate and watchtower serve as the most readily available visual referent for the horrors of the colonial period in Korean media.

Aside from its decolonizing gesture in aesthetics, the "prison without walls" was also a way to refer to the "intermediate prison"—a facility that fused rehabilitation theory with material practice by allowing well behaved prisoners freer movement to labor in communal environments

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[825] Ibid.
[826] Ibid.
[827] Kim Tŭk-chung, "Changgwan suhaenggi: Suwŏn Hyŏngmuso rŭl kada," *Hyongjŏng* 20 (July 1955): 56.

until they were paroled to rejoin society. Korean penologists on trips to the United States and Europe had witnessed the efficiency of freer movement between cells and places of work or play.[828] The U.S.-funded renovation of Suwon Prison would test the model at home in Korea. In transcripts of 1955 meetings of the revitalization task force, Penal Department head, Sin Ŏn-han continually cited experience observing facilities in Sweden, Denmark, and the United States as the model for how prisoners could live, work, and play without an unmanageable threat to security. Sin envisioned Korea's penal system reaching the level of those in (his idealized vision of) the United States and Europe, where the loss of freedom itself was to be feared, not the deplorable conditions of prisons.[829] Prisoners would be separated by their crime and treatment classification so the least dangerous inmates could enjoy a convenient and productive life. Shin's comparative reference was Sweden as the extreme case where some inmates left prison to work and only returned to sleep.[830] Suwon's intermediate prison would split the difference between the harsh colonial model and the methods of the so-called "advanced" countries.

Revitalization task force members without foreign experience pushed back against some proposed liberties for inmates in the new intermediate facility. One committee member balked at the notion that inmates should be able to smoke. Regarding the finding that prisoners in U.S prisons smoke, he asked if guards also smoke. Hearing that they do, he retorted, "Then what's the difference between guards and inmates?"[831] But this attitude was a remnant of the old relationship between jailor and inmate. Whether frontline penal staff agreed or not, high-level messaging praised the Suwon facility's open environment for cultivating inmates' capacity for a

[828] Ibid.
[829] "Hwibo: Hyŏngmuso pokhŭng taech'aek wiwŏnhoe hoeŭi nokch'o," *Hyŏngjŏng* 20 (July 1955): 90.
[830] Ibid, 91.
[831] Ibid, 92.

self-governing life (*chach'i saenghwal*) and training for life in free society.[832] *Minju haenghyŏng* reform rhetoric and practice asked more of the prison than just punishing offenders while serving their sentence: they should receive training in modes of civic and social life. The attempted similarity with free society was supposed to gradually prepare prisoners for release. However, given the stark conditions in war-torn Korea, efforts to organize prison society can also be seen as reformers' attempts to inculcate inmates with the social way of being they wished would take shape in free society.

Additionally, the intermediate prison was imagined as a place for the "model prisoners" among the population who were on a path to soon rejoin society.[833] The freer environment would supposedly incentivize prisoners around the system to apply for transfer to Suwon, pending good behavior and advancement in their rehabilitation track. This use of the classification system had mutual advantages for guards and inmates: it was deemed safer for prisoners to reenter society in preparatory stages, living a "cheerful but regulated life" with as few differences between free society and prison as possible, and fostering their "humane rationality" in a "studio of cultivation" (*suyang tojang*).[834] For idealistic reformers, the Suwon facility would be more than a school, and more than a correctional facility. It should serve as a training ground for inmates to reenter society as improved citizens and *human beings*.

However, another area for pushback was deciding which prisoners were worthy of such treatment. As ever in the Syngman Rhee First Republic, leftists and other political offenders were on the bottom of the hierarchy of treatment and had the fewest freedoms. Idealist reformers were excited for a flagship institution modelling the "separate system" for normal prisoners, but

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[832] Pŏmmubu Kyojŏngguk, *Hyŏngmu yoram,* 37.
[833] Pŏmmubu, *Pŏmmu paeksŏ*, 200.
[834] Kim, "Changgwan suhaenggi," 56.

veteran wardens still feared the comingling of leftist prisoners and the general population. The warden of the former prison farm in Suwon urged that the new intermediate facility should separate so-called "anti-state" (*hwaksinbŏm*) and "heinous criminals" (*p'aryŏmch'i pŏmja*), even suggesting a separate facility altogether for political offenders (*sasangbŏm*).[835] The experience of the war and prison breaks in the preceding years convinced the warden that leftists would only use more bodily autonomy to spread their ideology to the erstwhile apolitical general population, and even instigate disturbances.

Minju haenghyŏng-era prisons would also reflexively function as a kind of laboratory for training criminologists, penologists, and social scientists. Minutes from 1955 Revitalization Task Force meetings discussed the viability of medical research in prisons. One member noted that a Korean doctor had used research on prisoners to obtain a doctoral degree and that such research has great value.[836] Director Sin responded noting that the famed sexologist, Dr. Alfred Kinsey conducted research on the sexual relations between inmates in the notorious Sing Sing prison.[837] He suggested that research should be conducted in any field in Korea's prisons. Completing modernization of facilities would signal a new era for prisons as one node in a developing social welfare system that relied on scientific research. In that capacity, the intermediate prison as it was imagined in Suwon would connect the inmate to society for their own personal good but also for their instrumental use to develop South Korean society. Direct emulation of Euro-American carceral models was still a fantasy for people familiar with the Korean system on the ground, but the ideology of punishment had shifted in a significant way: simply isolating dangerous

[835] "Chamun kwa tapsin: 1 hyŏngmuso chaegŏn e suban han haenghyŏngsang saeroun kusang yŏha," *Hyŏngjŏng* 15 (September/October 1954): 23.
[836] "Hwibo: Hyŏngmuso pokhŭng taech'aek wiwŏnhoe hoeŭi nokch'o," *Hyŏngjŏng* 20 (July 1955): 92.
[837] Ibid.

individuals was out of vogue and the ideal facility was a simulacrum of social life outside its walls.

These were lofty ideals, but physical construction was slow-going. By 1956 and 1957, Ministry of Justice white papers featured entire sections on the progress of renovating Suwon Prison.[838] By 1956 they had increased basic capacity through building additional cell blocks.[839] A late-1956 pictorial in *Penal Administration* gave updates alongside aerial photographs of the construction progress. By September they reported receiving 78% of materials (cement, glass, wood) pledged through ICA funding.[840] Officials claimed to be 90% done with the new library, reading room, and a "specimen gallery" (*p'yobonsil*) for prisoners' scientific study.[841] The prison was coming together.

As Suwon Prison neared completion in 1959, penal administrators could begin to scheme for how best to use the new facility for inmates' rehabilitation. The physical structure of Suwon Prison crystalized potential for penological and national advancement. *Penal Administration* magazine held an essay contest for penal administrators on the topic of how best to manage the new intermediate facility. One entry, submitted by Mun Ch'ang-gyu of Kunsan Prison, evidences the spread of knowledge and idealization of Western penology through the population of frontline penal workers.[842] Mun outlined the history of the intermediate prison from Western Europe to its present uses in Sweden, Argentina, England, and the Hague. He argued that intermediate prison's strength was their use of the graduated treatment system in tandem with material incentives. The meaning of "intermediate" was not that the facility was a midpoint

[838] Pŏmmubu, *Pŏmmu paeksŏ*, 202.
[839] "Chŏn'guk kyojŏng sisŏl sunch'alch'e 4: Suwŏn Hyŏngmuso p'yŏn," *Hyŏngjŏng* 26 (March 1956): 51.
[840] "Suwŏn Hyŏngmuso," *Hyŏngjŏng* 32 (October 1956): 66–7.
[841] Ibid, 67.
[842] Mun Ch'ang-gyu, "Chunggan hyŏngmuso rosŏŭi Suwŏn Hyŏngmuso nŭn irŏk'e unyŏng hago sipta," *Hyŏngjŏng* 59 (May 1959): 66.

between prison life and free life, he argued, it was just one step in the reentry system that could accommodate even more freedom. His essay is notable for its measured idealism as a member of the new generation of administrators who could do more than simply dream of updated facilities: they would work in them for the rest of their careers. Nearly two decades later, Mun was appointed the warden of Suwon prison.[843] His policy suggestions updated the concept of intermediate prisons for immediate use. In the proper intermediate facility, the traditional forms of coercion intertwined with new techniques and material incentives to carry out the duty of so-called "civilized countries" (*munhwa kukka*) to reintegrate criminals into society through the "smooth contact" (*wŏnhwalhan chŏbch'ok*) between inmate and society in a facility actively devoted to developing knowledge, cultivating character, and guiding inmates in acquiring new skills.[844] He further articulated the ideology behind intermediate facilities as based in understanding the criminal as a member of society who would need material training to reenter its complicated system—a process that needed to be continually studied with sociological and psychological research.[845]

Minju haenghyŏng penology emphasized the link between social welfare, social crime, and poverty, and created a simulacrum of that society for training within prison walls. Some of Mun's proposals included "socializing" prison labor, meaning more cooperative projects that put inmates into contact with free society to ease the transition. Mun even went so far as suggesting inmates' uniforms be army green or white instead of the easily recognizable, blue inmate uniforms.[846] The fear was that free citizens would judge them when they came into contact

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[843] Mun was then working at Kunsan Prison but was eventually assigned to work in Suwon Prison "Insa," *Maeil kyŏngje*, January 31, 1977. https://www.mk.co.kr/sitemap/onews_view/1977/427367/ Accessed April 25, 2022.
[844] Mun, "Chunggan hyŏngmuso rosŏŭi Suwŏn Hyŏngmuso," 67.
[845] Ibid, 68.
[846] Ibid, 76.

outside the facility. He also advocated for raising the educational level of guards and administrators, more diverse inmate education teaching reasoning. In general, the intermediate prison had to overcome traditional penology's obsession with separation in favor of inmates' integration with society. As photos of the complete facility began to surface, such rhetoric was more than just idle talk. Korea now had a destination for model prisoners that encouraged good behavior throughout the system.

The press showered Korea's first "intermediate" prison with praise. The newest features of Suwon Prison appeared like hotel amenities compared to life under postwar reconstruction—and inmates were living and working there without the burden of rent that a free person would shoulder. In May 1959, the *Chosŏn ilbo* began evaluating the nearly complete facility's clean and open atmosphere, calling it a "blue suit hotel" (*ch'ŏngŭi hot'el*), juxtaposing the hotel-like atmosphere with the familiar sight of blue inmate uniforms.[847] Long gone were the days of the "Bean house at 101 Hyŏnjŏ Street"[848] they claimed, and here was the prison that provided recuperation, education, and contact with the outside society. The journalist went so far as to suggest that the facility with its movie hall, flush toilets, heating, and smoking room was the "highest paradise" (*ch'oesang ŭi nagwon*) for the model prisoners who could be counted among its 2,000-inmate total capacity.[849] The 2,000-seat auditorium, showers, and recreation facilities gave one the impression that more than inmates, Suwon's general population lived like hotel guests.[850]

The *Tonga ilbo* praised Suwon's new "prison without bars" where inmates lived freely as if they had finished their sentences, and with amenities that were supposedly hard to find even in

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[847] "Hapkyŏkkwŏn (4) Suwŏn Hyŏngmuso," *Chosŏn ilbo*, May 24, 1959.
[848] Slang referencing Seoul's Sŏdaemun prison's address and the common prison diet of beans and rice.
[849] Ibid.
[850] Ibid.

the so-called "advanced countries."[851] The completed prison featured white, low walls (roughly 9 feet-high instead of the usual 15), "apartment"-style cell blocks, a pool, and of course, the absence of large steel bars. For the general reader living in impoverished postwar South Korea, these "amenities" were privileges many couldn't fathom enjoying themselves. Likewise, glowing accounts of prison conditions can just as easily be cited as detrimental to the penal system's deterrent effect. Published directly below the article and picture of Suwon's massive, clean new facility was another article with the familiar, snarky tone common in press reporting of recidivist crimes. The headline mockingly asks a Busan burglar accused of robbery within weeks of being released, "Did you like prison?" (*Hyŏngmsuo ka choanna*?).[852] If reformers had succeeded in "democratizing" punishment by renovating Suwon Prison, then the answer to that rhetorical question could ostensibly be, "Yes." While the surface presentation of Suwon Intermediate Prison had crystalized reformers' ideals in one facility, time would tell if public opinion supported such a comparatively lenient environment for the entire system.

Conclusion

Near the end of the Syngman Rhee regime, the public had numerous ways to consume and internalize m*inju haenghyŏng*'s idealized images and narrative. Being the tenth anniversary of the founding of the republic, the year 1958 was a significant benchmark for ROK penal history. The anniversary gave cause to reflect on the ostensive progress made in penal reform, and one type of event that became a regular conduit for public consumption of such reflections were prisoner art exhibitions. An article covering the 1958 National Prisoner Art Exhibition carried a peculiar headline highlighting rehabilitation's redemptive narrative: "Every night I

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[851] "Ch'angsal ŏpnŭn chunggan hyŏngmuso," *Tonga ilbo*, September 6, 1959, 3.
[852] "Hyŏngmuso ka chohanna?" *Tonga ilbo*, Septemer 6, 1959.

cried, like the past and present, but now with a glad heart I kneel down and cry."[853] The exhibition featured art, literature and handiworks created by inmates in each of the nation's prisons. The article highlighted notable works and even reproduced one of the featured poems written by an Incheon Juvenile Prison inmate. The article praised the event as an unmistakable sign of reform progress:

> This is the mission of modern penal administration: the goal is not just issuing punishment for a crime—there are many other things that can be done for [prisoners] *as humans*. Habitually putting criminals in chains, covering their faces with baskets [*yongsu*] and locking them up behind high, red brick walls is a thing of the past…Every effort must be made to protect the dignity of even criminals, and they must be given the chance to reflect and rejoin society [*sahoe pokgwi*]. Maintaining health, acquiring necessary skills for a living, eradication of illiteracy, autonomy of action…This exhibition clearly shows a trace of a *new kind of punishment* [*haenghyeong*] based on these principles.[854]

Press observers helped reproduce reformers' rhetoric of humane punishment as edification and inculturation and emphasized the novelty and newness of such programs.

The exhibitions were also covered by the state's propaganda news reels. In rare extant film footage of 1950s Korean prisons, a June 1957 edition of *Taehan News* (*Taehan nyusŭ*) presented the prisoner exhibition in moving images for viewers.[855] The segment shows men, women and school-age children viewing prisoners' paintings, carpentry, textiles, and model ships. One prisoner's painting shows a released inmate triumphantly striding away from the tell-tale prison gates. One cannot begin to ascertain viewership of such a segment, but the effort to include prisoner art exhibitions in news articles and propaganda films reveals a concerted effort

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[853] "Pam mada ulginŭn kŭmsŏk i katsomanŭn," *Kyŏnghyang sinmun*, September 20, 1958.
[854] Ibid. Emphasis added.
[855] "Hyŏngmuso chakp'um chŏnsihoe," *Taehan News*, June 16, 1957.
https://www.youtube.com/watch?v=80W37NSme-M
https://www.ehistory.go.kr/page/view/movie.jsp?srcgbn=KV&mediaid=107&mediadtl=733&gbn=DH

to showcase the shift in penal rehabilitation. The commentariat wished to convey that punishment had indeed been "democratized."

Penal workers far removed from the Ministry of Justice's upper echelons also internalized the narrative of *minju haenghyŏng*'s progress. One newspaper article profiled model guards (*mobŏm hyŏngmugwan*) to mark the tenth anniversary of establishing the republic and reflect on ten years of autonomous penal administration.[856] The article used the updated language of "reform" (*kyohwa*) and "corrections" (*kyojŏng*) instead of punishment, all while likening the veteran guards to teachers, and the prison to a school.[857] One illustrative example is the profile of Kim Yŏn-su, then Ch'unch'ŏn Prison's head of protective custody (*kyeho*) with 19 years' experience. He started his career as a guard fresh out of primary school and was fearful of the inmates. Over time he grew to think of himself as a schoolteacher and the inmates as pupils. He claimed his life motto (*saenghwal sinjo*) was to be confident in oneself, make a living without shaming the inmates, and spend his remaining years contributing to "democratic punishment" (*minju haenghyŏng*).[858] Profiles like this provide rare insight into how frontline penal workers had internalized the high-level messaging of their employers.

Images of the reformed prison were seeping into the public consciousness in both documentary and fictional forms. Just as film had opened the outside world to inmates, they could also provide a window *into* prisons and erode the barrier between inmates and free society. One unlikely place for espousing the virtues of the reformed prison's rehabilitative function were crime films. One of Yu Hyŏn-mok's lesser-known films, *Forever With You* (*Kŭdae wa*

[856] "Pyŏktoltam kŭnŭl e pach'in pansaeng," *Kyŏnghyang sinmun*, August 14, 1958.
[857] Ibid.
[858] Ibid.

yŏngwŏnhi)[859] was also released in 1958, two years before the initial cut of his magnum opus, *Aimless Bullet* (1960). The story chronicles the tragedy of childhood friends and young lovers, Kwang-p'il and Ae-ran. The two are separated after Kwang-p'il is caught stealing goods from a warehouse in the middle of the night with his ne'er-do-well friends. After their heist plan fails, Kwang-p'il is first placed in a youth reformatory with a three-year sentence. Upon hearing of his mother's passing, the distraught Kwang-p'il escapes from prison, meets Ae-ran at the bar where she works, and ends up killing a man in his scuffle to escape. Kwang-p'il ends up spending 10 years in prison, only to be released and discover that Ae-ran has a daughter, potentially (but inexplicably) Kwang-p'il's offspring, and her partner is the head of a gang. The rest of the film follows Kwang-p'il's struggles to avoid a life of crime and become a worthy parent for the deceased Ae-ran's daughter.

The film can be read as a critique of societal failings in the rapidly Westernizing sphere of youth culture, but it also implicitly bolsters the narrative of successful penal rehabilitation. Despite getting back in with the wrong crowd after he is paroled, the film presents Kwang-p'il's time in prison as rehabilitative and restorative. His life in prison is meant to appear pitiful, but the cell-block scenery built on a soundstage is far more spacious, well-lit, and ventilated than even the era's most modern facilities. Kwang P'il is shown on the day of his release emerging from the unmistakable gates of Sŏdaemun Prison. He meets a friend from his rowdy days who has since become a priest and, nearly quoting Ministry of Justice talking points about the goals of *minju haenghyŏng*, Kwang-p'il proudly proclaims that he will right his ways with a renewed self-confidence and the job skills learned as a prison barber.[860] The film's fictional story takes a

[859] *Forever With You* (*Kudae wa yŏngwŏnhi*), directed by Yu Hyŏn-mok (Samsŏng Yŏnghwasa,1958). Provided by the Korean Film Archive: https://www.youtube.com/watch?v=WVhIjNPspV
[860] *Forever With You*, 00:34:39.

dim view of the changes impacting South Korea's youth culture and urban life. The carceral system's rehabilitation work is presented as stable and effective in preventing recidivism. It is ultimately the corrupting influences of gangsters, femme fatales, and nightclubs that made Kwang-p'il stray from the path of redemption. The prison's correctional function had become a fixed cultural trope and product for popular consumption.

This chapter has dissected the nebulous use of the term, "democratic punishment" in 1950s penal reform discourse to determine its actual impact on penal administration. The shift in penal reform ideology coincided with South Korea's postwar reconstruction and an influx of international aid from the United States and other Cold War allies. The reform movement that was further energized by Koreans' direct experience with Western prison administration through technical assistance training and foreign observation tours. These comparative experiences in advanced industrialized countries imbued penal reformers with both a sense of inferiority *and* a developmentalist drive to transform their decrepit facilities and draconian penal legacies. Korean reformers returned from the United States and Europe with dreams of remaking their institutions into veritable factories for reforming criminals into ideal Korean citizens and, eventually, the entire society into world citizens. Achieving these goals and counting Korean prisons among the world's "humane" carceral institutions would take generations, but the first generation of ROK penologists were proud of their progress in rebuilding prisons after the destruction of the Korean War.

Conclusion: From "Democratic Punishment" to "Corrections"

By the late 1950s it was clear that prison conditions had greatly improved since Korea's liberation from colonial rule. However, glowing appraisals were largely paying lip-service to what ultimately functioned as a repressive apparatus to keep the murderous and corrupt Rhee regime in power. Postwar reforms and international support for building and supplying new facilities *did* actively alleviate the problems of insufficient rations, poor hygiene, and lack of industrial training that plagued the prewar system. However, political prisoners still languished in what sociologist Ch'oe Chŏng-gi has called a "prison within a prison,"[861] or the harsh classification systems that precluded leftist prisoners from participating in prison labor, enjoying recreation, or receiving proper rations. The reader will recall that the former political prisoner, Mr. Y--- rejected the notion that prisons had been "democratized." He confirmed the existence of improved rehabilitation programs in the 1950s but recalled that he could only take part in them and receive proper rations once he signed a statement of conversion. Leftists still existed outside the regime's categories of permissible deviance. The democratized prison would reform criminals into ideal citizens, but communists had to first transform themselves. Therefore, *Minju haenghyŏng* operated as a rhetorical tool to envision a Cold War alliance with the United States as the ideal future, and Korea's colonial past and cultural "backwardness" as its abject other. It signified a *destination*—a place one wants to be and how to get there—rather than an accurate reflection of the material reality of 1950s Korean prisons. Despite their lack of experience behind its walls, the free public maintains an image of the prison that is at the crux of modern governance: ideal citizens of advanced democratic nations should fear the prison while also believing in its transformative potential.

[861] Ch'oe Chŏng-gi, *Pijŏnhyang changgisu: 0.5 p'yŏng e kach'in Hanbando* (Seoul: Ch'aek Sesang, 2007).

The post-Korean War reconstruction period was pivotal for Korea's contemporary and penal history. Analysis of reform discourse has revealed a decolonial, nation-building project subsumed by the larger project of Cold War bloc-building. As this dissertation has shown, prewar penal discourse had established that social control was crucial for achieving technological and economic advancement. However, progress in these areas was punctuated by rebellions and the disastrous civil war that grew out of the very same poverty and social contradictions penal reformers wished to suppress. Korean penologists were not unaware of their colonial past nor the economic implications a United States-Korea alliance had for improving their field's position in public administration. Penologists utilized the language of cultural, national, and technological advancement to justify their reformist goals and significantly alter the culture of punishment. This entanglement of decolonization, development, and defining the nation through systems of social control foreshadowed the use of the penal system by the subsequent Park Chung Hee military regime (1961–79) to quash dissent.

Syngman Rhee was finally ousted from power by popular protest movements in 1960 in what has been called the "April Revolution." The movement finally ousted the corrupt Rhee regime brought about the establishment of a short-lived Second Republic (1960–1) under Prime Minister Chang Myŏn. General Park Chung Hee seized the opportunity to depose the relatively weak administration and carried out a military coup d'état on May 16, 1961. After establishing a military dictatorship that grew into an eventual presidency, the Pak regime took up the mantle of the previous regime's penal reforms and instituted the terminology of the "correctional center" (*kyodoso*) that is still used for South Korea's prisons today. The name of the Penal Bureau (*Hyŏngjŏngguk*) was changed to the Correctional Bureau (*kyojŏngguk*) in May 1962.[862] Prisons

[862] Pŏmmubu Kyojŏng Ponbu, *Taehan Min'guk kyojŏngsa*, 1: 511.

were ostensibly transforming from where criminals were "punished" (*hyŏng*) to a place for their "correction and guidance" (*kyodo*, 矯導). The park military regime would use even more euphemistic and paternalistic language in its penal apparatus to suppress political opposition and stamp out social crime for nearly two decades.

A state-funded short film, *New Path* (*Saegil*) illustrates how much had been achieved in the decade-and-a-half since liberation, and how the new regime would attempt to beautify what were ultimately more nuanced forms of human caging.[863] The film was produced in late-1961 after the military coup by the Ministry of Information's National Center for Film Production (*kongbobu yŏnghwa chejakso*)—another effort supported by the U.S.'s Cold War aid project through the International Cooperation Administration.[864] The film follows the protagonist, Kwangmin, in his journey through the juvenile justice system while showcasing the modernized facilities and opportunities for rehabilitation that had developed since the Korean War. The first half of the film shows vignettes of each of Kwangmin's cellmates' crimes that landed them in prison. Kwangmin, an orphan, was mesmerized by a young female college student's radio playing in the window and stole it. Another inmate was chastised by his mother for studying instead of working, so avoided being home and thus fell in with the wrong crowd. The last vignette shows the youthful offender who was hypnotized by the image of a knife-wielding robber on a movie poster and attempted to recreate it in real life. The film reflects popular hysteria over the proliferation of Western culture, film, and radio, favoring a cultural analysis rather than of economic conditions as the cause of crime, foreshadowing the control of youth culture characteristic of Park's later regime.

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[863] *Saegil* directed by Pae Sŏk-in (Kongbobu Yŏnghwa Chejakso, 1961). Provided by the National Archives of Korea: http://theme.archives.go.kr/next/movie/movieDtail.do?archiveEvntId=0052234635
[864] Kong Yŏng-min, "Munhwa yŏnghwa kamdok yangjonghae: taehan wonjo wa gunglip yŏnghwa chejakso." Korean Movie Database, 2020 https://www.kmdb.or.kr/history/contents/2991

The film serves as propaganda to praise the Park regime's updates to what was already in place and had been significantly reformed since the Korean War. The second half of the film focuses on Kwangmin's life in Incheon Juvenile Correctional Center (*Inch'ŏn sonyŏn kyodoso*), highlighting the facility's routines, emphasis on education and job training, ample rationing, Boy Scout (*Ch'ungŭi sonyŏndae*) activities, and time given to "corrections" (*kyohwa*) through lectures/sermons given by the warden. It also implores different civil society members to do their part in preventing recidivism: the female college student wrote Kwangmin while he was in prison and invited him to visit her family's home when he is released; the nagging mother of the studious inmate is implicitly punished for not supporting education; the general population is implored to support rehabilitative programs over retributive penal models and welcome parolees back into society. Kwangmin's journal entries serve as the film's voiceover narration, chronicling his reformation until his release. In the film's final scene, Kwangmin laments that being an orphan, he has no one to meet him on the day of his release. He nonetheless walks away from the prison with a hopeful gait as the score swells and the film concludes. What awaits him in the new Korea under a developmentalist regime is up to the viewer to imagine.

This dissertation has highlighted the historical events that altered the development of the Republic of Korea's systems of punishment and imprisonment. Sitting at the nexus of Korea's colonial past, war-torn present, and Cold War future, penal reformers working from 1945 to 1961 formulated the culture of imprisonment still extant in South Korea's post-democratization republics: a system based on correcting (*kyojŏng*) the malleable social being to fit a mold of ideal citizenship. This study has demonstrated that "democratizing" punishment is not an oxymoron, but part and parcel of idealized democratic rule: the need to confine and punish the criminal is the dark underbelly shared by both authoritarian and liberal regimes seeking to perfect an ideal

way of living in human communities. The community's norms are defined through the isolation, classification, and destruction of its others. Until human communities can be maintained without the unfreedom of societal others, incarceration remains. Stripped of its legitimating discourses, incarceration remains the act of putting human beings into cages and must be abolished.

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