

Constructing Colonial Difference at the International Penal and Penitentiary Congresses, 1872-1925

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Abstract

How have transnational and colonial relations shaped the development of penal institutions? Much sociological work has studied the emergence of “modern” penality in the 18th and 19th centuries. Yet this research has often taken the nation as an analytic unit, centering nation-states in Europe and the US. We know little about how relations *between* nations—and notably during that period, between metropolises and colonies—shaped the “modernization” of punishment. This paper addresses this gap by examining an early forum of global discourse and collaboration around penality: the International Penal and Penitentiary Congresses (IPPC), 1872-1925. The IPPC were a set of conferences where penal officials representing a wide array of metropolitan and colonial states defined the aims and best practices of “modern” punishment. The IPPC generated more than 22,000 pages of conference proceedings, including accepted reports and monographs, and descriptions and transcriptions of sessions. Using Laura Nelson’s (2020) computational grounded theory as a methodological framework, I examine this corpus through both computational text analysis and close archival analysis. Preliminary findings suggest that at IPPC meetings, articulating the difference between metropolitan and colonial punishment—in other words, colonial difference—became crucial to the formation of penality as a domain of policy. These findings help broaden Euro-/US-centric accounts of the “modernization” of penality and build new bridges between the sociologies of penality and empire.

Extended Abstract

The standard account in the sociology of penality has been that “modern” punishment developed in the nation-states of Europe and the US in the 18th and 19th centuries (e.g., Foucault [1975] 1995; Garland [1990] 2012). Yet historians point out that over the 19th century, imperial powers also built penal institutions employing similar disciplinary techniques in the colonial world—non-“modern” places and peoples, by definition (Anderson 2022; Brown 2014; Dikötter and Brown 2007; Gibson 2011; Sen 2000, 2013; Shafir 2014; Weber 2023). Though current penality scholarship has challenged many aspects of the standard account, this work still focuses primarily on Europe and the US and takes the nation as an analytic unit, whether charting the development of national carceral systems or comparing across nation-states (Garland 2001; Goodman, Page, and Phelps 2017; McLennan 2008; Muller 2012; Rubin 2021; Wacquant 2002, 2009; Western 2007). Thus, we know little about how transnational and colonial relations have shaped the development of penal institutions.

To address this gap, this paper seeks to (re)embed the “modernization” of punishment within global and colonial relations (Bhambra 2014; Go 2016:3). It does so by examining an early forum of global discourse and collaboration around penality: the International Penal and Penitentiary Congresses (IPPC). The IPPC were a set of meetings where an emergent global community of penal officials (state officials, penologists, and administrators) defined the aims of “modern” punishment and the best conditions and practices for their pursuit (Anderson 2022; Neilson 2015; Shafir 2014).¹ These meetings began in 1872 and continue today within the United Nations.² Over the years, the IPPC convened a wide array of representatives of metropolitan powers (e.g., Great Britain, France, the US), their colonies (e.g., India, Tunisia, the Philippines), Latin American states, China, and Japan. Examining the IPPC sheds light on the role of global and colonial relations in the development of “modern” punishment.³ Specifically, the paper asks: How did the IPPC construct the relationship between punishment in the colonial setting and in the metropole? What were the debates surrounding this relationship, and how did they change over time?

I answer these questions through an analysis of IPPC proceedings from 1872-1925, totaling more than 22,000 pages of textual material (mostly written in French).⁴ These

¹ The IPPC can be seen as part of a wider proliferation of international scientific congresses in the 19th century (Crawford 1992). Though in the historiography of these international fora, the IPPC also remains relatively underexplored.

² The meetings are now called the United Nations Congresses on Crime Prevention and Criminal Justice. See <https://www.unodc.org/unodc/en/crimecongress/previous/index.html>, accessed February 2025.

³ The influence of international congresses on domestic and local policy has been established in other cases, such as the International Statistics Congresses (Loveman 2014) and the International Sanitation Congresses (White 2023). In those cases, key local actors participated in the conferences and were thus aware of emergent institutional norms. We might expect similar influence from the IPPC, given the prominence of those in attendance. Taking the US as an example, Enoch Cobb Wines is credited with founding the IPPC and organizing its first meeting in London in 1872 (Teeters 1949:13–15). Wines was central to the 19th century “new penology” movement for rehabilitative punishment (e.g., Goodman, Page, and Phelps 2017:chap. 3). Another example is the National Committee on Prisons and Prison Labor, a key early 20th century prison reform coalition that advocated for the states-use system of prison labor. Committee members attended and circulated papers at the 1910 IPPC held in Washington DC (McLennan 2008:323). Other notable presenters at the conferences in the early 20th century include Alphonse Bertillon, credited with inventing the mug shot and advancing criminal anthropometry more generally; and Gabriel Tarde, French sociologist and former director of criminal statistics at the French Ministry of Justice.

⁴ Digitized IPPC materials were collected over 2024-25 using University of California access to HathiTrust (<https://catalog.hathitrust.org/Record/007839898>) and supplemented by online databases of the French Ministry of Justice (<https://www.enap.justice.fr/histoire/les-congres-penitentiaires-internationaux-1872-1950>).

conference proceedings contain data such as the lists of representatives present at each congress, the accepted reports and monographs, and detailed descriptions (and often, transcriptions) of responses to and discussions of conference presentations. To leverage both the sheer volume and richness of this textual material, this paper iterates between computational text analysis and close archival reading, drawing from Laura Nelson's (2020) computational grounded theory. It proceeds in three phases: 1) An inductive computational analysis of the entire corpus to identify thematic clusters of words and preliminary findings. 2) Close reading of documents, selected and contextualized using the thematic clusters. This step deepens understanding of the findings and generates more precise answers to my research questions. 3) Finally, a return to computational analysis to measure the internal consistency of my answers across the entire corpus.

My preliminary findings suggest that IPPC discourses constructed penalty as a domain of policy through differentiating between metropolitan and colonial punishment. This difference was not always stated explicitly, but instead emerged through articulating distinct practical concerns across metropolitan and colonial sites. This was found in the data by first interpreting the clusters of words emerging from computational text analysis into themes, then by close reading documents to understand how the clusters relate to each other.

Working through phase one, some topics emerging from the textual data include: The IPPC itself (*congrès, general, cas, rapport, section*); Discipline (*surveillant, contravention, interdiction, separation, incorrigible, aliéné*); Legality/the state (*droit, criminal, système, peine, pouvoir, prison, pénal*); Transportation (*transportation, extradition, territoire*); Substance use (*ivresse, ivrogne, alcoolisme, buveur, boisson*); Juveniles (*tutelle, élève, paternel, tuteur, garçon, réformatoire*); Rations and subsistence (*alimentaire, pain, boisson, litre, soupe, pomme, legume*). In phase two, preliminary close reading of documents shows that in discussing metropolitan punishment, IPPC discourses tended to link disciplinary techniques to questions of legality and state authority. Moreover, when referring to and considering existing penal models (such as the separate system of solitary confinement, or the Irish System of marks/classification), these discussions often concluded with policy recommendations for improving their design and structure. In discussions of colonial punishment, however, ideas of discipline seemed less often linked to legality and state authority. Discussions of colonial punishment tended to focus on how to keep prisoners disciplined while transporting them (especially during labor projects outside of prison walls, such as building roads) and how to reduce the costs of prisoner subsistence. Consequently, when considering existing penal models, discussions often concluded with policy recommendations for practical implementation and applicability, as opposed to weighing in on design.

The paper brings useful insights to the historical sociology of penalty, the sociology of empire, and literatures on global diffusion. As stated above, the historical sociology of penalty requires a more global and transnational analytic framework and relatedly, a wider geographic scope. Examining the IPPC accomplishes both by exploring how colonial relations have shaped the history of penal "modernization." Yet this paper also joins calls for more historically contingent accounts of penal development, as opposed to mechanical, evolutionary perspectives (Goodman et al. 2017; McLennan 2008; Rubin 2021). In particular, the "agonistic perspective" of Goodman et al. (2017) demonstrates the importance of symbolic struggle in shaping penal change. By examining the IPPC as a dynamic site of global discourse, this paper also centers processes of definitional struggle in studying penal development. Moreover, studying the IPPC may also shed light on how "domestic" symbolic struggles were shaped by transnational ones.

Indeed, the sociology of empire's emphasis on historical relationality (e.g., Bhambra 2014; Go 2016:3) complements the penalty literature's critique of mechanical, evolutionary theories of penal modernization. Yet the sociology of empire engages relations on a different scale, not only between actors within the nation-state, but also across these (putatively) national spaces. Along those lines, the sociology of empire has long challenged narratives that depict the West as the leaders of mechanical, societal "progress" while the Rest tends to follow. Recent scholarship has advanced this critique by questioning the boundaries between metropolises and colonies themselves (Go and Lawson 2025) and attending to possible "south-south" and "north-north" connections (Patil 2022). Examining the IPPC as a dynamic site helps make visible the ongoing articulation of colonial difference, and the IPPC's structure as an international forum keeps in frame these "sideways" global relations. Examining the IPPC also contributes substantively to the sociology of empire, which has studied many other dimensions of colonial policy but has left colonial punishment underexplored (although see Go 2023 on policing).

Finally, sociologists working in global diffusion have long examined international fora to trace the spread of "modern," institutional models (Pope and Meyer 2016). Yet this work doesn't tend to look historically before WWII and Cold War international politics and often treats colonialism as a static, background characteristic rather than an enduring status to be explained (e.g., Gray and Cointet 2023; Swindle 2023; Velasco 2023; though see Loveman 2014; White 2023). Thus, examining the IPPC contributes to understanding processes of global diffusion prior to the 20th century and as it relates to ongoing colonial relations.

In sum, this paper explores the relationships between histories of colonialism and the development of "modern" punishment, with the hope that it better informs our visions of a more just criminal justice system. For without attending to these colonial relationships, as Vicki Chartrand writes of the Canadian carceral system, our efforts risk "offer[ing] colonizing arrangements as part of the remedy" (2019:79).

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