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Two Years of Encounters in Namwŏn, 1736-1737:

Conflict Negotiation and the Configurations of Chosŏn Village Society

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in Asian Languages and Cultures

by

Matthew Jason Lauer

2017

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2017

ABSTRACT OF THE DISSERTATION

Two Years of Encounters in Namwŏn, 1736-1737:

Conflict Negotiation and the Configurations of Chosŏn Village Society

by

Matthew Jason Lauer

Doctor of Philosophy in Asian Languages and Cultures

University of California, Los Angeles, 2017

Professor John Duncan, Chair

This dissertation engages two separate lines of inquiry simultaneously. The first of these involves a series of close readings of a text from the Namwŏn region in 1730s Chosŏn Korea (1392-1910) called the *Collected Volume of Administrative Reports and Inter-agency Communications of Namwŏn County* [K. *Namwŏn-hyŏn ch'ŏppo imun sŏngch'aek*]. Each of these close readings asks how specific aspects of society, politics, law, and culture in Chosŏn might be re-thought in light of the content of the cases—specifically, in light of the processes of negotiation that drove the unfolding of those cases. Each body chapter presents a stand-alone argument. Chapter 1 re-examines established understandings of the relationship between the state's ritual and legal codes. Previously, law was considered to play a supplementary or complementary role to ritual. In this case, however, an argument emerged concerning the

possibility that legal codes might occasionally frustrate the execution of ritual. Chapter 2 examines the position of slaves in late-Chosŏn law. The analysis focuses on the Namwŏn magistrate's strategic use of rhetoric to resolve a lawsuit concerning a brutal assault on a slave. His intricate rhetorical strategy (one that contained many contradictory messages) reveals the complicated position of slaves in the legal system, which in turn allowed magistrates to develop such creative strategies if necessary. Chapter 3 argues for a re-evaluation of the position of Buddhist temple communities in the state corvée system. Though the state undoubtedly extracted from the Buddhists, at the same time the system itself created an interdependent relationship between the state and the temples, thus providing the Buddhists an opportunity to articulate their interests and problems. Chapter 4 examines a local conspiracy by several men to install a friend and distant relative as the head of the Local Elite Bureau and concludes that the group grossly miscalculated the degree to which local elite interests guarded that appointment process. Finally, Chapter 5 examines the nature of inter-magistrate relationships through the lens of the illicit movement of people. It concludes that disparities in rank played little role in determining negotiations between magistrates, that rank seems to have been “empty,” merely a reflection of the scope of duties within local boundaries.

The second investigation concerns the scope of the power of magistrates in local society. Previous scholarship often portrays the 18th- and 19th-century magistrates as strongly empowered and exploitative—for these reasons, the misrule of magistrates formed a core grievance of Korea's noted 19th-century rebellions. However, the cases above show that the Namwŏn magistrate actually operated with variable levels of power. The degree to which the magistrate influenced local actors depended heavily on the institutions and interests implicated in

his negotiations. None of this is to deny the reality that magistrates mistreated local populations during this period; however, the dissertation does argue that, when one moves from moments of dramatic action and resistance to moments of everyday life and negotiation, the power of magistrates seems much more variable and contingent, a fact that local populations recognized and knew how to exploit. In short, the dissertation proposes a graduated understanding of magistrate power.

The dissertation of Matthew Jason Lauer is approved.

David Sabean

George Dutton

John Duncan, Committee Chair

University of California, Los Angeles

2017

## DEDICATION

I dedicate this dissertation to my parents, Gene and Jan,  
whose unfailing, unconditional, and loving support has been a constant  
source of energy and refreshment over these six years.



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## CONVENTIONS

All Korean terms have been romanized using the McCune-Reischauer (MR) system. Certain proper names with common, established, alternate spellings have been used instead of the romanizations that would be created with MR. This includes the spelling of Seoul, which properly through MR should be Söul. For proper names, I have not hyphenated the syllables of given names (where applicable—one-syllable given names obviously do not apply).

Many translations from the *Collected Volume of Administrative Reports and Inter-Agency Communications* (the main source material for this dissertation) appear in block quotes throughout the five chapters of this dissertation. Whenever there is a block quote, I have provided the original text in literary Chinese in a footnote. Illegible characters appear in *Collected Volume* from time to time, whether by virtue of handwriting, smudged ink, or other reasons. I indicate illegible characters with the symbol “◎”.

The *Collected Volume* does not contain its own independent pagination. Therefore, I refer throughout to the page numbers that Yi Yönghun has given in his edited volume. Certain other primary sources used in the dissertation present the same problem, and therefore they are cited in the same fashion. For primary sources with pagination, I use the standard citation format for East Asian sources, beginning with the fascicle number and then continuing with the page number and register (e.g. *Taejön hoet'ong* 5:10a-b). In the case of references from the *Yongsöng-ji*, the late-Chosön gazetteer from Namwön, I also use the standard East Asian pagination to reference the original document, *not* the Korean translation, both of which are included in the version published by the Namwön Cultural Center.

Yi Yŏnghun has published the *Collected Volume* across two separate volumes, the *Han'guk chibangsa charyo ch'ongsŏ. Poch'ŏp-p'yŏn 1 & 2*. In footnotes, I notate the part of the *Collected Volume* that appears in *Poch'ŏp-p'yŏn 1* as *Collected Volume, Vol. 1*, and the part that appears in *Poch'ŏp-p'yŏn 2* as *Collected Volume, Vol. 2*.

Throughout the dissertation, I introduce many specific Korean terms. Whenever I introduce them, I always provide the English translation first with the Korean translation in brackets. After that initial translation, I mostly use the Korean to follow in the text, except in those instances where use of the term might generate redundancy.

Finally, when providing lengthy translations of passages in literary Chinese, I have decided to be more faithful to the meaning of the text than its grammar or form. This means that some translations may seem “explained out” and rather longer than the original text.

The following abbreviations appear throughout the dissertation:

K. = Korean

C. = Chinese

J. = Japanese

r. = “Reigned” (Symbol given prior to the years a particular King occupied the throne)

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I owe a hearty round of thanks to so many faculty members at UCLA. Namhee Lee has provided me with intellectual and professional support on countless occasions, and has broadened my perspective on so many aspects of Korean history. David Sabean helped expand my imagination about the possibilities and potential of social history, microhistory, and peasant studies. George Dutton and I share an interest in marginal populations and moments of resistance in history. I am immensely grateful to him for many fruitful classroom interactions and for the comparative perspectives he has offered from his own investigations of Vietnam. Katsuya Hirano has always challenged my mind with pointed questions about theory and Tokugawa history. Christopher Hanscom and I have shared many conversations about Korean literature and Korean studies, as well as professional development and life in general. Robert Buswell has broadened my understanding of the philosophy and practice of Korean Buddhism. Though I am sad to leave an intellectual community such as this, I also leave it enriched by interactions with scholars of diverse expertise.

I have benefitted similarly from the support of professors at many other universities. I thank Kim Tohyŏng and To Hyŏnch'ŏl for hosting me at Yonsei University during my research year. I similarly thank Ch'oe Yuno for warmly welcoming me into his graduate seminar on Chŏng Yagyong. Kwŏn Naehyŏn at Korea University has always made time to speak and collaborate with me. Chŏng Chaehun likewise has offered me invaluable perspective on regional history during Chosŏn. Thanks similarly go to professors based outside of Korea with whom I have had valuable interactions of many sorts. These include Sun Joo Kim, Jungwon Kim, Masato Hasegawa, Jisoo Kim, Martina Deuchler, Remco Breuker, and Andrew Jackson.

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I cannot fail to mention close friends in Korea who have been so incredibly generous to me with their time and resources, and have always extended me a warm welcome and even warmer hospitality. No trip to Korea would be complete without drinks and conversation with Chŏng Han'gu, Kang Sunyŏng, Kim Kŏnhŭi, Kim Chongil, Ch'oe Yongjun, and Kim Tongil. You all may not realize it, but you have made no small contribution to the completion of this project. Now that the dissertation is complete and I have gained a modicum of free time, perhaps I will tag along for that third round of fellowship the next time we meet!

I must extend thanks to the many Korean Studies graduate students (some now-faculty) from other universities who have become colleagues during these six years. My thanks to Han Sŭnghun, Pak YoungSun, Javier Cha, Holly Stephens, Sixiang Wang, John Lee, Russell Burge, and Damien Peladen. I look forward to many successful collaborations in the future.

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superhuman patience while listening to my long-winded answers—I promise someday that I will buy you a new couch to replace the one I’ve crashed on so many times.

Writing a dissertation requires support of many kinds, and if there is anyone whose support I have neglected to mention, my sincerest apologies. Any other omissions throughout the remainder of this document are wholly of my own making.

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## Introduction: Village Negotiation in Namwŏn

The County of Namwŏn was a major administrative district during Korea's Chosŏn Period (1392-1910) and is now a sizable city in the southwest of the Korean peninsula.<sup>1</sup> Between the years 1736-1737, the Namwŏn magistrate directed his subordinate officials and scribes to compile all of his official correspondence into a two-volume set. This set came to be called *The Collected Volume of Official Correspondence and Inter-agency Communications of Namwŏn County* [K. *Namwŏn-hyŏn ch'ŏppo imun sŏngch'aek* 南原縣牒報移文成冊, hereafter “*Collected Volume*”]. The *Collected Volume* forms a prominent component of Yi Yŏnghun's *Comprehensive Volume of Sources on Local Korean History* [K. *Han'guk chibangsa charyo ch'ongsŏ* 韓國地方史資料叢書], a major collection of local primary documents for Korea's Chosŏn period. Most of the documents in the *Collected Volume* take the form of a summation of correspondence between the magistrate of Namwŏn and other regional authorities, whether the magistrates of neighboring districts, the provincial governor, or village headmen throughout Namwŏn itself. The issues treated therein are diverse—ranging from murder trials, to debates about local tax collection, to the management of slaves, to directives for agricultural production, to encounters with local

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<sup>1</sup> The Korean word for the administrative title given to the Namwŏn region was *tohubu* 都護府. The title given to the Namwŏn magistrate was *pusa* 府使.

religious communities, and many others. Therefore, they open a window onto the broad scope of conflicts that characterized Namwŏn during that two-year period.<sup>2</sup>

This dissertation does not attempt a “total reconstruction” of everyday life in Namwŏn.<sup>3</sup> Nor does it attempt to locate every last aspect of particularity in Namwŏn—that is, all of the various elements that distinguished Namwŏn from the many other regions of Chosŏn. Regional identity is not a central question of this dissertation, unlike recent work by Sun Joo Kim that follows the life of one man to explain the nature of regional identity in the northern provinces of Chosŏn.<sup>4</sup> Instead, I approach the *Collected Volume* as an opportunity to ask questions about established debates on various aspects of society, politics, culture, law, and bureaucracy in Chosŏn. Many case records from the *Collected Volume* describe lengthy encounters between the locals, who often occupied disparate social positions and therefore held divergent interests. As each encounter unfolds, those involved react in time to changes in their situations, devising new tactics and rhetorical ploys as appropriate. Each encounter consists of calculated responses to

---

<sup>2</sup> Though the *Collected Volume* remains unstudied as a whole document, there are several studies that have incorporated certain of its entries. These studies typically focus on documents that pertain to tax collection, relief distribution, and agricultural production in the Namwŏn area. In general, they do not attempt any close readings of the documents. They include: O Yŏnggyo, *Chosŏn hugi hyangch'on chibae chŏngch'aek yŏn'gu* (Seoul: Hyeon, 2001); Son Pyŏnggyu, *Chosŏn wangjo chaejŏng sisŭt'em ūi chaebalgŷŏn* (Seoul: Yŏksa Pip'yŏngsa, 2008); Cho Yunsŏn, *Chosŏn hugi sosong yŏn'gu* (Seoul: Kukhak Charyowŏn, 2002); Ku Wanhoe, “Chosŏn hugi kunyŏk rijŏng ūi panghyang kwa suryŏng,” *Chosŏnsa yŏn'gu* 1 (1992), 249-287; Yi Hŭigwŏn, *Chosŏn hugi chibang t'ongch'i haengjŏng yŏn'gu* (Seoul: Chimmundang, 1999).

<sup>3</sup> Barry Reay adopts the technique of “total reconstitution” to examine rural English communities in the nineteenth and early twentieth centuries. In Reay’s case, the method designated an attempt to reveal the lives of rural families through the use of both their immediate family registers *and* any other relevant documents that discuss the practical worlds those families inhabited. For the period in question in this dissertation, the documents necessary to completing such a project do not exist in Namwŏn. Close reading of the *Collected Volume* case records will be the core methodology and supplementary documentary references will be added as needed. Barry Reay, *Microhistories: Demography, society and culture in rural England, 1800-1930* (Cambridge: Cambridge University Press, 1996), xxi.

<sup>4</sup> Sun Joo Kim. *Voice from the North: Resurrecting Regional Identity through the Life and Work of Yi Sihang (1672-1736)* (Stanford, California: Stanford University Press, 2013).

new contingencies in the emergence of the case. Thus emerge the two central questions of the dissertation: How can we use a discrete everyday encounter to re-conceptualize received understandings of law, culture, society, or politics? How must one read the *Collected Volume* to draw out such knowledge?

## **Methodology**

The relationship between discrete, local conflicts and the broader constitution of Chosŏn forms the central topic of this dissertation. Can we re-conceptualize received notions of culture and society by examining a particular encounter between a few ordinary persons? What conditions must exist to justify such a re-evaluation? What sort of signs and tips must we look for before claiming that an isolated and “inconsequential” event reflects some aspect of society that influenced or determined the behavior of its members?

My own thinking on those questions evolved considerably as I engaged the case records of the *Collected Volume*. Assumptions and theoretical tools that once seemed immensely productive, if not indispensable, quickly grew inadequate. Those theoretical re-commitments developed as I grew more attentive to the many layers of human activity at work in each encounter. The complexity of everyday conflict can be staggering. Whether one focuses on the vicissitudes of human motivation, the tension between the emotions and the rational, the use of rhetoric, the influence of personal networks, or a variety of other factors, each moment in a given encounter is subject to a wide array of influences. One must choose one’s theoretical assumptions carefully in these instances—that particular choice often determines the things to which one does and does not pay attention when conducting a close reading. The following paragraphs explain how the methodology of the dissertation developed and evolved. I hope it

well help the reader recognize the assumptions that inform my narrations of each case throughout the dissertation.

The project began as an exploration of “everyday strategies of resistance.” The logic underlying that approach was simple and straightforward. Individuals frequently encounter circumstances where they find it difficult to pursue their own interests, however defined or perceived. Those individuals must develop strategies to navigate through their circumstances. Such strategies take shape only after a careful reckoning of the various institutions and codes that influence the communities involved in the encounter. For the strategy to be assured of success, the “resistors” must isolate something like a glitch in the system or, at the very least, find a way to circumvent that system. Therefore, the strategy itself reflects aspects of society, culture, law, bureaucracy, or politics that may have been overlooked in existing scholarship. A compendium of local conflicts such as the *Collected Volume* provides an ideal source to reflect on and re-articulate the many influences acting on everyday relationships.

James Scott popularized the study of everyday strategies of resistance in two books, *Weapons of the Weak* and *Domination and the Arts of Resistance*. The differences between Scott’s approach and my own initial approach are substantial. Scott focused primarily on non-symbolic forms of resistance such as subversion, gossip, and character assassination—in short, the sort of everyday ploys that persons in dominant social positions rarely observed and, therefore, rarely committed to writing. Scott himself asserted that *anthropologists* alone possessed the ability to observe and analyze the forms of resistance he highlighted—*historians*, because of their reliance on records and their inability to dwell in the social worlds of their target

populations, cannot but focus on other forms of local resistance.<sup>5</sup> At least for the purposes of this project, I raise no dispute with Scott's claim. The conflicts that appear in the *Collected Volume* involved symbolic affronts to local authority and resulted in explicit arguments about law, bureaucratic procedure, cultural symbols, history, and religious practice. Though still everyday, the encounters within the *Collected Volume* represent but a sliver of the subversive practices that undoubtedly characterized daily life in 18th-century Namwŏn. In brief, this project does not represent a search for the "hidden transcript" of the time.<sup>6</sup> (If anything, another of Scott's books, *The Art of Not Being Governed*, approximates the research questions of this dissertation more closely, though the analogy remains imperfect on a variety of levels.)<sup>7</sup>

After reading through a handful of cases from the *Collected Volume*, I became aware of some drawbacks to and oversights resulting from my own initial "everyday strategies of

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<sup>5</sup> James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985), 36.

<sup>6</sup> Part of the problematic, according to Scott, is that people in dominated positions often have to maintain the appearance of hegemonic consent—that to realize their particular interests, they need to behave and perform as if they supported the prevailing ruling conditions of their society. Scott writes: "This investigation leads in turn to an appreciation of why it is that even close readings of historical and archival evidence tend to favor a hegemonic account of power relations. Short of actual rebellion, powerless groups have, I argue, a self-interest in conspiring to reinforce hegemonic appearances." (xii) It is against this observation that Scott develops the concept of the "hidden transcript," which refers to the various forms of discourse and practice that occur in situations removed from hegemonic influence. James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), xii, 2-5.

<sup>7</sup> This text by Scott has a very focused goal: to focus on the lives and histories of those peoples in Southeast Asia who are *intentionally* stateless. That is, to discern the many reasons why a wide cluster of ethnic groups in the Southeast Asian upland area (Scott actually incorporates the concept of "Zomia" to bracket his research) have consciously avoided state-building projects for so long. As Scott himself writes: "The huge literature on state-making, contemporary and historic, pays virtually no attention to its obverse: the history of deliberate and reactive statelessness. This is the history of those who got away, and state-making cannot be understood apart from it. This is also what makes this an anarchist history." Indeed, Scott seems rather more interested in the symbolic practices of these people in this project, detailing their kinship structures and religious proclivities, among many others. James Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University, 2009), x.



resistance” approach. The largest problem stemmed from an “overestimation” of those strategies—which is to say, the approach tended to ascribe too much ingenuity, perspicacity, rationality, and even infallibility to the “strategists.” The theory did not account for the possibility that many everyday strategies might be ill-conceived. Even the most elaborate strategies that mobilized large groups of people (or a few particularly prominent people) may, ultimately, have rested on faulty premises. Strategists may execute their plans to perfection; however, if those strategies depart from incorrect assumptions, they may stand little chance of bringing tangible results. Then came the most jarring realization of all: it is entirely possible that authorities never documented the best-conceived strategies. If those strategies enabled people to navigate through their situations seamlessly, the authorities might have paid little attention to them or simply perceived them as ordinary facets of daily life. All of the foregoing realizations increased my need for a more flexible framework to address the questions at hand.

Maddeningly enough, the *opposite* of the above realizations also proves true: the *success* of a particular strategy *need not* reflect the degree to which it was *well-conceived*. Ill-devised strategies might succeed marvelously on some occasions, while well-planned strategies might fail miserably on others. Gross incompetence within the ranks of the authorities might explain the former case. Betrayal within the ranks of the strategists might explain the latter. Therefore, the mark of a well-designed strategy does not necessarily lie in the question of whether the designers achieved their goals. We must avoid jumping immediately from strategic successes to discussions of broader institutional, cultural, or social codes. The simple truth is that many of the strategies recorded in the *Collected Volume* (and discussed in the body of this dissertation) failed utterly. The strategists, instead of achieving their goals, often faced major legal penalties because

of their conspiring. Nevertheless, the unfavorable outcomes of these cases do *not* necessarily indicate a lack of sophistication in all instances. As we will see (especially in Chapter One), the ability of the authorities to quash discussion and debate by fiat frequently explains why a well-conceived strategy might prove unsuccessful.

A second problem with the everyday strategies of resistance approach derives from its propensity to frame everyday encounters in static, synchronic terms. Circumstances are fluid and develop from moment to moment. As an encounter unfolds and conditions change, courses of action that once seemed perfectly suitable may quickly grow obsolete. In fact, the best strategies might develop only out of dialogic interaction with power-holders. Interaction with persons in positions of power often leads strategists to more precise knowledge of structural constraints—in turn, the strategists re-evaluate and re-tool their strategies in accordance with their newfound understanding. (Furthermore, in the interest of maintaining the previous paragraph’s line of argument, it must be said that prolonged dialogic engagement might muddle the structural thinking of strategists. In short, the opposite scenario also obtains.) Our criteria must account for the flexibility of the strategists and their own responsiveness to emerging conditions.

A third problem lies in the very category of “resistance” itself. The notion of “resistance” most frequently designates moments of dramatic action, often resulting from some set of intolerable circumstances that persisted over lengthy periods of time without amelioration. Underrepresented, dispossessed, and disenfranchised populations such as peasants, slaves, and untouchables typically present the subjects of these actions. Just as Scott implies in *Weapons of the Weak*, the notion of resistance seems to rely on a fixed distinction between “strong” social groups and “weak” social groups. That division encourages a search for everyday strategies only

within populations typically branded as “weak,” such as the aforementioned slaves, peasants, and untouchables. If one’s mind is committed to a rigid strong/weak division, many of the cases in the *Collected Volume* become unintelligible. Strength and weakness do not appear to me as intrinsic characteristics of social groups. Instead, *circumstance* determines whether a given person or persons believe that they occupy positions of strength or weakness. In the course of an ordinary day, a peasant may find himself both the wielder of influence over others and the object of the influence of others. The same applies to a magistrate or a member of the local elite. Strength and weakness are momentary sensations. The point is that people at all levels of society develop strategies in response to their immediate circumstances—a narrow focus on “weak” populations risks the oversight of many strategies relevant to the discussion at hand.

A fourth and particularly nettlesome problem lies in the authorship and language of any documents that record everyday strategies. The designers and executors of everyday strategies typically do not create those documents themselves. Instead, the documents that record them often emerge within the context of some official process such as a state investigation or a trial. On certain occasions, members of the literate elite may record everyday strategies as part of their personal diaries or memoirs. In either case, the problem of representation arises. The subjects of the strategies do not leave any direct evidence of their own thoughts, motivations, and understandings of the world. We have only the reflections of persons with no direct access to the minds of the “resistors.” The *Collected Volume* is doubly problematic. In the first place, the Namwŏn magistrate controlled the content and style of the records. We cannot ascertain the degree to which he “consulted” with any of the resistors, if at all. In the second place, the

magistrate wrote the records entirely in Classical Chinese and *idu*,<sup>8</sup> neither of which were the spoken language of the people of Chosŏn (which, obviously, was the spoken Korean of that time). At least two major layers of representation separate us from the people in whose thoughts we take interest.<sup>9</sup> How might this problem be resolved?

There are no easy answers to this dilemma and we must, to a certain degree, simply accept the fact that third-party representation will always stand in the way.<sup>10</sup> Perhaps the best we can hope for are certain approaches that help mitigate the problem. One option lies in analyzing the document while focusing on the complete set of *relationships* in which the resisters took part, rather than the resisters themselves as *individuals*. As David Sabean points out, a relational approach allows us to see the documents as an opportunity rather than simply a hindrance:<sup>11</sup> suddenly, the *Collected Volume* offers valuable commentary on the scope of interactions that

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<sup>8</sup> *Idu*, often translated as “clerks’ script,” refers to the writing system often used in administrative documents that represented Korean grammatical constructions through Chinese characters in texts written in Classical Chinese. *Idu* also represented non-grammatical elements in the text, such as personal pronouns, all of which are given their own representations in that system.

<sup>9</sup> In his own investigations of the Qing local archives, Robert Hegel notes that the problem of language is a consistently thorny one, not only because of grammatical and syntactical differences, but also because the priorities of the magistrates were not the recording of testimony verbatim, but rather providing a highly-edited account of the testimony that suited their own purposes in conducting the trial. Robert E. Hegel, *True Crimes in Eighteenth-Century China: Twenty Case Histories* (Seattle: University of Washington Press, 2009), 17-19.

<sup>10</sup> This viewpoint has previously been expounded and popularized by Spivak in a now-famous article. Gayatri Chakravorty Spivak, “Can the Subaltern Speak?,” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1988), 271-313.

<sup>11</sup> To quote Sabean: “We might start by pointing out that what is a fact about sources is not necessarily a weakness. Documents which perceive peasants through the eyes of rulers or their spokesmen begin with relationships of domination. After all, the notion of ‘peasant’ implies more than just ‘rural cultivator’ and takes into consideration his involvement in productive, legal, and religious relationships which dominate part of his existence. There is irony in the fact that because we cannot get to the peasant except through the lord, our evidence is often a good starting place for considering the relationships which we want to investigate. The issue is to examine the constitution of peasant notions within the dynamics of power and hierarchical relations.” David Sabean, *Power in the Blood: Popular Culture & Village Discourse in Early Modern Germany* (Cambridge; New York: Cambridge University Press, 1987), 2-3.

took place between the Namwŏn magistrate and the subjects of each case and does not simply obscure the “mentalities” of the resisters. Needless to say, certain added problems arise when the magistrate begins to describe relationships in which he was not directly involved; however, the approach still has the benefit of focusing on the interactions of a relationship, which are partially observable, whereas the thoughts of another are entirely unobservable.

If we are interested in interrogating the relationship between discrete conflicts and the broader configurations of society, then a relational approach to historical documents carries one major added benefit. Namely, such an approach allows us to focus more clearly on the *reactions* of a wide variety of actors to any particular strategy, rather than simply focusing on the strategy itself. Social formations incorporate a variety of persons occupying diverse positions—therefore, we must attend equally to both strategies *and* reactions when assessing the nature of any such formation.<sup>12</sup> This conclusion relates explicitly to the second point from above, which pointed out the necessity of accounting for the development of a strategy within concrete situations. Reactions can themselves develop into new counter-strategies, which then lead to new reactions and new counter-strategies: in short, the determinants of social interaction are best revealed within a rebounding process of influence and effect.

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<sup>12</sup> Pierre Bourdieu suggests that the *reactions* people make in response to developing situations reveal the scope of potential actions allowed under any particular set of social structures. Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1980), 53.

The many concerns described above eventually led me to abandon the “everyday strategies of resistance” approach. In its place, I adopted the category of “negotiation.”<sup>13</sup> It seems to me that the notion of negotiation—a process of debate where two or more groups attempt to represent and realize their interests against one another—accounts for many points in the discussion I developed above. Negotiation allows for the possibility that certain groups may have to revise and refine their arguments in the course of their encounter with other groups. It does not ascribe pure “infallibility” to an initial argument. It takes into account the possibility that developing circumstances will force changes in the content of an argument. It allows for the negotiators to alternate between positions of strength and weakness in the course of debate. It fixes our focus on the relationships that appear throughout the documents. Finally, it places equal

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<sup>13</sup> In the field of cultural studies, the concept of “negotiation” is often defined as a form of counter-hegemonic practice. Though most always insufficient to “overturn” or otherwise “supplant” those hegemonic sociocultural forms, negotiation allows people to contest meanings and expose contradictions within hegemony, as well as win small-but-meaningful concessions for themselves. Consider the words of Stuart Hall on this topic: “And although forms of culture that arise in response to the need for survival are not necessarily even strong enough to negotiate with hegemonic formations, the ability to survive is most certainly one of the conditions of possibility for such negotiation. Despite the ‘reformist’ ring of ‘negotiation,’ if a group is to enter into important cultural negotiation with the dominant ideological or cultural forms of society, it must have a good deal of persistence and strength. It has to have achieved a certain degree of organisation; it has to have achieved a level of self-reflexivity which makes it capable of formulating projects. You cannot enter into negotiation without knowing the ground you are working on and the possibilities and potential sites of victory, however small they may be. The moment of negotiation is also a moment of struggle and resistance. The fact that the other side is not going to be overthrown does not mean that important concessions and gains cannot be won.” Stuart Hall, *Cultural Studies 1983: A Theoretical History*, ed. Jennifer Daryl Slack and Lawrence Grossberg (Durham: Duke University Press, 2016), 187-88.

However, the cases from the *Collected Volume* that I have analyzed for this dissertation are not necessarily classifiable as instances of “counter-hegemonic negotiation.” The cases under review in Chapters 1 and 4, for example, never involve the articulation of ideas or positions that either challenged the foundations of any perceived “hegemony of cultural forms” or attempted to hasten the complete unraveling of some perceived power bloc. Rather, if anything, those cases involve the expression of personal desires to participate *more fully* in those cultural forms. Chapter 3 involves a process of negotiation that seemed already built into state structures. Which is to say, in the cases in this dissertation, the effective target of negotiation is *not* a “hegemonic ideology” or “dominant set of cultural forms,” but rather a particular *person or group* of people who wielded those forms in particular ways that worked to the detriment of another person or group. In short, the local scope of these negotiations must be emphasized.

weight on both action *and* reaction at each moment. The cases that I have chosen from the *Collected Volume* reflect each of these conditions to varying degrees; however, all of these factors will appear in some measure throughout the dissertation.

### **Historical Context of the Early Eighteenth Century in Chosŏn**

The historical context of Chosŏn in the 1730s involved various emerging forces, many of whose origins do not completely coincide. We still have to choose a point in time to begin the story, however arbitrary that moment may appear. The politics, society, economics, and culture of the late Chosŏn period were all in the throes of major changes that fundamentally informed the immediate development of society and culture. To provide the reader with adequate context for the *Collected Volume*, I want to suggest the origins and identify the content of some of the major trends affecting Chosŏn society in each of these areas.

The socioeconomic changes of Chosŏn's early eighteenth century are perhaps best understood by beginning with the monumental events of the late sixteenth century. Between the years 1592 and 1598, Chosŏn was devastated by mass military incursions under the leadership of Toyotomi Hideyoshi. The loss of life and property was staggering, as recounted in numerous literary sources and diaries from that time. The damage also fundamentally undermined the state's tax base. Countless fields were left untilled and the authorities struggled to re-organize people on the land in such a way that the tax base might be recreated.<sup>14</sup> The government sponsored many programs to overcome these deficiencies: efforts to restore the commoner

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<sup>14</sup> Kim Sŏngu argues that the relationship between the tax-paying commoners and the state became particularly strained during the reign of Kwanghaegun (r. 1608-1623), especially amid the project to reconstruct the Royal Palace. See Kim Sŏngu, "Kwanghaegun ch'ise 3-gi (1618-1623-nyŏn) kukka chaejŏng suyo ūi kŭpchŭng kwa nongmin kyŏngjae ūi punggoe," in *Imjin waeran kwa chibang sahoe ūi chaegŏn*, ed. Chang Kyŏngnam, et. al. (Seoul: Sae Mulkyŏl, 2015), 65-103, esp. 76-81, 99-102.

population (who were the major taxable cultivator group in Chosŏn), land reclamation projects incentivized by tax breaks,<sup>15</sup> programs that allowed slaves to change their status into commoners,<sup>16</sup> registry programs designed to regenerate the state's knowledge of the total distribution of taxable landholdings, as well as fundamental reforms in the nature of tax collection itself so that commoners, while still taxed, might feel less burdened.<sup>17</sup> All of these projects unfolded over the course of the seventeenth century, some proceeding apace, others in fits and starts. The results of these various changes can be summarized as contradictory. Though land distribution upheld the right of willing cultivators to claim land and live as independent smallholders—which many undoubtedly did—it was also the case that the reclamation policies provided local landlords with a singular opportunity to add to their already substantial landholdings. Even the local authorities seem to have added to their landholdings by following state policy. The emergence of a rejuvenated landlord class in the seventeenth and eighteenth centuries forms a key point of reference for understanding the dynamics of local society throughout this period.<sup>18</sup> At the same time, many commoners (the rural cultivators) and slaves found increased opportunity in this period to amass wealth and enjoy economic standing that far outweighed their status privileges. The introduction of new agricultural techniques, the harvesting of commercial crops, a switch in land rents from kind to cash, sporadic attempts by

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<sup>15</sup> O Yŏnggyo, *Chosŏn hugi hyangch'on chibae chŏngch'aek yŏn'gu* (Seoul: Hyeon, 2001), 26-39.

<sup>16</sup> Kim Yongdŏk, *Hyangch'ŏng yŏn'gu* (Seoul: Han'guk yŏn'guwŏn, 1978), 45.

<sup>17</sup> Yi Ch'ŏlsŏng, *17·18-segi chŏnjŏng unyŏngnon kwa chŏnse chedo yŏn'gu* (Seoul: Sŏnin, 2003), 19-21.

<sup>18</sup> Ch'oe Yuno sees the state cadastral survey as a key component of the 17th- and 18th-century landlord class' effort to accumulate private ownership of land. In general, Ch'oe argues similarly that the land reclamation and small-landholder creation policies of the state as contradictorily contributing to the development of a new landlord class. Ch'oe Yuno, *Chosŏn hugi t'oji soyu-kwŏn ŭi paldal kwa chijuje* (Seoul: Hyeon, 2006), 24-29, 71-76, 179.



the state to encourage a cash economy, as well as the general development of a market system in the provinces—all of these factors similarly contributed to the changing social dynamics of local society.<sup>19</sup>

The major political and cultural changes sweeping the Korean peninsula during this period relate to the influence of Chinese culture on the peninsula in various ways. The seventeenth century witnessed what is often called the “Confucianization of Korea.”<sup>20</sup> Confucianism had occupied a prominent position in Korean statecraft for more than a millennium; however, its fundamental spread into the daily lives of the elite really occurred in and around the period in question. Ritual practices began to conform increasingly to Confucian standards, local institutions for the promotion of Confucian morality gained in stature and wealth, and distinct schools of thought emerged who claimed prominent scholars as descendants. Elite allegiance to Confucian culture also parlayed into international politics. Chosŏn had performed a tributary relationship with Ming China<sup>21</sup>—one of the few Chinese dynasties in the last millennium of the Imperial Period to have been ruled by an ethnically-Chinese house. The foundations of that tributary relationship received an enormous challenge in the early- and mid-seventeenth century when the invading Manchus overthrew the Ming and established their own dynasty, the Qing, on the throne of the Emperor. The shock to the Korean cultural and political

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<sup>19</sup> Kang Man'gil, *Koch'yŏ ssŭn han'guk kŭndaesa* (P'aju: Ch'angbi, 2006), 96-114, 130-135.

<sup>20</sup> Martina Deuchler, *The Confucian Transformation of Korea: A Study of Society and Ideology* (Cambridge, Massachusetts: Council on East Asian Studies, Harvard University; Distributed by Harvard University Press, 1992), 283-87.

<sup>21</sup> The exact nature of this relationship is subject to dispute. A recent dissertation by Sixiang Wang, for example, argues that prior characterizations of the tributary relationship overemphasize the influence of Ming China to the near-complete exclusion of Korean agency. Wang argues that Chosŏn Korea contributed enormously to the construction of the theory and terms of the tributary relationship. For more on this question, see Sixiang Wang, “Co-constructing Empire in Early Chosŏn Korea: Knowledge Production and the Culture of Diplomacy, 1392-1592.” PhD Diss., Columbia University, New York, 2015.

elite was enormous. Scholars clashed in debates over how to define Chosŏn's relationship with the Qing. Some advocated the idea that Chosŏn represented the last bastion of Confucian civilization [K. *sojunghwa*],<sup>22</sup> while other scholars with travel experience in the Qing eventually advocated that Chosŏn abandon its strict traditionalism and learn from the many material advancements of that empire.<sup>23</sup> (Relatedly, Western thought in the form of Catholicism and some forms of technological knowledge had already made inroads, if incremental, into Chosŏn by this time.) Political factions developed in the late sixteenth century following a dispute over the process of official appointments and, with time, led to further sub-factions and codes of allegiance. There were regional qualities to the factional divisions—Chŏlla Province, where Namwŏn is located, became a stronghold of the Westerner group, while Kyŏngsang Province became known as the base of the Southerner group. These groups vied for influence in the central court throughout the seventeenth century, with notable shifts in power from time to time. By the eighteenth century, power seems to have been largely seized by the so-called Patriarchs Faction [K. *noron*].<sup>24</sup> That political stalemate encouraged King Yŏngjo to institute a policy called “Great Harmony” [K. *t'angp'yŏng*] that attempted to balance power between the factions and thereby settle the court.<sup>25</sup> Yŏngjo's reign (r. 1724-1776) itself began just over ten years before the

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<sup>22</sup> For more on this topic, cf. Kishimoto Mio and Miyajima Hiroshi, *Hyŏnjae rŭl ponŭn yŏksa: Chosŏn kwa myŏngch'ŏng*, trans. Kim Hyŏnyŏng and Mun Sunsil (Seoul: Nŏmŏ puksŭ, 2014), 296-320.

<sup>23</sup> Scholars adopting this viewpoint are often referred to as members of the “Northern Learning” school, which included such prominent names as Hong Taeyong (1731-1783) and Pak Chiwŏn (1737-1805).

<sup>24</sup> Martina Deuchler, *Under the Ancestors' Eyes: Kinship, Status, and Locality in Premodern Korea* (Cambridge, Massachusetts: Harvard University Asia Center, 2015), 249, 312-13.

<sup>25</sup> JaHyun Kim Haboush argues that the *t'angp'yŏng* policy is probably best seen as a “search for an alternative to factional politics” rather than as a policy with rigidly-defined goals. Factionalism was the target, but the specific outcome was to be worked out. JaHyun Kim Haboush, *The Confucian Kingship in Korea: Yŏngjo and the Politics of Sagacity* (New York: Columbia University Press, 2001), 117-120.

compilation of the *Collected Volume*. Yǒngjo's assumption of the throne generated controversy because of suspicions regarding his role in the untimely passing of his predecessor, Kyǒngjong (r. 1720-1724). That controversy ignited a plot to overthrow the king in 1728 among members of certain factions who were partly based in Chǒlla Province. Namwǒn itself presented the site of some rebel activity in the lead-up to the actual hostilities. Called the Musin Rebellion, this uprising has only recently been studied in a focused manner. Nevertheless, it still forms a major political event in Korea in the years immediately preceding the compilation of the *Collected Volume*.<sup>26</sup>

The foregoing discussion introduces some of the basic historical changes leading up to the early eighteenth century in Chosǒn. However, for the purposes of this dissertation the make-up of local society is a far more fundamental topic. I will continue to provide historical context in the following section from the perspective of local society and its constituent institutions.

### **The “Typical Chosǒn Village”**

There is no shortage of research into local history from the Chosǒn period and most of it has confirmed the diversity of sociopolitical and cultural forms from region to region. (To say nothing of the even greater diversity that emerged across time.) Nevertheless, I must present the reader with a distilled vision of local society in order to make this dissertation intelligible. A wide range of institutions and social groups appear in the cases that I review—I will therefore

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<sup>26</sup> Andrew Jackson has argued against previous characterizations of the Musin Rebellion as an inconsequential event. Rather, Jackson sees the rebellion as an extreme expression of the political tensions that pervaded court politics and as an event made possible only by a specific alignment of powers that made an internal fifth column possible. In the aftermath, the rebellion generated considerable changes in the operations of court politics. Allegiances were formed more carefully. More efforts were taken to empower the king against any future uprisings. For more, see Andrew David Jackson. *The 1728 Musin Rebellion: Politics and Plotting in Eighteenth-Century Korea* (Honolulu: University of Hawai'i Press, 2016), 137-140.

present a general overview of “a typical Chosŏn village” to aid the reader’s understanding of how these groups interacted.

Local administration in the Chosŏn period centered on the figure of the magistrate [K. *suryŏng* 守令]. These centrally-appointed officials obtained office primarily on the qualification that they passed the state’s central examinations, which tested on policy questions, interpretation of the classics, and literary skills.<sup>27</sup> At the same time, some magistrates were military officials. A bureaucrat had to be at least a grade-six official<sup>28</sup> in order to become a magistrate, generating the expression that officials desired to “achieve six” [K. *ch’ulyuk* 出六] and thereby earn a local assignment.<sup>29</sup> Service as a magistrate was often seen as a prerequisite for attaining higher office. Magistrates served their posts for three years<sup>30</sup> and typically did not occupy positions in their home regions (out of fear that they might collude too much with familiar locals). The official responsibilities of magistrates were divided into seven primary duties, which dealt largely with

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<sup>27</sup> For more on the complex history of the Chosŏn examination system, including relevant changes in legal statutes and the social effects generated by examination passing, see Yi Sŏngmu, “The Government Service Examinations of the Chosŏn Dynasty,” in *The Institutional Basis of Civil Governance in the Chosŏn Dynasty*, ed. John Duncan, et. al., (Seoul: Seoul Selection, 2009), 61-112.

<sup>28</sup> The Chosŏn state bureaucracy was comprised of posts of nine different grades, each of which was further subdivided into Junior and Senior positions. One could therefore be a “Junior-2nd” official or a “Senior-8th” official, to present just two examples.

<sup>29</sup> Chŏn Kyŏngmok, *Komunsŏ, chosŏn ŭi yŏksa rŭl mal hada: k’ek’emugŭn komunsŏ han chang ŭro ch’ujŏk hanŭn chosŏn ŭi ilsangsa* (Seoul: Humanist, 2013), 152.

<sup>30</sup> Yi Hŭigwŏn provides a detailed explanation of what he considers the oft-mistaken interpretation that magistrates had two officially-sanctioned duty lengths, one of 30 months, and one of 60 months. Yi argues that this misinterpretation arose because of a misreading of the law codes concerning the length of time required for a magistrate to be transferred from a provincial post to a central post. From the early Chosŏn to the late Chosŏn, the standard period was 30 months, though issues like corruption and removal from posts frequently prevented magistrates from serving out their full terms, especially in the late Chosŏn. For Yi’s full explanation, see Yi Hŭigwŏn. *Chosŏn hugi chibang t’ongch’i haengjŏng yŏn’gu* (Seoul: Chimmundang, 1999), 113-16.

the promotion of morals in local society and the management of critical resources.<sup>31</sup>

Furthermore, there was no distinction between executive and judicial functions in the Chosŏn period, which means that the magistrates also served as judges when residents lodged a legal complaint of some form.<sup>32</sup> As we will see in many of the cases, the Namwŏn magistrate organized and oversaw legal hearings when required. The magistrates also served as validators of certain types of property transactions, particularly land and slaves. Locals looking to complete a sale or exchange typically received documentary proof of ownership from the magistrate in the form of a document called an *iban* 立案. That document could be provided as proof of legal ownership at a future date. Needless to say, many other types of documents ran across the magistrate's desk, whether petitions from locals, orders from the King, or others.

As mentioned above, the magistrates were always outsiders to the regions where they were stationed. (With one exception: if a potential magistrate wished to stay home and tend to his parents for reasons of illness or other pressing difficulties, he could request that placement from the King in a process called *kŏlgun* 乞郡.) To help the magistrates overcome their lack of familiarity with the local area, the state enacted laws and institutions that generated a variety of entities to support the magistrate. One such group was called the *hyangni* 鄉吏 (a permanent class of hereditary, unremunerated functionaries who served as aides to the magistrates), while

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<sup>31</sup> The seven duties of the magistrate were referred to as the *ch'ilsa* 七事 and consisted specifically of (1) the promotion of agriculture and sericulture, (2) the balanced conscription of a labor force sufficient to supply the necessary amount of taxes, (3) the management and increase of houses to contribute to tax collection (and the keeping of records thereabout), (4) the promotion of the morals and norms defined by the state, (5) the proper execution of local administration as pertains to military affairs, (6) the resolution of local disputes and lawsuits, and (7) the discouragement of lewd, vicious, and cunning behavior in local society. O, *Chosŏn hugi hyangch'on*, 351-2.

<sup>32</sup> Marie Seong-hak Kim, *Law and Custom in Korea: Comparative Legal History* (Cambridge; New York: Cambridge University Press, 2012), 60-62.

another relevant institution was the *hyangch'ōng* 鄉廳 (an advisory board of local elite). I will address the *hyangni* first. The core task of these functionaries was to assist the magistrate in his day-to-day business. The *hyangni* played vital roles in the collection of taxes, the administering of punishments, and the collection of information about the goings-on in their own region. However, the *hyangni* also became convenient targets of the magistrates' scorn. If a problem arose in the execution of some local project and the Provincial Governor or King demanded an explanation, the magistrates frequently resorted to a time-tested ploy: blame the *hyangni*, whose incompetence on the job and burning displeasure with their hereditary status predisposed them to corruption, embezzlement, stealing, insouciance, and subversion.<sup>33</sup> The *Collected Volume* itself contains rhetorical gestures of that sort. The magistrates were not wrong to claim that the *hyangni* were aggrieved members of local society. To trace the genealogies of the *hyangni* back several centuries is to realize that they shared apical ancestors with local aristocratic families. Nevertheless, by dint of circumstance and misfortune, the *hyangni* had been relegated to

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<sup>33</sup> Research by Kwōn Kijung mentions these typical stereotypes of the *hyangni* but also attempts to demonstrate some unexpected aspects of their lives. For example, Kwōn argues that the *hyangni* often possessed their own economic bases that were transmitted from generation to generation, thus providing a counterpoint to the view that the *hyangni*, as unremunerated functionaries, oftentimes relied on extortion, extraction, tax-skimming, and other similar methods to maintain some amount of wealth. Kwōn also argues that the *hyangni* both maintained and enhanced their local positions during the Hideyoshi Invasions by dutifully fulfilling their assigned roles—in a sense, this was analogous to the empowered positions some *yangban* enjoyed as a result of their forming of militias in response to the Japanese armies. For a fuller discussion, see Kwōn Kijung, *Chosŏn sidae hyangni wa chibang sahoe* (Seoul: Kyōngin Munhwasa, 2010), 3-5, 201-216.

secondary positions in Chosŏn.<sup>34</sup> That historical memory served as an enduring point of tension between the *hyangni* and local elite groups.

Most of the administrative functions of the magistrate were conducted within centrally-located fortress walls, which typically housed the grain stores, the local prison, lodging, as well as the offices for the various *hyangni* functions (which mirrored the sixfold division of responsibilities that defined the Six Ministries of the central court).<sup>35</sup> The administrative district represented only a small geographical space. A much larger region fell under its command which, in turn, required another administrative hierarchy on which the magistrate might rely. A fixed network of representatives interacted with the magistrate's office as needed. Those representative divisions cross-sectioned with geographical divisions that had their own hierarchical arrangement. In the case of Namwŏn, the lowest major geographical division was the hamlet [K. *pang* 坊]—of which there were 48 in Namwŏn, with slight variations over time—and the next highest geographical division was the ward [K. *myŏn* 面], of which there were four.<sup>36</sup>

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<sup>34</sup> The view of John Duncan on the changing position of the *hyangni* between the Koryŏ (918-1392) and Chosŏn periods rests on two primary factors: social differentiation through bureaucratic advancement and local depredations by foreign invasion. The *hyangni* had been the dominant elite group in the Koryŏ period and formed the pool of recruits through which the central aristocracy—the *yangban*—were filled. However, the centrally-located and -organized *yangban* eventually formed their own power nexus whose interests developed in contradistinction to the interests of the local *hyangni*, leading to conflict and competing institutional claims. Furthermore, the *hyangni*'s local base of power had withered because of foreign incursions from various sources, resulting in a clear sociopolitical contradiction between central *yangban* interests and local *hyangni* interests. That contradiction was expressed in a focused way in the overthrow of the Koryŏ dynasty led by Yi Sŏnggye (1335-1408), who provided at least the hope for the type of reforms the *yangban* desired. Memories of the historical familial ties between the *hyangni* and the *yangban* remained despite the reform program inaugurated by the founding of Chosŏn, one whose development continued for years to come. John Duncan. *The Origins of the Chosŏn Dynasty* (Seattle: University of Washington Press, 2000), 8-9, 270-271.

<sup>35</sup> Those six divisions are: rites, punishments, works, personnel, taxation, and military affairs.

<sup>36</sup> *Yongsŏng-ji*. 1:2b.

In addition to all of the aforementioned organs of administration, there were also administrative organs reserved for members of the local elite families. One among these was the Local Elite Bureau [K. *hyangch'ōng* 鄉廳], which has been the subject of debate concerning its exact position in local society. Members of the *hyangch'ōng* were often chosen from an independently-managed roster of local elite persons called the *hyang'an*. Kim Yongdōk interprets the history of the *hyangch'ōng* as one of gradual regression from power, whereby its former domination by *limited* local elite circles dispersed between the sixteenth and nineteenth centuries. Kim presents the institution as one that began as a symbol of local self-rule, where the local elite elected officials themselves (though with some influence from higher institutions managed by elite families) and thereafter set about establishing order in the countryside. With time, the institution became increasingly less populated with local elite figures—positions were often transferred to secondary status groups and even commoners eventually—and, instead of exercising “local self-rule,” the *hyangch'ōng* devolved primarily into an arm of influence for the magistrates. In fact, the magistrates eventually acquired the power to install the most highly-ranking positions in the bureau.<sup>37</sup> Martina Deuchler challenges this notion by saying that the *hyangch'ōng* really always had been a subordinate office of the magistrates and that any appearance of “self-rule” was just that—an appearance. Kim’s assertion that it *devolved* into an advisory body is, in Deuchler’s case, simply a description of what it always had been.<sup>38</sup> Fujiya Kawashima, on the other hand, has argued for the sustained influence of local elite families

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<sup>37</sup> Kim Yongdōk, *Hyangch'ōng yōn'gu* (Seoul: Han'guk yōn'guwōn, 1978), 9-12.

<sup>38</sup> This is not to say, however, that the state did not in some sense depend on the *hyangch'ōng* and its aspirants. Deuchler notes that the the state needed the Local Bureaus in order to gain a stronger grasp on the countryside, thus making the *hyangch'ōng*-state relationship one of strategic necessity. Deuchler, *Ancestors' Eyes*, 221-23.



organized around the *hyang'an* in local society into the 19th century (even through the supposed waning of the *hyang'an* in the 18th century). Kawashima reasons that the eventual cessation of *hyang'an* compilation resulted not from the intrusion of non-elite groups, but rather because the pool of potential roster candidates—entry into which was determined hereditarily—became too large to manage.<sup>39</sup> Kawashima suggests that the *hyangch'ōng* often served the purpose of projecting local elite power into bureaucracy, though exactly how long Kawashima thinks this state of affairs endured is unclear.<sup>40</sup> Finally, Ch'oe Sōnhye has challenged non-fluid interpretations of the *hyangch'ōng*. She argues that they are best understood as sites of negotiation and therefore of momentary variability, not simply as “projections of government power into the countryside” or “bastions of local self-rule.”<sup>41</sup>

Rural subjects of Chosŏn attended various educational institutions to pursue a career as a state official. Extensive study of classical texts and matters of the state was required if an aspirant wished to pass state examinations and thereby gain the necessary credentials to become a bureaucrat. Private Confucian academies called *sōwŏn* provided one major avenue to receive

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<sup>39</sup> Kawashima Fujiya, “A Study of the Hyangan: Kin Groups and Aristocratic Localism in the Seventeenth- and Eighteenth-Century Korean Countryside,” *The Journal of Korean Studies* 5 (1984), 15-16.

<sup>40</sup> A fuller discussion of Kawashima's research appears in Chapter 4.

<sup>41</sup> Ch'oe Sōnhye, *Chosŏn chŏn'gi chibang sajok kwa kukka* (Seoul: Kyŏngin Munhwasa, 2007), 22-23, 152-158.

that education.<sup>42</sup> (Though many also attended the *sŏwŏn* either to enhance their local profile or to pursue self-cultivation and personal edification.) Those institutions often bore an affiliation with one of the major political factions that emerged during the mid-Chosŏn, if not an affiliation with a specific familial lineage.<sup>43</sup> State-run schools, called *hyanggyo*, had once been designed as centers for propagating official state ideology in the countryside, but local elite eventually chose to avoid them in favor of the *sŏwŏn* mentioned above even in the early Chosŏn period.<sup>44</sup> Finally, the rural *sŏdang* provided yet another institution through which one might acquire a preliminary and rudimentary education toward passing official examinations (but only on the level of a starting point toward that goal). Some *sŏdang* eventually became *sŏwŏn*. Their ultimate purpose

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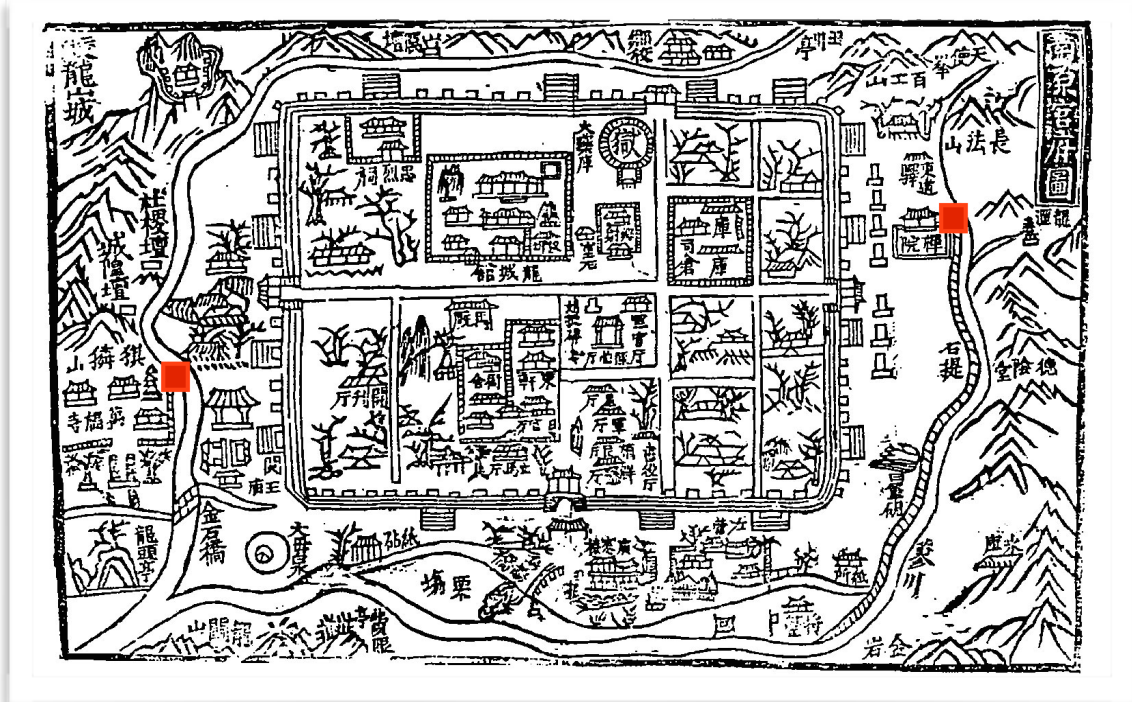
<sup>42</sup> Chŏng Manjo provides an account of the development of the *sŏwŏn* and argues that their purpose and allegiances changed significantly with time. The initial *sŏwŏn* constructed by Chu Sebung (1495-1554) was intended as a space of preparation for the central examinations, something that appealed less to the so-called *sarim* faction of the time, who preferred Confucian “learning for its own sake” rather than “learning for practical purposes and career advancement.” The *sŏwŏn* eventually developed into prominent sites of political struggle between rival groups in Chosŏn and, with the intervention of scholars and former-careerists such as Yi Hwang, transformed the image of the *sŏwŏn* into the types of lecture halls that did appeal to the *sarim*. Continuing political developments in the center further encouraged re-definition and expansion of the roles of the *sŏwŏn*, such that they eventually became site for the gathering of local opinion and the communicating of that opinion to the center. Eventually, with time, the *sŏwŏn* took on the characteristics of local shrines to prominent political figures instead of lecture halls—a development that presaged the 19th-century complaint by many officials that they no longer served their intended purpose and should be heavily censored. The perceived connection between the *sŏwŏn* and factional politics, as well as the perception that they were now a source of ill in local society, presaged the Taewŏn’gun’s mid-19th century policy of abolishing many of the rural *sŏwŏn*. For a fuller discussion of Chŏng’s argument, see, Chŏng Manjo, “The Political and Social Roles of the *Sŏwŏn* in the Chosŏn Dynasty,” in *Institutional Basis*, ed. Duncan, 21-59.

<sup>43</sup> Research by Yi Haejun emphasizes the fact that local elite increasingly turned to the construction and operation of *sŏwŏn* in the late Chosŏn as a response to changing local power structures and as a measure to maintain their social position among those changes. The emergence of the *pŏryŏl* (super-elite families discussed later in footnote 50) likewise encouraged them to rally around these institutions. Yi Haejun, *Chosŏn hugi munjung sŏwŏn yŏn’gu* (Seoul: Kyŏngin Munhwasa, 2008), 209-216.

<sup>44</sup> Kim Chungsin, “Chosŏn chŏn’gi hyanggyo ūi chŏngch’i · sahoejŏk sŏngkyŏk kwa soe’toe wŏnin,” *Chungwŏn munhwa yŏn’gu* 13 (December, 2010), 155-56.

was to provide education and to provide their founders with a sign of social distinction in local society.<sup>45</sup>

Religious institutions of various sorts existed throughout local society, though each of those institutions typically drew their membership and discipleship from specific groups.



**Figure 1. Administrative Map of Namwŏn.** The administrative map of Namwŏn taken from the *Yongsŏng-ji* (p. 559). The two Buddhist temples mentioned in the body of the text above are marked by the red squares. Sŏnwŏn Temple appears on the right-hand side of the page, while Manbok Temple appear on the left-hand side. I have borrowed this particular scan of the map from an internet website at <<http://panzercho.egloos.com/10706908>>.

Buddhist temples remained a fixture of local society despite the early-Chosŏn mandate pushing establishment Buddhism outside official life. Despite the various prohibitions placed on

<sup>45</sup> In addition to the observations mentioned above, Kim Mujin makes the argument that the *sŏdang* began to broaden their prospective “target audience” for providing education. Though predominantly intended for the education of the families of local elite, the *sŏdang* eventually began to see certain commoners as legitimate educational aspirants, especially as a result of the economic changes occurring in the late Chosŏn period. Kim Mujin, “Chosŏn hugi sŏdang ūi sahoejŏk sŏngkyŏk,” *Yŏksa wa hyŏnsil* 15 (June, 1996), 237-240, 245-46.

Buddhism, that philosophy maintained its foothold in the spiritual and material lives of locals. It was not only the non-elite, but even elite women themselves, who maintained strong ties to Buddhist faith. More recent research has demonstrated the continuing intellectual exchanges that occurred between Buddhist and Confucian scholars.<sup>46</sup> If we examine the administrative map of Namwŏn included in the *Yongsŏng-ji*, we notice that the Buddhist temples, though located outside the official administrative walls, still are featured prominently in the whole panoply of local institutions. Notice Sŏnwŏn temple on the right-hand side of the diagram and Manbok Temple on the left.

Other forms of religious practice enjoyed less of an institutional footing than Buddhism, but nonetheless boasted a large number of adherents. Shamanism had been equally derided by the state as a superstitious practice and was therefore cast out of official life. Undeterred by those restrictions, many still occasioned shamans when the eyes of Confucian officials were caught astray. Shamans often found themselves confined to practicing in the mountains when not invited into the privacy of a family's home. In the case of Namwŏn, we know that shamanistic religious practice enjoyed a reasonably strong following within the bounds of the regional mountain network centering on Mount Chiri.<sup>47</sup> Other folk religious beliefs and practices also dwelled within the mountain, including stories of ghostly apparitions and myths about the existence of dragons.

Social divisions reflected the four-tiered hierarchy typical of the late Chosŏn period, with the elite *yangban* at the top, followed by the class of so-called “middle people” or *chungin*,

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<sup>46</sup> The details of this continuing and emerging debate are presented in Chapter 3.

<sup>47</sup> Ch'oe Sŏkki, *Sŏnindŭl ūi chirisan yuramnok* (Sŏul: Tol Pegae, 2000), 393-97.

followed then by commoners or *yangmin*, and who were finally succeeded by the “mean people” or *ch’ŏnmin*. These groups sometimes lived at geographical distances from one another. The *yangban* elite formed not only exclusive status villages, but also villages more or less exclusive to patrilineal descent groups. I must caution the reader against the neat vision of local social divisions the foregoing schema instills. Each of these status groups contained further micro-divisions of status and even overlapping status markers. In short, there are many complexities to the Chosŏn status system that the four-tiered vision belies. For example, within the *yangban* group itself, there were further divisions based on economic standing and historical success at state examinations. Successive generations of economic decline and examination failures could even result in the loss of *yangban* status altogether. Such are the reasons for the divisions between the super-elite capital-dwelling *pŏryŏl*<sup>48</sup> and the rural impoverished elite that came to be known as the “fallen elite” or *mollak yangban*.<sup>49</sup> Yet another division existed between the civilian branch of the bureaucracy and the military branch, the latter of which was typically regarded as subordinate in the sociopolitical hierarchy of the state. Artisans—*changin* in Korean, some of whom worked on projects in the capital, others in the countryside—generally held lowborn status, though also successfully parlayed their inherited skills into commoner status in the late Chosŏn.<sup>50</sup> Slaves or *nobi* always held lowborn status; however, they too were subdivided into

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<sup>48</sup> Ch’a Changsŏp argues that domination of high-level posts and examination success by the *pŏryŏl* accelerated and fossilized after the Hideyoshi Invasions, prior to which power and success could be spread among exam-taking families more evenly. The nature of *pŏryŏl* politics itself also changed over the course of the late Chosŏn, moving from periods of development to periods of entrenchment. For a fuller discussion of the history of the *pŏryŏl*, see Ch’a Changsŏp, *Chosŏn hugi pŏryŏl yŏn’gu* (Seoul: Ilchogak, 1997), 269-277.

<sup>49</sup> Chŏng Chinyŏng, *Chosŏn sidae hyangch’ŏn sahoesa* (Seoul: Han’gilsa, 1998), 23.

<sup>50</sup> Chang Kyŏnghŭi, *Ŭigwe sok chosŏn ūi changin 1* (Seoul: Sol kwa hak, 2013), 65-67.

countless micro-categories of slaves. Some slaves achieved degrees of wealth that exceeded the *mollak yangban*. (The tension between wealth and status in the late Chosŏn is a recurring theme in the historiography of this period and will be explored in Chapter 2.) The phenomenon of intentional or purchased status-jumping became more prevalent in the late Chosŏn: commoners frequently enslaved themselves [K. *t'ut'ak*, *t'usok*] to local landowners so that they might avoid state taxation, military service, or some other order from Hanyang,<sup>51</sup> while slaves sometimes amassed enough wealth to purchase elevated status outright. As Pak Chu has detailed in recent research, toward the latter part of the dynasty, the state began to recognize commoners and slaves for their moral virtues with public awards. Those awards were typically reserved for the accomplished elite in earlier periods.<sup>52</sup> In an analogous way, Kwŏn Naehyŏn has argued that non-*yangban* status groups began to form their own surname-exclusive villages in the late Chosŏn period after the phenomenon became established among the *yangban*.<sup>53</sup> One could discuss the exceptions to and fuzziness of social divisions in Chosŏn endlessly. We have only scratched the surface here. Suffice it to say, the politics of social markers were extremely complex. That complexity figures prominently in many of the cases reviewed in this dissertation.

Local society was divided just as strongly by gender as it was by status. Every status group felt the effects of gender segregation or legal regulations specified for gender. Elite *yangban* women, for example, were often excluded from public and official life and relegated mostly to work in the home. Many morals primers were developed in the late Chosŏn to instruct

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<sup>51</sup> “Hanyang” is the name given to the capital during the Chosŏn period, though its location is still that of present-day Seoul.

<sup>52</sup> Pak Chu, *Chosŏn sidae ūi chŏngp'yo chŏngch'aek* (Sŏul: Ilchogak, 1990), 233-34.

<sup>53</sup> Kwŏn Naehyŏn, “Chosŏn hugi p'yŏngmin tongsŏng ch'ollak ūi sŏngjang,” *Minjok munhwa yŏn'gu* 52 (June, 2010), 28-30.

women in ideal female comportment and a prescribed set of duties, especially to husband and home.<sup>54</sup> (The Chosŏn dynasty imposed different restrictions on the lives of women than did the previous Koryŏ state and “pre-Confucian” society, which practiced uxori-local marriage.<sup>55</sup>) The virtue of chastity or *yŏl*—marital loyalty to the husband, even unto death in extreme circumstances—was praised in the late Chosŏn with increased vigor. Representations of female chastity appear prominently in such documents as the *New Continued Exemplars of the Three Bonds in Chosŏn* or *Tongguk sinsok samgang haengsil-do* 東國新續三綱行實圖, another morals document created in the wake of the Hideyoshi Invasions that includes often-graphic representations of women maintaining their chastity in the face of the invading Japanese.<sup>56</sup> Women within elite families were also subdivided much in the same way as status groups were. Concubinage was practiced, generating a hierarchy of primary and secondary wives. The offspring of secondary wives were, unsurprisingly, treated as secondary children. Called *sŏŏl*, these individuals endured considerable discrimination throughout the Chosŏn period largely because of legal regulations dating to the mid-15th century that prevented them from taking state examinations and relegated them to secondary roles in society.<sup>57</sup> Recent research has emphasized that the treatment of *sŏŏl* was further separated according to gender, with *sŏja* (male offspring of a *yangban* father a commoner mother) receiving better treatment than *sŏnyŏ* (female offspring of

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<sup>54</sup> For more on this topic and its complexities, see, Michael Pettid, “Confucian Educational Works for Upper-Status Women in Chosŏn Korea,” in *Women and Confucianism in Chosŏn Korea: New Perspectives*, ed. Kim Youngmin and Michael Pettid (Albany: State University of New York Press, 2011), 49-70.

<sup>55</sup> Deuchler, *Confucian Transformation*, 239.

<sup>56</sup> Pettid, *op. cit.*, 55-58.

<sup>57</sup> Deuchler, *Confucian Transformation*, 272-73.

a *yangban* father and commoner mother). The same distinctions likely applied in the case of the *ōlja* (male offspring of a *yangban* father and slave mother) and *ōllyō* (female offspring of a *yangban* father and slave mother).<sup>58</sup> Commoner women became the targets of female-specific legal regulations, as well. Most prominent among these regulations during the late Chosŏn period was the so-called “Matrilineal Succession Law” or *chongmo pŏp*, which stipulated that children always follow the mother’s status designation.<sup>59</sup> Marriage between male slaves and female commoners had become common at this point in Chosŏn history and, at least in part to increase the tax base (the burden of which fell on commoners), the *chongmo pŏp* was seen as a necessity. At different times in Korean history and under different conditions, a “Patrilineal Succession Law” or *chongbu pŏp* was made law by the state.<sup>60</sup> Debate on this matter was always a prominent issue in the court.

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<sup>58</sup> As Kim Kyŏngmi points out, historians have tended to focus on the historical evolution of the *sŏl* as a problem of men. The place of *sŏnyŏ* in emergence of a late-Chosŏn movement to improve the social position of *sŏl* in general has been largely neglected. Kim Kyŏngmi, “Sŏnyŏ kajok sok ūi kyŏnggyein, yŏksa sok ūi chubyŏnin,” *Yŏ/sŏng iron* 15 (November, 2006), 229-232, 235-36.

<sup>59</sup> The discussion in Chapter 2 will go into greater detail on the question of the *chongmo pŏp* in late-Chosŏn history.

<sup>60</sup> During the Koryŏ period, the general rule for determining the status of children with parents of mixed status (i.e. one a slave, one a commoner) was simple: if either parent was a slave, so too was the child. However, this rule generated a profusion of slaves and a shortage of commoners, which caused significant problems for the Koryŏ state. The *chongbu pŏp* was enacted at the beginning of the Chosŏn period to solve the shortage of commoners, allowing children of male commoners and female slaves to take commoner status. (The offspring of male slaves and female commoners were therefore still effectively subject to Koryŏ-era rules concerning the transmission of slave status). The resulting decrease in the slave population generated complaints among the *yangban*, who called for the institution of the *chongmo pŏp*. This plan was rejected as it would just re-create the problem of an insufficient commoner base. In its place, a compromise was reached: the *chongbu pŏp* would only be applied to the progeny of *yangban* and female slaves, while the offspring of commoners and female slaves would still be designated as slaves (unless there was a particular need to increase the commoner population, at which point these laws could be switched). In effect, the state had created a system where it could engineer the population according to its tax needs. For a full account of this argument, see Yi Sŏngmu, “Chosŏn ch’ogi nobi ūi chongmo pŏp kwa chongbu pŏp,” *Yŏksa hakpo* 115 (September, 1987), 43-45.



This brief overview of local society and culture should provide the reader with the basic building blocks to understand the discussions that follow throughout the dissertation. I will address any further details required for the reader's understanding in the course of each chapter.

### **Research into the History of Namwŏn**

Research into the elite society of Namwŏn during the Chosŏn period has developed along several different lines. Song Chunho has previously completed a detailed study of membership in local *yangban* lineages from a local village within the Namwŏn region, calling Namwŏn a representative model of *yangban* society in Chosŏn.<sup>61</sup> Kim Kŏnt'ae has concluded a study of changes between the 17th and 20th centuries in the composition of a concentrated-surname village in the Tundŏk region of Namwŏn. Kim shows how members of the Chŏnju Yi clan in that village supported each other in maintaining their privileged position (which parlayed into their family being the fourth-most represented in the local *hyang'an*) up until the Japanese colonial period, when old methods of *yangban* domination no longer seemed efficacious.<sup>62</sup> Chŏn Kyŏngmok has also focused on records from Tundŏk, especially those for the local mutual aid association [K. *tonggye* 洞契]. He observes some peculiarities in the management of the *tonggye* there, including the fact that multi-generational descendants of members who had previously left Tundŏk continued their participation in the *tonggye*—from this fact, Chŏn concludes that this particular mutual aid organization, which was originally intended as a means of support for

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<sup>61</sup> Song Chunho, "Nonmun: Namwŏn chibang ūl ye ro hayŏ pon chosŏn sidae hyangch'ŏn sahoe ūi kujo wa sŏngkyŏk," *Taegu sahak* 30 (1986), 146-162.

<sup>62</sup> Kim Kŏnt'ae, "Chosŏn hugi ~ ilche sigi chŏnt'ong tongsŏng purak ūi pyŏnhwasang—chŏlla-do namwŏn tundŏk-ri sarye," *Taedong munhwa yŏn'gu* 62 (2008), 295-99, 315-17.

people within a certain geographical region, instead began to emphasize family connections.<sup>63</sup> Kim Hyönyöng has analyzed the compilation and eventual waning of the Namwön *hyang'an* over the course of the 17th century, as well as the subsequent compilation of the Namwön *chigwöran* 直月案 (an analogous document that nonetheless lost its elite function by the middle of the 18th century, when people of lower status groups gained entry as members).<sup>64</sup> Martina Deuchler's research into elite society and kinship in the late Chosön focuses heavily on the developments in the Namwön *hyang'an* and draws comparisons with the many structural differences visible in the elite society of Andong.<sup>65</sup> Kim Ponggün has examined marriage patterns among elite families in Namwön during the 15th and 16th centuries. He observes a tendency toward marriage with families located in Tamyang, Ch'angp'yöng, and Kwangju. Kim notes that these marriage alliances contributed to the political and scholarly success of many family members, while also contributing to the organization of Righteous Armies during the later Hideyoshi Invasions.<sup>66</sup> Chöng Hun has traced the history of examination passers in Namwön between the reigns of Kings T'aejong (r. 1400-1418) and Kojong (r. 1863-1907), finding 120 total passers for an average of 1 successful candidate every 4.2 years. Chöng also concludes that many examination passers parlayed their success into opportunities to leave Namwön permanently for the capital, demonstrated partly by the fact that passers with family histories of

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<sup>63</sup> Chön Kyöngmok, "Samgye kangsa e sojang toeö innün toggyeon kwa komunsö rül t'onghaesö pon chosön hugi namwön-bu tundök-pang üi myöt kaji mosüpdül," *Chönju sahak* 2 (1993), 36-37.

<sup>64</sup> Kim Hyönyöng, "Chosön hugi namwön üi sahoe kujo—sajok chibae kujo üi pyönhwa wa kü söngkyök," *Yöksa wa hyönsil* 2 (1989), 165-168.

<sup>65</sup> Deuchler, *Ancestors' Eyes*.

<sup>66</sup> Kim Ponggün, "15·16-segi chirisan-gwön (namwön·hamyang) sajak üi honin kwan'gye wa chöngch'i·sahoejök kyölsok," *Yöksahak yön'gu* 49 (February, 2013), 98-100.

examination success dropped from 89% to 27% between the early and late Chosŏn periods.<sup>67</sup> In sum, the practical and organizational aspects of the lives of the Namwŏn elite throughout the Chosŏn are relatively well-studied, opening the need for more attention to those documents that shed light on interactions with non-elites.

Noteworthy persons from Namwŏn history have also received attention in previous scholarship. There is some research into the life and legacy of Pak P'yŏng'ŭi, a Namwŏn potter who contributed to the development of Japanese ceramics in Satsuma after being abducted during the Hideyoshi Invasions.<sup>68</sup> Kim Samŭidang, a noted poetess of the late Chosŏn period, has drawn the attention of certain present-day literary scholars for the quality of her work.<sup>69</sup> Kwŏn Samdŭk, a major performer of *p'ansori*<sup>70</sup> in the late Chosŏn, trained and established family ties in Namwŏn. He features prominently in research into public performance from the period.<sup>71</sup> Kim Kaenam likewise presents a major name in the history of Namwŏn. Kim operated

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<sup>67</sup> Chŏng Hun, "Chosŏn sidae namwŏn chiyŏk mun'gwa kŭpcheja e taehan koch'al," *Chŏnbuk sahak* 29 (2006), 21-22.

<sup>68</sup> Yi Misuk, "Chosŏn sagjjang kwa sassŭma tojagi," *Kangwŏn sahak* 25 (2011), 197-99.

<sup>69</sup> Kim Myŏnghŭi, "Kim samŭidang ŭi yugyo jŏk munhak segye," *Uri munhak yŏn'gu* 16 (December, 2003), 271-298.

<sup>70</sup> *P'ansori* is a type of performance typically with one singer and sparse accompaniment, and takes as its material a series of stories that highlight the social disparities of Korean society. *P'ansori* emerged first in the late Chosŏn period and generated a set of itinerant troupes that performed in public markets and other similar venues.

<sup>71</sup> Kim Chongch'ŏl, *P'ansori yŏn'gu* (Seoul: Yŏksa pip'yŏngsa, 1996), 34-35.

largely out of Namwŏn during the Tonghak Uprising<sup>72</sup> and presented a more radical platform than the movement's recognized leader, Chŏn Pongjun.<sup>73</sup>

A visitor to Namwŏn today will encounter a landscape dotted with prominent landmarks from the Chosŏn period. Histories of Namwŏn typically focus on the major events associated with those landmarks. The Righteous Tomb of Ten Thousand Men [K. *manin ũich'ong* 萬人義塚], for example, memorializes the many people who died defending Namwŏn from Hideyoshi's forces. The partially-remaining old wall of Namwŏn was the target of that very same invasion, though efforts to reconstruct it continued over time. Kyoryong Mountain Fortress housed the founder of the Tonghak movement, Ch'oe Cheu, during his period of hiding from the Chosŏn government. The Kwanghallu, an elaborate pavilion just outside the city walls, offered scholars and poets a site to gather and think and compose together—until Japanese colonialism, when it was retrofitted into a prison. Many other landmarks could be added to this already substantial list. By emphasizing these prominent historical moments, local historians attempt to market Namwŏn as a tourist destination of historical significance. It is also entirely likely that popular imagination of Namwŏn consists mostly of these events and landmarks.

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<sup>72</sup> The Tonghak movement and its philosophy began with Ch'oe Cheu in the mid-19th century. Ch'oe drew heavily from his Confucian training in generating this philosophy, which also incorporated ideas from other philosophical traditions familiar to Korea. At basic, Tonghak emphasized egalitarianism among people and that marginalized persons ought to be treated justly and compassionately—indeed, a heavenly component dwelled within all people and therefore made them worthy of such fair treatment. The movement and its leading thinkers developed over the course of the 19th century until, in 1894, it developed into an armed peasant movement. The significance of the Tonghak movement and the exact nature of its political aspirations have been extensively debated. An introduction to this debate can be found at George Kallander, *Salvation Through Dissent: Tonghak Heterodoxy and Early Modern Korea* (Honolulu: University of Hawai'i Press, 2013), ix-xxv.

<sup>73</sup> Lew Young Ick, "The Conservative Character of the 1894 Tonghak Peasant Uprising: A Reappraisal with Emphasis on Chŏn Pong-jun's Background and Motivation," *The Journal of Korean Studies* 7 (1990), 173-74.

The *Collected Volume* presents an opportunity to examine Namwŏn from a different angle. It shifts focus away from the eventful to the everyday. It allows for a closer look at the lives of the non-elite rather than the elite. It also allows us to examine Namwŏn not as a region bearing a specific identity, but rather as a site of ever-emerging conflicts between people who occupied positions across the social spectrum.

### **Questions and Certainties about the Making of the *Collected Volume***<sup>74</sup>

The *Collected Volume* is not a particularly easy document to read or analyze. The handwriting is occasionally illegible and the actual content of the notes is often redundant. However, penmanship and repetitiveness present only the most basic obstacles to fully understanding this text. A more fundamental problem derives from the fact that the *Collected Volume* contains no explicit discussion of the conditions under which it was produced. Nor does it reveal exactly who participated in its production. Unlike many documents from this period, the *Collected Volume* contains no introductory chapter that explains who requested and funded its compilation. To make matters worse, the compendium could not be accurately dated if not for the fact that the author of one solitary case record happened to use the reign title of the Qing Dynasty's Qianlong Emperor in his write-up.<sup>75</sup> The rest of the text is dated entirely in the sexagenary cycle which, as is well known, renders it unclear whether any particular year would be 1676, 1736, 1796, or 1856. In this section, I try to compensate for the lack of any explicit

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<sup>74</sup> Parts of this section closely mirror the introduction to the *Collected Volume* that I have written for an article that will be appearing in the journal *East Asian History* at a currently-unscheduled date in 2017. That article itself is also the first chapter of this dissertation, "The Death of Hŏ Hamjang." I have moved that section to the introduction of this dissertation.

<sup>75</sup> Yi Yŏnghun makes this point in his introduction to the text. Yi Yŏnghun. *Han'guk chibang-sa charyo ch'ongsŏ 1 poch'ŏp p'yŏn 1* (Sŏul: Yŏgang Publishers, 1987), 16.

information regarding the making of the *Collected Volume* by reviewing some of the formal aspects of the text.

I will begin by re-visiting the issue of handwriting. In actuality, it is only *partially* true to say that the handwriting sometimes appears illegible. That is because the handwriting of the *Collected Volume* constantly changes. Certain case records are written carefully and immaculately, while other records are basically scribbled onto the paper. The fact that the handwriting constantly changes suggests that the Namwŏn magistrate did not pen the case records himself, but with the aid of a team.<sup>76</sup> The fact that the *Collected Volume* resulted from a team effort naturally raises the question of whether its contents only reflect the opinions of the Namwŏn magistrate, or whether the opinions of subordinate officials appear in the notes from time to time. From my own observations, it seems that the magistrate maintained considerable control over the content of the documents. I suspect that the magistrate delegated record-taking duties to local functionaries from the various administrative bureaus in Namwŏn. Before recording the final case notes into the *Collected Volume* itself, the functionaries likely provided the magistrate with one or several drafts which were then revised and re-reviewed. Once the magistrate approved a final draft, the functionary finally received permission to transcribe his notes directly into the pages of the *Collected Volume*. After the transcription, the Namwŏn magistrate read and verified its contents once more. If approved, the case record received the

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<sup>76</sup> Based on available evidence, the Namwŏn magistrate did not seem to change during the making of the *Collected Volume*. Research by the *Chŏlla munhwa yŏn'guso* indicates that a man named Pak Yongsu 朴龍秀 occupied the position between 1735-1737. I have not been able to collect any reliable biographical data on Pak Yongsu. Yi Tonghŭi, "Chosŏn sidae chŏlla-do ūi kamsa suryŏng myŏngdan - chŏnbuk-p'yŏn; kimje kunsu / namwŏn pusa / man'gyŏng hyŏllyŏng / mujang hyŏn'gam / muju pusa," *Chŏlla munhwa yŏn'gu* 6 (1995), 61.

stamped seal of the magistrate, which appears throughout the *Collected Volume*. In short, the functionaries did not have much of a window to sneak their own opinions into the notes.

The Namwŏn magistrate might have placed himself in a dangerous position had he not maintained such strict controls over the contents of the *Collected Volume*. The records do not simply represent his opinions—they also represent the opinions of magistrates from other locales from time to time and quite frequently reproduce the opinions of the Governor of Chŏlla Province.<sup>77</sup> Any misrepresentation was to be avoided. Most of the documents in the *Collected Volume* take the form of either a “local interagency communique” [K. *imun* 移文] or an “administrative report” [K. *ch’ŏppo* 牒報], both of which typically involve the representation of the opinions of other officials. An *imun* usually recreates a complaint made to a neighboring magistrate or that magistrate’s response to a complaint. A *ch’ŏppo* typically provides the content of a report that the Namwŏn magistrate sent to the Governor (or a similarly high-ranking official) *and* the response or recommendation of the Governor to that report. That response is called a *che* 題 and always appears after the content of the initial report (and, therefore, almost always at the end of the document). In order to maintain the Governor’s integrity, the Namwŏn magistrate had to maintain control of the process by which the *Collected Volume* was produced.

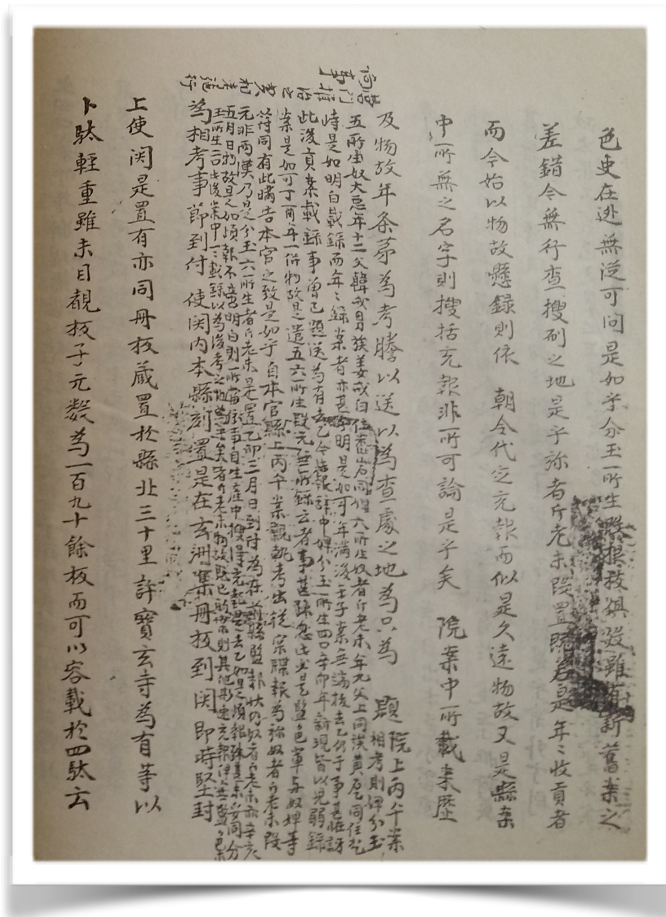
Was the *Collected Volume* compiled all at once, or was it a running compilation? All indications point to the fact that the *Collected Volume* was compiled as a running process. The fact that the text is organized chronologically suggests that point. Many cases unfolded over the course of many months and the records for those cases often do not appear together. Rather, they

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<sup>77</sup> The Governor of Chŏlla Province changed several times between 1735 and 1737. (The change of Governors is mentioned once during the negotiations discussed in Chapter 3.) For more details, see Yi Tonghŭi, “Chosŏn sidae chŏlla-do ūi kamsa suryŏng myŏngdan: chŏlla kamsa / kobu kunsu / kosan hyŏn’gam / koch’ang hyŏn’gam / kŭmgu hyŏllyŏng,” *Chŏlla munhwa nonch’ong* 6 (1995), 13.

appear on the exact day they were written. One must painstakingly search through the entire *Collected Volume* to collect all of the documents relevant to a particular case. Of course, this is not rock-solid proof of the ongoing project that was the *Collected Volume*. A clearer indication of

its processual nature lies in the editorial glitches that appear sporadically throughout the text. From time to time, the Namwŏn magistrate appears to have mismanaged his scribes. He created situations where one scribe waiting to finish a particular report ran out of space because, in that intervening period, another scribe received permission to write his case into the *Collected Volume*. The waiting scribe was then forced to write his content into a very limited space in impossibly small script. I provide a few



**Figure 2. Collapsed Che 1.** The character *che* 題 appears immediately before the change in writing size. Notice the inverted orientation and bleeding into the margins of the final text at the top. Notice also that the magistrate’s seal appears faintly over the center of the *che* (the corners of the seal are visible in the middle of the passage). (*Collected Volume, Vol. 1, p. 364*)

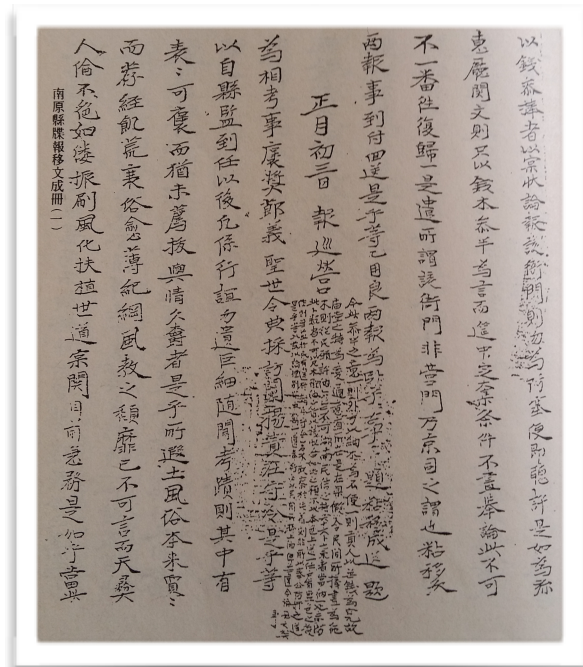
examples of this in the images below. In Figure 2, notice how the scribe struggles to scrunch the

*che* into the small space between the two records—in fact, he ultimately fails at this attempt, as he is forced to re-orient the page ninety degrees and finish the adjudication in the top margin!

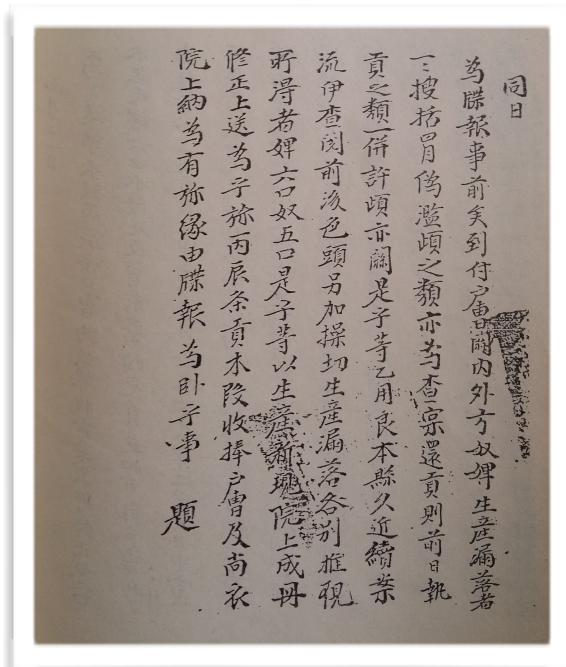
Another example of this problem appears at the end of an earlier report to the Governor, which I



display in Figure 3. The scribe is given such a meager amount of space to record such a large amount of information that he somewhat incredibly achieves a even smaller script size than the scribe from Figure 2. Figure 4 presents an example of a case where the magistrate's scribes seem to have forgotten about the *che* entirely. Though the *Collected Volume* contains other examples of similar editorial glitches, I believe the above cases suffice to make the point.



**Figure 3. Collapsed *Che* 2.** The collapsed *che* appears in the bottom-center of this image. The characters immediately above the condensed section provide the date and addressee of the *next* report in the *Collected Volume*. Notice that the final, full-sized character of the report is the character for *che* 題, which appears to the right of the condensed passage at the bottom of the page. (*Collected Volume*, Vol. 1, p.151)



**Figure 4. Blank *Che*.** For some reason, the magistrate's scribes failed to complete this particular entry. The character for *che* 題 appears at the conclusion of the entry, but no content follows. One can only speculate as to the reasons for this peculiar omission. (*Collected Volume*, Vol. 1, p. 674)

In sum, the *Collected Volume* is the product of a well-regulated editorial process. It does not recreate a set of notes taken spontaneously during a particular court hearing. It allowed the

Namwŏn magistrate every opportunity to spin the cases in a manner suited to his own interests—the degree to which he took advantage of that opportunity is, of course, a question for which I can only provide speculative answers. The organizational “glitches” that appear from time to time do not reflect a lack of control over the content of the notes. Instead, those glitches simply reflect time crunches or spatial mishaps in the process of transcribing information into the *Collected Volume*. The magistrate allowed his scribes to transcribe solitary case records in installments, when necessary. That process occasionally confused the organization of the records themselves.

The discussion thus far addresses the question of how the *Collected Volume* was compiled. The question of why remains. This is obviously a trickier question to answer as the formal aspects of the text provide little indication of the interior motives of the magistrate and his compilation team. Alas, I must speculate. The magistrate may have wanted to leave a record so that his successor might be able to learn some of the complexities and nuances of the local culture and society of Namwŏn. In this case, the *Collected Volume* appears as a “study guide.” The magistrate may have wanted to generate a record of his own accomplishments while stationed in Namwŏn. He mobilized the local functionaries there to aid in that process. In this case, the *Collected Volume* appears as a “personal dossier.” The Namwŏn magistrate may also have approached the compilation of the text as if it were to serve later as transhistorical evidence of the reasonableness, sensibility, evenhandedness, and general benevolence of his time in Namwŏn. Perhaps that particular motivation borders on the narcissistic—whatever the case, it is a possibility we cannot discount outright. In that case, the *Collected Volume* appears as a “personal panegyric.” One final possibility may be that the Namwŏn magistrate initiated the

project as part of an effort to develop a concrete history of Namwŏn. As described earlier, the late-16th and early-17th centuries brought great material and political changes in Namwŏn. The disruption of the Hideyoshi invasions, the reconstitution of the local elite during the 17th century, and the apparent waning of interest in certain local spiritual practices seem to have indicated that the fundamental characteristics of local culture had long been in flux. The compilation of the *Yongsŏng-ji* in 1699 (i.e. the local gazetteer of Namwŏn), for example, seems to have emerged from an effort to establish an official line about the definition of “Namwŏn culture.” Though the content and form of the *Collected Volume* obviously differs greatly from that gazetteer, it nonetheless remains possible that the two formed distinct parts of one loosely-defined project. In this case, the *Collected Volume* appears primarily as a “local history.” Perhaps it is most accurate to say that the *Collected Volume* embodied aspects of all these projects at one time or another, to greater or lesser degrees, and with varying levels of explicit recognition.

The *Collected Volume* is part of a broad family of documents. Similar collections of administrative reports were compiled in other regions during the Chosŏn period. I will introduce three here. First, there is the *T’amyŏng kwanbo-rok* 耽營關報錄 or *Record of Administrative Reports from the Prefect of Cheju Island*, which was compiled by Yi Wŏnjo during his tenure as the Prefect of Cheju Island<sup>78</sup> beginning in the year 1841.<sup>79</sup> This particular compendium consists mostly of reports from local officials throughout Cheju and subsequent orders issued by Yi, and

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<sup>78</sup> The official title of the highest administrative official in Cheju Island during this period was *Cheju moksa*, which, as David Nemeth points out, is alternatively translated as “governor,” “magistrate,” “prefect,” or various other terms. David Nemeth, *The Architecture of Ideology: Neo-Confucian Imprinting on Cheju Island, Korea* (Berkeley and Los Angeles: University of California Press, 1987), 95. I avoid the title “Governor” to emphasize the fact that the *Cheju moksa* was a subordinate official to the Governor of Chŏlla Province.

<sup>79</sup> Pak Sojang ed., *Ŭngwa Yi Wŏnjo ūi salm kwa hangmun* (Seoul: Yŏngnak, 2006), 121, 371-414.

therefore is slightly different in its content from the *Collected Volume*. Another prominent document of similar form is the *Wanyǒng illok* 完營日錄 or *Daily Records of the Governor of Chǒlla Province*, which was compiled by Sǒ Yugu during his tenure as the Governor of that province stationed in Chǒnju. The *Wanyǒng illok* also differs from the *Collected Volume* in that it was compiled by the Governor himself, which means that he received reports from across the province—it does not have the same regional focus as our sources from Namwǒn.<sup>80</sup> One final collection of similar structure is the *Muan poch'ŏp* 務安報牒. Despite its apparent geographical connection to the Muan region of southern Chǒlla Province, this source actually documents events from the neighboring Mokp'o during the Great Han Empire and Protectorate periods.

## Chapter Overview

Each chapter focuses on a single case of negotiation from the *Collected Volume*. I conduct close readings of each case record and recreate the storylines to the extent that the documents allow. I call attention to any moments, gestures, clues, and explanations that relate to the questions I posed at the beginning of the introduction. Each chapter presents a unique, stand-alone investigation of some aspect of Chosǒn society. In the conclusion, however, I switch focus. I discuss what all of the cases together suggest about the power and authority of late-Chosǒn magistrates.

Chapter One, “The Death of Hǒ Hamjang: Constructing a Dilemma for Officialdom in Eighteenth-Century Chosǒn,” recounts a negotiation that emerged following the death of Hamjang, a member of the local elite. The central figures in that encounter were the deceased’s

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<sup>80</sup> Kim Sǒn'gyǒng has interrogated the significance of murder cases contained in this volume. She focuses in particular on regulations against suicide and the ways they informed local relationships. Kim Sǒn'gyǒng, “1833-34 nyǒn chǒlla-do chiyǒk ūi sarok sagǒn kwa simni: ‘wanyǒng illok’ ūi punsǒk,” *Yǒksa kyoyuk* 122 (June 2012), 105-6.

family and the local authorities. Hamjang's relatives hoped to prevent the authorities from conducting an investigation into his death, fearing the expenses associated with that investigation. To do this, they attempted to demonstrate that the state's legal standards pertaining to murder investigations conflicted with ritual standards as reflected in both the state's ritual codes and other canonical texts. Hamjang's family argued that, if the investigation proceeded apace, they could not uphold proper ritual standards for reasons of timing. This case provides an opportunity to return to established debates about the relationship between ritual and law in Chosŏn. Ritual had always been seen as the ideal force generating order in society—that people would restrain themselves from immorality in their everyday behavior and demonstrate their commitment to ethical principles by practicing specific rites and observing proper etiquette. Law and punishment was always either secondary or complementary, something invoked only when people failed to uphold ritual standards. Hamjang's case suggests that the relationship between ritual and law exhibited other qualities at times, that it generated spaces where people might question the coherence of the state's ritual-legal standards. In short, in everyday life, there is evidence that people recognized the possibility that law might subordinate ritual—not simply that ritual always subordinated or found support in law.

Chapter Two, “The Gang-Beating of the Slave Myŏngaek: The Strategic and Selective Representation of Slave Resistance by the Namwŏn Magistrate,” traces a process of negotiation that emerged because of a love triangle between two slaves and a former military official. That military official (Nogyong), outraged that a male slave (Myŏngaek) infringed on his claim to enjoy exclusive sexual relations with a different female slave (Ch'ŏnmae), brutally assaulted Myŏngaek. After Myŏngaek's family petitioned the authorities in Chŏnju to punish Nogyong for

the attack, the Namwŏn magistrate became involved and oversaw the remainder of the case. The Namwŏn magistrate's prosecution of the case seems, at first glance, to advocate for Myŏngaek and his rights. Upon closer inspection, however, we discover certain clues that cast suspicion on the magistrate's concern for Myŏngaek. We ultimately discover that the magistrate was only feigning interest in Myŏngaek's legal complaints: the magistrate invoked Myŏngaek's "rights" under the law as a ruse to pressure Nogyong into confessing to his crimes. This case provides an opportunity to engage emerging discourse concerning the legal privileges afforded slaves during the late Chosŏn. Some scholars argue that the increasing wealth of slaves in the late Chosŏn period translated into increased recognition of slaves' rights in law, especially in the area of property rights. Other scholars emphasize that Chosŏn law always embodied a dualism that both recognized the human dignity of slaves, while simultaneously allowing for their treatment as chattel property. The question therefore is: did Myŏngaek's case represent an instance of historical emergence or ordinary practice? Though the case embodies elements of both claims, it is fully explainable as the product of long-standing legal standards relevant to slaves. Though we can observe certain changes in the legal codes from this point in Chosŏn history, we cannot claim that they automatically translated into practice in the context of a local court setting. The personality of the magistrate still figured prominently in prosecution of a particular case.

Chapter Three, "The Astute Recommendations of the Temple Headman: An Exploration of the Power Relations that Influenced the Buddhist Communities In and Around Namwŏn," explores a three-way negotiation between the Governor of Chŏlla Province, the Namwŏn magistrate, and the headman [K. *sŭngt'ong*] of an unspecified Buddhist temple (or temples) in Namwŏn. The magistrate had recently demanded that the Buddhists provide a substantial corps

of monks to repair Namwŏn's crumbling mountain fortress. The magistrate's demands seem to have overburdened the Buddhists. The monks immediately requested the magistrate make do with a smaller corps of workers, lest their home temples fall into greater disrepair than they already had. The Governor, for his own part, intervened in the negotiation at various stages and partially recognized the requests of the monks. The Governor ultimately suggested that the Namwŏn magistrate rely on the monks to decide the number of men they could provide for corvée labor. This case provides an opportunity to re-evaluate the position of monks within the Chosŏn corvée labor system. Previous research into this topic has focused primarily on the demands that the state placed on the monks and the impoverishing effects corvée created within the Buddhist communities. This case demonstrates something a bit different. The corvée system actually generated paradoxical effects in the lives of the Buddhists: though it undoubtedly subjected the monks to severe forms of extraction, it *also* enabled the representation of their interests in official settings. If the state relied on the monks as a ready supply of labor-power, it was in the state's interest to maintain the very existence of that workforce. Therefore, the Governor could not but listen to the monks when they complained about the overreach of the Namwŏn magistrate. The corvée system was not entirely a one-way affair, but rather fully enabled processes of negotiation on the local level. The case of the monk headman illustrates the importance of examining documents like the *Collected Volume*—if we only rely on the writings of local aristocrats to understand the lives of the Buddhist communities, we risk overlooking negotiation processes such as these entirely. To illustrate that final point, I spend part of this chapter introducing the travel logs that prominent Confucian scholars from the mid- and late-Chosŏn penned on private journeys to Mount Chiri, a prominent natural feature in the Namwŏn

region. In those documents, the Buddhists appear almost completely disempowered. They are sometimes reduced to nothing more than the unwilling servants of those Confucian travelers. Indeed, intertextuality is often necessary to understand the nuances of the position of marginalized populations in historical societies.

Chapter Four, “Pulling Strings for Yi Taeik: A Failed Attempt to Install a Newcomer to Koksöng as the Local Elite Headman,” presents what may be the most elaborate negotiation process of this entire dissertation. The incident began when a group of men conspired to install their friend and distant relative, Yi Taeik, as the local elite headman of Koksöng. Taeik had recently moved to Koksöng from Nūngju and therefore lacked much standing in the area. To install Taeik, they funneled money to a man named Kim Hyönok, who, through a supposed “personal connection” supplied the Koksöng magistrate with forged letters of recommendation from some of the most highly-ranking members of the state bureaucracy. The records drop us into the case at the moment that the Namwön magistrate intervenes. The Koksöng magistrate and the Governor had already provided opinions on the case in its entirety; however, the Namwön magistrate was asked simply to confirm one aspect of the case (the question of the existence of the forger) and nothing more. The record therefore provides a three-tiered opinion of Taeik’s case: one from Koksöng, one from Namwön, and one from the Governor. My analysis of this case focuses on the decision of the conspirators to provide the magistrate with forged letters of recommendation. What strategic calculations informed that decision? How did the conspirators understand the relationships between the relevant set of local institutions (i.e. the *hyang’an*, the *hyangch’öng*, and the magistrate himself) that made this plan seem feasible? After introducing pre-existing research on the nature of those institutional relationships, I review the available



historical records from Koksŏng, and finally present four different scenarios to explain Taeik's case. In the end, I conclude that the conspirators' plan represents an instance of brazen protest against the lingering exclusivity of local institutions in Koksŏng.

Chapter Five, "The Abduction of Sinihwa and the Absconding of Choch'al: The Recovery of Human Resources and Fraught Negotiation among Magistrates," recounts two negotiations between the Namwŏn magistrate and magistrates from neighboring regions. The conflicts began with the clandestine departure of two persons from within the region: Sinihwa, a female government slave, and Choch'al, a monk who, alongside some other monks from the same temple, was slated for corvée duty. The Namwŏn magistrate either knew of or strongly suspected the location of the two. He informed the relevant magistrates of his intention to recover his people. The actual recovery proved difficult. In his notes, the Namwŏn magistrate complains bitterly of the other magistrates' inability to execute his request. He portrays those magistrates alternately as meek, irresponsible, or indecisive. Pressure from various local communities—such as the Buddhist networks or the so-called "*t'oho*," a group of local elite with reputations for being hostile to the authorities—prevented those magistrates from completing the task smoothly. Both cases demonstrate how social and political forces prevented the magistrates from operating ideally as like-minded bureaucrats. The cases also demonstrate the emptiness of "rank" between magistrates. Though the Namwŏn magistrate considerably outranked his counterparts in Kurye and Mujang, he found himself completely unable to intervene in their particular regions. This conclusion echoes research previously completed by Yi Hŭigwŏn.<sup>81</sup> The need to weigh local interests or to penetrate the opacity of local communities militated against

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<sup>81</sup> The specifics of Yi Hŭigwŏn's research are outlined in Chapter 5.

the fulfillment of requests from the outside. This adds to the very small body of literature concerning negotiation between magistrates. Previously, scholarship had focused primarily on negotiation between magistrates and officials of higher rank, such as Governors.

In the conclusion, I re-visit each of the analyses from the body chapters and develop a more general discussion of the limits of the power of magistrates in the 18th and 19th centuries. The Namwŏn magistrate appears variously empowered and disempowered in each of the cases. This variability reflects the gradations in the magistrate's influence that developed according to circumstance and the position of his interlocutors. Historiography of 19th-century Korea often portrays magistrates as wielders of immense power and, consequently, as people who thought nothing of exploiting local populations. Participants in the major rebellions of 19th-century Korea often presented the misbehavior of magistrates as a major grievance.<sup>82</sup> When one moves from moments of dramatic action to everyday life, the scope of the magistrate's power often seems much more circumscribed. Locals realized that fact and seemingly knew how to exploit it (or, at the very least, attempted to exploit it).<sup>83</sup>

### **A Brief Note About Chapter Format**

I have organized each chapter so that the case narratives take focus. Each chapter will begin with a brief introductory note that discusses the nature of the conflict in question and its

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<sup>82</sup> A brief overview of previous research on this topic appears in the conclusion.

<sup>83</sup> This conclusion contains certain analogues to recent research by Bill Hagen on a Prussian estate. Hagen was interested in questioning the established hypothesis that the Prussian Junkers contributed to a political and cultural atmosphere favorable to the rise of Nazism by managing their estates in an authoritarian and unsparing manner. After careful analysis of the estate records, Hagen concludes that the peasants had far more say and sway over local affairs than the previous hypothesis allowed, insofar as they frequently entered into negotiations with and won concessions from the estate lord. In short, both my project and Hagen's research is interested in presenting a different vision of local power-holders through a search for instances of negotiation. William Hagen, *Ordinary Prussians: Brandenburg Junkers and Villagers, 1500-1840* (Cambridge; New York: Cambridge University Press, 2002).

larger historical significance. A narrative of the case itself immediately follows. Each narrative will highlight the practical elements of the negotiations and introduce background information when necessary. The remaining sections of each chapter address the various issues implied by each case. I hope this format will allow for a clear logical progression from the case material to matters arising.

## **The Death of Hō Hamjang: Constructing a Ritual Dilemma for Local Officialdom**

*A version of this chapter will be appearing in the journal East Asian History in 2017.*

### **Introduction**

The case reviewed in this chapter centers on the murder of a local *yangban* and the efforts of his family to derail the resulting investigation. The victim's name was Hō Hamjang, who was violently assaulted by two men from his village and died shortly thereafter. Several of Hamjang's family members testified before the Namwōn magistrate as the investigation began. The circumstances of the case were rather complex. A variety of issues influenced the trial, including the requirement to report criminal events, the negotiation of private settlements, the performance of obligatory rituals, and the timing of the legal process. The magistrate recorded the testimony of the Hō family at length. The rhetorical gestures and shifting arguments within that testimony form the central concern of this chapter.

Hamjang's case presents an opportunity to address three core questions. First, it offers an opportunity to investigate the standards for autopsy procedures in the Chosŏn period and the particular way that those guidelines introduced complications into Hamjang's case. Second, the case provides an opportunity to investigate the local politics of private restitution settlements and the implications of publicizing such a settlement. Finally—and most significantly—Hamjang's case touches on the question of the Confucian understanding of the relationship between ritual and law. By definition, law always assumed a supplementary or complementary role to ritual; however, the Hō family asserted in their testimony that the ordinary relationship was being subverted in Hamjang's case, that law was actually frustrating the proper execution of ritual. We

will investigate the specific content of that argument and ascertain its greater significance in the concluding section of the chapter.

### **Episode I - The Initial Complaint and the Magistrate’s “Moment of Suspicion”**

Hö To 許濤 was the elder brother of Hö Hamjang 許咸章 and a resident of the Western District of Namwön 南原. A serious case involving these brothers began on 1736/2/2, when To reported to the local magistrate that his younger brother had been viciously assaulted and verged on death. In that report, To identified two assailants: Kim Söngdae 金成大 and Kim Munüi 金文儀, two cousins who lived in the same village as the Hö brothers. The magistrate apprehended the two suspects and interrogated them, concluding that further investigation and more conclusive evidence were needed. He dispatched a local military official to conduct an exploratory investigation. The military official’s report included some basic observations on Hamjang’s condition. The official had arrived at Hamjang’s house just as dusk was passing and noted that Hamjang’s breathing was extremely belabored. Hamjang seemingly neared death. The magistrate notes that his dispatched official spent no time inspecting any of Hamjang’s wounds.<sup>84</sup>

Though the military official’s observations may seem superficial, they were actually of considerable legal significance. Once an assault received the attention of local officials, a principle referred to as the “period of criminal responsibility” [K. *kohan* 辜限] came into effect. This principle stipulated simply that the assailant bore responsibility as a murderer for the death

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<sup>84</sup> *Collected Volume, Vol. 1*, 135.

of the victim if the victim died within a prescribed period of time following the attack.<sup>85</sup> The records provide indications that the magistrate began to treat Söngdae and Munüi differently after receiving the report on Hamjang's condition, perhaps in conjunction with onset of the *kohan*. For example, the magistrate uses new terminology to describe the incarcerations of the Kim cousins. Whereas the magistrate simply uses the term "incarcerate" [K. *sugŭm* 囚禁] to describe their initial apprehension and interrogation, he designates their continued incarceration after the military official's return as "strict incarceration" [K. *ömsu* 嚴囚].<sup>86</sup> Though we find here no definitive indication that a standardized connection existed between these legal categories, the change of character clearly indicates an added degree of severity.

The details of the case appear clear and uncomplicated to this point. The divisions between guilty and victimized, assailant and attacked seem firmly established. That clarity and transparency all but evaporated on 1736/2/8, when To newly reported that Hamjang passed away on the night of the initial inquiry.<sup>87</sup> Several aspects of this report proved puzzling for the magistrate. First, the six-day gap between the date of death and the date of the second report seemed particularly odd. Villagers bore a responsibility to apprise the local officials of assaults promptly, whether the assault was fatal or not, so that the investigators might not lose any

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<sup>85</sup> The actual duration of the period of criminal responsibility (ranging between twenty and fifty days) varied according to the implement (or lack thereof) used to inflict the wounds. These criteria are spelled out in the *Da ming lu* 大明律, upon which Chöng Yagyong commentates in his *Mongmin simsö* 牧民心書. For more on this topic, see Chöng Yagyong, *Admonitions on Governing the People: Manual for All Administrators* [*Mongmin simsö*], trans. Choi Byonghyon (Berkeley: University of California Press, 2010): 737-39.

<sup>86</sup> *Collected Volume, Vol. 1*, 135.

<sup>87</sup> *Collected Volume, Vol. 1*, 135-6.

opportunity to collect valuable evidence (especially if derived from examination of the corpse).<sup>88</sup> How much more inexplicable must it have seemed to the magistrate, then, that To would be tardy in reporting Hamjang's decease? The authorities had already involved themselves in the case and anticipated the death of Hamjang, the timing of which held crucial legal ramifications.

The magistrate's confusion only deepened when To began to explain Hamjang's death in terms that contradicted his initial statement. He provided an alternate theory of Hamjang's death that effectively absolved Söngdae and Munüi of any responsibility. The words of To's elderly mother [K. *nomo* 老母] figured prominently in that explanation. The magistrate summarizes To's statement as follows:

To's elderly mother said [to him]: 'Hamjang's death resulted from the increasing severity of his chronic illness, it did not necessarily result from the attack. Do not report this to the authorities [and initiate] a autopsy examination!' Because she spoke with great firmness and resolve, [the Hō family went about] dressing the corpse for burial and, [in fact], completed the mountainside burial itself. Also, now, [To] requested that Söngdae and all those [implicated in his actions] be released. This whole situation has grown extremely strange.<sup>89</sup>

To hoped to overturn his previous, confident indictment of Söngdae and Munüi with an unexpected explanation based on the hastening symptoms of Hamjang's chronic illness. The magistrate himself suspects this new interpretation from the very beginning. What could account for such a complete reversal within a span of six days? What happened to all that righteous anger that To displayed during his first report? And what was the significance of the dressing and burial

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<sup>88</sup> Sun Joo Kim and Jungwon Kim, *Wrongful Deaths: Selected Inquest Records from 19th-Century Korea* (Seattle: University of Washington Press, 2014), 12.

<sup>89</sup> *Collected Volume, Vol. 1*, 136.

老母言內咸章之死因其宿病之添劇不必由於披打勿爲告官檢屍◎十分言筋故收斂山殯今始來告成大等放送亦爲乎等以事極殊常

of Hamjang? The magistrate ordered the drafting of a set of interrogation questions to help demystify To's new statement.

## **Episode II - The Impassioned Dissuasion of Hamjang's Elderly Mother**

From this point in the case, the magistrate viewed Hō To not as a victim and “bereaved family member” [K. *sich'in* 屍親], but rather as a suspect guilty of unexposed criminal activity. For that matter, he seems to have applied this designation to the Hō family in its entirety. What else but illegal activity could have motivated such a radical reversal of their argument in so short a window of time? The magistrate focused his interrogations on To primarily because that member of the Hō family submitted the reports in both instances—clearly, To occupied a central position within the family and in the handling of the case.

In his testimony, To fully corroborated his mother's earlier statements. He even elaborated on those statements in an attempt to thicken the smokescreen that the Hō family hoped to create. He first addressed the topic of his brother's chronic condition. To described Hamjang in blunt terms, revealing the full extent of his brother's debilitation and disfigurement.

The magistrate writes:

Within To's statement: ‘My brother Hamjang, [having suffered] from “summer heat disease” for ten years, constantly wailed and moaned with pain. The disease eventually worsened to the point of being chronic. His skin sunk down into his bones, and he no longer resembled a normal, healthy person. For people high and low in this village, this is a matter of common knowledge.’<sup>90</sup>

To provides an alternate, plausible explanation for the observations that the military official made about Hamjang's condition during the initial inspection. In introducing this information,

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<sup>90</sup> *Collected Volume, Vol. 1*, 136.

許濤招內矣同生咸章以伏暑之病十年呻吟漸至沈痼皮向脫落◎存形骸不作恒人之狀一洞上下人之所共知是白如乎



the Hō family attempted to force a choice between two opposing theories of death. Their argument revolves around the notion of “summer heat disease” [K. *poksŏ-byŏng* 伏暑病], the malady that To cites as the reason for Hamjang’s worsening condition. The basic theory of the illness drew from notions of the way that the human body interacted with changes in seasonal temperatures. Specifically, it held that certain people retain the heat of the summer season within their bodies and organs, only to release it spontaneously as the cooler fall or winter months began. The expulsion of heat subsequently resulted in a wide variety of violent bodily reactions ranging from stomach aches, to vomiting, to diarrhea.<sup>91</sup> Deaths were sometimes attributed to “summer heat disease” (as is obviously attempted in Hamjang’s case). The family also seemed at least partially confident that an autopsy, if ordered, would fail to help in that determination. In short, the Kim cousins’ attack was not to blame—Hamjang’s pre-existing condition was.

To then provides specific reasons for the six-day delay. The magistrate records To’s testimony as follows:

On the thirteenth day of this month, an argument erupted between Hamjang and Sŏngdae because of a [longstanding] issue between them. As for Sŏngdae, he ultimately picked a fight [with Hamjang]. At the same time, Munŭi, who is Sŏngdae’s cousin of the same surname, threw himself into the fray. And so, in an uncontrolled fit of passion, I restrained Sŏngdae and Munŭi and requested that the local authorities apprehend them. Indeed, upon my brother’s passing, I should have informed the authorities once more; however, since [Hamjang] already suffered from a severe illness that was virtually untreatable, it would not have been possible to adjudicate [the case as a murder solely on the basis that] he sustained grave wounds [in the altercation].<sup>92</sup>

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<sup>91</sup> ‘Poksŏ’ in *Hanŭihak taesajŏn* (Seoul: Chŏngdam, 1998), Accessed from <<http://terms.naver.com/entry.nhn?docId=2334540&cid=51276&categoryId=51276>>.

<sup>92</sup> *Collected Volume, Vol. 1*, 136-37.

今月十三日咸章與金成大因一事端有所爭詰成大處果有扶曳相關之事而文義段置以成大之同姓四寸同時相關是白乎等以矣身不勝一時之憤執捉成大及文義告官囚禁而矣弟仍爲致死即當更告是白乎矣既有難救之病不可以被打致死決意成獄

This passage strongly suggests that the magistrate detected a self-recriminatory tone in To's testimony. The underlined portion above provides a key clue to discerning this tone. To avoids asserting that he acted decisively in requesting the apprehension of Söngdae and Munüi following their (vaguely-described) "altercation" with Hamjang. Instead, To presents his prior report as the result of a "fit of passion" that he could not suppress. To further admits that he knew of the legal requirement to inform the authorities of his brother's death; however, he asserts that the result of any such report was foreordained, that any further pursuit of a murder conviction would be fruitless because of the complicating factor of his brother's disease. In short, To's initial report was simply a mistake of haste.

We thus come to the final component of To's recorded testimony. After asserting that he made several missteps in the handling of his brother's case, To appeals to higher principles to justify his lateness—he portrays his laxity with the law as necessitated by the demands of ritual and filiality. To do this, he once again invokes and elaborates on the prior statements of his elderly mother. In the quoted material that follows, the magistrate records how To acquiesced to his weeping mother's request not to let any aspect of the investigation disturb the funeral preparations:

My eighty-year old mother, crying and weeping, said: 'He is dead, and that is all [there is to say]. Now, if we were to relay these things to the officials and fully adjudicate the matter as a murder case, then not only will I lose the opportunity to act during the normal [ritual] period for dressing the corpse for the mourning and burial rites (*yömsi* 殮屍), but also I will not be able to bear hearing and seeing all of the things [that will be revealed during] the many autopsies [that will surely] be performed on him. If it comes to this, then I will have difficulty going on. [I implore you], do not under any circumstances report this to the authorities and initiate a murder inquiry.' She strongly and repeatedly attempted to deter me. However, had I *not* been deterred, truly [we would have had to] delay beyond the designated days the [performance of] such rituals as the corpse dressing

(*susi* 收屍), the internment in the coffin (*ipkwan* 入棺), and the mountain burial (*sanbin* 山殯)?<sup>93</sup>

Timing is the central issue here. The mother mentions the time limitations to emphasize her profound sense of concern about adhering to proper standards of ritual. Some of the rites that she mentions were, indeed, highly time-sensitive—just as any funerary ritual is by necessity time-sensitive, given the inevitable decomposition of the body. Had the investigation continued unabated, the family’s window of opportunity almost surely would have closed. The corpse dressing presents a particularly illustrative example here. To properly perform the corpse dressing, the family of the deceased had to acquire, prepare, and lay out the body before *rigor mortis* fully set in. After first plugging the deceased’s ears, nose, and mouth with cotton, the bereaved then had to massage and rub the fingers, toes, hands, and feet in such a way that they were left straight and uncurled. The same applied to the legs and arms. The gender of the deceased determined the final positioning of the hands about the body. The family completed all such preparations in anticipation of the eventual wrapping and shrouding of the corpse [K. *yömsüp* 殮襲], the proper execution of which required a body without any severe contortions. The internment in the coffin immediately followed the rite of shrouding.<sup>94</sup> In sum, it seems entirely plausible that the constraints of time weighed heavily on the heart and mind of Hamjang’s elderly mother.

One further strategy informs the rhetoric of To’s argument. If To’s mother felt such a profound sense of ritual duty, then To would have had to support her convictions by virtue of the

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<sup>93</sup> *Collected Volume, Vol. 1*, 137.

八十老母涕泣而言曰死者已矣今若告官成獄則不但劔屍失時累次檢驗之際無非不忍聞不忍見之事事若至此則老身難保性命切勿告官成獄亦苦口挽執是白去乙矣身亦不得強迫果爲收屍入棺山殯如是之際日字遲延

<sup>94</sup> Yi Subong, *Changnye munhwa ūi ihae* (Seoul: Kyöngin Publishers, 2008), 155.

filial relationship. Note that the magistrate never explicitly frames this quotation in filial terms; however, without the implication of filial obligation, it becomes difficult to explain why a personal request from To's mother held any legal significance. To found himself in an insoluble situation where he was forced to weigh his legal responsibilities against his own ritual responsibilities and filial obligations to his mother. In turn, he attempts to saddle the authorities with a "dilemma of their own making" by generating a sense that *their* legal stipulations (i.e. autopsy procedures, responsibility for reporting, etc.) and *their* ritual norms (i.e. the timeline for all the various rites) placed contradictory demands on the family. The basic demands of the filial relationship thus were threatened.

The attempt of the Hō family to divert the attention of the authorities away from the investigation is plain to see. They presented three distinct arguments to that end: one concerning Hamjang's illness, one concerning To's hastiness, and one concerning their mother's fretfulness. Of the three, the mother's plea seemed to hold the greatest weight. In the coming sections, we will see that the magistrate suspected from the very beginning that Hamjang's family harbored ulterior motives. After collecting further testimony, the magistrate finally shed some light on those motives.

### **Episode III - The Private Restitution Settlement**

After sitting with To for a second round of interrogation, the magistrate concludes that the Hō family's plea did not represent a genuine expression of concern about ritual. Rather, they presented their new, three-pronged argument to distract from some private dealings that transpired during the six-day gap. The magistrate discovered that the Hō and Kim families had forged a private restitution agreement [K. *sahwa* 私和] in that time. The families therefore hoped

that the magistrate might cease all official involvement in the incident, close the case early, and let them return to their normal lives.

In cases involving serious crimes during the Chosŏn period, families often forged settlements to avoid the various risks associated with the investigation process. The family of the victim often faced the greatest financial burden in these cases,<sup>95</sup> as the law demanded that they provide for many of the expenses incurred by the officials. Private settlements were not considered legal in cases pertaining to major legal infractions like murder. Officials viewed restitution settlements as avenues for circumventing the law and denying the satisfaction of justice,<sup>96</sup> though one finds exceptions where local magistrates treated *sahwa* with greater laxity (or sometimes even approved of them) depending on variations in time and circumstance.<sup>97</sup> Given the commonality of such settlements, it is likely that the Namwŏn magistrate suspected one from the very beginning.

The *circumstances* of the restitution settlement in Hamjang's case are not entirely common, however. Families ideally agreed to private restitution settlements *before* the authorities gained word of the crimes in question. In Hamjang's case, the *sahwa* was concluded *after* To had already made an initial report. The Namwŏn magistrate reflects on this fact and notes that circumstance forced the Hŏ family to concoct an argument for distraction. He writes:

At first, Hŏ To had reported Sŏngdae's attack on his brother Hamjang to our office. However, even after [the assailants] were apprehended and incarcerated, and indeed even

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<sup>95</sup> This point is mentioned explicitly in the notes to Hamjang's case. *Collected Volume, Vol. 1*, 141.

<sup>96</sup> Kim and Kim, *Wrongful Deaths*, 99-100.

<sup>97</sup> For example, Cho Yunsŏn argues that magistrates in the late Chosŏn period developed a more favorable attitude toward private settlements as the sheer volume of lawsuits reached unmanageable proportions in that period. Cho Yunsŏn, *Chosŏn hugi sosong yŏn'gu* (Seoul: Kukhak charyowŏn, 2002), 277-278.

after Hamjang had died, To did not again report to us. Furthermore, he took it upon himself to conduct the burial rites! How peculiar this situation is. Had we never heard of [Hamjang's case] from the first, then there would [have been nothing to say of this matter]. [However], people have already been incarcerated. To simply drop the matter because the bereaved family of Hamjang forged a private restitution settlement would be to make light of a [potentially serious] matter of law related to murder. Moreover, To testified this time around to a fracas [between Sōngdae and Hamjang] and yet did not immediately report [that encounter] to the authorities and pursue it as a murder case on account of his elderly mother's impassioned pleas. This suggests that there are some hidden [circumstances] here.<sup>98</sup>

The magistrate concluded that the Hō family had been caught in a difficult situation to navigate. They therefore had to concoct justifications for their behaviors. The aforementioned self-recriminatory language of To gains added meaning in light of these developments.

Hō To revealed the exact terms of the settlement during a second round of interrogation. After some wrangling, the two families reached an uncomplicated agreement: the Kim family agreed to provide the materials for building one coffin to be used in the burial, while the Hō family presumably agreed to cease pursuing a conviction. The Hō family accepted the terms of the deal and apparently used the coffin in the burial rite. The magistrate sees this particular development as the solution to the mystery of To's delayed report, as he writes in the following passage:

Sōngdae's father had provided the boards [with which to construct] a coffin, which makes the evidence of a private restitution settlement difficult to conceal. However, since Hamjang already [struggled with] a chronic health condition, his bereaved family members [claim that they] could not fully attribute Hamjang's death to the beating. [Perhaps more accurately, though], after all murder cases, the need of the family to bear so many unnecessary expenses can place them in considerable difficulty. Among the bereaved family, there would have been nobody without grievances. [Therefore], Hō To's

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<sup>98</sup> *Collected Volume, Vol. 1, 137-38.*

當初許濤既以其弟咸章被打於成大等告官捉囚之後至於當日致死而不為更告任自殮殯事極怪駭官家初若不聞則已既已捉囚之後因屍親之私和置而勿問有非重殺獄之法叱分不喻今此招辭中亦有扶曳相鬪等語而不即告官成獄出於老母之挽止是如者顯有隱情

obfuscation and [delayed] reporting, as well as his mother's impassioned dissuasion all amount to a ploy to clean up the whole situation.<sup>99</sup>

The truth, as the magistrate understood it, thus emerges: the previous testimony presented by the Hō family all amounted to a rhetorical ploy to deflect attention away from the private settlement and to avoid the burdensome expenses of an investigation. With that mystery solved, the question of how to distribute guilt among the parties to the crime (and the exact degree to which they should be punished) was the only one that remained.

#### **Episode IV - Preliminary Determinations of Guilt and Complicating Variables**

The Namwōn magistrate had to assign blame and punishment for two crimes: the assault on and subsequent death of Hamjang, as well as the private restitution settlement itself. After gathering new witness testimony, weighing evidence, and re-interpreting the case in light of relevant legal principles, the magistrate encountered several legal snags that were not easily disentangled.

Several pieces of newly-gathered evidence caused the magistrate to doubt his initial assessment of the attack on Hamjang. To begin, a autopsy conducted on Hamjang's body yielded inconclusive results.<sup>100</sup> The magistrate previously dismissed Hamjang's illness as a factor in his death; however, after applying the relevant standards for autopsy to this case, the magistrate could not summarily rule out the impact of that illness. Moreover, new witness testimony emerged that cast the confrontation between Sōngdae and Hamjang in a new light. A man named Cho Hanhŭng provided testimony that Sōngdae never actually struck Hamjang during the

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<sup>99</sup> *Collected Volume, Vol. 1*, 140-41.

成大父處既捧棺扱則其私和之跡固所難掩是乎矣但咸章既是抱病之人則雖以屍親之心亦不可全歸之於被打殞命之科叱分不喻凡殺獄成獄之後浮費酬應之道作一難堪之端爲其屍親者莫不厭苦許濤之掩置不告其母之極勸挽止似出於彌縫之誼是在果

<sup>100</sup> *Collected Volume, Vol. 1*, 139.

altercation.<sup>101</sup> Söngdae himself testified in his defense that Hamjang had conspired with another man to sexually assault his widowed sister.<sup>102</sup> The confrontation with Hamjang arose entirely because of that prior incident. All of these new developments forced the magistrate into an internal debate about which legal principle to follow in distributing blame for Hamjang's death: the *kohan*, the rules guiding autopsy procedures, or perhaps the laws governing the punishment of assault.

The magistrate faced similar difficulties when deciding how to adjudicate the *sahwa*. The magistrate includes a curious passage later in the case records where he reveals the source of his confusion. For reasons pertaining to the role of emotional expression in official legal procedures, the magistrate wonders whether the Hō-Kim settlement held any legal significance *at all*. The explanation appears as follows:

[It might seem that] the reason the bereaved family member Hō To did not inform the authorities immediately upon his brother's death and [also carried out the procedures] for the rites of shrouding and mountain burial owes to the fact that [the Hō family] received and used wooden boards from Söngdae's father [to make] a coffin. As such, it appears that he tried to remedy the situation in private, which is incredibly bothersome. However, if you base [your determination] on all of the various witness testimonies [after] examining them carefully, then [you might conclude] that To's hesitation and failure to immediately report the murder case resulted from his elderly mother's forceful deterrence. Even though [the Hō family] accepted and used the coffin planks [from the Kim family], the [Hō family] did not simply forget their animosity toward [the Kims] at the start [of this case]. Understand that it is typical of restitution settlements [forged within a] murder case [for the involved parties to seem as though] they have settled their differences through a bribe and thereby reached a state of reconciliation. When such

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<sup>101</sup> *Collected Volume, Vol. 1, 139.*

<sup>102</sup> *Collected Volume, Vol. 1, 138.*



measures intend to [erase memory] of the initial animosities [between the involved parties], then the relative lightness and severity of the crimes should rightly be judged.<sup>103</sup>

The Namwŏn magistrate's overriding concern in this passage is the “remembering and forgetting of animosities.” In his mind, the greatest danger of a *sahwa* lay in the possibility that families might not *publicly* reveal their tensions with other families (as well as the specific criminal histories that created those tensions). In Hamjang's case, however, those animosities had been expressed once already. The requirement of public revelation had already been satisfied.

Therefore, that prior act of articulation largely—if not entirely—diminished the significance of the Hŏ-Kim *sahwa* for the Namwŏn magistrate. He appeared almost completely uninterested in addressing the bribe between the two families. The Provincial Governor himself seemed satisfied with the magistrate's interpretation: in his own, separate adjudication, the Governor accepted the magistrate's explanation and recommended that To be released without any further prosecution. The grounds for that decision rested on the notion that the restitution agreement To arranged was atypical, that he did not simply attempt to acquire goods and forgo legal matters.<sup>104</sup>

By this point in the case, the magistrate had lost interest in prosecuting Munŭi. He saw Sŏngdae's cousin only as minor accomplice who, according to later testimony from the Hŏ family itself, had not contributed much to the attack. With all of these matters out of the way, the magistrate focused all of his energy on sentencing Sŏngdae. Those determinations represent the final component of the magistrate's case notes.

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<sup>103</sup> *Collected Volume, Vol. 1, 178-79.*

屍親許濤段其弟咸章致死後不即告官而收殮山殯是遣成大父處捧用棺板則私自彌逢之狀殊極可駭是乎矣參以各人招辭另加憑覈則其趨起果日不即成獄者出於老母之至情挽止雖有棺板捧用之事本非忘讐捧賂◎中私解解狀可以明知與殺獄私和一例處置有非原怒之意宜有酌處之道

<sup>104</sup> *Collected Volume, Vol. 1, 180.*

## **Episode V - The Final Sentencing of Kim Sōngdae**

Sōngdae previously attempted to exonerate himself of any responsibility for Hamjang's death. To do this, he argued that his fistfight with Hamjang came in response to Hamjang's violent advance on his widowed and chaste sister-in-law. The circumstances justified his aggressive response and rendered the death of Hamjang an unfortunate but legally unimpeachable one. Sōngdae also appropriated the previous argument of the Hō family that Hamjang's chronic illness directly caused his death, not the attack. These arguments only partially benefited Sōngdae: Sōngdae avoided any prosecution on the murder charge, but did face charges for the assault itself (irrespective of its connection with Hamjang's death).

In the final adjudication, it was determined that the period of criminal responsibility could not be reliably applied in Hamjang's case. The autopsy concluded that Hamjang's wounds had apparently already begun to heal, meaning that, if there were to be any charges in the case, they would have to come from some other legal principle. Sōngdae may have escaped from that more serious charge, but he did not escape punishment for the *assault* on Hamjang, for which he was to receive 100 lashes and three years of hard labor. Sōngdae was transferred to Hamyang in neighboring Kyōngsang province and there awaited his punishments.<sup>105</sup>

### **Matters Arising in the Case of Hō Hamjang**

In the course of Hamjang's case, the Namwōn magistrate encounters three separate issues that he finds difficult to resolve, or at least difficult to interpret in light of relevant legal standards. Those three issues are: (1) the inconclusive physical evidence gained from the autopsy of Hamjang's body, (2) the legal implications of the Hō family's participation in a *sahwa*, and (3)

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<sup>105</sup> *Collected Volume, Vol. 1, 525-27.*

the argument of the Hō family concerning the relationship between the state's ritual and legal standards. Each of these matters provides an opportunity to reflect on aspects of the law, culture, and society of the Chosŏn period. The inconclusive physical evidence provides an opportunity to discuss the rules of autopsy procedures during the Chosŏn and their application to this case. The Hō family's participation in the *sahwa* opens a discussion about the politics of publicizing private restitution settlements in local society. Finally, the Hō family's culminating argument about law and ritual invites a re-evaluation of the relationship between those two concepts during the period in question.

### **Standards for Autopsy Examinations and the Difficulty of Hamjang's Case**

The Namwŏn magistrate conducted a direct inspection of Hamjang's corpse as part of his overall investigation but drew only inconclusive results. That indecision resulted from the standards for autopsy examinations established in the laws of the Chosŏn state. Guidelines for these procedures were set in a document called the *Muwŏllok* 無冤錄, a treatise written by the Yüan dynasty scholar Wang Yu 王與 (1261-1346).<sup>106</sup> King Sejong (r. 1418-1450) of Chosŏn convened debates around the adoption of the *Muwŏllok*, concluding eventually in favor of its publication with new annotations.<sup>107</sup> The *Muwŏllok* provides instructions for general procedures to be followed in the process of conducting an autopsy, including proper handling of the body and guidelines for generating records of the autopsy. The direct inspection of the body focused primarily on the issue of bodily coloration, which was considered the fundamental indicator of cause of death, not any particular internal examination of the body. This assumption had largely

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<sup>106</sup> Kim and Kim, *Wrongful Deaths*, 15.

<sup>107</sup> Ko Sukhŭi, "Muwŏllok' kwa 'hŭmhŭm sinsŏ' e nat'an an chungguk kwa chosŏn ūi pŏbŭihak segye," *Chungguk munhwa yŏn'gu* 31 (February 2016), 149-50.

to do with ideas about the interface and movement of *ki* 氣 within the body.<sup>108</sup> Perhaps unsurprisingly, the issue of colouration proved the most vexing for the Namwŏn magistrate. In the following passage, the Namwŏn magistrate records his impressions of the body's general appearance and his more minute observations of the extent of the wounds inflicted:

I personally inspected the corpse of Hŏ Hamjang. Even though eight days had passed since his death, the body had not rotted at all. There was no effluence from the corpse, though the whole body was so emaciated that the bones and skin met. It is clear that he had a persistent illness for many years. He lacked any wounds on his front side. The wounds on his back side were neither excessively large, nor excessively black and blue. [This leaves me with] no small amount of doubt. Furthermore, the five or six wounds on his backside were all of purple colouration and had hardened considerably. It seemed to me, therefore, that they had clotted.<sup>109</sup>

These observations fundamentally complicated the investigation. The magistrate concluded that the relatively light colouration of the wounds and the apparent presence of clotting indicated that Hamjang's body began to overcome the trauma on its own strength. This suggested that Hamjang may have died from other factors. The *Muwŏllok* drew a clear connection between colouration in the body and the nature of the crime. Redness strongly suggested that the deceased was a victim of murder—other colors implied death by some other means.<sup>110</sup> This particular standard of interpretation also appears in such documents as Song Ci's *Hsi Yuan Chi Lu* 洗冤集錄, where different colors are associated with such various ways of dying as corporal punishment, falling from high areas, asphyxiation, buffalo attacks, crushing by a wagon cart, lightning, tiger-bite,

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<sup>108</sup> Wang Yu, *Sinju muwŏllok*, trans. Kim Ho, ed. Ch'oe Ch'iun (Sŏul: Sagejŏl, 2003), 13-41.

<sup>109</sup> *Collected Volume, Vol. 1*, 139.

今此許咸章屍身親自檢驗則致死已過八日而全不腐爛亦無流汁全身瘦瘠皮骨相接其積年沈痼之狀照然明知是乎於仰面無他傷處合面有傷痕既不至大段亦不甚青黑不無一端疑訝之心是乎矣第其合面五六被傷處色紫堅硬似爲血凝之狀

<sup>110</sup> Kim Ho, "Sinju muwŏllok kwa chosŏn chŏn'gi ūi kŏmsi," *Pŏpsahak yŏn'gu* 27 (April 2003), 204-9.

and snakebite.<sup>111</sup> (Scholars have compared the contents of the *Muwöllok* and the *Hsi Yuan Chi Lu* to explain the development of thought on the conduct of autopsies between Song and Yüan China.<sup>112</sup>) In Hamjang's case, therefore, a new set of evidentiary considerations needed to counterbalance these findings in order to reach a definitive conclusion.

More general concerns about the quality of Hamjang's health hovered over the autopsy results. In fact, several passages from the magistrate's notes strongly suggest that Hamjang's persistent illness increasingly weighed on the mind of the magistrate and his investigative team. For example, the following passage, which is drawn from the governor's adjudication at the end of the second report, reflects such an effort:

[Based on the reported testimony], all pointed to the fact that Hamjang came from the house of the Hǒ literary licentiate (*chinsa* 進士) family having suffered an extremely violent episode of defecation. This one matter should have been re-examined immediately, however the re-investigation was completed sloppily. Therefore, though I wished to investigate the matter carefully, I could not.<sup>113</sup>

This is the first instance in the report where any official takes interest in the measure of Hamjang's gastrointestinal fortitude. The passage demonstrates the difficulty the local officials

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<sup>111</sup> Song Ci, *Hsi Yuan Chi Lu* 洗冤集錄, Translated by Brian McKnight in *The Washing Away of Wrongs: Forensic Medicine in Thirteenth-Century China* (Ann Arbor: Center for Chinese Studies, University of Michigan, 1981), 145-50.

<sup>112</sup> Ch'oe Haebyöl has conducted a comparative analysis of the *Hsi Yuan Chi Lu* (a document of Song China) and the *Muwöllok* (a document of Yüan China) to determine how thinking on procedures for autopsy examinations developed throughout those two periods of Chinese history. There are many continuities between these two tracts, including general categorizations of deaths and the general organization of the tracts themselves. However, the *Muwöllok* explicitly states that its purpose lay in presenting the necessary upgrades to the knowledge presented previously in the *Hsi Yuan Chi Lu*. Therefore, it exhibits greater specificity in its categorization of deaths from time to time. Ch'oe finally argues that this text is more systematised and professionalised than the former document by Song Ci. Ch'oe Haebyöl. "Song · Wǒn sigi kömhöm chisik üi hyöngsöng kwa palchön: 'siwön chimnok' kwa 'muwöllok' üi chungsim üro" *Chungguk hakpo* 69 (2014), 80-1, 86-8, 99-100.

<sup>113</sup> *Collected Volume, Vol. 1*, 180.

招辭一一憑覈牒報云者盖指咸章自許進士家重惡放糞而來是如之事也此一款宜即憑問而覆檢時疏漏故欲其一憑覈而又不舉行

experienced in trying to disentangle and reconcile the results of the autopsy and the testimony given during the investigation. It seems that the guidelines for these inspections were applied quite rigidly in Hamjang's case and discouraged loose interpretations of the relevant facts.

### **The Local Politics of Publicizing Private Restitution Settlements**

Local authorities discouraged private restitution settlements. *Sahwa* excluded local officials from conflict resolution processes. In the eyes of local officials, serious criminal incidents *required* official intervention. Without a guiding hand, locals might not adhere to the standards encouraged by law—or so the local officials thought. As Hamjang's case itself demonstrates, those who pursued *sahwa* risked legal punishments. How, then, does one make sense of a group's decision to publicize their own participation in a *sahwa*? What motivations might spur such a revelation? What effects did those revelations have on local society?

The answers to these questions reside primarily in the realm of practice. Concrete circumstances dictated whether a particular group might find it advantageous to reveal their private settlements to the authorities. This means that our discussion will be most effective if we compare specific historical cases. In this section, I will compare Hamjang's case with another incident from the late Chosŏn period discussed by Sun Joo Kim and Jungwon Kim in their book *Wrongful Deaths*. We will see how any decisions to publicize a *sahwa* involved careful consideration of a wide variety of concerned parties—in effect, there were broad social concerns underlying those decisions.

When Hŏ To presented testimony to distract from the private settlement, he targeted a wide and diverse local audience—not just the Namwŏn magistrate alone. Various local groups held stakes in the Hŏ-Kim settlement and its possible exposure. Therefore, To's message had to

speak, in some way, to the concerns of each of those groups. Beyond the magistrate, I see at least three targets of To's testimony: the Kim family, the rest of the extended Hō family beside To and his mother, and other local élite who were not the Kim or Hō families. The following paragraphs detail each of these messages individually, but let me simply state the conclusion at the outset: that this case cannot be read simply as an internal procedure *of* the Namwōn magistrate's court, but rather as a process that mediated various local social elements *through* that same court.

Risk management was the underlying principle of Hō To's testimony. He knew from the outset that the Namwōn magistrate might not be fooled by his argument. Hō To had to prepare for the event that the Namwōn magistrate discovered the settlement and pressed forward with the case—a strong possibility given the fact that the case was opened before the two families even *considered a sahwa*. To those other three groups mentioned just above, To had to include in his testimony words of assurance, solidarity, and commitment. If not, those same groups might have decided to break with To because of some perceived insufficiency in his efforts to disguise the *sahwa*.

To begin, To had to demonstrate to the Kim family that he was serious about shielding them from the investigation. Only an impassioned and well-crafted performance before the magistrate might cool the anger and disappointment of the Kims if the *sahwa* became known. Absent such a performance, To risked turning the Kims into legal enemies of a sort. That is to say, the Kims may have been more willing to cooperate with an investigation to incriminate To and the rest of the Hō family if they felt the *sahwa* was a sham. In sum, though the settlement obligated the Kim family to the Hō family (through the transfer of materials for the coffin), it also obligated the Hō family to the Kim family (through the mechanism described just above).

Next, To's testimony sent a very clear message to his own family. They were almost certainly concerned about the considerable expense of an investigation, even if the magistrate was the only person to mention that fact explicitly. The burden of that expense might have extended beyond Hō To's immediate household, depending on his personal level of wealth (which is never mentioned in the records). Were other households within the family line saddled with some of those expenses, To may have become the object of unfavorable internal family politics. An investigation might even have encouraged action and support from any local mutual aid associations in which the Hō family participated—on that count, too, To likely hoped not to overburden those groups. Therefore, when To argues that he made his initial report in a fit of passion and haste, he is speaking not only to the Namwōn magistrate, but really to his family as a whole.

Finally, the broader group of local elite in Namwōn figures as a crucial target audience of To's testimony. Other families in the area may themselves have forged *sahwa* at one point in their own history. If not, they may have been willing to settle in theory. Failing that, they may still have held strong sympathies for families that pursued restitution agreements out of necessity. All of this generated an atmosphere that placed considerable pressures on To: if he failed to give his utmost when distracting the magistrate from the *sahwa*, he may not have been viewed favorably by other local families. Indeed, if it ever seemed that To actually *hoped* the magistrate might discover the agreement, other families in the area may have found the agreement deceptive and slimy, ultimately blaming the Hō family for dishonest practices. An inadequate defense of the Kim family risked making the Hō family into local pariahs.



Once To agreed to the restitution settlement, he faced many concerns beyond his own self-preservation from the punishments of the magistrate (although, as we eventually saw, the magistrate graciously forgave To of any potential charges). Rather, a diverse array of social groups held stakes in the settlement and the testimony designed to hide it. This case was not simply a self-contained legal matter within the Namwŏn magistrate's court. Rather, it held strong social implications as well, requiring To to tailor his message carefully and represent it in court with a seeming wholeheartedness. Only in this way could he minimize the potential repercussions of exposure.

Similar considerations figure into a case that Kim and Kim translated and analyzed for *Wrongful Deaths*. In the sixth case that they analyze in that book, "A Widower Seeks Private Settlement," they relate the story of an impoverished, itinerant merchant [K. *pobusang* 裸負商] whose wife died after sustaining a kick and miscarrying. Village elders subsequently intervened on his behalf and forged a settlement that involved the transfer of some of the offending party's land deeds. Despite the legal risks, the local itinerant merchant cooperative eventually decided to report the private settlement to the local authorities. Kim and Kim puzzle over this decision and finally conclude that the declaration of the existence of the private settlement actually came as a *public warning*. The merchant cooperative lived by an explicit code of mutual support and mutual defense against the exploitation of the Chosŏn elite. Since the details of this particular case necessitated action in both of those areas, the cooperative's leaders intended the public revelation of the private settlement to serve as a display of their solidarity before the law and local society.<sup>114</sup> In comparing the responses of the Hŏ family and the merchants in these two

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<sup>114</sup> Kim and Kim, *Wrongful Deaths*, 100-2.

cases, we observe how the legal politics of publicizing settlements interfaced with the interests of a variety of local audiences in radically different ways.

### **The Testimony of Hō To and the Relationship between Ritual and Law**

When Hō To first testified before the Namwōn magistrate, he presented an elaborate argument to discourage the magistrate from continuing the case. The centerpiece of his argument lay in the claim that Hamjang's case had exposed a glitch in the state's ritual and legal systems. Hō To argued that the timing of burial rites and autopsy examinations overlapped irreconcilably. The goal here was to force the magistrate to make a choice: between ritual and law, which would he privilege? The argumentative strategy of the Hō family raises questions about received understandings of the relationship between the concepts of ritual and law during the Chosŏn period. Can the Hō family's argument be explained through established notions of that relationship?

The Confucian notion of ritual [K. *ye*, C. *li* 禮]<sup>115</sup> was, both in its philosophical origins and in the political discourse of Chosŏn, a conceptual instrument for ordering the state and everything that the state oversaw. It prescribed proper standards of behavior for relationships that existed at various levels of society, whether within government, unofficial public life, or the home. Ritual was a concept that presented an ideal vision of society where interpersonal relationships naturally adhered to certain normative standards—extensive reinforcement from the

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<sup>115</sup> The operative word in this phrase is “Confucian.” The concept of ritual pre-dated the Confucian tradition; however, the term's meaning shifted within the Confucian philosophical context. The ritual concept became increasingly conceptual between the early Zhou period and the immediate context of Confucius himself, moving from a simple notion of “rites performed” to a fuller notion of “behavior and the ordering of society.” For a full discussion, see Michael David Kaulana Ing, *The Dysfunction of Ritual in Early Confucianism* (New York: Oxford University Press, 2012), 20-2.

state or recourse to punishment was discouraged.<sup>116</sup> The concept presupposed a society of hierarchical divisions between those of varying ranks, while the concrete implementation of ritual involved reflecting these binaries in official state structures.<sup>117</sup> Finally, the ritual concept also designated concrete rites, the contents of which reflected the ideal social order. Rites expressed and reinforced the ritual agent's position in a particular relationship. The rite itself encouraged adherence to the standards of conduct necessitated by each relationship type, whether father and son, ruler and subject, husband and wife, or otherwise.<sup>118</sup>

The Confucian concept of ritual was not a completely static one, though it certainly held onto the basic meanings listed above. Confucian thinkers subject to different social and historical conditions—or even to simple differences of opinion—provided unique interpretations of the concept. For example, one finds particular nuances in the definitions provided by such formative Confucians as Mencius, Xunzi, and Confucius himself. Confucius understood ritual largely in the terms outlined above: the promotion of the political and social class system, a set of guidelines for effective political rule, and a set of moral codes for interpersonal behavior. Mencius, in no way denying Confucius' understanding, nonetheless also understood ritual both as an innate impulse to moral goodness and as the outward expression of that impulse.<sup>119</sup> Xunzi took a slightly different position, seeing ritual as a necessary corrective to the flaws of human nature, which he saw as defective. In short, people had to work at ritual to ensure that they

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<sup>116</sup> Im Minhyök, *Chosŏn ūi yech'i wa wanggwŏn* (Seoul: Minsok wŏn, 2012), 54.

<sup>117</sup> Im Minhyök, *Chosŏn ūi yech'i*, 18, 70.

<sup>118</sup> Ing, *Dysfunction of Ritual*, 8.

<sup>119</sup> Pak Tongin, "Sŏnjin yuga yebŏpkwan ūi chonghapcha: sunja ūi yebŏpkwan" *T'oegye hakpo* 131 (2012), 194.

developed out of their ingrained tendencies to wrongdoing.<sup>120</sup> To be sure, Xunzi also adhered to the previous viewpoints of ritual as the stratification of society, the stipulation of moral guidelines for human relationships, and the securing of stable politics.<sup>121</sup>

Confucian thought and practice occupied a central position in the lives of the Chosŏn elite. Confucian officials and philosophers attempted to order society according to the principles of Confucian ritual. The central court hosted recurring debates about the concept of ritual and its application to society all throughout the Chosŏn period. As a consequence, the notion of ritual did not remain static throughout the Chosŏn—different philosophers offered various interpretations in response to emerging political, social, and intellectual trends. Though it is well beyond the scope of this paper to enumerate all of these developments in detail, a general sketch of the contours of these debates follow.

Different ritual programs were developed for the Chosŏn Royal House and the social elite. Rites for the former were outlined in the *Five Rites of State* [K. *Kukcho oryeŭi* 國朝五禮儀], which specified five separate categories of rituals to be performed on appropriate occasions.<sup>122</sup> Rites for the latter were spelled out in the *Family Rites of Zhu Xi* [K. *Chuja karye* 朱子家禮]. That document, penned initially by the Song Dynasty thinker Zhu Xi, described the

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<sup>120</sup> Kurtis Hagen, "Xunzi and the Nature of Confucian Ritual," *Journal of the American Academy of Religion* 71.2 (June 2003), 371-3.

<sup>121</sup> Pak Tongin, 'Sŏnjin yuga yebŏpkwan,' 191-3, 197-208.

<sup>122</sup> JaHyun Kim Haboush, "The Ritual Controversy and the Search for a New Identity" in *Culture and the State in Late Chosŏn Korea*, ed. JaHyun Kim Haboush and Martina Deuchler (Cambridge, MA: Harvard University Asia Center, 1999), 49.

proper procedures and constituent rituals for the four broad rites of capping, marriage, funerals, and ancestor memorials.<sup>123</sup>

To be sure, the specific contents of the notion of ritual did not remain static throughout the Chosŏn Dynasty. Some of the fiercest political debates in this period focused on the interpretation and performance of various rituals under divergent circumstances—a phenomenon which Henry Em interprets as part of Chosŏn’s constant effort to define its own position within an international tributary system that hinged on China.<sup>124</sup> Moreover, the ritual manuals listed above were amended, revised, or re-interpreted over time. Nearly three centuries after the publication of the *Kukcho oryeüi* (1474), King Yŏngjo (r. 1724-1776) published a revision in the form of the *Continued Five Rites of State* [K. *Kukcho sok oryeüi* 國朝續五禮儀] in (1744), introducing important changes into the state’s ritual program.<sup>125</sup> Commentaries and addenda to the *Chuja karye* likewise emerged alongside new questions concerning the concrete application of certain rituals to the Chosŏn context. Kim Changsaeng’s *Exposition of the Family Rites* [K. *Karye chimnam* 家禮輯覽], completed in 1599, provides a formative example in that it helped encourage the serious and formal study of ritual at the time.<sup>126</sup> With such continued debate about the application of Confucian rituals to the Chosŏn context, present-day scholars like Chi Tuhwan

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<sup>123</sup> For more on the process by which this document gained traction in Chosŏn, see Deuchler, *Ancestors’ Eyes*, 187-98.

<sup>124</sup> Henry Em, *The Great Enterprise: Sovereignty and Historiography in Modern Korea* (Durham: Duke University Press, 2013), 37.

<sup>125</sup> Song Chiwŏn, “Yŏngjo dae üirye chŏngbi wa ‘kukcho sok oryeüi’ p’yŏnch’an,” *Han’guk munhwa* 50 (June 2010), 206-8.

<sup>126</sup> Yi Kibaek, *A New History of Korea* (Cambridge, MA: Harvard University Press, 1984), 219.

have taken particular interest in that developmental process and the various intellectual conflicts that arose because of those changes.<sup>127</sup>

The concept of law [K. *pŏb* 法], as articulated by early Chinese thinkers, concerned formal regulations to determine and execute punishments. In this sense, law was a limited concept that did not positively prescribe behaviors and practices for subjects of the state, a function common in modern positive law.<sup>128</sup> Confucius himself did not speak of punitive law or concrete punishments in terms of *pŏb* [C. *fa*], but rather in terms of *xing* 刑 [K. *hyŏng*]—that term later developed into the philosophical tradition focused on the category of *pŏb*.<sup>129</sup> *Pŏb*, though distinct from ritual, simultaneously shared much with ritual. For example, law was also considered a “scripted performance” meant to bring order to society.<sup>130</sup> However, a key difference lay in the fact that law worked *on* a person rather than *with* and *through* that person. Therefore, law’s social effects were not integrative in the same sense as ritual.<sup>131</sup>

What sources and guidelines form the corpus of law in the Chosŏn period? Chosŏn law was characterized by its centralization and standardization. The state developed, printed, and revised law codes to suit emerging conditions within the boundaries of the state. There is a long

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<sup>127</sup> Chi Tuhwan, “Chosŏn sidae ūirye kaenyŏm ūi pyŏnch’ŏn,” *Tongbang yehak* 1 (1998), 24-7.

<sup>128</sup> Wang and Solum argue that many of the functions of modern positive law were actually encompassed by the concept of *ye*. Ritual predominantly served the function of dictating what actions people ought to take and what claims and responsibilities law placed on the behavior of individuals. Therefore, the concept of modern positive law refers to a broader set of guidelines than the notion of *pŏb* (or *fa* in Chinese). For a full discussion, see Wang Linghao and Lawrence B. Solum, “Confucian Virtue Jurisprudence” in *Law, Virtue, and Justice*, ed. Amalia Amaya and Ho Hock Lai, (Oxford: Hart Publishing, 2012), 119-20.

<sup>129</sup> David L. Hall and Roger T. Ames, *Thinking Through Confucius* (Albany: State University of New York Press, 1987), 171.

<sup>130</sup> Ing, *Dysfunction of Ritual*, 19-20.

<sup>131</sup> Hall and Ames, *Thinking Through Confucius*, 172.

history of legal development throughout the Chosŏn, beginning with the initial adoption of the *Da Ming Lu* 大明律, continuing on to the creation of the *Chosŏn Kyŏnggukchŏn* 朝鮮經國典 shortly thereafter, passing through many other iterations before concluding with the publication of the *Taejŏn hoet'ong* 大典會通. The *Da Ming Lu* served as a prototype for penal law in Chosŏn but was sporadically revised to suit local conditions up until the time of the Great Han Empire, when the government began adopting Western legal forms and traditions.<sup>132</sup>

Early Confucian thinkers expressed varying positions on the relationship between ritual and law. Confucius, though not expressing his view through the term “law” itself, saw punishment as a legitimate response to a violation of ritual, provided the punishment was proportionate to the offender’s position within society. Mencius’ view largely mirrored that of Confucius, seeing the execution of law as response to a failure of ritual. Mencius further discouraged the excessive use of law and advocated for the curtailing of punishments, seeing them as less desirable than the force of moral suasion. Xunzi, on the other hand, advocated for both ritual and law as constructive tools for the ordering of state and society. Xunzi further supported the notion that law and punishment itself was based in ritual.<sup>133</sup> Note the contrast with the position of Confucius, who argued that the ideal for any government was the sparing use of laws, that any state could consider it a mark of distinction if they rarely resorted to punishment.<sup>134</sup>

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<sup>132</sup> Sim Chaeu, “Chosŏn malgi hyŏngsabŏp ch’egye wa ‘taemyŏngnyul’ ūi wisang,” *Yŏksa wa hyŏnsil* 65 (September 2007), 122-23.

<sup>133</sup> Pak Tongin, “Kong · maeng yebŏpkwan ūi saengsŏng kwa pyŏnhwa,” *Sŏgang inmun nonch’ong* 32 (December 2011), 64-5.

<sup>134</sup> Sor-hoon Tan, *Confucian Democracy: A Deweyan Reconstruction* (Albany: State University of New York Press, 2004), 183.

Chosŏn-era scholars held similarly varying views of the relationship between ritual and law. A comparison of the views of two scholars—Sŏnggho Yi Ik<sup>135</sup> and Tasan Chŏng Yagyong<sup>136</sup>—yields a workable overview of those viewpoints. Sŏnggho took the viewpoint that law and punishment played a supporting role to ritual. For him, ritual guided the person’s heart toward proper social conduct, while the latter was called on to regulate the person as an external force when necessary. In effect, his approach recognized the limitations of the human condition, that both methods might be necessary from time to time.<sup>137</sup> On the other hand, Tasan understood ritual and law as equivalent forces rather than distinct and complementary ones. Tasan still viewed ritual as a “civilizing idea” and law as an “exhortation to good behavior based on the threat of punishment”; however, he also pointed out that such formative figures as the Duke of Zhou viewed law as a form of ritual in itself and espoused that same outlook.<sup>138</sup> In these two thinkers, we see reflections of older debates about the relationship between ritual and law playing out in the Chosŏn context.

The debate about ritual and law continues in modern scholarship on Chosŏn. Hahm Pyong-Choon (Ham Pyŏngch’un) and William Shaw provided contending theses on the question in the 1960s and 1970s. The former understood Chosŏn through the lens of ritual primacy and

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<sup>135</sup> Yi Ik (1681-1763), pen name Sŏnggho, was a scholar of the late-Chosŏn period commonly associated with the so-called “Practical Learning” school.

<sup>136</sup> Chŏng Yagyong (1762-1846), pen name Tasan, was another late-Chosŏn scholar commonly associated with the so-called “Practical Learning” school. His seminal text, the *Mongmin simsŏ*, is quoted in various parts of this dissertation.

<sup>137</sup> Pak Chongch’ŏn, “T’oegye yehak kwa kŭn’gi silhakcha ūi yehak - t’oegye · sŏnggho · tasan ūl chungsim ūro,” *Kukhak yŏn’gu* 21 (December 2012), 122-23.

<sup>138</sup> Yi Yŏngch’un, “Tasan ūi yehak kwa pokche yesŏl,” *Chosŏn sidae sahakpo* 5 (1998), 179.



non-legalism,<sup>139</sup> while the latter—who observed the widespread use of the courts at the time—argued for a greater symbiosis between ritual and law.<sup>140</sup> Marie Seong-Hak Kim echoes similar themes when she argues that law in Chosŏn, while fundamentally penal, ultimately aimed to rectify lapses in moral conduct among members of society, who were expected to admit of their faults and draw near to ritual perfection once more.<sup>141</sup> In each of these studies, ritual consistently appears as the dominant force in the ordering of society—the role of law appears either as supplementary or minimal.

Hamjang’s case poses critical questions to all of the characterizations described above. Hŏ To’s argument suggests the existence of a certain misalignment in the relationship between ritual and law, one that caused the system to function in ways that differed from the various ideals envisioned by Confucian scholars. In fact, does Hamjang’s case not reveal a circumstance where law basically *interfered* with ritual, or even *subordinated* it in some fashion? Does this

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<sup>139</sup> Hahm argued that ethical impulses such as moral suasion and the Confucian disinclination to punish rigidly operated far more strongly than the force of law. He portrayed Chosŏn as a litigation-averse society, where the “rule of ritual” [K. *yech’i* 禮治] overwhelmingly structured interpersonal relationships. Hahm Pyong-choon, *Korean Jurisprudence, Politics, and Culture* (Seoul: Yonsei University Press, 1986), 95-97.

<sup>140</sup> Shaw eventually challenged Hahm’s thesis. Shaw provided an interpretation that emphasized a certain symbiosis between ritual and law. The two functioned separately but complementarily, such that when ritual’s purview ended, law came into force. He notes that many representative Chosŏn statesmen expressed their sympathies for China’s legalist tradition. Shaw even argues that the force of law was necessary to encourage Confucian practice among the élite at times. William Shaw, *Legal Norms in a Confucian State* (Berkeley: University of California, 1981), 14-21.

<sup>141</sup> Kim founds her analysis on the Confucian dictum of “Ritual Rules, Law Follows” [K. *yeju pŏpchong* 禮主法從], which expressed the ideal relationship between these forces. A critical aspect of this arrangement rested in the fact that the punishments prescribed for various crimes were seen as morally appropriate. Furthermore, these characterizations demonstrate how it was possible for the statesmen of this period to simultaneously abhor punishment, which was an ideal of socio-legal relations, and nevertheless pursue it at the same time, which was seen as a necessary corrective to various social ills. Kim, *Law and Custom in Korea*, 41-59.

case reveal a space where the ideal understandings of the relationship between ritual and law did not obtain in practice?

When the Hǒ family argued with the Namwǒn magistrate that the case should be closed, they relied explicitly on the notion that legal codes might interfere with ritual codes on certain occasions. The argument they presented suggested that their own situation involved a confusion of the typical relationship between ritual and law. They *found it possible to imagine such a conflict*. The autopsy procedures—standards enshrined as *legal* guidelines—acted neither independently of nor subordinately to ritual in Hamjang’s case. Instead, those procedures actually threatened to undermine the proper exercise of ritual. The actual content of the state’s codes did not always live up to its ideal relationship. In between law and ritual there was “another space” that emerged from time to time, when the less well-reconciled components of the state’s codes informed everyday practice.

Two omissions from the case records deserve our attention. First, at no point did the Namwǒn magistrate provide a *substantive* response to the Hǒ family’s argument. He never attempted to reconcile the contradiction on the basis of fact or logic. He cited no precedents, he summoned no personal knowledge of ritual procedure or texts, nor did he seriously consider the possibility that the Hǒ family felt sincerely concerned about their ritual duties. In fact, it seems that he simply tried to dodge the question and vilify the actions of Hamjang’s kin as pure strategy. If the magistrate intended to continue the investigation without hindrance, he might have issued a full rebuttal to Hǒ To’s testimony and thereby put all doubts to rest. However, it seems that the logical substance of Hǒ To’s argument was not easily overcome, leaving the magistrate no choice but to quash the discussion by fiat.

Second, the Namwŏn magistrate carefully glossed over the fact that he had to spoil the fruits of ritual to complete his investigation. The case record clearly and repeatedly mentions that the Hŏ family completed the burial rites up to and including the mountain burial. The circumstances thus required a full exhumation. How might the Hŏ family have responded to a forceful intrusion on their ritual products, even if they initially completed those rituals with strategic intent? Unsurprisingly, the case records provide no description of the Hŏ family's reactions. This particular question therefore remains a matter of pure speculation.<sup>142</sup> We can only reflect the matter against debates held within the Chosŏn court about the appropriateness of exhumation. Many cases from this period required the disinterring of bodies. As a result, various Chosŏn kings convened scholars to debate the precise circumstances under which such a procedure might be justified.<sup>143</sup> Though the state ultimately recognized these procedures, it remains questionable whether the families of the exhumed viewed them with a similar degree of tolerance (even if, as with Hamjang's case, they may have acted with strategic intent).

In sum, the case of Hŏ Hamjang presents an instance where concrete circumstances enabled the articulation of a contradiction between the Chosŏn state's ritual and legal systems.

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<sup>142</sup> Though the Namwŏn magistrate never reveals the precise reactions of the Hŏ family to the exhumation, it may be worth examining an analogous incident to provide some perspective. William Rowe, in his research on the Chinese city of Hankow during the late Imperial period, describes something of a similar situation where the residents of that city joined together to construct a defensive wall than ran through burial sites. Rowe writes: "The new [Defense Works Bureau] undertook a survey of the wall site, exercising care to avoid unnecessary disturbance of grave sites. In a few cases where disturbance was deemed unavoidable, the Bureau arranged for disinterment of caskets and careful reburial elsewhere; reportedly the workmen involved in this operation were so shaken by the experience that a ceremony of absolution was conducted for them by Hu Chao-ch'un [the head of the Defense Works Bureau] himself at the Kan-lu Temple in December 1863, personally attended by both the prefect and the magistrate." Rowe's source material evidently describes the reactions of those who exhumed the bodies and the efforts of the authorities to organize a purification ritual for them. The question remains whether the Hŏ family felt similarly shaken after Hamjang's exhumation. William Rowe, *Hankow: Conflict and Community in a Chinese City, 1796-1895* (Stanford: Stanford University Press, 1989), 293.

<sup>143</sup> For a fuller treatment of this debate, see Kim Ho. "Chosŏn ūi pŏbŭihak kwa p'ungsok 22: Tasan ūi myŏngp'angyŏl kwa chosŏn ūi pŏb p'ungsok, mudŏm ūl p'asŏrado kŏmsi hara," *Kwahak kwa kisul* 515 (2012), 71. <<http://ebook.kofst.or.kr/book/201204/#page=72>> Accessed on December 21, 2016.

Confucian scholars held idealized notions of how ritual and law each played distinct but mutually-supportive roles; however, these codes of conduct may not have been so well-reconciled in all cases. They complemented each other on many occasions, but ran foul of each other in certain others. In the latter case, peculiar and interesting forms of everyday conflict, such as Hamjang's case, became a possibility. Rather than viewing the Chosŏn state apparatus as a well-integrated system, it seems more effective to view the state as a generator of order *and* conflict.<sup>144</sup> Though many statesmen and elite professed the ideal that ritual and law existed in a complementary relationship, in reality the task of eliminating every last contradiction presented a near impossibility. Whether those contradictions emerged because of conflicts in timing, or limitations on the availability of material resources, or some other principle, can only be discerned by the terms of each individual case.

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<sup>144</sup> Janet M. Theiss makes a similar point with regard to Qing China in her book *Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China*. Theiss explains how the state's encouragement of conformity to such virtues as chastity and loyalty often placed contradictory demands on the subjects of the Qing state and therefore resulted in bitter legal struggles in everyday life. Theiss writes: '[Previous studies into the Qing chastity cult emphasize] the coherence of the state's agenda and its effects. In contrast, I begin by looking for process rather than paradigm, asking questions of why and how chastity became politically important in the Qing, what it meant to rulers, officials, moralists, and ordinary women and men, and how it influenced political culture and social practice. By examining not just how the state imagined moral order but how the concept of chastity actually worked in policy making, courtroom interactions, and family and community conflicts, this study highlights the contradictions in the state's goals, the messiness of their implementation, and their unintended consequences ... A focus on these processes reveals that while the state certainly desired to impose a uniform vision of gender order, its own laws and policies were fraught with contradictions and reflected compromises with popular mores, most critically with women's own views of virtue.' Janet Theiss, *Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China* (Berkeley: University of California Press, 2004), 8-9.

## **The Gang-Beating of the Slave Myōngaek: The Strategic and Selective Representation of Slave Resistance by the Namwōn Magistrate**

### **Introduction**

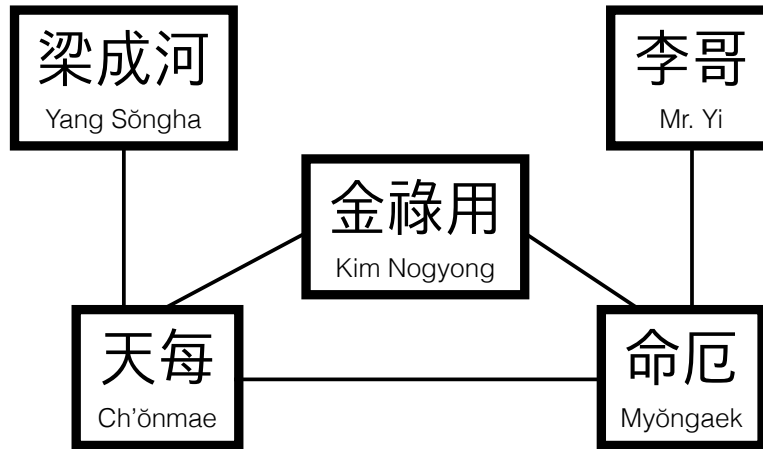
The case under review in this chapter provides an opportunity to examine the position of slaves in the late Chosŏn legal system—the legal protections guaranteed them, the claims they could reasonably present during a trial, and the treatment afforded them by officials in practical circumstances. The case centers on a reportedly wealthy slave named Myōngaek 命厄. Myōngaek unwittingly involved himself in a love triangle with a female slave and her erstwhile lover (an ex-military official living in the area). For that, the ex-lover absolutely brutalized Myōngaek. The enormity of the attack will become clear as the chapter unfolds.

Our main interest in this case lies in the Namwōn magistrate's handling of the subsequent investigation and prosecution. A surface reading might lead one to conclude that the magistrate sided with Myōngaek and his kin, given the magistrate's repeated professions of outrage and disgust at the beating. However, a closer reading reveals that the magistrate also made statements and decisions that seemed far less charitable and favorable to the slaves. Though the magistrate's rhetoric involved seemingly contradictory tones, in actuality those tones formed two complementary components of a single, coherent strategy for resolving the case. By reconciling those apparent oppositions, the underlying strategy of the case is revealed and, in turn, provides an opportunity to examine the complexities of the representation of slaves in the late-Chosŏn legal system.

To draw out the tension fully, my discussion of Myōngaek's case will proceed in two stages. I will begin by reconstructing the part of Myōngaek's case that establishes a sense of

empathy for the slaves. After that, I will introduce those aspects of the case write-up that present the opposing sentiments—the latter material will be used to deconstruct the case as a whole. In reconciling these opposing representations, the reality of the magistrate’s strategy emerges clearly.

To ease the reader’s understanding of this chapter, I have provided a brief diagram below detailing the relationships between the main figures in this case. Proprietors of slaves appear at the top, the local military official appears in the middle, and the slaves appear at the bottom:



**Figure 5.** Diagram of Persons Involved in Myŏngaek’s Case.

### **Part I - Empathy for the Slaves**

The case record begins right at the moment that Myŏngaek’s family (who were also slaves) first registered their complaint. The Namwŏn magistrate frames that moment very carefully, emphasizing the considerable efforts the slaves took to voice their grievances. They had traveled all the way to the provincial capital of Chŏnju—a considerable distance from Namwŏn, to be sure. Their petition was substantial enough to gain the direct attention of the

Governor. These initial rhetorical gestures set the tone for the rest of the report, which highlights the various strategies designed by the slaves to negotiate through the case.

The Namwŏn magistrate, for his own part, had recently traveled to Ch'ungch'ŏng Province on business. He decided to stop over in Chŏnju, the provincial seat of Chŏlla Province, on the return leg of his journey. While there, he heard of the slaves, who had already arrived and initiated the case. Their strongly-worded petition described how their son and older brother, Myŏngaek, had suffered a vicious beating at the hands of a man named Kim Nogyong 金祿用, a former military official of the junior-fourth rank [K. *p'ach'ong* 把摠]. Both Nogyong and Myŏngaek lived in the hamlet of Tundŏk, a northern district perhaps known best as an area populated by members of the Chŏnju Yi clan.

The attack resulted from a conflict between Nogyong and Myŏngaek that had been escalating steadily over the preceding years. The root of that conflict was a love triangle in which both Nogyong and Myŏngaek were participants—in essence, the *troika* of sex, jealousy, and status-based privilege determined this event. Myŏngaek and Nogyong developed feelings for a female slave named Ch'ŏnmae 天每, who was originally the property of the aristocrat Yang Sŏngha 梁成河 from the same district. In the winter of 1732, Myŏngaek took Ch'ŏnmae as his wife and began living together with her. Their cohabitation occasioned Nogyong's initial assault on Myŏngaek. Nogyong, claiming that he had sexual relations with Ch'ŏnmae many years prior, struck Myŏngaek with a cane and attempted to purchase Ch'ŏnmae. Myŏngaek reacted by enlisting the help of his family members and Sŏngha himself.<sup>145</sup> Together, they concocted a

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<sup>145</sup> Based on the brief description in the case record, it seems that Sŏngha simply wanted to get Ch'ŏnmae off his hands, involved as she was in a complicated dispute over marital allegiance.

scheme to, in a sense, “transfer ownership” of Ch’ŏnmae from Sŏngha and to Myŏngaek, and thus keep her from becoming the property of Nogyong.

To understand this scheme, we must first review some aspects of the process of purchasing and selling slaves in Chosŏn. The Koryŏ and Chosŏn states both long recognized slavery as an official institution. Concomitantly, local administrators played a key role in such purchases as gatekeepers. For a legitimate sale to transpire, both the buying and selling parties had to present the relevant documents (whether deeds of ownership or otherwise) for the inspection and approval of the magistrate. The state did not recognize the private sale of slaves on an open market, at least insofar as those documents were required.<sup>146</sup> At any rate, unregulated transactions held little benefit for potential owners, as state-issued deeds of ownership [K. *iban* 立案] provided the single best means of demonstrating one’s proprietorship over a given slave. The contracting parties also had the right to deputize others, including their own slaves, to complete the sale in their stead. A deputized slave received a document from his master called a *p’aeji* 牌旨, which served as proof that the slave had received permission to oversee the transaction. A *p’aeji* formed the key component of Myŏngaek’s scheme.

On an unspecified date following the initial attack, Myŏngaek and his family, with the help of Sŏngha, decided to forge a *p’aeji* stating that Myŏngaek’s master, identified in the document only as “Mr. Yi” 李哥, had delegated Myŏngaek to purchase Ch’ŏnmae from Sŏngha.<sup>147</sup> Perhaps doubtful of their ability to acquire Ch’ŏnmae through clear legal channels, Myŏngaek’s kin required a different option. The family at least seemed to believe that Nogyong’s

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<sup>146</sup> Kim Chongsŏng, *Chosŏn nobidŭl: ch’ŏnhajiman t’ŭkpyŏl han* (Kyŏnggi-do Koyang-si: Yŏksa ūi ach’im, 2013), 126.

<sup>147</sup> *Collected Volume, Vol. 2*, 188-89.



claim would outweigh their own if brought before the magistrate. They thus relied on the *gravitas* of Mr. Yi's name to complete the transaction. Though intriguing, this particular course of action was not particularly well-designed in all its aspects—indeed, the “*p'aeji* plan” actually involved substantial risks. Why would they have even considered it feasible, given that Mr. Yi or the local authorities could have easily discovered and overturned it? And what sort of legal penalties could they have incurred by orchestrating such a deceptive plot? (Forgery, after all, is one of the most commonly-mentioned crimes in the *Collected Volume*.) The documents themselves provide insufficient information to answer these questions definitively; however, if we assume that Myōngaek and his family were out-resident slaves (which seems a distinct possibility),<sup>148</sup> they may have concluded that the local authorities would not have taken the time and effort to verify the authenticity of the *p'aeji* with Mr. Yi. As we will see shortly, they were wrong on that count.

On the whole, the magistrate portrays the slaves in a favorable light. Though the *p'aeji* strategy involved a clear case of forgery and deception—and even attempted to hoodwink local officials—the magistrate never explores the legal implications of those actions for Myōngaek and his family members. He mentions *only* that the strategy nearly worked! Ultimately, though, the slaves' vision was not to be, as their plan not only failed, but backfired entirely. Those events transpired as follows. Sōngha initially approved the sale and Myōngaek prepared to come into possession of Ch'ōnmae. Unfortunately for the slaves, Mr. Yi eventually discovered the deal and

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<sup>148</sup> Among the several fundamental categorical divisions of slaves that historians of Chosŏn frequently reference, perhaps the two most common are the “in-resident” and “out-resident” slaves. The former lived in the dwelling place of the master and helped with chores and tasks around the house. The latter lived on a plot of land owned by the master in some distant location from the home itself. The increasing fracturing of landlord holdings over the course of the dynasty made the out-resident slave a common figure. Kim, *Chosŏn nobidŭl*, 135.

terminated it. When Nogyong then discovered the *p'aeji* incident, his anger with Myōngaek seems to have reached its limit: on this occasion, twenty-one days before Myōngaek's family members travelled to Chōnju to submit the aforementioned petition, Nogyong brutalized Myōngaek in a second attack that utterly dwarfed the severity of his first assault. Nogyong cobbled together a makeshift militia of his own personal slaves, barged into Myōngaek's home, threatened him, beat him, tied his feet to his own horse, and dragged him through town as he whipped the horse at ever-increasing speeds. Myōngaek barely clung to life at the end of the incident. Nogyong then attempted to expropriate Myōngaek's horse and his six *turak*<sup>149</sup> of arable land.<sup>150</sup> The petition that Myōngaek's family members submitted in Chōnju ends on this note, with the added comment that all in the family were stuck fumbling for a way forward.

This was not the first time that Nogyong had trouble with the law. The Namwōn magistrate records in his notes that Nogyong, in an incident two years prior, failed to pay his taxes in a timely manner, which prompted the magistrate to issue a warrant for his arrest. Nogyong was incarcerated as a result of this warrant, but quickly engineered a successful escape from prison. The magistrate then imprisoned Nogyong's uncle to bait him into returning, after which the two parties resolved the matter of the unpaid dues. During the adjudication of Myōngaek's case, however, Nogyong escalated his personal tensions with the local authorities. The Namwōn magistrate negated all terms of the prior attempted sale between Sōngha and Nogyong. Nogyong flaunted these new orders with impunity: he adamantly maintained the

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<sup>149</sup> A unit for measuring the surface dimensions of arable land, it designated the amount land needed to spread the seed contained in a *mal* (a Korean vessel for holding seed) in such a way that a productive harvest could be gained. The actual land dimensions designated by this unit varied from region to region.

<sup>150</sup> *Collected Volume, Vol. 2*, 189.

legitimacy of his purchase of Ch'ŏnmae, declared to the authorities that he had no intention of adhering to their demands, and so hounded the local administrators about their decision that he eventually found himself incarcerated once more. The Namwŏn magistrate carefully notes the “venomous language” that Nogyong used in his repeated petitions of objection.<sup>151</sup>

By this point in the case, the actual conflict between Nogyong and Myŏngaek seems to have concluded. All that remained was for the the authorities to determine how they would handle the case and mete out punishments. The magistrate summarized the foregoing events in his initial report to the governor. In that summary, he remarked on the need both to “rectify” Nogyong’s behavior (both in terms of his assault on Myŏngaek and also in terms of his petulant affronts to the local authorities) and also to review all of the documents that Nogyong completed in the course of purchasing Ch'ŏnmae. The magistrate repeatedly bemoans the severity of the attack throughout his notes and strongly advocates that Nogyong be punished. The magistrate demands that Nogyong produce all documents pertinent to legitimizing the sale [K. *samun* 斜文]. The governor responds rather harshly to the magistrate’s report:

In the governor’s adjudication: Nogyong’s actions are particularly deplorable. [He must be] punished especially harshly. Collect his testimony and your reports and, applying the appropriate legal precedents, interrogate him and adjudicate his case. Furthermore, collect all of his documents and burn them immediately.<sup>152</sup>

Almost immediately thereafter, the Namwŏn magistrate relayed these orders to the magistrate of neighboring Unbong County, who previously validated Nogyong’s supposed ownership

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<sup>151</sup> *Collected Volume, Vol. 2*, 189-191.

<sup>152</sup> *Collected Volume, Vol. 2*, 193.

題祿用所爲誠極絕痛各別嚴刑取招牒報以爲照法勘斷之地爲旡文書段置卽爲推出燒火宜當向事

documents himself (or at least delegated someone under his authority to do so). The documents were eventually destroyed.

The case narrative thus far suggests that Myōngaek's slave status never blinded the magistrate to the viciousness of Nogyong's attack. We see that the magistrate completely discredited Nogyong's claim to ownership of Ch'ōnmae. The magistrate takes a number of actions beyond those described in the narrative above to protect Myōngaek and his family members from any further attacks from Nogyong.<sup>153</sup> One also senses that the magistrate experiences some unease when he discusses the position of Myōngaek's family members: he makes a token gesture to the family and the grave concerns they must have had in the wake of the attack.<sup>154</sup> In so many ways, the magistrate produces displays and gestures of concern toward the slaves.

And yet, this “slave-friendly” characterization of the Namwōn magistrate can only result from a surface reading of the case record. The magistrate may initially *appear* a “champion of slaves' rights” or a defender of Myōngaek's fundamental dignity as a person; however, upon closer inspection, one discovers several passages that cast doubt on the magistrate's motivations for expressing such profound empathy. The advocacy of the Namwōn magistrate had a dark underbelly. Though not a full-fledged aristocrat,<sup>155</sup> Nogyong outranked Myōngaek considerably and possessed a respectable amount of material wealth, considering his possession of slaves. We

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<sup>153</sup> *Collected Volume, Vol. 2*, 192.

<sup>154</sup> *Collected Volume, Vol. 2*, 195.

<sup>155</sup> Rusticated military officials did not necessarily achieve full-fledged standing as aristocrats—in fact, as Eugene Park has argued, the examination system that regulated entry into the military branch of the bureaucracy eventually became, by the late stages of the Chosōn, a rubber stamp for masses of non-aristocrats craving modest status upgrades. Eugene Park, *Between Dreams and Reality: The Military Examination in Late Chosōn Korea, 1600-1894* (Cambridge, Massachusetts: Published by the Harvard University Asia Center; Distributed by Harvard University Press, 2007), 177.

might expect Nogyong to receive some legal favors or even outright clemency. As we will discover, this statement somewhat approximates the outcome of Myōngaek's case. Let us consider some of the passages that reveal the magistrate's less favorable views of slaves and his ulterior motives.

## Part II - The Magistrate's Lukewarm Interest in the Slaves

In one passage, the magistrate attempts to undermine any appearance of legitimacy in Nogyong's claim to Ch'ōnmae. The following passage reveals how the magistrate attempted this by referencing both the financial disparity between Myōngaek and Nogyong, and the questionable sexual morality of Ch'ōnmae:

Nogyong strongly desired to resolve his long-standing grudge [against Myōngaek]. [He thus resolved] to beat [Myōngaek] senseless. Moreover, after beholding the economic success of Myōngaek's house, he wanted more than ever to carry out his plan based on his bottomless desires. Our office prevented [Nogyong from executing] this wicked scheme, making it such that he could not carry out the evil intentions he harbored in his heart. However, it came to pass that [Nogyong] brazenly disobeyed official orders and carried out his intentions. Even though Nogyong once had sexual relations with Ch'ōnmae, there is nothing at all strange about private slaves [with histories of] lewd behavior 'sleeping in the eastern house while eating in the western house.'<sup>156</sup>

The magistrate attempts to discredit Nogyong by pointing out both his inveterate jealousies and his inability to manage the anger those jealousies created. The reference to Myōngaek's financial success [K. *ch'osil* 稍實] forms one basis of that charge, even though he provides no specifics concerning the true extent of Myōngaek's wealth. More interesting is the magistrate's inclusion of Ch'ōnmae in a category of 'promiscuous lowborn women.' The magistrate slights Ch'ōnmae in this way to make Nogyong's complaint seem frivolous. The magistrate validates the

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<sup>156</sup> *Collected Volume, Vol. 2, 192.*

祿用欲雪宿感必欲侵困且見命厄家計之稍實欲充壑慾之計是如可官家折其奸謀使不得行其胸臆則乃敢違拒官令自行己志設使祿用初與天每有交接之事私婢行淫之輩東家宿西家食之事本非異事

relationship between Myōngaek and Ch'ōnmae over and against the relationship between Nogyong and Ch'ōnmae by arguing that the demands of propriety simply could not be forced upon this twice-smitten slave girl. The reference to 'sleeping in the east house and eating in the west house' was a stock literary trope. The phrase comes from the story of a Chinese girl who receives two simultaneous marriage requests and proposes to her father a split solution: she would eat with the wealthy-but-unattractive spouse (the west house) by day, and sleep with the poor-but-dashing spouse (the east house) by night. The story is meant to highlight the absurdity of selfishness and the social calamities that it generates. Here, the magistrate suggests that people of Ch'ōnmae's standing are predisposed to such behavior. The message to Nogyong is clear: "you should have seen this coming."

Another suspicious remark occurs in the passage where the magistrate describes the night of the second attack:

Unexpectedly, on the second day of this month, Kim Nogyong led a number of his slaves, some armed with cudgels, others armed with bows and arrows, and used the cover of night to invade Myōngaek's home. The two argued together, but Nogyong, complaining of the purchase of Ch'ōnmae, bound and tied Myōngaek, beat him mercilessly, stole his horse, tied his two feet to the saddle, suspended him upside down, and then whipped the horse until it reached an accumulation of rocks by the riverside.<sup>157</sup>

One major deficiency of the magistrate's representation lies in his very cursory description of Nogyong's slaves. The magistrate never indicates that he even interrogated the circumstances of these slaves. Consider the many crucial details omitted in this passage. The magistrate never indicates precisely how many slaves accompanied Nogyong. The magistrate never discusses the slaves' personal stakes in the attack. We gain no sense of their motivations, of how they

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<sup>157</sup> *Collected Volume, Vol. 2*, 189.

不意今月初二日金祿用多率奴僕或持杖持弓矢乘夜突入於命厄家◎合風生而稱以買得天每結縛命厄蹂躪亂打奪騎命厄馬匹倒懸命厄兩足於馬鞍鞭馬馳突於川邊積石場

understood their own relationship with Myōngaek, or even if they empathized with Myōngaek as persons of identical social status. The magistrate omits any specifics about the process by which Nogyong gathered his slaves and convinced them of the necessity of the attack. In sum, the question of how the slaves understood their own involvement in the beating—and, furthermore, how they understood their relationship with Nogyong in the process—presents us with a black box.

The paucity of information about the slaves forces us to speculate about the exact nature of their involvement. Did they physically lay their hands on Myōngaek during the assault, or were they simply onlookers whose presence projected force? Did Nogyong promise remuneration for their participation? Did the slaves act against their own will in following Nogyong's orders? Did they, in their own way, attempt to resist Nogyong's demands or deter him from carrying out his plans? One can dilate on the slaves' participation at length and generate a variety of scenarios to help explain it. Nevertheless, I find that the conclusion from these scenarios always remains the same: the magistrate avoids discussing Nogyong's slaves in any real depth because he risked weakening his case against Nogyong by apportioning some of the blame to them. The magistrate found fault with one person and one person alone, leading him to put the agency of the slaves under erasure. The magistrate had to portray the slaves as automatons who received orders from Nogyong uncritically and joined in the assault mindlessly. To draw this logic out to an even greater extreme is to conclude that the magistrate portrayed the slaves as nothing more than the material means through which Nogyong fulfilled his own desires. These observations reflect the fact that the magistrate never *charges* the slaves for their participation in the beating, let alone *punishes* them for it. If the magistrate found a way to

portray Nogyong's slaves as mere extensions of Nogyong himself, his argument against Nogyong might appear all the stronger.

As mentioned above, one can develop a number of scenarios to describe the slaves' participation in the assault on Myōngaek. In the following paragraphs, I present several of these scenarios and discuss why the magistrate required a strategy of erasure in each. First, consider the possibility that the slaves actually did resist Nogyong's orders and participated only reluctantly in the beating (or, just as well, that they went all the way to Myōngaek's home kicking and screaming). "Participate in the beating" here specifically means that they delivered blows to Myōngaek. At first glance, it seems that the inclusion of these details might actually have strengthened the magistrate's case. The magistrate might have faulted Nogyong for inflicting injustices not only on Myōngaek's family, but also on his own reluctant slaves. To conscript an unwilling group of people for an attack as brutal as the one Myōngaek endured surely would have resulted in some psychological distress. Unfortunately for the magistrate, that particular approach was not entirely airtight. The argument opens the question of whether the slaves *ought to have acted in subversion of Nogyong's plan*, especially given their recognition of the injustice to Myōngaek and the "property damage" to Myōngaek's owner. After all, the magistrate had advocated strongly for the full human dignity of Myōngaek—to advocate similarly for the full human dignity of Nogyong's slaves is to raise the question of whether those slaves also bore some of the moral responsibility for the attack. The magistrate's case against Nogyong was better served by avoiding that problem altogether. In sum, in the interest of his own rhetorical consistency, it was in the magistrate's interest to avoid addressing any potential grievances of Nogyong's slaves.



In our second scenario, Nogyong’s slaves again participated in the attack unwillingly but never inflicted any physical harm directly on Myōngaek. The slaves merely witnessed Nogyong’s assault on Myōngaek. Their presence at Myōngaek’s home served only as a projection of force—which is to say, Nogyong brought his slaves only to intimidate, not to maximize pain. From a legal perspective, the magistrate’s strategy of erasure may have come pre-packaged in this case. There seems no real legal basis to charge the slaves with assault. Furthermore, the slaves’ requirement to be subservient and follow Nogyong’s orders likely encouraged the magistrate to exonerate them of any lesser charges stemming from the assault. (Case studies completed by historians such as Kim Chongsōng demonstrate that the law frequently imputed no guilt to assailant-slaves acting under orders, to say nothing of slaves who did not rise to the level of assailants. The Namwōn magistrate’s treatment of Nogyong’s slaves was by no means unique.<sup>158</sup>) The Namwōn magistrate had only to minimize risk—specifically,

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<sup>158</sup> Kim tells of the story of the slave of Yi Sōgu (1754-1825), an accomplished poet who lived during the late stages of the dynasty. In brief, the story revolves around circumstances that led Yi to kill his own slave. That slave became drunk one night and began to spew obscenities about his master in a conversation with a slave of the local authorities. Sōgu overheard the conversation and reacted. As this was not the first occasion of such verbal “abuse,” Kim ordered the official slave who was present for the conversation to kill his own slave. The government slave did as ordered. The events that followed are almost unimaginable from the standpoint of a person living in a world that has largely outlawed slavery. The Director of the Board of Punishments dispatched a clerk to the house of Yi Sōgu to inform him that “to kill one’s own slave in the process of beating him *before informing the local authorities* is considered a crime.” This is to say, the state had instituted a formal process through which masters could obtain immunity from punishment for killing their own slaves if the death occurred in the course of a “simple” physical reprimand. All that was required was that the masters inform their local official of their intent to discipline the slave in advance. Yi Sōgu had not informed his local official; however, he was able to avoid punishment by arguing simply that his decision not to involve his local official had spared that official much nuisance, busywork, and tedium. The Director agreed and pursued the matter no further. Afterwards, various family members and other aristocrats with connections to Yi praised him for his decision—his “thoughtfulness” in not wanting to make a hassle for the local courts reflected well on his overall virtues as a gentlemen. Sōgu’s uncle, swollen with pride, made it a household ritual to regale each of his guests with the story of his nephew’s treatment of the slave. Nobody in Sōgu’s immediate milieu expresses interest in the slain slave, nor do they probe the circumstances of the case any further. Instead, the slave was seen as nothing more than easily-dispensed material property. One might reasonably ask whether the source material exaggerates certain aspects of this incident; however, the established legal principles informing the course of the case alone sufficiently reflect the extreme degree to which Chosōn society disadvantaged slaves. Kim, *Chosōn nobidŭl*, 165-7.

the risk that readers might question the nature of the slaves' involvement and thereby come to doubt their innocence with respect to legal standards. The best possible solution here was, once again, a strategy of erasure.

In our third scenario, Nogyeong's slaves appear as opportunists and perhaps even money-grubbers. Nogyeong may have incentivized the slaves' participation in the attack on Myōngaek, promising money, material goods, a re-assignment of duties to other slaves, or perhaps even some sort of symbolic benefit to those slaves who worked regularly inside the house. Such an offer provided the slaves a rare opportunity to supplement their ordinary finances, even if only marginally. In this case, the pursuit of personal gain completely disposed of any naïve notion of "solidarity" among slaves. Nogyeong's slaves were all too willing to participate in the attack to make ends meet. Quite interestingly, the question of whether the slaves ever lifted so much as a finger against Myōngaek is rendered less relevant in this case. The slaves' willing acceptance of Nogyeong's payments itself implies consent to the attack. The magistrate's need for a strategy of erasure was greater in this scenario than in either of the previous two cases.

The magistrate's strategy of erasure casts great doubt on the idea that he was some sort of advocate for slaves. One cannot pinpoint the magistrate's precise motivations for omitting any trace of slave agency, given the wide variety of possible scenarios; however, each imaginable case clearly suggests that the magistrate held all the typical biases against slaves. His whole strategy depends on the possibility of ignoring the slaves because of their low social status. In those scenarios where the slaves were conscripted against their will, the magistrate seemed unconcerned with redressing the psychological damage visited on the slaves. Who was there to pressure the magistrate into addressing the slaves' complaints? (Nobody, one assumes.) In the

scenario where the slaves participated more willingly in the assault and were remunerated, the magistrate wagered that the slaves' complicity would be overlooked as routine behavior—not unlike the argument he previously made regarding the sexual immorality of Ch'ŏnmae.

One final aspect of Myŏngaek's case calls the magistrate's viewpoint of slaves starkly into question: his final verdict. I mentioned above that part of Nogyong's punishment involved the destruction of his ownership papers to Ch'ŏnmae. There was also a second component to that verdict. That second component *only* included an unspecified "severe punishment" [K. *ŏmhyŏng* 嚴刑] for Nogyong—presumably some form of bodily punishment, though it is unclear what form this took exactly—followed by complete release.<sup>159</sup> What is missing here? There is, in the first place, no effort made to remunerate Mr. Yi for the loss of his slave. Nogyong's assets, however meager, could have been dissolved and re-apportioned to Mr. Yi. (In particular, the Namwŏn magistrate might have recommended that Nogyong's slaves be reappportioned to Mr. Yi.) In a similar way, the magistrate fails to address the future of Myŏngaek's family in the wake of the trial. Might not they have benefited from a re-apportioning of assets, as well? Did they find the punishment proportional to their own emotional and financial distress? Furthermore, there is the question of whether punishment fit the crime. Given the extremity of Nogyong's attack, might not a more severe punishment have been warranted? Exile may not have been suitable, but perhaps it was fitting for Nogyong to be demoted to slave status. Had Myŏngaek been of *yangban* status, would not Nogyong's punishment have been infinitely more severe, perhaps warranting death? Something seems lacking in the final verdict. It is also quite telling that the magistrate, after concluding his interrogations, fixated on the fact that he forced

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<sup>159</sup> *Collected Volume, Vol. 2, 196-97.*

Nogyong to admit his guilt to the local authorities. The Namwŏn magistrate writes that Nogyong's actions resulted from his extreme foolhardiness and his extreme degree of ignorance — a position to which Nogyong gave assent. The magistrate then queried the governor as to the appropriateness of releasing Nogyong. The governor responded in the affirmative. Did this punishment fit the crime?

We must evaluate the magistrate's treatment of Myŏngaek, his treatment of Nogyong's slaves, and the final verdict simultaneously. One might conclude from such a comparison that the Namwŏn magistrate displayed contradictory or incoherent dispositions toward slaves, that he could switch breathlessly between humane recognition and inhumane debasement. One might conclude that the magistrate valued slaves according to their material wealth (or, perhaps, the material wealth of their masters). I find that there is a much simpler explanation, though: *the magistrate's treatment of these slaves was entirely consistent, makes complete sense with the final verdict, and forms a single, coherent strategy.*

The eventual release of Nogyong indicates strongly that the Namwŏn magistrate's empathy for Myŏngaek and his family was only a secondary concern, if it even existed at all. Rather, it seems that the magistrate's advocacy for Myŏngaek came as part of a strategy to gain leverage over a local military official with a history of troublemaking (Nogyong) and to use shame as the primary instrument of punishment. A simple confession likely sufficed to satisfy that goal, while the subsequent "severe punishment" simply underscored his public humiliation. In order to extract this confession, though, the magistrate had to pressure Nogyong, which required that he inflate his sense of indignation over the assault. The magistrate's deception targeted not only Nogyong, but ultimately Myŏngaek as well. The magistrate addressed no other

aspect of this case with particular rigor. He was superbly indifferent to questions of the defense of private property (Myōngaek himself) or the compensation of the relevant proprietor (Mr. Yi). The immediate fortunes of Myōngaek's family similarly receive no attention. Public shaming was the singular focus of this trial. By forcing Nogyong to admit to his own foolishness and stupidity, the magistrate not only makes that confession a part of Nogyong's reputation, but also enables the spread of rumors and gossip about his admission throughout the village. Still, that shame was not firstly a punishment for the crime at hand, but retribution for being a constant nuisance to local administrators.

In sum, Myōngaek's case presents a strange circumstance where the magistrate's inattention to a group of impoverished slaves *and* his advocacy of legal protections to a prosperous one *both* reflect those slaves' social baseness. This is to say, two actions that might normally seem favors instead seem more like reminders of social disadvantage. From the vantage point of Myōngaek in particular, the Namwōn magistrate offered nothing more than a backhanded gift.

## **Discussion**

A curious tension underlies Myōngaek's case. On the one hand, for the Namwōn magistrate's strategy to work, it had to be both *imaginable* and *plausible* that a local official might defend the dignity and possessions of slaves in a court setting. On the other hand, the magistrate's strategy also depended on his ability to ignore the concerns of slaves completely. Here we have two divergent lines of rhetoric, both completely at odds with each other, both suggestive of a certain incoherence within the social order. Our task is to explain the conditions that enabled the very co-existence of these messages.

The Namwŏn magistrate's strategy can be explained either as an instance of emergence or as an instance of ordinary practice. The changing socioeconomic fortunes of certain slaves in the late Chosŏn and any attendant shifts in public discourse may explain the diverse rhetorical options available to the Namwŏn magistrate. On the other hand, long-standing legal and cultural codes that vastly pre-dated the economic shifts of the late Chosŏn may explain the magistrate's ability to design his strategy. Was Myŏngaek's case made possible by new social conditions or by established legal standards?

The changing social position of slaves in the late Chosŏn has been argued at length and now admits of many different theories. Yi Chŏngsu and Kim Hŭiho attribute the late-Chosŏn decline in the slave population to a “pincer effect” driven by market forces—namely, polarization in the ownership of land drastically reduced the general demand for slaves.<sup>160</sup> Kim Yongman sees the Hideyoshi Invasions as the event that initiated a process by which slaves gradually gained various opportunities for status advancement, whether through legal means,

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<sup>160</sup> Specifically, Yi and Kim argue that the late Chosŏn period witnessed two interrelated phenomena. First, there was declining ownership of land among peasants as interest, taxation, and other stresses became too burdensome and therefore eliminated the benefits of continued cultivation. Impoverished farmers and drifters began to congregate in cities and sell their labor on a temporary basis, thus increasing the general supply of such labor. This brought about a reduction of demand for slaves from below. Second, the development of large-scale landlordism paradoxically reduced the demand for slaves as well. Slaves increasingly created problems for landlords in the late Chosŏn, either by fleeing, resisting, or idling. As a result, the costs of maintaining and organizing slaves began to rise, increasing the incentive for temporary labor, especially in light of the fact that the work of agriculture was seasonal. In short, there was also a top-down reduction in the demand for slave labor, which was replaced by a demand for temporary contract workers. Yi and Kim emphasize that it was *not* the policies of the central government, but market effects that brought about the withering of the slave system. Yi Chŏngsu and Kim Hŭiho, *Chosŏn sidae nobi wa t'oji soyu pangsik* (Taegu Kwangyŏksi: Kyŏngbuk Taehakkyo Ch'ulp'anbu, 2006), 262-64.

illegal means, or extralegal means.<sup>161</sup> In a similar way, Hiraki Minoru notes the many status incentives offered to slaves following the period of the Hideyoshi Invasions and the eventual emergence of debates at the turn of the nineteenth century concerning the various practical and philosophical reasons for the abolition of the government slave system.<sup>162</sup> The emergence of late-Chosŏn scholars such as Yu Hyŏngwŏn—who suggested that slaves be relieved of their status markers and hired on a wage basis, in effect a call for elimination of the slave system over a determined period of time—further reinforces the different strands of discourse concerning the lives of slaves in this period.<sup>163</sup>

Much of the recent research on slaves in the late Chosŏn period echoes a now-familiar theme: that slaves benefited, even if only to a marginal degree, from the economic advances of the late Chosŏn period. Forces of marketization and monetization contributed to social mobility in various ways. Some slaves may have enjoyed only meager improvements to their daily lives—certain others, however, found ways to shed their slave status entirely, sometimes over the course of generations. Recent research by Kwŏn Naehyŏn demonstrates concretely how one slave

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<sup>161</sup> Kim Yongman notes that the status of slaves had been reinforced in law since the beginning of the Chosŏn period. However, the watershed military events of the late Chosŏn period brought about significant changes in the fortune of some slaves. For example, the state enacted laws in response to the Hideyoshi Invasions stating that slaves could escape their lowborn status designations through military service or material donations to the state. The new laws generated calls to re-establish the slave system to its prior strength, a reflection of the degree to which these legal status-changes disrupted the normal expectations of slaveowners at the time. In terms of illegal means, slaves began fleeing their masters with increasing frequency as well as outright attempting murder their owners. Records indicate that increased brazenness among slaves was a major grievance of *yangban* who participated in the Musin Rebellion. Increasing resistance from and the concomitant unavailability of slaves encouraged slaveowners to seek out hired labor more frequently. Finally, slaves accrued wealth through merchant activities in service to their masters, a reflection of the changing economic trends of the late Chosŏn. Kim Yongman, *Chosŏn sidae sanobi yŏn'gu* (Seoul: Chimmundang, 1997), 341-390, 400-401.

<sup>162</sup> Hiraki Minoru, *Chosŏn hugi nobije yŏn'gu* (Seoul: Chisik Sanŏpsa, 1982), 152-191, 198-201.

<sup>163</sup> James Palais, *Confucian Statecraft and Korean Institutions: Yu Hyŏngwŏn and the Late Chosŏn Dynasty* (Seattle: University of Washington Press, 1996), 240-267.

family ascended the Chosŏn status system over several generations. Kwŏn suggests that certain changes in the structures of late Chosŏn society allowed upward mobility under specific conditions,<sup>164</sup> though never completely without difficulty.<sup>165</sup> Historians interested in the question of the social mobility of slaves in the late Chosŏn have identified anecdotal and quantitative evidence from a variety of sources to support this viewpoint. Aspirational stories of slave “liberation” can be found in collections of tales [K. *yadam* 野談] from the late Chosŏn.<sup>166</sup> One assumes that the general increase in slave wealth and economic status often resulted in reactionary mentalities among *yangban* families, many of whom likely feared that their status distinction might be compromised. They were eager to maintain their distinction with the late-Chosŏn “*nouveau riche*” and attempted to safeguard their positions through ideological retrenchment.

Some of the research into the local legal archives from the late Chosŏn period argues for a strengthening in the legal protections offered slaves during that period. That strength did not simply emerge from the explicit statutes contained in the law codes—more than that, slaves also appeared able to articulate their interests in court settings with confidence and strategic intent.

Let us review a few examples.

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<sup>164</sup> Kwŏn Naehyŏn, *Nobi esŏ yangban ŭro, kŭ mŏnamŏn yŏjŏng: ŏnŭ nobi kagye 2-paengnyŏn ŭi kirok* (Seoul: Yŏksa Pip’yŏnsa, 2014), 199-201.

<sup>165</sup> Among the many challenges facing slave mobility were perceived status differences between the various family names they typically chose and the persistent efforts of established *yangban* families to deny the legitimacy of slave claims to elevated status. Kwŏn, *Nobi esŏ yangban ŭro*, 161-174.

<sup>166</sup> For example, Ch’oe Sŏn’gyŏng has analyzed tales from the *Ch’ŏnggu yadam* that describe the social advancement of female slaves from the period. Ch’oe argues for three distinct forms of slave advancement in these records: (1) stories of female slaves who held liberation from their status as their life’s goal and eventually achieved it after hard work; (2) stories of female slaves who achieved their goals through devotion and sacrifice to their husbands; and (3) stories of female slaves who gave complete fealty to their masters. Ch’oe Sŏn’gyŏng, “Ch’ŏnggu yadam’ sojae yŏnobidam ŭi chonjae yangsang kwa ŭimi,” *In’gan yŏn’gu* 29 (July, 2015), 140.



In a recent article, Kim Kyöngsuk presents a fascinating analysis of a long-standing property dispute between a slave family and local *yangban*. The central issue in this case concerns a concept called *kisang* 記上, which refers to the process by which a slaveowner might receive the property of a slave upon that slave's death.<sup>167</sup> Chosön law codes allowed slaveowners to confiscate the property of slaves who died without any descendants; however, the law codes also defended the right of slaves with descendants to bequeath their property without any interference from slaveowners.<sup>168</sup> In the case that Kim reviews, a dispute arose between the slaves and the slaveowners because of some uncertainty as to whether a particular plot of land had once been owned by a slave with descendants or a slave without descendants.<sup>169</sup> Kim takes us through the case material from the third dispute review, which occurred between 1717-18, although one also finds references to the prior reviews, which began in 1685. Even though the magistrate eventually decides in favor of the *yangban* in this case, Kim argues that the ability of the slaves to present their difficulties reflects their growing economic stature at this point in Korean history.<sup>170</sup> Kim's analysis, therefore, suggests one way that law mediated the relationship between slaves and slaveowners, and on how the socioeconomic conditions of the late Chosön enabled everyday forms of slave resistance.<sup>171</sup>

Similar themes emerge in a recent article by Im Sanghyök about a lawsuit targeting a *yang'in* woman named Tamulsari. Im highlights this case—a case of disputed social status and

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<sup>167</sup> Kim Kyöngsuk, "Sosong ül t'onghae pon chosön hugi nobi üi kisang chöhang - 1718-nyön kurye-hyön kyölsong riban ül chungsim üro," *Honam sahakhoe* 36 (2009), 73-4.

<sup>168</sup> Kim Kyöngsuk, *ibid.*, 78.

<sup>169</sup> Kim Kyöngsuk, *ibid.*, 78-80.

<sup>170</sup> Kim Kyöngsuk, *ibid.*, 102.

<sup>171</sup> Kim Kyöngsuk, *ibid.*, 99.

property rights—because of the exceedingly peculiar nature of the argumentation of both the plaintiff, named Yi Chido, and the defendant. While most cases of disputed status involved a slave claiming *yang'in* status against a *yangban* who sought to own that slave, this case involved a *yang'in* claiming slave status against a *yangban* who sought to own the children of that *yang'in*. In a complex analysis, Im argues that Tamulsari presented such an argument in order to secure an easier life for her children. Had the magistrate accepted Yi Chido's version of Tamulsari's genealogy and applied the relevant Chosŏn laws on inherited slave status, Tamulsari's children would have become the private slaves of Yi Chido; however, if the magistrate accepted Tamulsari's version of her own genealogy and applied those same codes, her children would have become public slaves, which (supposedly) enjoyed easier lives than private slaves.<sup>172</sup> Im rightly calls attention to Tamulsari's brilliant (though ultimately unsuccessful) argument as an example of slave resistance in the late Chosŏn and an illustration of a mixed-slave family using their legal knowledge to further their own interests.

Recent research by Cho Yunsŏn categorizes the various reasons for the rising number of slave-initiated court cases during the 17th and 18th centuries. Cho explains each of these reasons—which include such various issues as slaves attempting to enter higher status groups, former slaves (i.e. new *yang'in*) attempting to escape the harassment of their former owners, slaves complaining about inhumane treatment at the hands of their present owners, among others<sup>173</sup>—as the result of socioeconomic development. Changes in the material wealth of the formerly-underprivileged population of Chosŏn forced the government to make fundamental changes in

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<sup>172</sup> Im Sanghyŏk, "1586-nyŏn Yi Chido - Tamulsari ūi sosong ŭro pon nobi pŏpche wa sahoesang," *Pŏbsahak yŏn'gu* 36 (2007), 12.

<sup>173</sup> Cho, *Chosŏn hugi sosong yŏn'gu*, 217-237.

the state law codes. Early Chosŏn statesmen strongly discouraged lawsuits. To sue one another was to breach Confucian codes of propriety, not to mention the fact that it could be construed as a failure of the magistrate to maintain harmony in his village. In fact, this discouragement was so strong that the central court periodically operationalized a bureau called the *Tansong togam* 斷訟都監 to solve lawsuits *en masse* when their numbers grew unmanageable. That same bureau then attempted to ‘re-establish society’s commitment not to be so litigious’ after resolving the suits.<sup>174</sup> Cho argues that this state of “minimal litigiousness” did not continue into the late Chosŏn. A broadening recognition of property rights across status groups—which resulted largely from a redistribution and reclamation of land following the invasions from Japan and the Manchus in the late-16th and mid-17th centuries—encouraged ordinary landowners to defend their plots and their slaves more vigorously.<sup>175</sup> Those members of lower status groups who enjoyed greater material and economic successes also found it necessary to defend their property in an official setting. Though the *ideal* of a “land free of lawsuits” was never fully abandoned, in *reality* the state had no choice but to accommodate both the growing number of suits and also the tenacity with which ordinary landowners demanded the attention of the courts. Cho highlights the addition of a section outlining detailed procedures for the resolution of lawsuits in the *Sok taejŏn* 續大典 [*The Continued Great Law Code*] as the sign *par excellence* of a trend toward increased litigiousness in this period.<sup>176</sup> Furthermore, a whole class of manuals existed in the Chosŏn to

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<sup>174</sup> Cho, *ibid.*, 17-36.

<sup>175</sup> Cho, *ibid.*, 93-95.

<sup>176</sup> Cho, *ibid.*, 60, 304-5.

help magistrates conduct court cases more efficiently and in accordance with official guidelines.<sup>177</sup>

The foregoing discussion has addressed scholarship that highlights areas where slaves may have found empowerment under the law. These examples must be counterbalanced by examples of continued slave disempowerment, whether in law, in society, or in both. Perhaps the foremost example of the subordination of slaves comes from the much-discussed Law of Matrilineal Succession, or *chongyang chongmo pŏp* 從良從母法. This law stipulated simply that any child with parents of mixed status (i.e. one slave, one commoner), would always take the *yang'in* status of the mother. Finally put into law by Yŏngjo in 1731 (just a handful of years before the compilation of the *Collected Volume*), this law was designed to remedy problems stemming from the law previously on the books, which held that children of mixed-status parents automatically became slaves, regardless of which parent held that status. (The profusion of slaves generated by this law—along with an attendant drop in the population of commoners—required a new arrangement that would replenish the commoner population, who paid more taxes than slaves.) This law is significant on a variety of levels. Apart from the basic fact that it serves as continuing confirmation of state interference in and control over the marriages of slaves, it also provided slaveowners with a pretext to interfere in their slaves' marriages. Kim Kŏnt'ae, after analyzing the household records of the Ŭisŏng Kim family from Kŭmgye village in Kyŏngsang Province, has found a dramatic rise in the proportion of slave-slave marriages in the late 18th century, alongside a proportional decrease in slave-commoner marriages. Kim attributes this development entirely to the enactment of the Matrilineal Succession Law. The only way for

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<sup>177</sup> Cho, *ibid.*, 26-32.

the Ŭisǒng Kim to ensure the continuance of their personal slave population would be to encourage intermarriage among the slaves.<sup>178</sup> Specifically, they had to manage male slaves such that they married female slaves, *not* female commoners. All of this reflects the continued regimentation of the lives of slaves in the late Chosǒn,<sup>179</sup> regardless of any comforts they might have enjoyed from an improved economy.

The view that slaves enjoyed increased legal privileges as a consequence of economic advancement is countered by the viewpoint that Chosǒn law always embodied a contradiction between recognition of slaves simultaneously as a people worthy of humane treatment and as chattel property owing fealty and submission to their owners. Though perhaps at times unspoken, that contradiction nonetheless made possible the articulation of notions of slave dignity or something approximating “the humane treatment of slaves.” The following discussion provides a brief overview of scholarship that reflects that outlook and asks whether the rhetorical strategies of the Namwǒn magistrate present one instance of the legal contradictions surrounding slaves being expressed.

As Kim Yongman has pointed out, slaveowners referred to their slaves alternately as the material means to fulfill their own needs *and* as persons who were supposed to embody a specific set of relational values. In other words, slave discourse as this point in history allowed

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<sup>178</sup> Kim Kǒnt’ae, “18-segi chungyǒp sanobi ũi sahoe, kyǒngjejǒk sǒngkyǒk - kyǒngsang-do andong kimgye-ri ũisǒng kŭmssi-ga sarye,” *Taedong munhwa yǒn’gu* 75 (2011), 97-8.

<sup>179</sup> Indeed, as Kim also notes, slave families could be broken apart by slaveowners. Though Kim notes that such breakups appear rarely in his documents, he does mention two primary means by which a forced family split might occur: an order from the master for an out-resident slave to come and work around the main house, or a decision by the master to gift slaves to a child who was recently married (the slaves in these cases were referred to as *sinnobi* 新奴婢). Interestingly, Kim argues that slave families did not seem to be broken up very often by simple purchase and sale. Instead, his records suggest that masters often opted to “buy locally”—that is, slaves assigned to work in and around the house were typically bought from immediately in or around the village, and slaves assigned to work on more distantly-located properties were brought from around those areas. Kim Kǒnt’ae, *ibid.*, 101-5.

for the simultaneous humanization and de-humanization of slaves. Kim finds far fewer references to the humanistic aspect of slaves. Nevertheless, some interesting cases emerge, including expressions of grief for slaves in the wake of the destruction of the Hideyoshi Invasions, and even a case where a slave and his master jointly formed a mutual aid association [K. *kye* 契] together.<sup>180</sup> The very names that slaves took in the Chosŏn period perhaps reflect the variety of master-slave relationships in this period. Many names were extremely unflattering, while others held positive connotations.<sup>181</sup> One wonders about Myŏngaek, the characters of whose name literally translate as “calamity of fortune.”

In her recent book *The Emotions of Justice*, Jisoo Kim notes that slaves had always embodied certain contradictory tendencies lodged within the Chosŏn legal system. Chosŏn law assigned slaves a dual status—chattel on the one hand, human beings on the other—that recognized their inherent dignity and enabled their treatment as property all at once. Particularly relevant to Myŏngaek’s case is the fact that killing of slaves either by their masters or by others brought severe punishments under the law. The fact that slaves themselves had long enjoyed various property rights—to include the ownership of slaves—clearly reflects the ambiguous position slaves occupied under the law.<sup>182</sup> Kim introduces several cases where slaves directly presented petitions to their local magistrates in response to some emerging circumstance that posed serious problems for their own well-being. In one case, a slave needed official verification of her ownership of inherited land in order that she might sell it to endure through a year with a

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<sup>180</sup> Kim Yongman, *Chosŏn sidae sanobi yŏn’gu*, 37-45.

<sup>181</sup> For more concrete details on the naming of slaves, see Kim Yongman, *ibid.*, 47-56.

<sup>182</sup> Jisoo Kim, *The Emotions of Justice: Gender, Status, and Legal Performance in Chosŏn Korea* (Seattle: University of Washington Press, 2015), 4.

meager harvest.<sup>183</sup> In another case, a female government slave attached to the Royal College responded to the brutal beating and death of her husband by petitioning the King directly—the petition was heard, but for reasons of hastiness in the execution of investigative procedure, punishment for the offender was not ordered immediately (nor, ultimately, to quite the degree that the petitioner seemed to desire).<sup>184</sup> Kim’s overall argument concerns the role of the emotions in the Chosŏn legal system as articulated through the concept of *wŏn* (translated roughly as “grievance”). Importantly, Kim notes that *wŏn* was instituted as a mechanism to relieve the grievances of *all* the subjects of the Chosŏn state, irrespective of their particular social status or gender. This idea, which was articulated even by kings of Chosŏn, implied that the airing of grievances was a right granted to all subjects of the state, that the right of a hearing applied to all.<sup>185</sup>

Cho Chiman has investigated the relationship between the *Da Ming Lu*<sup>186</sup> and its application in the Chosŏn law codes. He provides a key example of a legal benefit afforded slaves at this point in history. According to the *Da Ming Lu*, if the head of a household (or certain other members of a particular family) were to kill a slave without reporting their actions to the local authorities, the family of the slave will be lifted out of slave status and turned into

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<sup>183</sup> Jisoo Kim, *ibid.*, 93.

<sup>184</sup> Jisoo Kim, *ibid.*, 116-18.

<sup>185</sup> Kim also adds one distinction on top of this argument when she writes: “When it came to relieving *wŏn*, the notion of ‘fairness’ in the application of law applied *equally* in that the state treated subjects of different statuses and genders as Heaven’s people. However, when Heaven’s people were perceived as objects of punishment, they were treated differently and the law was applied *unequally* according to merit, discriminating against those who were recognized as having less merit.” For this quote and the material attributed above, see Jisoo Kim, *ibid.*, 36.

<sup>186</sup> The *Da Ming Lu* was the official law code of the Chinese Ming Dynasty and greatly influenced the development of the Chosŏn legal system. However, at the same time, its application to the sociocultural conditions of Chosŏn generated numerous debates, leading to many key revisions and modifications.

commoners. King Sejong (r. 1418-1450) convened a debate on the application of this statute to Chosŏn and noted that Chinese slavery and Korean slavery were not analogous institutions, making it difficult to give slaves commoner status so easily. However, if the slaves' owners perpetrated the attack, the law did allow for the families of the slaves to be freed from their owners and to become government-owned slaves. This rule was eventually added into the *Sok Taejŏn*, the successor of the *Kyŏngguk Taejŏn*. Cho Chiman interprets this particular modification of the *Da Ming Lu* as a reflection of the state's tolerance for criminality among the elite and as a sign of the fundamental interest in solidifying the Chosŏn status system.<sup>187</sup> Broadly speaking, I see no reason to dispute that interpretation; however, I would note in addition that the law *also* seems to recognize that slaves possessed a certain core human dignity worthy of recognition. Gratuitous violence against one's own slaves *had* to be punished to *some* extent and the panicked family members of those slaves had to be protected from any future attacks. In short, legal debates like the one initiated by Sejong seem to me shot through with profound tensions, even if those terms were not explicitly discussed and recognized as such.

The phenomenon of slaves entering higher status groups did not necessarily emerge first with the socioeconomic changes of the late Chosŏn period. One line of scholarship suggests that a wide range of practices with lengthy histories enabled slave advancement. For example, state policies on slave marriages changed over the course of Korean history and always generated broad demographic changes. If there were too many slaves and too few commoners at large, the state might not have been able to collect enough taxes to stay flush—therefore, to generate more commoners, the state changed its policy on how status was inherited through marriage. In the

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<sup>187</sup> Cho Chiman, *Chosŏn sidae ūi hyŏngsabŏp: Taemyŏngnyul kwa kukchŏn* (Seoul: Kyŏngin Munhwasa, 2007), 120-21.



same way, if there were too few slaves available and the *yangban* found themselves at a shortage of manpower, the state often changed its policy to replenish the slave population. The inherited status of many people could spontaneously improve (or decline) depending on state policy decisions.<sup>188</sup> Sŏ Sinsŏk point to the so-called “Directorate for Merit Subjects” [K. *kongsin togam* 功臣都監] as another example of a government initiative that elevated slaves into a “higher status,” at least in a certain sense. The argument in this case suggests that this bureau, insofar as it provided merit subjects in the Early Chosŏn with slaves as rewards for service to the state, also provided *private* slaves an avenue to become *public* slaves.<sup>189</sup> As discussed previously in the case of Tamulsari, public slaves likely enjoyed benefits and a scope of duties preferable to those of private slaves.

Myŏngaek’s case is best explained as a product both of emergence and of ordinary practice; however, the element of emergence contributes much less to the case than the element of ordinary practice. The Namwŏn magistrate’s impassioned “defense” of Myŏngaek’s human dignity was made possible by principles long established in the Chosŏn legal code. Pre-existing law likewise enabled the magistrate’s defense of Sŏngha’s proprietary claims over Myŏngaek. Furthermore, the very ability of the slaves to lodge a complaint against Nogyong was nothing new. Economic emergence played a weaker, secondary role in the Namwŏn magistrate’s overall interrogation strategy. When the magistrate mentioned Myŏngaek’s wealth—the exact scope of which is never revealed—he did so only to take a jab at Nogyong. Nothing in the love triangle between Ch’ŏnmae, Myŏngaek, and Nogyong suggests that jealousies about wealth greatly

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<sup>188</sup> Sŏ Sinsŏk, “Chosŏn ch’ogi nobi ūi chaengsong kwa sinbun sangsŭng,” *Sahak yŏn’gu* 41 (May, 1990), 99, 113-14.

<sup>189</sup> Sŏ Sinsŏk, *ibid.*, 109.

influenced how the conflict emerged. The case seems much more an issue of sex than money. The magistrate referenced the wealth disparity between Myōngaek and Nogyong simply to irritate and rile Nogyong, to pressure him into a confession. Had this case unfolded differently and instead developed into a matter of contested property, the analysis here might involve more of the observations made by scholars like Cho Yunsōn. For the most part, one imagines this case occurring just as easily in the early Chosōn as in the late Chosōn.

The determining aspect of Myōngaek's case lies not so much in the question of legal and social contradictions in the lives of slaves, but rather in the personality of the Namwōn magistrate and his ability to manipulate those contradictions so freely. Myōngaek's case demonstrates the extreme degree of arbitrariness with which a particular magistrate could conduct his court—every invocation or suggestion of “slave dignity” in Myōngaek's case served a strategy driven by personal interests, not the development of a concerted legal argument. The fact that the Namwōn magistrate operated with contradictory messages throughout his court case was, in his own eyes, of absolutely no significance whatsoever. Law simply provided the tools with which the Namwōn magistrate formed an elegantly-conceived ploy. The Namwōn magistrate developed his rhetoric not toward the betterment of the slaves' lives but simply for the settling of his own personal grudges. There was no “dispassionate application” of legal codes in Myōngaek's case. Which raises the question: if this emptying of legal content happened in the court of the Namwōn magistrate, in how many other courts did the same strategy play out? Unfortunately, it is impossible to answer that question with statistical certainty. Only after extensive documentary research might we ascertain whether analogous strategies emerged in the course of other trials. However, there are strong reasons to believe that it was somewhat

generalized. The success of the Namwŏn magistrate's "mixed-message" approach rested on the practical efficacy of his contradictory rhetoric. That alone suggests that other magistrates would have arrived at such approaches independently. Neither the codification of new legal benefits nor the development of more positive themes in public discourse may have brought tangible benefits to slaves if local magistrates conducted their courts with extreme personal discretion, as the Namwŏn magistrate did in response to the beating of Myŏngaek.

## The Astute Recommendations of the Temple Headman: An Exploration of the Power Relations that Influenced the Buddhist Communities In and Around Namwŏn

### Introduction

Early historiography of the Chosŏn period held that the state subjected Buddhist communities throughout the domain to a constant and thoroughgoing suppression. The basic elements of that claim are familiar: the former Koryŏ Buddhist establishment was dispossessed of much of its arable and slaves, expelled almost entirely from official political fora, forced to merge its various schools into two basic branches, and made to minister almost exclusively to social groups of low standing. In short, a government cabal with rigid Confucianist viewpoints promoted the social, political, and intellectual impoverishment of the Buddhists. Over the past several decades, new research has refined and challenged that thesis. Scholars have accumulated more evidence suggesting the continued vitality of Buddhism despite the admittedly difficult political situation it faced. Some examples of this new scholarship include analyses of intellectual exchanges between Buddhist and Confucian thinkers, as well as discussion of popular ritual practices in the late Chosŏn period. These studies have broadened our imagination of where Chosŏn-era Buddhists found sources of agency.

In this chapter, I suggest that the Buddhists found another source of agency in the state *corvée* system. This claim may seem somewhat counterintuitive. How might a system that forcibly mobilized people for labor have presented those people with a space to articulate and pursue their own interests? The case record under consideration in this chapter—which concerns the refurbishment and reconstruction of Kyoryong Mountain Fortress [K. *kyoryong sansŏng* 蛟龍山城], the mountaintop military embankment that served both Namwŏn and the surrounding

area—demonstrates clearly that the Buddhists provided their own input during the planning process. That input not only influenced, but also caused delays in the progress of the project.

The negotiation process itself features the Namwŏn magistrate speaking from a position of relative weakness. This is quite unlike the cases of Hamjang and Myŏngaek, which he resolved with blunt authority (in the former) and strategic acumen (in the latter). The Governor and the respective headmen [K. *sŭngt'ong* 僧統] of the various local Buddhist temples serve as the magistrate's primary interlocutors in this case. In this three-way interaction, the Governor did not simply impose the propositions of the Namwŏn magistrate on the targeted Buddhist communities, but rather adjusted those propositions in accordance with a series of observations and complaints from the Buddhists. The planning process stretched on for months partly because of the criticisms of the *sŭngt'ong*.

After reconstructing the case as recorded in the *Collected Volume*, I will provide two separate discussions. The first discussion compares the representation of the Buddhist communities in this particular case with the representation of other local Buddhist communities throughout Namwŏn in travel logs from roughly the same period. Confucian scholars traveling to Chiri Mountain composed those travel logs. They describe their interactions with local Buddhist communities in a way that largely obscures any exercise of agency on the part of the Buddhists. This intertextual exercise underscores the usefulness of documents that describe in some detail how the Buddhists behaved in dialogic and negotiable situations. The second discussion will situate the case from the *Collected Volume* more concretely in the broader discussion of Buddhist agency in the Chosŏn period.

## Corvée and Negotiation

The *Collected Volume* contains a scattered assortment of records where the Namwŏn magistrate details his efforts to repair Kyoryong Mountain Fortress. The magistrate conducted an independent investigation of the fortress and determined that around 400 different points on the structure required attention more or less immediately. This discovery prompted both anxiety and consternation—the magistrate had to devise a plan not simply to repair the walls, but also to explain why the walls, which had been fixed somewhat recently, had already fallen into despair once more. His solution involved a large-scale mobilization of monks [K. *sŭnggun* 僧軍] from both Namwŏn and other regions within Kyoryong’s sphere of defensive responsibility. The process by which the magistrate conceptualized this plan, presented it to the relevant authorities, and ultimately struggled with the monks to actualize it, presents the historical episode under scrutiny in this section.

At first glance, a mobilization of corvée labor to repair a mountain fortress may seem a mundane topic of discussion. What could be more straightforward than a magistrate drafting an order, organizing the monks, completing the job, and then sending the monks home? This particular characterization eliminates the possibility that the monks in any way contributed to the specifics of the plan, debated the terms of the plan, strategized to undermine the plan, or in general found ways to negotiate the plan to their favor. Once one reconstructs the entire narrative of the mountain reconstruction project as revealed in the *Collected Volume*, one discovers a lengthy process of negotiation between the magistrate, the local Buddhist communities, and various authorities outside the Namwŏn region. To describe the project as a unilateral order issued by the magistrate would be entirely incorrect. Rather, the project crystallized out of a

three-way conversation involving carefully-crafted rhetoric, strong assertions of self-interest, and clever balancing of power. The conclusion is a simple one: the corvée system itself, though ultimately ordered to the extraction of labor power from the monks, nonetheless also afforded the monks a voice powerful enough that they could vie with the claims and interests of the Namwŏn magistrate. The system did put the monks at the disposal of the magistrates, but also offered them a space to contest the reasonableness of the magistrate's demands.

After conducting his initial site inspection, the magistrate ordered the neighboring Kurye and Koksŏng regions to provide monks for service. The tone of his letter betrayed agitation. The content of his letter revealed the pressure he was under to finish the project swiftly (he briefly mentions that the central Court itself took interest in the project). The magistrate's agitation targeted two different groups: on the one hand, the neighboring magistrates needed to provide the monks quickly and unconditionally while, on the other hand, the monks themselves needed to complete the job with a degree of precision not attained in previous deployments. The magistrate's write-up reads as follows:

Altogether there are over 400 points on the parapets in the mountain fortress that are dilapidated or broken. As before, we requested deployment of two hundred total monks from [your] regions for the purposes of the project: one hundred from Koksŏng and one hundred from Kurye. We have already reported our intentions to both the Left and Right Naval Bases of Chŏlla Province [K. *yangyŏng*]. The immediate subordinates of each commander [K. *p'yŏnbi*] completed their investigation of [the relevant conditions], and the Governor's office, too, is now pursuing the reconstruction. I have already reported the matter of assembling the monks officially. The reconstruction of this fortress has long been the duty of the monk workers from these three regions. In this new year, we must increase the solidity of the reconstruction and then gradually come to complete the parapets. As such, at the time that the work comes underway, even though the monks earnestly [apply themselves], it will be possible to encourage them onto better results. After all, every time we have these reconstruction projects, the monks only think of completing the work quickly and do not put their full effort into the project—the work is shoddy and the areas that have actually been fixed do not last long, quickly returning to a state of disrepair. All of their work goes for

naught and we face continuous problems thereafter. The general shoddiness of the reconstruction therefore should be strongly debated as a crime ... If there should be an incident [this time] where replacements for the elderly, the sick, or the weak [are required], then not only will I send them back, but I will order the head monk here and have him severely punished by caning—make sure they all heed this warning.<sup>190</sup>

The magistrate had no intention of re-visiting the reconstruction of the fort in the future. The task had to be finished completely and adequately this time around. To ensure this, he could not but issue a forceful demand to the officials from Koksöng and Kurye. These neighboring magistrates needed to display earnestness and assertiveness in assembling the monk workforce.

In a report to the Governor just a few days later, the Namwön magistrate justified his request for such a large deployment in more specific terms. He enumerated the problems that had developed in the structure of Kyoryong Fortress in some detail. His estimates eventually became the focal point of the negotiations that emerged between the magistrate, the governor, and the Buddhist communities. The magistrate insisted that the scope of the work—and, indeed, the nature of the work—involved in the project in no way deviated from precedent. He wrote:

Once again, I personally visited the mountain fortress and carefully counted the amount of areas in need of repair and inspected the general level of their dilapidation. Some were completely run-down, others were half-destroyed and half-restored. Some of the parapets had simply collapsed. On the west, the south, and the north sides of the fortress, the topography is exceptionally steep. Therefore, some of the rocks had rolled as far away as seventy, eighty, or even one hundred paces. If we just abandoned those old rocks, there would be no new rocks within the fortress itself to use. So, we have no choice [but to brave] that topography and bring up the old rocks, taking it one step at a time. If workers completed this alone, they would just exhaust themselves. So, we need twice as much labor power to help bring the rocks up the hill. There has even been a mudslide in the fortress. The base of the fortress is

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<sup>190</sup> *Collected Volume, Vol. 1*, 285-86.

山城城堞頹破處四百餘把依前以地方官僧軍二百名谷城僧軍一百名求禮僧軍一百名調發修築之意論報兩營發遣褊裨摘奸自巡營又今趁此修築而僧軍調給事已為發關是如為在果此城修築既是所屬三邑僧軍役歲加堅築漸成完堞則役時雖有勤勞來頭可責實效而每當築役唯務速了不用心力草草收築未久還毀前功歸虛後弊不絕此分不喻山城修築而不堅利則大段論罪事

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如有老病弱◎充之事則不但退送領來首僧當為重棍此意並以預加嚴飭宜當事



extremely jagged and unforgiving. In those places where people cannot reach, we must replace the rocks, dig the earth, and replace the platforms. This can be planned.<sup>191</sup>

The magistrate then calculates the precise amount of food required to feed the workers, alongside a detailed account of the amount of monks to be dispatched to the project and the amount of time required to fix each individual weak point in the structure. The magistrate's request was a well-specified one. The considerable labor power required for this project meant that an equally considerable amount of rations must be supplied to the monks, which required, in turn, that the project be finished in a limited amount of time—a matter of days, as the notes indicate.<sup>192</sup>

Nevertheless, that project had to be finished properly and in such a way that no *ad hoc* repairs would be required in the immediate future. (In a separate report addressed to Koksöng and Kurye, the Namwön magistrate even specifies the number of masons and stonecutters [K. *söksu* 石手] required for the project.<sup>193</sup>) Perhaps in anticipation of a future negative response from the monks, the magistrate had no choice but to provide the authorities with a detailed work request, lest the project become quickly unmanageable and the monks abandoned their posts entirely. The magistrate is complimented on the thoroughness and precision of his request in the first adjudication to the report.<sup>194</sup>

Unfortunately for the Namwön magistrate, the precision and thoroughness of his proposition did not allay the authorities' fears about the sheer size of the required work corps.

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<sup>191</sup> *Collected Volume, Vol. 1, 286-87.*

縣監更為親往山城頽堞把數及役處陰易詳細省審則或全體頽把或半破半完或女堞叱分頽落而西南北三面地勢峻急之故所頽之石轉落於七八十步百步之外是乎所捨此舊石則城內無新石之可以取用者其勢不可不收拾舊石而自卑升高單身猶疲況◎崖運石功力倍入是乎塗至於沙汰出於城內城基如削人不得着之處段勢當鑿石掘土改出臺地可以設築

<sup>192</sup> *Collected Volume, Vol. 1, 288.*

<sup>193</sup> *Collected Volume, Vol. 1, 290.*

<sup>194</sup> *Collected Volume, Vol. 1, 288.*

While such a large deployment was permissible under certain circumstances, the nearness of the harvest season rendered a deployment of that size inopportune. The Governor therefore ordered the magistrate to postpone the project until autumn.<sup>195</sup> Several events followed from this postponement. The magistrate first—and perhaps rather embarrassingly—sent an official communique to Koksöng and Kurye informing them of the governor’s decision and requesting that the monks not be sent (the monks were scheduled to arrive in Namwön just a few days thereafter).<sup>196</sup> After that, the magistrate contested the governor’s decision. He argued that the extraction of the monks, who were not cultivators, could not damage the harvest in any appreciable way.<sup>197</sup> The magistrate re-emphasized the urgency of the project, given that the fortress would continue to crumble in the absence of any prompt action.

The setback the magistrate endured here was only the first of many. After a new Governor came into power in Chölla Province, the magistrate tried once again to acquire the manpower he so badly desired, but failed.<sup>198</sup> He sent the new Governor several reports and briefly summarized the rejection of the initial reconstruction plans. He avoided discussing the monk deployments and focused instead on recruiting workers from other sources. In the first summary, the magistrate complains about the deployment of the local Garrison Commander [K.

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<sup>195</sup> *Collected Volume, Vol. 1*, 288-89.

<sup>196</sup> *Collected Volume, Vol. 1*, 290-91.

<sup>197</sup> *Collected Volume, Vol. 1*, 291-93.

<sup>198</sup> It is not entirely clear from context which former governor the author refers to in this case. Between 1736 and 1737, the governor changed four times, and possibly twice before this particular entry, which dates to May 25, 1737. Yi Tonghŭi, “Chosŏn sidae chölla-do ūi kamsa suryöng myöngdan: chölla kamsa / kobu kunsu / kosan hyön’gam / koch’ang hyön’gam / kŭmgu hyölyöng,” *Chölla munhwa nonch’ong* 6 (1995), 13.

*pyŏlchang* 別將]<sup>199</sup> to another region and the importation of a new tender unfamiliar with local conditions. The pace of work slowed to a crawl under the watch of the new commander. The new *pyŏlchang* could not remain in Namwŏn for extended periods of time and he came and went to Kyoryong Fortress quite regularly. The quality of work was spotty and inconsistent. “Qualified and willing” local military officials were sought to remedy the problem. Wrangling about the strenuousness of work and the meagerness of wages ensued. In the end, the magistrate implored the Governor to appoint someone from the region as the Garrison Commander once more—a request that proved portentous for future developments in the organization of the workers.<sup>200</sup>

Some months later, the Namwŏn magistrate requested that the Governor assign a wayward group of soldiers from Chŏnju to Namwŏn. The very existence of this group of soldiers escaped the notice of local officials for a number of years. The magistrate cannot precisely explain the soldiers’ history in the region or their future plans there. They were simply stationed there in support of a bygone project and therefore presented as an opportunity to bolster the local workforce. The Namwŏn magistrate introduces the problem as follows:

I submit for your consideration the following matters: 52 *ch’ŏngch’o* soldiers<sup>201</sup> normally stationed at Wibong Fortress in Chŏnju are, at present, [in Namwŏn]. I do not know the [exact] year when the decision to deploy these troops was made, although I assume that it occurred before the reconstruction efforts at Kyoryong Fortress began. These soldiers never lacked official duties as they were always conscripted into the cavalry; however, they normally bore no responsibility whatsoever for working in the mountain fortresses. That said, we ran an inspection of the men who have either fled their posts or passed on. Following from this inspection, we sought to replenish those forces. For some, when it came time to conduct training in the fortress, they participated actively and readily; however, because

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<sup>199</sup> The *pyŏlchang* was a Junior 9th post in the military branch of the Chosŏn government. They were responsible for the repair and maintenance of structures such as mountain fortresses or various other fortifications.

<sup>200</sup> *Collected Volume, Vol. 1, 348.*

<sup>201</sup> *Ch’ŏngch’o* units were usually comprised of elite soldiers stationed in the capital.

mountain fortress training is extremely rare, some had never even seen a mountain fortress before. As for those who were age-exempt or had passed away, even if these people were pressed into service, they would be unusable. Because these soldiers are here in Namwŏn, a certain amount of Officers of Banner and Tally [K. *kip'aegwan*]<sup>202</sup> should be rightly stationed here. If they [continue to] carry out their duties year after year in Chŏnju, the associated labor expenses will be rather onerous in comparison with other officers. It is completely in keeping with the spirit of the law that each command and garrison determine the amount of soldiers to be stationed at each mountain fortress based on the available manpower in regions, near and far, and to ensure that these people stand ready to defend and repair the fortress when called upon.<sup>203</sup>

The magistrate's search for spare manpower led to his discovery of soldiers whose official remit belonged to the magistrate of another region. The continuous deployment of Namwŏn-based soldiers to other regions left those soldiers completely unable to fulfill their primary duties to their home region. With the local forces in a state of disarray, it was necessary to take the soldiers originally assigned to Wibong Fortress and reposition them in Namwŏn. The governor, though sympathetic with the Namwŏn magistrate's request, was unable to respond in the affirmative because of the suddenness of the report. The matter would have to be referred to Chŏnju later in that month for re-consideration.<sup>204</sup>

The pattern of discovery, attempted appropriation, and rejection more or less repeated itself in subsequent reports.<sup>205</sup> The magistrate's strained efforts to retrieve his scattered human resources from distant locations itself suggests that the management of local military forces in

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<sup>202</sup> *Kip'aegwan* were rural military officials responsible for monitoring and organizing training among conscripts.

<sup>203</sup> *Collected Volume, Vol. 1, 458-59.*

為相考是全州威鳳山城所屬精抄軍五十二名在於本縣是乎所軍額分排雖未知創於何年而蓋在於本縣蛟龍山城未重修之前是如為乎旅軍卒段本非閑良◎役於騎兵常時元無山城立番之事但自本縣點檢逃故隨關充額或當城操之年則赴操往來而城操甚稀或有未見山城而老除身死雖曰◎役役則最歇是乎矣以其有軍卒之故旗牌官一額亦置本縣年年立番於全州府其為勞費與他將校頗為苦重是如為臥乎所各營鎮各山城參酌遠近說軍分◎平時羈縻緩急入守者自是法意

<sup>204</sup> *Collected Volume, Vol. 1, 460.*

<sup>205</sup> *Collected Volume, Vol. 1, 461-64, 475-78.*

Namwŏn suffered from a lack of regular organization and maintenance. The *ad hoc* search for manpower and the haphazard deployment of soldiers to other regions bespeaks a state of organization. Such disarray may help explain why the magistrate was so eager to conscript the monk workers in the first place—perhaps the monks disaffiliated from their local religious communities only on the rarest of occasions and therefore provided a source of manpower more reliable and more well-documented than ordinary soldiers.

On the other hand, subsequent reports from the Namwŏn magistrate suggest that the Buddhist monks may not have provided so reliable a source of manpower, even if they remained permanently in the temples. The Governor had recently ordered a substantial reduction in the number of monks that the magistrate requested several months prior—a substantial setback when one considers the string of failed attempts to appropriate other soldiers for labor. This order caused the magistrate to worry that the monks promised him were pondering fleeing. The magistrate lacked a plan to stem the deployed monks' mounting difficulties, which included dwindling provisions and overwork from a general lack of manpower. Furthermore, the magistrate surely feared that one monk's decision to flee his duties might generate a domino effect, that monks who remained on site might find encouragement in the example set by the escapees.

The most peculiar and intriguing aspect of this case lies in the fact that the governor's decision to trim the Kyoryong Mountain corvée workforce resulted entirely from an act of self-assertion by the Buddhists. The governor agreed to an initial cut of ten total monks from the various districts ordered to provide laborers (Kwangju, Hwasun, Kwangyang, Koksŏng, and Kurye). That reduction was eventually followed by an additional planned reduction of ten more

monks following a report issued by the local monk headman [K. *sūngt'ong* 僧統].<sup>206</sup> The Governor largely bypassed the Namwŏn magistrate when arriving at these decisions about manpower. The Governor listened intently to the recommendations and reports of the temple headmen and adjusted deployments accordingly. Furthermore, nothing in the record suggests that the monks' request involved an explicit challenge to authority. Even less does one find a revolt against the fundamental underpinnings of the corvée system and its relationship to the state. Instead, we simply find a process of negotiation between the monks, the head monk, the local authorities, and the provincial authorities—one in which the temple headmen's concerns were heard and acted on.

Pak Seyŏn argues that individual temples were responsible for delegating labor duties to the monks within their ranks, which means that the monk headmen occupied something of a ambiguous position within this whole system.<sup>207</sup> Headmen responded to the local magistrate's demands for extraction, but simultaneously weighed the interests, abilities, and general well-being of the monks under their own authority. Voices of conflict and dissatisfaction reached the ears of the temple headmen from both within the temple and without. It was the mediation of the *sūngt'ong* between the governor and the working monks that effectuated the initial reduction in

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<sup>206</sup> *Collected Volume, Vol. 1*, 471.

<sup>207</sup> One of the documents under scrutiny in this paper have been discussed briefly and only partially by Pak Seyŏn as part of a Master's Dissertation on the development of monk militias during the mid- to late-Chosŏn period. Pak approaches the contents of these two documents from the perspective of state organization of the monks within a system of corvée extraction; however, this paper attempts to read the documents from the opposite perspective by attempting to determine how the monks worked within the emerging state system to develop strategies of resistance. Which is to say, agency in this paper is understood as something facilitated both *by* the state labor system and *against* the state labor system. Monks relied on institutional connections just as strongly as they relied on personal connections and the resistance strategies those connections made possible. In the process of examining these various issues, we will gain some sense of the intricacies of the regional network of Buddhist institutions. Pak Seyŏn. "17 segi-18 segi chŏnban sūnggun ūi hwaktae wa chobal pangsik ūi pyŏnhwa." Masters diss, Korea University, 2014. National Assembly Library of Korea (KDMT1201402466).

the labor force. The headman may have voiced difficulties the monks experienced while fulfilling their corvée responsibilities, or may have addressed a number of pressing tasks in the temples themselves that would only be exacerbated by a deployment. Whatever the case, the Governor took the concerns of the monks seriously. Multiple communities may even have been involved in that petition, as the grammar of the passage makes it difficult to ascertain whether a group of *sūngt'ong* presented the petition, or whether a single representative did.

While acknowledging the difficulties of the Buddhist communities, the magistrate suggested that monks be drawn a larger range of regions. He recognizes the insufficiency of the monks' provisions; he recognizes the strenuousness of the work duties and the relief that extra hands might provide; he recognizes the possibility that certain monks might just abandon their posts entirely. On the other hand, he repeatedly claims that he saw nothing exceptional about the current task and the forces assigned to it. In fact, he drew explicit comparisons between the current reconstruction project and past projects that left monks similarly shorthanded. The magistrate noted that monks frequently assumed the responsibilities of other monks without any trouble. Still, to offset those concerns, he suggested that the Governor cast a wider net and draw in monks from other areas:

Now, [we seem to face a situation] where the monks are few and the work is onerous. Day and night they work at length. [However], the difficulty [of the work] is no different than [what we saw] at the Namhan and Pukhan Mountain Fortresses—it's just that the Righteous Monks at Namhan and Pukhan Mountains received a considerably greater amount of provisions. [Indeed], those provisions lasted a long time. [On the other hand], [when it comes to our] mountain forts, the provisions are quite meager on account of the fact that they [come from] neighboring districts in [Chölla] Province. In the interim, [someone have gone so far as to] flee [their duties]. Perhaps we should just take a group [of monks] from each individual district. [Regardless of whether the monks'] temples [lie in states of] disrepair or [seem relatively] prosperous, we must ensure that these work shifts [are filled] by arranging to send groups of [monk-laborers to assume the duties]. [As for the matter] of [extracting] one-or-

two-more or one-or-two-less monks [from these temples]: if we extract [that many more monks], the temples [will not incur] any great damage, while if we extract [that many less monks], well, there is really no impact [to speak of]. These particular duties will not determine the [future] prosperity or ruin of the monks. The fact that *two* monks today assume the work that *four* monks assumed yesterday—and that they would find it difficult to manage these duties [while dwelling] in an unfamiliar area, in the crumbling scraps of an isolated fortress—is completely in keeping with [long-established precedent].<sup>208</sup>

The Governor clearly thought that the temples might ruin their finances if they provided the number of workers that the magistrate demanded. The very fact that temple finances presented a major concern for the Governor—one that had to be weighed against the needs of the local fortress—carries substantial implications. The early Chosŏn state extracted numerous resources from the opulent Koryŏ temples, with their abundant stores of slaves and material possessions, and excluded the local Buddhist communities from important positions in the political arena. The encounter between the Namwŏn magistrate and the Governor, however, provides one example where the Chosŏn state's efforts at extraction from the Buddhists seemed much less lopsided and unilateral. Long deprived of their riches, stripped of their unassailable sociopolitical position, and robbed of their institutional diversity, the local Buddhist temples now provided a limited but reliable source of labor. The state, for its own part, needed to ensure that the Buddhist communities did not simply disappear because of insolvency and demoralization.

The magistrate's notes also indicate that the monks stationed at the fortress suggested some practical options for solving the emerging labor shortage. On one occasion, the monks encouraged the magistrate to identify and eliminate frivolous roles within the local *corvée* system. Reallocating the monks previously assigned to those posts might offset the coming cuts

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<sup>208</sup> *Collected Volume, Vol. 1, 472.*

今則僧小役煩晝夜長立其為勞苦無異於南北漢立番而南北儀僧資送頗厚僅可支當而此山城以道內隣邑之故資裝薄略苦難堪當間或逃去之患是如為臥乎所蓋各邑分排一徒其寺刹殘盛而當其番次以衆力治送一二名加減之間加而別無大害減而亦無顯效僧徒盛衰不係於此立番儀僧段前日四人之役今責於二人客地孤城蹤跡單◎其所難堪事勢固然



to the workforce. The text never specifies whether the magistrate attempted to locate monks with frivolous tasks. We do find evidence that the monks' suggestion at least prompted him to consider the matter privately. He writes:

The monks, [curious as to whether there might be some] corvée duty that lacked in importance and could be abolished, inquired into the necessity or non-necessity [of any such duty]. As for the head monk, he provides food day and night, preparing meals and dishes—this is surely a fundamental duty that cannot be abolished. He guards and always has guarded the food storehouse. Such a responsibility can only be placed on the monks. As for the defense of such storehouses as the weapons storehouse, this role could not be fulfilled if not for these people. [Furthermore], it is only the monks who keep order and reprimand the monk leaders, all the while doubling up on their duties and running errands. Defense of the storehouses, keeping order, and patrolling the mountains—we have no choice but to assign these various responsibilities to the monks. Though certain trivial assignments might be abolished, these three central responsibilities can neither be reassigned nor eliminated.<sup>209</sup>

The passage above suggests that communication between the monks on site and their representatives in the temples was often insufficient. Based on the Namwŏn magistrate's notes, it does not seem that the *sūngt'ong* provided the monks on site with any provisions. The monk representatives may have lacked the material or logistical means to do so. Their failure to provide may also have resulted from prioritizing of the well-being of the temple and its immediate community. Whatever the case, the inability of the *sūngt'ong* to respond to the needs of the monks on site represented an added burden placed on the magistrate.

Lacking any concrete course of action to propose to the governor, the magistrate resorted to the only tactic still available: criticizing the governor *directly* for reducing the monk-workforce in a manner that adversely effected the reconstruction efforts. The magistrate's accusation seemed shaky, though. He admitted that he lacked any specific knowledge of how the

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<sup>209</sup> *Collected Volume, Vol. 1, 472-3.*

其矣等應役或有不緊而可革者是乎可問其所役緊歇則僧代將供饋朝夕炊爨已是不可廢之本役醬庫段僧將主官典守其為守置不可不責於儀僧軍器等云庫守置非無其人而申飭諸即僧將亦為管攝所率使喚惟是儀僧則云庫申飭巡山監禁亦不可不責於儀僧此外細瑣之事雖可減革而惟此數三役即不可推移減除

governor determined the number of monks to assign to each district. Lacking such an insider's perspective, the magistrate could not accuse the governor of carelessness or superficial reasoning. The magistrate had to argue that the governor's order added to the monks' hardships because he misunderstood the actual conditions on the ground. The passage below reveals how the Namwŏn magistrate presented this new position:

Originally, the Governor's office calculated the amount of monks in each district outside the capital and [then used that number] to determine the amount to be conscripted based on the relative successes and hardships of their temples [of affiliation]. In the interim, though, there was a reduction in the amount of monks. Though I cannot know how Your Eminence reached this determination, I can say that it seems considerably imbalanced: places with many monks saw only small reductions, while places with few monks witnessed large reductions. Kurye is a neighboring district attached to this particular mountain fortress but only had one monk slashed—and, at that, the intent here is not to station him at headquarters. There is nothing separating important and unimportant mountain forts in this province. Other forts were also assigned thirty or forty monks—the fact that our fort in particular had [its workforce] reduced by half [bespeaks inconsistency].<sup>210</sup>

The Namwŏn magistrate does something rather clever in this passage—he tries to convince the Governor that the *monks* themselves caused his office to miscalculate the required workforce on site. He determined the deployment numbers based on the financial situations of the various temples, which implies that information from the monks was skewed somewhere along the way. The goal was to convince the Governor that his directives were not, in fact, his own. If the magistrate convinced the governor that his workforce reductions resulted entirely from the monks' information and *not* from his own thinking, then the governor might discount any further recommendations from the monks in the immediate future. The Namwŏn magistrate tried to disguise his rebuttal to the Governor as a criticism of the local Buddhists.

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<sup>210</sup> *Collected Volume, Vol. 1, 473.*

當初自營門較量各邑京外儀僧多小僧寺殘盛定其額數者即有所見而中年存減便◎雖未知其如何是乎乃昨年存減段儀僧多處小減小處多減其所存減已極不均求禮以城屬近邑一名儀僧之專減◎非羈糜主鎮之意道內山城輕重無間而他山城段或四十名或三十名定額◎本城耳亦如是半減亦非一視之道

In his final plea to the governor, the Namwŏn magistrate issues a stern warning that the threshold for “mass monk disgruntlement” grew perilously close. The magistrate framed the reasons for these developments in a manner that draws our attention: the problem lay within the corvée system itself—not with any intransigence, uncooperativeness, or laziness on the part of the monks—because that system did not allow for the easy collection of information necessary for allocating labor resources effectively. In short, the system was underdeveloped. The magistrate sensed that a simple petition from one *sūngt’ong* contained in itself the potential to undermine local projects. This case demonstrates that monks possessed relatively well-established means for petitioning their problems, while magistrates sometimes experienced difficulty addressing the after-effects of those petitions. The system did not hinder monk agency, but rather strongly enabled it—in fact, monk agency constituted a part of the system itself. The magistrate writes:

Once the appointed number [of monks is set], it is only appropriate to increase and fortify that number. It is not appropriate to reduce that number. Should there be a temple with financial struggles [that finds these requirements] difficult to manage, then we should plan to [extract the monks] from the next best location. This is a way to maintain the amount originally stipulated and to amass the necessary workforce. However, the monks at these fortresses have been cut—if you then cut once again the amount that remains, we will not reach the amount [of workers] originally stipulated and we will have no recourse to prevent any of the future problems that will surely result. As for the problems we currently face: if the above conditions are not met, then the monks on duty at our fortresses will all plot to flee their posts. Furthermore, in the event that they do flee their posts, we will have no choice but to conscript double the amount of [monks] for labor—but there will be anger among the monks who find it difficult to shoulder the burdens of being monks, and there will truly be no benefit for each temple that endures such an extraction. At this point, even though it may be difficult to maintain or restore the [forty monks originally promised me], do not cut any of the monks from the thirty that were determined in the interim.<sup>211</sup>

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<sup>211</sup> *Collected Volume, Vol. 1, 474.*

一番定額之後宜加斗護不宜削減設有衰敗難當之寺是良置推移區劃於差勝之處使元額無減乃是募人得力之道而此城儀僧再◎削減所餘僅半削之不已完額無時向來救弊及為今日生弊是乎所若此不已則此城主番僧皆謀避及其謀避之際則必倍價雇立而徒有儀僧難堪之怒實無各寺◎減之惠矣到今設初定額雖難復舊中間所定三十名勿減仍存似分事宜是乎等以

This passage presents the definitive piece of evidence that the monks possessed the wherewithal to contest the demands of magistrates in planning corvée projects: the magistrate decided to leave the temples of the complaining *sŭngt'ong* alone. Instead, any new monk conscriptions had to come from temples with more substantial populations who stood to lose less from the temporary absence of their fellow clergymen. The petition of the *sŭngt'ong* caused the Namwŏn magistrate's painstaking and virtually endless search for manpower to drag on even longer.

In the final adjudication of this record, the Governor recognizes the Namwŏn magistrate's observations concerning the increasing difficulty of the tasks assigned to the monks *and* the fact that a rapidly shrinking number of monks had come to bear the burden of those duties. The governor recommends that the magistrate conduct a new survey of the regional temples to determine which experienced financial distress and which performed as well as could be expected under adverse circumstances. Monks would be newly apportioned based on these determinations. The most striking aspect of this recommendation lies in the fact that the governor pinpoints the *sŭngt'ong* of each temple as the source through which such information would be gathered.<sup>212</sup> Which is to say, we have come full circle from the complaint initially lodged by the *sŭngt'ong*—that particular complaint motivated the governor's preliminary reduction of the monk workforce, and the assessments and recommendations of the *sŭngt'ong* gathered in the upcoming survey would determine any and all future reallocations of labor. The *sŭngt'ong* therefore appears in this particular episode not only as a figure with sufficient clout to sway the Governor, but also as the definitive source of knowledge concerning the status of the local temples. In fact, the seeming indispensability of the *sŭngt'ong* to the process of *corvée*

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<sup>212</sup> *Collected Volume, Vol. 1, 474-75.*

management forces a critical reappraisal of the balance of power between the three figures of the magistrate, the Governor, and the *sūngt'ong* himself.

### **Another View: Buddhists and Confucians in Local Travel Logs**

Not all historical records represent the voices of regional Buddhist communities as strongly as the *Collected Volume*. The Namwŏn magistrate's plans to reconstruct Kyoryong Mountain Fortress shifted in response to input from the local Buddhist communities. However, all too often, Buddhists do not seem to act with similar levels of influence in other records from this period. Consider the many travel logs written by Confucian scholars about their pilgrimages to Chiri Mountain, a prominent natural feature and site of devotion in the Namwŏn region.<sup>213</sup> Despite their extensive engagement with the Buddhist communities lodged throughout the mountain, the Confucians rarely portrayed members of those communities exercising much agency. Rather, the Buddhists consistently act as hosts to the Confucians, as people who had no choice but to provide food, lodging, and entertainment when ordered.

The authors of the travel logs portray the local Buddhist communities as facilitators of their pilgrimage to and from the summit. This focus precludes much of any discussion of concrete acts of resistance or non-cooperation from the Buddhists. It is true that certain authors portray the Buddhist communities—and especially any guides who accompanied them through the entire course up the mountain—in a more favorable light, going so far as to include quotations from conversations between the two.<sup>214</sup> Nevertheless, the texts mostly provide a

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<sup>213</sup> Ch'oe Sŏkki has compiled many of these travel logs into a dedicated volume. The travel logs I have selected all appear in this volume. See Ch'oe. *Sŏnindŭl ūi chirisan yuram-nok*.

<sup>214</sup> The more compassionate representations of the Buddhist communities mention their obvious difficulties with corvée responsibilities, however the authors' criticisms of the philosophical content of Buddhism remain. Ch'oe, *ibid.*, 393-98.

vision of the entire experience of the *mountain*. Human interaction that occurred within the mountain is, to a large extent, secondary.

The Confucians described their journeys to Chiri Mountain with all the tropes common to descriptions of pilgrimages. The experience of ascending and wandering through the mountain constantly re-oriented the emotions, perceptions, actions, and thoughts of the pilgrims. Pilgrimage can be understood as just one form of ritual and therefore offers the possibility of transgressing a divide between incommensurable worlds, entities, or ideas.<sup>215</sup> No author presented the trek to the mountaintop as a straight shot through an undifferentiated wilderness. The logs contain detailed descriptions of diverse local plant life, records of lengthy interactions with the inhabitants of local Buddhist temples (abbots, monks, and students), notes on productive activity occurring throughout the mountain area, and impressions of the lives of people who “dwell within the mountain”—among other recorded observations, as well.

The Confucian travelers to Chiri Mountain write as if the mountain constantly mediates their relationship with the whole of Chosŏn society anew, such that their proximate surroundings suggest a specific conceptual division of the world, one which highlights specific persons, practices, places, or events. For example, when the authors arrive at the various peaks within Chiri Mountain, or when they encounter some secluded and untrammelled natural feature, they begin speaking of the division between the “world of human affairs,” and the “created world” or the “world of the Heavenlies” (or some similar iteration of these divisions). When the authors arrive at one of the historical monuments scattered about the mountain, they enter into a socio-temporal frame that references the accomplishments of major historical figures in Korean history

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<sup>215</sup> Victor Turner, “The Center out There: Pilgrim’s Goal,” *History of Religions* 12, no. 3 (February, 1973), 204-206, 213-15.

and provides an opportunity for political commentary. Finally, and often as a matter of simple logistical necessity, the authors interact with the institutions, practices, and persons that comprise local society as they travel from their home destinations, through an increasingly rustic mountain landscape, to the various points of detachment and removal that form the key destinations in each journey. The authors slip in and out of different mentalities in the process: one of escapism, one of historical reminiscence, and one of local engagement.

The escapist mentality is immediately recognizable by its spiritual overtones, which often take the form of specific Confucian or Daoist textual references. Consider the following passage from the writings of Cho Sik.<sup>216</sup> He arrived at Sinŭng Temple to the greeting of the abbots-in-residence. Cho spent the night at this particular temple, enjoying the natural surroundings and cavorting with the monks, who provided food and drink in addition to shelter. After turning in for sleep and hearing the hushed and whispered prayers of those surrounding him [K. *muksong* 默誦], he concludes his account with the following passage:

As a warning to people, it is said: ‘As regards those who plan to enter a holy mountain: He who does not first cleanse his heart will on his own account be called a petty man.’ When all is said and done, a gentleman behaves like a gentleman, and a petty man like a petty man—thus there is no benefit [in a day’s work under the sun.]<sup>217</sup>

In Cho Sik’s brief image, the seemingly inalienable refinement of the gentleman and the incorrigible coarseness of the petty person bracket the range of possible attitudes one can display toward pilgrimage to a sacred mountain. The gentleman recognizes the mountain as pure

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<sup>216</sup> Cho Sik (1501-1572) was a prominent scholar, statesman, author, and poet of the mid-Chosŏn period. He was a contemporary of T’ogyŏ Yi Hwang, another major Confucian scholar of the period, and the strands of thought developed by the two encouraged a split within the so-called Easterner faction: between the resulting Northerner and Southerner factions, the former tended to ally themselves with Cho Sik, while the latter preferred T’ogyŏ.

<sup>217</sup> *Nammyŏng-chip* 2:52b.

又以警人曰入名山者誰不洗濯其心肯自謂曰小人乎畢竟君子為君子小人為小人可見一曝無益也

territory, and so prepares himself. Conversely, the petty man takes no care for such preparation, and so reveals his own baseness. In either case, the boundary between the world of human interaction and the world of unadulterated creation forms the basic point of reference.

On the level of terminology, the authors use a broad range of markers to highlight the division between the two realms. Kim Chongjik<sup>218</sup> speaks of the division between the “border of humanity” (K. *in'gyōng* 人境) and the “realm of the heavenlies” (K. *sinsōn chi gu* 神仙之區).<sup>219</sup> Kim Ilson<sup>220</sup> writes of feeling far removed from ordinary affairs (K. *chinbōm* 塵凡).<sup>221</sup> Yang Taebak,<sup>222</sup> in a reference to the *Daodejing*, describes his entry into “the world of things unseeable and unhearable” (K. *hūii chi kyōng* 希夷之境), and of losing any lingering attachment to the official world.<sup>223</sup> The authors imagined a variety of spaces of detachment and removal throughout Mount Chiri, and assigned each space its own specific meaning and specific mode of removal.

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<sup>218</sup> Kim Chongjik (1431-1492) was a prominent Confucian scholar with strong devotion to foundational principles of ethical behavior. He would eventually become known as the forerunner of the *sallim* group, who entered into tension with the government and its privileged ministers over the benefits given them and Sejo's usurpation of the throne.

<sup>219</sup> *Chōmp'iljae-chip / Munchip* 2:60a.

<sup>220</sup> Kim Ilson (1464-1498) was a scholar of the mid-Chosōn who enjoyed early success on both provincial and central examinations, leading to his eventual stationing in several high-ranking government posts. He eventually returned to the countryside and fostered private studies there, while becoming an outspoken critic of certain families gaining too much power within the government. That position-taking eventually led to his demise in a literati purge in 1498.

<sup>221</sup> *T'agyōng sōnsaeng munjip* 5:11b.

<sup>222</sup> Yang Taebak (1544-1592) was a mid-Chosōn scholar who was perhaps most known for his efforts at organizing Righteous Armies [K. *ūibyōng*] in response to the invasions of Toyotomi Hideyoshi. He died in 1592 of disease, likely related in some way to his military efforts at the time.

<sup>223</sup> The version of the travel log referenced in this dissertation does not come with marked pagination. For this reason, I use the electronic pagination provided at the website as listed in the bibliography, which was itself provided by the Advanced Center for Korean Studies. (In this system, the first page of writing appears in the book at page 3.) *Turyusan kihaeng-rok*. p. 15.



The Peak of the Heavenly King (K. *Ch'ŏnwangbong* 天王峰), the highest summit within Mount Chiri, consistently offered an occasion to contemplate detachment from society. The travelers described themselves gazing out onto remarkable vistas from atop Ch'ŏnwangbong, sometimes even drifting into spiritual experiences. In the opening lines of his travel log, Yang Taebak provides the following record of a conversation with a friend, O Hunjung<sup>224</sup> (courtesy name Ch'un'gan), regarding the purpose of his trip:

[Ch'un'gan said,] excitedly: 'I have been living in the world of people for thirty years, and not once have I ascended to the realm above. Dwelling in this valley of suffering and tears, I have turned into a shriveled, coarse-faced, broken old man. How I lament these things! How can you make it so that I might escape from the ordinary world and scrape my hands against the sky, walk upon floating clouds, look out onto the world in all directions, and travel with the Creator [K. *Chomulju*] over and across all this territory?' I responded by saying: 'To meet a beautiful day and embark on a refreshing journey, this is no more than broadening one's virtue in Ch'ŏnggye. Places with beautiful mountains and rivers are sufficient to clean the dust on one's chest and to eliminate thoughts of the world.' Chun'gan said: 'No, no, I dislike such trifling things.' I said: 'Well, then, if you want a Grand View, you unquestionably need to travel to the summit of Turyu [i.e. Chirisan].' And then, we saw eye to eye, and nothing stood between us.<sup>225</sup>

As intimated in the above passage, the ascent to the peak of Chiri mountain represents a singular moment in the authors' journeys away from the world of convention, for they gain what is called a Grand View [K. *taegwan* 大觀]—a specific mode of visuality that provides an expansive outlook onto both the created world (with all its natural features and sights) and onto the human world (with all its activity, including its ills and evil behaviors). Final judgment on the relative success or failure of a trip seems, for many of the authors, to have hinged on the experience of

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<sup>224</sup> Specific information on the background or career of this individual is not provided in the documents. He does not seem to have been someone whose personal accomplishments were well-known in history.

<sup>225</sup> *Turyusan kihaeng-rok*, pp. 4-5.

因奮然嗟咄曰處人間三十年無羽翼超上界身居火宅坐成髻婦惜哉子安能使我抽身塵網◎手寥廓足亂浮雲杳視六合侍與造物者游於泱泱之域乎余應曰逢佳辰清辨游不過廣德青溪乎山水之勝足以盪塵胸而除俗想矣春澗曰未也吾惡其小余曰必也大觀則其頭流絕頂乎遂相視莫逆

the *taegwan*, as derailment by weather, accident, or immediate recall from the official world constituted a major disappointment.

Finally, these spiritual, and often rhapsodic, descriptions of the world *outside* of the “human expanse” simultaneously underline the descriptions of human activity *inside* the “human expanse.” In receiving the *taegwan*, the authors gain an opportunity to populate the human realm with the contents of their own social imaginations. The previous description of the *taegwan* offered by Yang Taebak presents one brief example of this when he describes the “hidden evils” of the world. At the very least, we as readers cast our attentions on such descriptions, especially in those instances where the authors begin to lament their return to ordinary life. Cho Sik, who recounts the lengthy path he had to traverse just to reach Chirisan, offers particularly rich descriptions of some of the problems that characterized life in Chosŏn at the time. Along the way, Cho was informed of a rumor that Japanese pirate boats had docked at an island in Chŏlla Province, temporarily throwing Cho’s group into disarray as they debated the wisdom of continuing the journey.<sup>226</sup> Cho also describes an early encounter with a child in search of runaway slaves.<sup>227</sup> Other examples of issues that garnered broad, trans-societal interest recur throughout the documents.

The Confucian writers also engaged extensively with local folk religions and supernatural beliefs. In the eyes of the local population, many sites within the mountain held thaumaturgic, prognosticatory, and meteorological powers. One might expect the Confucianists, who often displayed skepticism toward folks beliefs, to deride these sites with every literary device they

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<sup>226</sup> *Nammyŏng-chip* 2:48b-49a.

<sup>227</sup> *Nammyŏng-chip* 2:46a.

possessed. Quite the opposite occurs. The Confucianists sometimes describe these sites with considerable enthusiasm. If they provide a narrative of a personal experience at the site, that account often seems an expression of interest in the locals' claims to supernatural phenomena. To some extent, this confirms recent research that explains how Confucian practice and folk practice co-existed, interacted, and in some cases syncretized.<sup>228</sup> To be sure, derisive passages also appear throughout the travel logs. Nevertheless, one finds the writers accommodating local custom with considerable frequency. Even if such a gesture does not necessarily entail a radical openness of mind, it does suggest, at least, that the Confucianists spent enough time with the local population to understand and reproduce the traditions that informed their spiritual world-views.

Let us interrogate some of the passages where the Confucianists express curiosity and sympathy for some of these local traditions:

[Yu Mongin<sup>229</sup> wrote:] Aside the epitaph [that I recently found] there were the 'Bleeding Rocks' [*hyōram*, 血巖]. The villagers said that, before the Imjin Invasions ever started, blood flowed from these rocks as like a stream that would not stop. They informed officials in the capital, but no reply came, for *Wa* had already attacked the southern regions. Alas, that this land which was founded so that kings might accomplish great merits would come to this—that so enormous and grave a misfortune would befall us—and that the gods/spirits, in the [foregoing manner], [actually] forewarned [us]!<sup>230</sup>

[Kim Chongjik wrote:] [From there] we walked a ways down and rested by the 'Horse Rock' [K. *Maam* 馬巖]. There was clear and crisp streamwater there to drink. It is said that if there were ever a drought impending, if one sent people to climb this rock and stomp and

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<sup>228</sup> Boudewijn Walraven, "Popular Religion in a Confucianized Society" in *Culture and the State in Late Chosŏn Korea*, Edited by JaHyun Kim Haboush and Martina Deuchler (Cambridge, MA: Harvard University Press, 1999).

<sup>229</sup> Yu Mongin (1559-1623) was a scholar of the mid-Chosŏn known especially for his work in diplomacy with the Ming Dynasty. He was active as a diplomat even during the Hideyoshi Invasions and held various high posts in the government. Incidentally, he was also the magistrate of Namwŏn for a time.

<sup>230</sup> *Ōu-chip* 6:2b.

碑之傍有血巖邑民稱壬辰亂未作是巖自流血如泉不絕事聞京師未返倭已寇南邊矣吁此地王迹之所肇及其大難將興神其告之哉

jump around on it, then rain and thunder were guaranteed to follow. Both last year and this summer I sent people to test this belief: it seems to have considerable efficacy.<sup>231</sup>

The fact that the Confucianists occasionally slip into moments of supernatural wonder does not *necessarily* mean that they actually believed in those traditions (though it is possible they did). Rather, these moments are probably best understood either as moments of appropriation—of making their own superior status as Confucianists seem palatable by sympathizing with local traditions—or simply as moments added to increase the entertainment value of the story.

As is clear from the above discussions, the Chiri Mountain travel logs portray the experience of pilgrimage through the mountain in often-grandiose terms. The Confucianists attempt to develop moments of optical magnificence. They ascribe profound philosophical meaning to their various encounters along the mountainside—even to seemingly trivial ones. They even portray themselves as interacting with the supernatural, a narrative device whose significance has been addressed above. On many occasions, they also self-aggrandize, especially when interacting with the local Buddhist communities who agreed to escort them through the forests and valleys. Descriptions of fundamental personal transformations, psychological shifts, and emotional stirrings abound in the accounts (even in those logs that appear less rich in their rhetorical flourishes). Inasmuch as the authors all included such grandiose tropes in their narratives, one might reasonably expect a similarly grandiose infrastructure to support the trips to the mountain passes. Would the denizens of Chiri Mountain not have developed its environs simply by virtue of the renown it acquired?

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<sup>231</sup> *Chōmp'iljae-chip / Munjip* 2:55a.

稍下步憩馬巖有泉清冽可飲值歲旱使人登此巖躡躡旋便則必致雷雨余前年及今夏遣試之頗驗

In fact, we discover the exact opposite. Travelers to Chiri Mountain were not served by a large profit-based, commercialized network of merchants, taverns, hostels, and temples. The enthusiasm with which the authors describe the *taegwan* and the general renown of Chiri Mountain eclipsed the infrastructure of the mountain. The travel logs provide virtually no evidence of something resembling a “tourist establishment,” so to speak—instead, we find only a few references to drinking huts and posts for tethering one’s horse. The Confucianists relied exclusively on representations of nature and liminality to describe their experiences in more grandiose terms. It therefore seems far more accurate to classify the mountain community as a “forced hospitality network” than a “tourism industry,” given that the vector of extraction almost always ran from the Buddhists to the Confucian travelers. This stands in contradistinction to the case of Japan, where income-collecting systems seem to have developed around traditions of mountain pilgrimage. This includes the *oshi* system, religious ascetics who opened taverns and hostels to service pilgrims, and who moreover proselytized to broaden popular interest in completing pilgrimages and to seek donations.<sup>232</sup> It is beyond the scope of this chapter to comment extensively on the possible reasons for this discrepancy. It is, however, worth noting simply the differences in the quality of the relationships between, on the one hand, the *bakufu* and the Japanese Buddhist establishments and, on the other, the Chosŏn state and the Korean Buddhist orders. As Barbara Ambros points out, the *bakufu* concluded that the *oshi* system promoted social harmony;<sup>233</sup> however, the Chosŏn state’s general removal of Buddhism from official life may have precluded the Korean Buddhists from developing in a similar way. (We

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<sup>232</sup> Barbara Ambros, *Emplacing a Pilgrimage: The Ōyama Cult and Regional Religion in Early Modern Japan* (Cambridge, MA: Harvard University Asia Center, 2008), 141.

<sup>233</sup> Ambros, *op. cit.*, 173.

also find in the travel logs themselves that many of the Confucian travelers were content to stay at official rest-spots until they entered the more remote areas of the mountains themselves, suggesting that the official travel infrastructure proved sufficient).

In general, the Chiri Mountain travel logs develop narratives of extraction from the local Buddhist communities. Only on the rarest of occasions do they describe some formal act of resistance by the local Buddhists—furthermore, these descriptions usually occur in passing and provide little understanding of the specific, local debates within which those acts occurred. Consider the following excerpt from the writings of Nam Hyoon,<sup>234</sup> who portrays local aspirants to the Buddhist communities as incorrigible rebels against Confucian order:

To my right was Sich'ŏn District. Sich'ŏn fell under the jurisdiction of Chinju Prefecture. The functionaries of this particular country all aspired to become monks on Chiri Mountain. Therefore, even when taking office as *hojang* or *kigwan* [both petty officials who tended to official documents and records], they still cut their hair and wore Buddhist attire. Upon leaving their posts, they once more become people of the world. Since this practice has long become established, the local officials have been unable to correct it.<sup>235</sup>

In this passage, Nam recognized the fact that local functionaries continued to pursue a Buddhist lifestyle but failed to articulate the specific ways that such practices interfered with normal administrative procedures. Which is to say, the true extent of this “problem” remains hidden. Nam distanced himself from local problems so that the travel log might still read like a travel log. The *Collected Volume* does not suffer from this same deficiency. The magistrate was

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<sup>234</sup> Nam Hyoon (1454-1492) was a scholar of the mid-Chosŏn period who was perhaps best known as a disciple of Kim Chongjik (the prominent *sarim* forefather mentioned earlier in this chapter) and one of the so-called “Six Living Loyalists” [K. *saengyuksin*] who opposed King Sejo’s (r. 1455-1468) usurpation of the throne, withdrew from their official posts, and lived in seclusion. He was also known for his many travels through the countryside.

<sup>235</sup> *Ch'ugang-chip*, 6:14b.

其右有失川洞失川者晉州屬縣也其縣吏希智異山釋教仕至戶長記官則髡髮着緇遞仕則復為人遂成古風官長不能改其俗

intimately lodged in local circumstances and wrote *specifically* about how the activities of the local Buddhist community interfered with his plans.

### **Changing Perspectives on the Position of Buddhism in the Late Chosŏn**

Historians of Chosŏn Korea once asserted that Buddhism, in its institutional forms and popular appeal, was severely diminished during the Chosŏn Dynasty. According to this view, the early Chosŏn state developed a policy of exclusion that elevated Confucian culture above Buddhist culture, seeing the former as the only legitimate political ethos and the latter as a source of social calamity. This portrayal—highly informed by Japanese colonial scholarship—precluded much substantial discussion of Buddhist activity during the period. However, trends in research on Chosŏn-era Buddhism have changed in recent years. Many scholars have begun to discover that the monks and their religious communities enjoyed more prestige, popularity, funding, and intellectual engagement than previously thought. While these scholars have not denied the fact that the policies of the state officially marginalized Buddhism, they dispute the degree to which those policies interfered with the daily life of the Buddhists.

Cho Eunsu has contributed an article that attempts to demonstrate the practical, doctrinal, and institutional diversity of the Chosŏn Buddhist establishment by examining their activities after the opening of ports in 1876—precisely the period where the Buddhist communities achieved greater political prominence and, concomitantly, where the records attesting to their activities grow more robust. Cho argues that this period provides a mirror onto the Buddhist communities as they existed in the Chosŏn period after the intensification of the state’s extractive and suppressive policies.<sup>236</sup> Far from the image of so-called *t’ong pulgyo*—the notion that the

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<sup>236</sup> Eunsu Cho, “Re-Thinking Late 19th Century Chosŏn Buddhist Society,” *Acta Koreana* 6, no. 2 (July 2003), 108-9.

institutional and doctrinal diversity of the Buddhist establishment collapsed under the weight of state suppression and devolved into a fully homogenous body<sup>237</sup>—the Buddhist establishment maintained much of the diversity it had known during the “glory days” of the patronage of the Koryŏ state. Much of the evidence that Cho marshals dates to the open ports period;<sup>238</sup> however, she also provides evidence from earlier the Chosŏn period that suggests an enduring *reciprocal* relationship between the Buddhist communities and the state. As a simple example of this, Cho mentions the exemption from corvée duties granted to Yujŏm Temple in 1866 (just shortly before the opening of ports), an event that echoes the concessions made in the Namwŏn-based corvée project already discussed later in this chapter.<sup>239</sup>

Robert Buswell has argued for the continued vitality of intellectual pursuits in the Buddhist communities by raising the example of Sŏsan Hyujŏng, whose thought represented a return to the older synthesis between the doctrinal and meditational schools forged by Chinul.<sup>240</sup> Buswell in no way denies the marginalization of the Buddhist communities at the hands of the Chosŏn state; however, he interestingly remarks that such marginalization may have encouraged the Buddhists to return to intensive textual studies, given the opportunity for focused re-dedication to scholarship that exclusion not only afforded, but even demanded in the interest of

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<sup>237</sup> Cho, *ibid.*, 101-2.

<sup>238</sup> The “open ports period” refers to the period of Korean history beginning in 1876, when the prior seclusionist policies of the Korea state were eliminated and the state was forced to open itself to international trade and engagement by force from Japan.

<sup>239</sup> Cho, *op. cit.*, 94.

<sup>240</sup> Robert Buswell, “Buddhism Under Confucian Domination: The Synthetic Vision of Sŏsan Hyujŏng,” in *Culture and the State in Late Chosŏn Korea*, ed. JaHyun Kim Haboush and Martina Deuchler (Cambridge, MA and London: Harvard University Asia Center, 1999), 157.



self-preservation.<sup>241</sup> For Buswell, Hyujōng presents a figure who resurrected a scholarly tradition from the Koryō era and influenced subsequent Buddhist thinkers of the Chosŏn era for generations.<sup>242</sup>

Kim Seong-Uk has recently completed a dissertation that takes a much stronger position on the nature of Buddhist-Confucian interaction in the late Chosŏn. Kim first argues against the Japanese Colonialist assertion that the Chosŏn era announced the death of established Buddhism.<sup>243</sup> He then argues against contemporary historians who claim that *yangban* literati with Buddhist sympathies were marginal figures and outsiders to major networks of power.<sup>244</sup> Kim even provides anecdotes that suggest the King occasionally took moral, even policy, advice from prominent monks.<sup>245</sup> Kim demonstrates, finally, that intellectual engagement between Confucianists and Buddhists was both lively and encouraged in a variety of circles at the time.<sup>246</sup> Kim's insights provide a much-welcome counterpoint to previous characterizations of Chosŏn Buddhism as moribund, provincial, and underfunded. Kim's careful parsing of intellectual treatises and temple documents provide an entryway into larger debates about the nature of Buddhist-Confucian interaction: how large the networks were, how resources flowed within them, and the degree to which those networks extended across regional boundaries.

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<sup>241</sup> Buswell, *ibid.*, 134-35.

<sup>242</sup> Buswell, *ibid.*, 158-59.

<sup>243</sup> Kim Seong-Uk. "Korean Sŏn Buddhism in the 19th Century: Paekp'a, Ch'oŭi and Buddhist-Confucian Interaction at the End of the Chosŏn Dynasty." PhD diss., University of California, Los Angeles, 2013. ProQuest (UMI 3563588), 1-3.

<sup>244</sup> Kim, *ibid.*, 15, 27-8.

<sup>245</sup> Kim, *ibid.*, 39-40.

<sup>246</sup> Kim, *ibid.*, 52-4.

Taken together, Cho, Buswell, and Kim offer three different approaches to disputing the claim that the Chosŏn dynasty sounded the death knell of Korean Buddhism. Cho argues that late-Chosŏn Buddhist political activity did not simply emerge out of a vacuum, but rather reflects an institutional and infrastructural vitality that existed at all times in the dynasty. Buswell argues that the state's suppressive policies paradoxically stimulated Buddhist re-dedication to private scholarship and the re-discovery of older Korean traditions. Kim, by contrast, finds ample evidence to demonstrate that the taboos placed on the Buddhist communities were not as great as once thought—at the very least, many prominent Confucianists from the time saw little problem in transgressing that boundary. In this chapter, I propose that the Buddhist communities found empowerment (even if in small amounts) in the very corvée system that sought to mobilize them for labor. Though fundamentally extractive, the state corvée system also depended on the continued existence of the local Buddhist communities. The state needed to ensure that the temples enjoyed minimum levels of material stability and comfort. Therefore, the organizers of corvée projects could not simply dismiss the input of temple representatives when deciding on numbers and logistics. As mentioned earlier, Cho points out the exemptions that the state bestowed on certain temples in the late stages of the dynasty. In a similar way, it was in the interests of the state not to overburden the local Buddhist communities, at least insofar as the temples provided a critical and stable source of labor. Somewhat paradoxically, the voices of the Buddhists won the attention of the local authorities through the very system that exploited them.

Scholars have already investigated the relationship between the Buddhist communities and the corvée labor system or the general taxation system. Kim Yŏngt'ae traces the history of state registration of Buddhist monks (whether in Unified Silla, Koryŏ, or Chosŏn) and the

changes in the process by which monks officially earned their status as clergymen. Kim sees the state's regulation of the religious communities reaching an extreme in the figures of monks conscripted for labor [K. *puyöksŭng* 赴役僧]. In Kim's estimation, these labor projects—often fortress repair—reflect the general suppression of Buddhism during the Chosŏn period.<sup>247</sup> Chŏn Yŏngjun argues that monks during the Koryŏ period earned reputations for their skill in craftsmanship and construction. The state's reliance on the monks to provide labor and expertise during various construction and agricultural projects continued into the early Chosŏn period, where the continued patronage of Buddhism by some of the early kings required continued mobilization of the monks. In short, the state did not conscript the monks simply because they were easily exploitable, but rather because they possessed skill sets that surpassed other social and professional groups.<sup>248</sup>

Kim Sunnam narrates the historical development of the “cultivator-turned-draft-dodging-monk” [K. *p'iyöksŭng* 避役僧]. Kim's explanation spans the reigns of Kings Sejo (r. 1455-1468) and Sŏnjo (r. 1567-1608) and delineates how Buddhist temples developed into havens from state extraction. Monks always played some role in state construction projects, especially because of the reputation for technical expertise they developed during the preceding Koryŏ period. Sejo, a noted patron of Buddhism, and Sŏngjong (r. 1469-1494), whose promotion of Confucianism contrasted with Sejo's stance, both conscripted monks for major temple reconstructions and

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<sup>247</sup> Kim Yŏngt'ae, “Chosŏn chŏn'gi ūi tosŭng mit puyöksŭng munje,” *Pulgyo hakpo* 32 (December, 1995), 18-19.

<sup>248</sup> Chŏn Yŏngjun, “Yŏmal sŏnch'o kongyöksŭng ūi sawŏn choyŏng hwaldong,” *Chŏnnam sahak* 24 (2005), 111-12, 130.

palace constructions.<sup>249</sup> However, such projects were irregular. Regular service was provided by the unit of the *ho* 戶, which was comprised of around five (non-monk) cultivators who either provided work, produced supplies to families with kin dispatched to service, and perhaps offered some spare manpower.<sup>250</sup> King Sejo found that this arrangement was not meeting production expectations and so decided to reform the law and thereby eliminate any extra laborers. This law was called the *pobŏb* 保法.<sup>251</sup> The *pobŏb* so overburdened the cultivators that many people simply abandoned their posts and land, fled to the temples, and became monks—an option which promised relief from severe forms of extraction. The problems of large-scale evasion manifested rapidly. During the reign of Sŏngjong, the dwindling population for military service became a point of contention. The state began to play with regulations that ensured only people with legitimate religious interests entered the Buddhist communities. Particularly important here was the requirement that monks acquire an official registration as a monk [K. *toch'ŏp* 度牒], which itself demanded that they display proper knowledge and intent (for example, testing them on the thoroughness of their knowledge on various sutras).<sup>252</sup> This led to a distinction between those monks with and without *toch'ŏp*. Sŏngjong, in the interest of re-integrating the workforce that had fled to the temples, initiated a controversial program to provide *p'iyŏksŭng* with *toch'ŏp* should they provide a few months work to the state—which is to say, a little labor for a lifetime

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<sup>249</sup> Kim Sunnam, “16-segi chosŏn ūi p'iyŏksŭng ūi chŭngga wa sŭngdo chojik ūi chaegŏn,” *Chosŏn sidae sahakpo* 66 (2013), 62.

<sup>250</sup> Kim, *ibid.*, 57-8.

<sup>251</sup> Kim, *ibid.*, 59.

<sup>252</sup> Kim, *ibid.*, 61.

exemption.<sup>253</sup> This plan was implemented over strong objections to which Sŏngjong partially acquiesced, insofar as he initially agreed to survey the temples and weed out *p'iyŏksŭng*,<sup>254</sup> and eventually eliminated the incentive entirely.<sup>255</sup> Yŏnsan'gun (r. 1494-1506) scaled back the distribution of *toch'ŏp* to ten per year and vigorously sought out *p'iyŏksŭng* (who, it might be added, had gained a reputation as vagrants and marauders).<sup>256</sup> However, despite these regulations and continued enforcement under Chungjong (r. 1506-1544), the actual number of *p'iyŏksŭng* remained quite high.<sup>257</sup> Kim suggests that the ultimate solution came during the reign of Myŏngjong (r. 1545-1567)—specifically, from Queen Dowager Munjŏng and the monk Pou—who temporarily re-institutionalized the doctrinal and meditational schools of Buddhism in part to accommodate the skyrocketing numbers of monks in the temples. In this case, those monks with a *toch'ŏp* would not be assigned to regular duties but did have responsibilities to respond during wartime. Those without a *toch'ŏp*, on the other hand, were assigned regular service requirements. Finally, Kim finds that this incorporation of the monks into an official system provided a strong basis upon which the monks mobilized for national defense during the Hideyoshi Invasions under the reign of Sŏnjo.<sup>258</sup> Kim's analysis provides a small counterpoint to the suggestion of Buswell that the Buddhist retreat from official life stimulated scholarship in some areas—in fact, Kim's analysis suggests that the religious and philosophical vitality of the

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<sup>253</sup> Kim, *ibid.*, 62.

<sup>254</sup> Kim, *ibid.*, 65.

<sup>255</sup> Kim, *ibid.*, 66-67.

<sup>256</sup> Kim, *ibid.*, 68.

<sup>257</sup> Kim, *ibid.*, 68.

<sup>258</sup> Kim, *ibid.*, 83.

Buddhist communities suffered under the influx of religiously-uninterested farmers hoping to dodge the military taxes and corvée duties, not to mention the criminals and thieves the temples accepted.<sup>259</sup>

Han Ugŭn analyzes the history of both late-Koryŏ and early-Chosŏn state policy on the Buddhist establishment and argues two basic points. First, the extractive and suppressive policies of the early Chosŏn were actually extensions of policies begun in the late Koryŏ, given that the bloated size of the Buddhist establishment had already caused major political and fiscal problems for the state. (Some exemplary problems included prodigious gift-taking, enormous slave- and land-holdings, and frequent performance of expensive Buddhist ceremonies.) Second, Han argues that the expressions of ideological antipathy toward Buddhism so common around the turn of the dynasties should be seen purely as an extension of the political program to construct the new dynasty, not as a genuine statements of belief. Han offers numerous observations in connection with both of those points. In the late Koryŏ, policies were already in place to weaken the influence of the temples and redirect revenues back to the state's coffers, including restricting donations of land and slaves to temples, restricting the merchant activities of monks, and restricting the monopolization of land by temples. Similar policies continued in the new Chosŏn dynasty. For example, King T'aejo (r. 1392-1398) greatly raised the price of *toch'ŏp* in order to discourage commoners and lowborn persons from entering the temples and ordered life. King Sejong (r. 1418-1450) consolidated the various Buddhist orders into two schools and ordered many temples in the northern provinces of P'yŏngan and Hamgyŏng move to the south, presumably to discourage monks from crossing the border into China. However, despite the

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<sup>259</sup> Kim, *ibid.*, 69-70.

existence of numerous suppressive policies such as those above, Buddhist practice continued both in private and in public. Sejo, a noted devotee of the Buddha, distributed many *toch'ŏp* to monks who contributed to the construction of temples and the publication of sutras, so much so that the *toch'ŏp* system itself came under strains. Remnants of the old Koryŏ Buddhist system endured, including the holdover government-sanctioned positions of *kuksa* and *wangsa*. The state often upgraded the status of the hometowns of monks chosen for those positions. Finally, even in the area of diplomacy, Buddhism had to be respected, given the continued devotion to Buddha in the Ming and the constant demand for Buddhist documents from Japanese envoys. Requests even came from the Ryukyu Kingdom on occasions when Ryukyuan sailors became stranded in Chosŏn. In sum, state policy in this period undeniably worked toward the political suppression of the former Buddhist establishment, but did not necessarily discourage religious devotion.<sup>260</sup>

Kim Kapchu has investigated the work requirements that the state placed on the Buddhist communities following the Hideyoshi invasions. Kim argues that the wars of the late 16th and early 17th century encouraged rapid growth of the Buddhist temple communities, both in terms of membership and material well-being. The ruling powers eventually decided to increase conscription requirements on the monks to offset the dwindling of the state's forces. In this process, the monks were stationed the North and South Mountain Fortresses in the capital (a point that the Namwŏn magistrate himself referenced in the case from this chapter). This initial deployment eventually developed into a regularized system that grew increasingly extractive with time, so much so that, by the end of the 18th century, the local Buddhist communities saw

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<sup>260</sup> Han Ugŭn, *Yugyo chŏngch'i wa pulgyo: Yŏmal sŏnch'o tae pulgyo sich'aek* (Seoul: Ilchogak, 1993), 384-389.

the material wealth they had accumulated after the Hideyoshi invasions wither.<sup>261</sup> Kim’s analysis highlights the fact that the Buddhists presented a consistent fall-back for the state when its own human resources either grew unmanageable or insufficient.

The preceding discussion summarizes some of the ways that Buddhists exercised agency in the state’s extractive systems. First, there was the simple act of absconding. Second, many monks developed a reputation for technical excellence while applying to state projects the skills they developed in their temples. Third, state policy sometimes allowed overworked and overburdened cultivators to acquire lifelong exemptions from labor if they took up residence in the temples (following a nominal period of work). Taken together, these forms of agency fall into one of two categories: agency through *complete withdrawal* from the system, and agency through the promise of a *final gift* from system. Neither case provides insight into monk agency as a *process of negotiating* the terms of corvée labor. The reconstruction of Kyoryong Fortress in Namwŏn counterbalances the view that corvée extraction was a unilateral decision—if anything, the *Collected Volume* suggests that these decisions were *at least* trilateral and balanced the interests of all concerned parties. Conscripted groups occupied a chair at the “negotiation table,” so to speak, which itself suggests a certain degree of empowerment. Constantine Vaporis has observed a somewhat analogous phenomenon in Tokugawa Japan. The Tokugawa post station system—which serviced the daimyo on their routine trips to Edo—often shifted its expenses onto neighboring villages. Villagers frequently responded to those expenses with the “nuclear option” of uprising and violent revolt; however, Vaporis notes that villagers also negotiated with the post-stations to defray the costs forced on them. Included in these strategies are passive non-

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<sup>261</sup> Kim Kapchu, “Nampukhan sansŏng ūisŏng pŏnjŏn ūi choghap chŏk koch’al,” *Pulgyo hakpo* 25 (1998), 257.



compliance and official petitions.<sup>262</sup> The effort to discover forms of negotiation in systems of exploitation therefore seems a generalizable task.

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<sup>262</sup> Constantine Vaporis, "Post Station and Assisting Villages: Corvée Labor and Peasant Contention," *Monumenta Nipponica* 41, no. 4 (Winter 1986), 412-13.

**Pulling Strings for Yi Taeik:  
A Failed Attempt to Install a Newcomer to Koksŏng as the Local Elite Headman**

**Introduction**

This chapter's case provides an opportunity to re-examine the relationship between three of the most prominent institutions in Chosŏn local society: the office of the magistrate, the Local Elite Bureau (*hyangch'ŏng*), and the Local Elite Roster (*hyang'an*). As mentioned in the introduction to this dissertation, the Local Elite Bureau fulfilled various functions in local society, including providing the magistrate with advice and support. The magistrates, in turn, generally selected the headman (*chwasu*) of the bureau and his two immediate subordinates (*pyŏlgam*). Historians dispute whether those positions were typically filled by members of the local elite roster (*hyang'an*), the local elite more generally, or non-elite persons (scholars arguing this last point suggest that non-elites came to dominate the *hyangch'ŏng* and thereby engendered elite revulsion toward positions in the bureau). There is evidence for variations in local appointment practices over time. Scholars have further disputed the exact balance of power between the *hyangch'ŏng*, the *hyang'an*, and the magistrate's office. Some see the balance of power as residing with the local elite clans, while others see the magistrate's office subordinating the bureau.

The case itself involves an elaborate instance of village intrigue. A group of men from neighboring Koksŏng conspired to install their friend and relative, Yi Taeik, as the *chwasu* there. To do this, they forged letters of recommendation from some of the most highly-ranking officials in the state and handed them to the Koksŏng magistrate, hoping that the magistrate might simply

usher Taeik into the position of headman. The very structure of the conspiracy raises numerous questions about the balance of power between the magistrate and the *hyangch'ōng*.

The Governor eventually referred the case to Namwōn for further investigation. The Namwōn magistrate's strategy for recording the testimonial strategies of the conspirators provides yet another opportunity to investigate how the Namwōn magistrate organized and conducted his court. Only after considering each of these issues can the nature of Taeik's case be understood properly. As I will ultimately argue, this case represents a hoax orchestrated by all the conspirators (though some had incomplete knowledge of key aspects the scheme) and that those conspirators grossly miscalculated the degree to which the Koksōng magistrate and various local elite groups protected the appointment process to the local *hyangch'ōng*.

### **Episode I - The Koksōng Magistrate Discovers the Hoax**

The events of Taeik's case began when Kim Ok—the name by which the Namwōn magistrate initially misidentified a man named “Hyōnok”—approached the Koksōng magistrate with three sealed letters. The letters came affixed with the stamps of some of the most powerful figures in the Chosōn state bureaucracy. One letter received the imprimatur of the Minister of Taxation. One letter bore the name of the Minister of Personnel. The final note came from the Provincial Military Magistrate [K. *Sunmunsa* 巡問使].

The Namwōn magistrate never transcribed the full content of those letters into his case notes. Only a few snippets appear in scattered spots throughout the record. Nevertheless, those brief excerpts reveal several fundamental points about the case. The letters explicitly designated Ok as the man responsible for their delivery to Koksōng. The letters contained language concerning the installation of a man named Yi Taeik as *chwasu*. Finally, the letters described the

relationship between Ok and a man named Ma Naewan, who will figure prominently in this case. Beyond these basic facts, the precise content of the letters is a matter of speculation.

Kim Ok bore only an extremely distant relation to Yi Taeik through the marriages of his kin. Taeik was the father-in-law of a man named Yang Myōngdōk, who belonged to the same lineage [K. *chongjok* 宗族] as Ok's mother-in-law (though the specific relationship between Myōngdōk and Ok's mother-in-law is not specified). The case record provides several indications that these men were not particularly familiar on the whole. Money seems to have linked them more than anything else. As will be discussed shortly, Taeik funneled cash to Myōngdōk, who then passed the money over to Ok, in order to secure the forged letters.

The Koksōng magistrate eventually discovered that the letters were forgeries. Under interrogation, Ok never contested the fabrications; however, he repeatedly denied any personal involvement in the *creation* of the forgeries. The Koksōng magistrate therefore resolved to break Ok's spirit and extract a confession. After a lengthy interrogation, the magistrate secured Ok's confession and began finalizing the case. He referred the matter to the governor, who in turn referred the matter back to the Namwōn magistrate, who was to verify the results of the initial interrogation through an investigation of his own. Ok was sent to Namwōn along with the other parties to the crime.

The Namwōn magistrate transcribed his interrogation orders as follows:

I submit the following matters for your consideration. In an event report provided from the previous magistrate of Koksōng, the following information is contained: 'Cases of forged letters and seals occur from time to time, but [rarely do we find] a case this serious and a set of circumstances this sinister. How could there be someone as dishonorable as this?' I then received an order to, first, transfer Kim Ok and his slave to [Namwōn] and, [second], to send a memorandum requesting the transfer of Yi Taeik so that I might inquire specifically into the process by why he sought help to become *chwasu*. [Furthermore], I was to provide report [of

my results after] I extracted a full confession under extreme duress and punishments from Kim Ok [concerning] the crimes at hand. I was then to confer about the three sealed letters sent down to this area.<sup>263</sup>

Four individuals were sent to Namwŏn for questioning: Kim Ok, Ok's slave Chagŭnnom, Yang Myŏngdŏk, and the centerpiece of the plan, Yi Taeik. All of these men were subjected to individual interrogations, the contents of which appear in the following sections.

## **Episode II - The Namwŏn Magistrate's First Interrogation of Kim Ok**

During the initial interrogation at Namwŏn, Ok explained how he came into possession of the three forged letters. Ok's testimony was completely self-exculpatory. He repeatedly asserted he broke no laws in helping Taeik become *chwasu*. Ok claimed that he was unaware of the forged nature of the letters when he submitted them to the Koksŏng magistrate. Rather, a reliable contact provided him with the letters with the understanding that the letters were legitimate. Ok's testimony unfolded along a simple narrative arc: he provided, in essence, a basic story of befriending and betrayal.

The Namwŏn magistrate suspected Ok's account because it contradicted the case summary from the Koksŏng magistrate. The Koksŏng magistrate informed the Namwŏn magistrate that Ok admitted, after a lengthy interrogation, to forging the letters and seals himself. This presented a problem because the Koksŏng magistrate neglected to mention that Ok consistently attested to receiving the letters from a mysterious capital-dwelling *yangban* named Ma Naewan. Ok testified that he falsely confessed in Koksŏng *only* to gain relief from the torture. He had to suffer through *churi* 周牢, a torture technique that involved tightly binding the

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<sup>263</sup> *Collected Volume, Vol. 2, 109-110:*

為牒報事節到府谷城前縣監牒呈據使背關內偽造印簡者間或有之而情狀之絕痛行奸之根籍豈有○漢之甚者乎金鈺及其奴段為先移囚本縣為徐李大益亦為移文捉來請囑座首節次一一查問為徐金鈺偽印偽簡情節并以各別嚴刑一一遲晚取招牒報為徐偽簡三丈印封下送想考舉行

subject on a stand and prying the subject's legs apart with long bamboo staffs. The Namwŏn magistrate tried to learn more about the relationship between Ok and Naewan. Our primary interest lies in the way that the magistrate conceptualizes, edits, and organizes that testimony.

Ok began by recounting his initial befriending of Naewan. Through that initial encounter, Ok came to see Naewan as a moral and responsible person. Ok portrayed Naewan as a good samaritan to eliminate any suspicion that he participated knowingly and willingly with Naewan in an underhanded scheme. The magistrate records Ok's testimony as follows:

It was 1732, on the occasion that I went to [characters obscured by blotched ink]. In that same year, on the twelfth day of the eighth month, I encountered a man on the road. While sitting with him for drinks and conversation, I asked him his name, to which he replied: "Ma Naewan." I also asked him where he lived, to which he replied: "In the capital, on the outside of *So'ui* gate." He then addressed me, saying: "Looking at your face, it is quite clear that you have long been ill. Why not try to escape this curse and regenerate and rejuvenate yourself?" With that, on that same day, after I parted company with Ma Naewan, I returned [home] and informed my father and mother that I would be going around convalescing, whether [the location be] Simyang Temple in Kŭmsŏng or the house of my maternal uncle, Yi Tongch'ae. While I was at Simyang Temple, the very same Ma Naewan whipped together some medicine and brought it to me, saying: "Take this and you will recover." And so I followed his instructions and took the medicine.<sup>264</sup>

Naewan's repeated displays of concern—his encouraging Ok to tend to his health, his provision of medicine—can be read as an attempt to portray Naewan as man of trustworthiness, compassion, and concern. Naewan made a good first impression, one that reflected his character and reputation in general.

The second part of Ok's testimony both reinforced and added to the themes from the previous paragraph. Ok continued to describe Naewan's eager helpfulness but also portrayed him

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<sup>264</sup> *Collected Volume, Vol. 2*, 112:

壬子年間◎◎◎◎◎往之際同年八月十二日路逢一人與之酬酢之間問其姓名則馬來元稱云又問居住則京中西小門外居生云云而仍謂矣身日觀汝矣身色病根已痼明是咀呪移避圖生亦爲白乎等以矣身其日與來元相分後歸告父母或錦城尋陽寺或咸平外三寸李東彩家轉轉◎避是白乎矣在尋陽寺時同馬來元劑藥來到日服此則病愈云云故矣身依其言服之是白乎旡

as a man with the connections necessary to procure official favors *through legitimate means*.

Naewan offered to help Ok acquire a seat in the regional examination. If not for some unforeseen circumstances, that plan might have succeeded:

Then, in 1733, in the second month, on a day that escapes my memory, on the occasion that I went to Muroe Temple in Changsōng in order to [characters obscured by blotched ink], I once again met with Ma Naewan while visiting there. He addressed me, saying: “In the third month of this year, if you make the trip at the time of the examination [characters obscured by blotched ink], then I will surely be able to get you a seat to take it.” So, on the thirteenth day of the second month, I departed, and on the nineteenth day, I arrived in the capital. On the twenty-first day, I met with Ma Naewan in the capital and requested to follow him to his house. After [hearing this request], [he said the following]: “You have not yet caught an illness, but my neighbor’s house is now afflicted with a disease brought on by a wandering spirit. [It is best that you not] follow along.” At this point, we took leave of each other and I ran hurriedly away in fear of disease. Because of this, I did not sit for the examination.<sup>265</sup>

Ok presented Naewan’s offer to help him secure a seat in the regional examination in plain, matter-of-fact terms. All indications point to the fact that such a favor was considered ordinary and did not connote some form of corruption or shadiness. The fact that Ok did not finally sit for the examination results entirely from the effusion of concern displayed by Naewan. Ok’s sudden escape was motivated by a desire to avoid the contagion spread by an unsettled spirit—a second display of care from Naewan.

Ok then described Naewan’s offer to help his close contacts secure local positions of power. Once again, Ok portrayed this arrangement as a legitimate one. Judging by the magistrate’s notes, Ok chose his words very strategically: Naewan never suggested that he would operate through back channels, but rather would “exercise his good offices” [K. *chusōn* 周旋].

Even though Naewan accepted a nominal fee for the trouble of his “good offices,” the favorable

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<sup>265</sup> *Collected Volume, Vol. 2*, 112-13:

癸丑年二月日不記初生良中矣身往于長城物外寺做◎之際來元又到相逢渠謂矣身日今年三月◎試◎◎觀光則必將得參云云故二月十三日發行十九日到京二十一日逢着來元於城中而仍欲隨往其矣家云則渠之言內汝既未疫吾之隣家方有厲疫爲◎隨來亦爲白去乙自此相分畏急疫疾又不觀光

language choice clearly suggests that Ok understood Naewŏn's as benign. All appointments or favors were to be achieved through open and frank communication with powerful government offices (whether the governor or otherwise). The magistrate's notes read:

On the 23rd day of the ninth month, I arrived at a drinking house in the Ch'angp'yŏng region, whereupon Ma [characters obscured by blotched ink] also arrived. As we drank and conversed together, [Naewan mentioned] that if there were anyone in Muan, Hamp'yŏng, Sunch'ŏn, or Koksŏng who wanted either to avoid military service or to gain a position on the board of the village elite, then I should collect some money from them and present it to him. He would then exercise his good offices and make it happen. He told me to first collect the money and afterwards meet him at the time of the *poksi* examination<sup>266</sup> in Sunch'ang. I simply listened to what he said and then took leave of him—he then supposedly traveled down to the office of the Provincial Army Commander.<sup>267</sup>

This passage contains a shift in tone that signals the first moment where Naewan's various interactions with Ok turned illicit. The magistrate's reference to "good offices" is quite literally surrounded by images that bespeak the shadiness of Naewan's offer: the tipsy conversation in the drinking hut, the repeated rendezvous *outside* of Koksŏng, the explicit request for money, the very nature of the services offered (exactly how could one see arranged military exemptions and bought local appointments as ordinary gifts?). The magistrate's deep-seated suspicions of Ok's testimony colored the very language he used to record that testimony. To embed the term "*chusŏn*" within all of these questionable images is only to create cognitive dissonance. This passage provides a clear indication that the Namwŏn magistrate suspected a ruse from the very beginning.

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<sup>266</sup> In the Chosŏn examination system, the *poksi* referred to the second stage of an examination, open only to passers of the first stage.

<sup>267</sup> *Collected Volume, Vol. 2*, 113-14:

九月二十三日到昌平邑內酒幕則馬來◎◎◎到彼此酬酢之際渠以爲務安咸平順天谷城等邑或有欲頃軍役或有圖差鄉任者求得捧價以納則吾當周旋爲之汝◎求得後更爲相逢於淳昌覆試時亦爲白去乙矣身只聽其言卽爲相別而來完段下去兵營云云



A description of the plan to install Yi Taeik immediately follows the magistrate's suspicion-laden explanation of Naewan's initial offer. Here we discover that Yi Taeik was a much-removed, distant relative of Ok. It reads:

I then traveled down to my wife's mother's house in the Tongmak area of Koksöng. There, I met with a man of her lineage named Yang Myöngdök and convinced him of Naewan's offer regarding the exemption from military service and the acquisition of local offices. Myöngdök said: "My wife's father Yi Taeik is a person who has just recently moved here from Nüngju. If he were to be installed as *chwasu*, that would surely be magnificent. Please exercise your good offices in this regard." He collected five *yang* from Taeik and gave it to me. I then gave that five *yang* to Naewan. . . . On the second day at the beginning of this month, Naewan's slave Hak gave me one letter and a letter sealed for delivery to the Koksöng magistrate. The letter contained instructions that I deliver it to the Koksöng magistrate.<sup>268</sup>

I see one glaring lacunae in this account: Ok seems to have accepted the letters without any critical impulse. At no point did he question the process through which Naewan requested and generated the letters. Ok must have been at least slightly curious how Naewan convinced not only two Ministers among the Six Boards, but also the Provincial Military Commander, to provide personalized recommendations for a relatively unimportant denizen of Koksöng. To suspect no foul play—whether forgery or otherwise—simply strains credulity. For those reasons, it seems important to speculate on the role that Hak plays in the narrative. One way of reading this passage is to say that Hak, by standing in for Naewan at the time of the hand-off, prevented Ok from investigating the circumstances of the letters any further. Without Naewan present to answer questions, Ok was left with a plain choice: accept the letter, or not. Given Naewan's "demonstrable" track record of compassion and reliability, perhaps Ok's decision to trust the letters seemed reasonable at the time.

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<sup>268</sup> *Collected Volume, Vol. 2*, 114-15:

矣身行到谷城東幕妻母所在處招見宗族梁命德以來完頃軍役差鄉任等語果爲設道則命德以爲吾之妻父李大益自綾州新寓之人得差座首則大爲生光以此周旋云云捧錢五兩於大益出納矣身是白去乙矣身待其五兩錢傳納來完 . . . 今月初二日來完之奴鶴先其上典抵矣身書簡一張及谷城官家所傳踏印書簡封來傳而書中使矣身持此所封書面傳于谷城官

In the end, it is clear that Ok's testimonial strategy rested on the theme of gullibility. Before the Koksöng magistrate's discovery of the fraudulence of the letters, Naewan appeared as a man of sterling character. That image collapsed definitively once the Koksöng magistrate summoned Ok to explain the origin of the forgeries. Though Ok initially confessed to the forgeries, he did so supposedly to gain relief from torture. Once referred to the Namwön magistrate, Ok erupted into self-effacing apologies and cries of ignorance. The central task of the Namwön magistrate, once the case was referred to him, was to question whether this narrative itself was a forgery and diversion. This last passage reads:

Two days later, I came in from the house of my wife's family in Tongmak. I entered and addressed the [Koksöng] magistrate, upon which he displayed his power and subjected me to intense questioning, even to the point of torture under *churi*. At that point, I could not bear the pain any longer, and so I falsely confessed to having forged the letters and seals. In truth, however, those letters are not of my own making. The sealed letters, likewise, are not my own work. Rather, there were all sent over by Naewan and passed on to me. On the day that these letters were handed over to the authorities in Koksöng, these documents underwent extensive scrutiny. I, however, as a young, inexperienced, and foolish individual, could not see the evil underlying Naewan's plan.<sup>269</sup>

Every last character of Ok's testimony culminated in the underlined portion above. Ok lacked the perspicacity or even the inclination to question Naewan's altruism. In effect, Ok claimed that Naewan's first impression was a lasting one. Even when some murky dealings entered into their relationship, the trust that accumulated between Ok and Naewan from those initial encounters quieted any of Ok's emerging suspicions. Ok had convinced himself of Naewan's purity early on, a development that colored his view of the rest of the case as it unfolded.

<sup>269</sup> *Collected Volume, Vol. 2*, 115-16:

過二日後矣身自妻家東幕入來又欲入見則谷城官即爲◎◎旋威嚴問至於周牢之境故矣身不忍刑杖以偽造書簡偽造印信◎  
誣告爲白有在果同書簡實非矣身之所造所踏印信段置亦非矣身之所爲皆是馬來完之所送而印封書簡一◎來傳矣身是白在  
書簡當日現捉于谷城官亦爲現納爲白有去乎各別祥查處置爲白乎矣身以年少迷劣之人不識馬來完之奸狀

Ok's testimony ends on a strange note. After calling for the apprehension of Naewan, the Namwŏn magistrate noted that Ok's name appeared incorrectly in the letters themselves. This error re-emerged in subsequent stages of the investigation as a major stumbling block for the magistrate:

My actual name is 'Hyŏnok.' The fact that Naewan recorded my name in the letters as 'Ok' [and, at that, with an alternate character for the second syllable of my actual name], is simply another aspect of Naewan's scheme. Please take all this into consideration.<sup>270</sup>

Taking Ok—or Hyŏnok, as it now appears—at his word, it seems that Naewan deliberately miswrote his name in order to generate confusion about the origin of the letters. It is not entirely clear how this erroneous transcription actually served the purpose of distraction or obfuscation. Nevertheless, the Koksŏng magistrate recognized the problem immediately. In my final discussion, I will revisit this particular set of testimonial contradictions and oddities, as I think it provides a critical clue to interpreting the real substance of this case.

### **A Brief Digression on the Rhetoric of Hyŏnok's Testimony**

Hyŏnok's claim of gullibility and naïveté seems easy enough to discern from the content of his testimony—but gullibility and naïveté with respect to what, exactly? The design of the plot allowed for plenty of criminal allegations, whether forgery, bribery, collusion, subversion, moral impropriety, and deception. Did Hyŏnok intend to wash himself of all of possible allegations, or should his testimony be read in a more focused and targeted way? The answer to this question emerges once one discerns how the Namwŏn magistrate arranged his investigation. Precisely how did the magistrate organize his courtroom and what assumptions did he bring to the trial proceedings?

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<sup>270</sup> *Collected Volume, Vol. 2*, 116:

矣身本名乃顯玉是白去乙馬來完僞簡中書以鉦字者亦是其矣奸謀是白去乎并只相考處置教事

The Namwŏn magistrate’s notes provide several clues that he confined the scope of his investigation to the forgeries alone. The magistrate opined on other matters only in his final assessment of the case. The Governor did not receive those extra opinions warmly—in truth, the Governor *himself* imposed a limited scope on the case, interested as he was only in some outside input on the question of the forgeries. The Governor thought that the Koksŏng magistrate had already settled the matter of the bribe. For all of these reasons, Hyŏnok pays much less attention to the bribe money in his testimony. Hyŏnok articulates his background with Naewan with great specificity and detail, but entirely avoids engaging with the question of the bribe.

The very format of the case record reveals the narrowly-defined crime around which the Namwŏn magistrate’s investigation took shape. As mentioned previously, the magistrate questioned four persons—Hyŏnok sat before the court twice, while Taeik, Myŏngdŏk, and Chagŭnnom each sat once. Before recording the answers of each respondent, the magistrate wrote their names in vertical descending fashion, completely unattached to any other text. Each name so written designates the beginning of a new section of testimony. Quite interestingly, the word for “criminal” [K. *choein* 罪人] *only* appears before Hyŏnok’s name.<sup>271</sup> Taeik and Myŏngdŏk, who both helped funnel the money to Naewan, are spared that designation. The Namwŏn magistrate cautiously chose his words in other sections, as well. For example, he carefully selects the words he uses to describe the act of bringing the conspirators over for interrogation. Hyŏnok undergoes a “transfer of incarceration” [K. *isu* 移囚], while Taeik is simply “apprehended and brought over” [K. *ch’angnae* 捉來]. Such careful use of language clearly reveals Taeik as the one and only focus of the Namwŏn magistrate’s investigation.

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<sup>271</sup> See pages 111 and 121 for the precise location of these namings. *Collected Volume, Vol. 2.*

The Namwŏn magistrate's final interpretation of Taeik's case not only differed from the Governor, but actually exceeded the prescribed scope of the investigation. That overreaching opinion drew the ire of the Governor, who may have expected the secondary investigation in Namwŏn to confirm the findings from Koksŏng. The three-tiered interpretation of Taeik's case (between Koksŏng, Namwŏn, and the Governor) reflects the considerable autonomy of opinion among local bureaucrats.

### **Episode III - The Interrogations of Yi Taeik, Yang Myŏngdŏk, and Chagŭnnom**

The Namwŏn magistrate presented Taeik, Myŏngdŏk, and Chagŭnnom with highly focused questions, each of which yielded highly circumscribed answers. Little explanatory content emerged in their testimonies. The Namwŏn magistrate described only how each interrogee first heard of the relationship between Hyŏnok and Naewan. Each witness categorically denied any knowledge of the preparation and distribution of the forgeries.

Taeik and Myŏngdŏk reacted with complete astonishment when the Koksŏng magistrate summoned [K. *tokhyŏn* 督現] them to court. They never suspected any foul play in their deal with Hyŏnok. Myŏngdŏk explained that he had been away on business for a few weeks—upon his return, he discovered that the Koksŏng authorities had imprisoned a relative. After rushing to the magistrate's office, Myŏngdŏk suddenly found *himself* incarcerated. Subsequent incarcerations ensued.<sup>272</sup> Taeik expressed “totally unimaginable” [K. *ch'ŏnman ũioe* 千萬意外] surprise at his own sudden imprisonment by the Koksŏng magistrate.<sup>273</sup>

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<sup>272</sup> *Collected Volume, Vol. 2*, 119.

<sup>273</sup> *Collected Volume, Vol. 2*, 117.

Myōngdōk and Taeik both described their initial encounters with Hyōnok as completely ordinary and unremarkable. For example, neither witness remembered the date that they initially agreed to the deal. Taeik could not produce the exact day of the deal.<sup>274</sup> Myōngdōk, for his own part, could not even remember the *month* of the deal.<sup>275</sup> The forgetfulness of the witnesses, far from proving the haziness of their memories, actually reflects an effort to minimize the encounter with Hyōnok. Note also the following stark contrast with Hyōnok's testimony: though Hyōnok never mentioned specific dates, he provided temporal context by describing the general *occasions* on which he met with Naewan, such as when he traveled to take the central examination. Myōngdōk and Taeik failed to provide any description of the occasion on which they met Hyōnok, a reflection of their efforts to make the encounter seem ordinary and routine.

Chagūnno's testimony proved the least revelatory of all the three witnesses called in for the case. The Namwōn magistrate initially identified Chagūnno as a slave of Hyōnok; however, we eventually learn that Chagūnno was a freeborn commoner who had temporarily enslaved himself to Hyōnok to gain financial relief and subsistence-level benefits (such a person was

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<sup>274</sup> *Collected Volume, Vol. 2*, 117.

<sup>275</sup> *Collected Volume, Vol. 2*, 118.

called a *pibu* 婢夫).<sup>276</sup> Chagŭnnom categorically denied any knowledge of or involvement in the plot. He even denied having the opportunity to know of Hyŏnok's plot, given the geographical distance separating his house from Hyŏnok. Chagŭnnom's testimony reinforced the magistrate's sense that something was being hidden, given the possibility that slaves knew insider information about their masters' activities.

The testimony of Taeik, Myŏngdŏk, and Chagŭnnom reproduced the core theme of Hyŏnok's testimony: ignorance. The only difference lied in the presumptive object of that ignorance. Hyŏnok's claimed ignorance of Naewan's deception. The three other testifiers claimed ignorance of Hyŏnok's arrangement with Naewan. Did they accurately represent their relationship with Hyŏnok in describing such ignorance? Or, was this a deliberate strategy to

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<sup>276</sup> People who became *pibu* generally entered into formalistic marriages with the landlord's slaves. A male commoner who chose this path came to be called a *pibu*, while a female commoner who chose similarly gained the title of *noch'ŏ* 奴妻. Any children born between a *pibu/noch'ŏ* and the marriage partner immediately became the property of the landlord by law. The *pibu* further owed service to the landlord, which usually came in the form of the acceptance of some part of the tribute responsibility of the slave household. These responsibilities were often limited to a particular season. The landlord could also demand that *pibu* stay within the central house and perform miscellaneous duties for a certain period of time. Though *pibu* seem to have lived under many of the same strictures as slaves, there were never *de jure* viewed as slaves. *Pibu* often received benefits from the landlord in return for any miscellaneous tasks they performed. *Pibu* often made life difficult for the landlords by refusing certain duties or even breaking off the marriage arrangement when extraction burdens became too great—a process which often generated lengthy legal disputes. In the area of punishments, as well, *pibu* frequently avoided direct assault from landlords. Landlords might instead physically punish marriage partners for the mistakes of the *pibu*. On occasions where landlords did want to inflict direct punishment on *pibu*, they sometimes sought the official permission of the local authorities before the fact. In general, to be a *pibu* did not automatically imply that one was a slave. Though landlords frequently attempted to register *pibu* and *noch'ŏ* as full-fledged slaves, that process involved a lengthy review with the local authorities and required various forms of verifying documentation. The relationship between the *pibu* and the landlord was often a strained one, involving the furtive stealing of resources, the pursuit of individual interests, the breaking of marriage contracts, and the constant negotiation of mutual obligations because of the non-slave status of the *pibu*. Yi Hyejŏng. "Mukchae ilgi' rŭl t'ong haesŏ pon 16-segi pibu-noch'ŏ ūi salm" in *Han'guk-sa yŏn'gu* 147 (December 2009), 201-211. Chagŭnnom, the *pibu* in Taeik's case, therefore did not necessarily provide an airtight defense of his ignorance of the plot, given the strong possibility that *pibu* had frequent interaction with their masters and, by extension, knowledge of their more private activities.

portray Hyōnok as the mastermind of the operation by denying any insider knowledge of the deal with Naewan? We will return to this question later in the chapter.

#### **Episode IV - The Second Interrogation of Kim Hyōnok**

The Namwōn magistrate re-interrogated Hyōnok after hearing the testimonies of the three witnesses. Lingering doubts festered in the magistrate's mind following those first rounds of interrogation. The magistrate hoped to poke holes in Hyōnok's account and thus cause him to abandon his strategy of self-exoneration. The magistrate focuses on three crucial points. The first simply concerned Hyōnok's changing story: Why did Hyōnok not inform the Koksōng magistrate of Naewan during the initial interrogation there? The second question concerned all of the strange informational errors and gaps that appeared throughout Hyōnok's testimony: Why the strange misspelling of Hyōnok's name? Why the inability to produce Naewan's address? Why the seeming inability to describe Naewan's outer appearance? Why might two well-acquainted people lack such fundamental knowledge of each other's lives? The third and final question concerned the issue of accumulated trust between Naewan and Hyōnok: If, as stated in the letters, the two had previously helped in each in such crucial matters as the recovery of absconded slaves, why the failure to trust one another with the details of this particular case?

Hyōnok never bent to those questions. He maintained his exculpatory stance in each answer. Furthermore, Hyōnok argued that the Koksōng magistrate bore much of the blame for the Namwōn magistrate's confusion. Hyōnok *had* provided all of this information from the outset, but the Koksōng magistrate refused to believe him. The eventual interrogation under *churi* forced Hyōnok to simply acquiesce to the Koksōng magistrate's demand for a confession.



If the Namwŏn magistrate needed someone to blame for the inconsistencies of this case, Hyŏnok was not the appropriate target. The Namwŏn magistrate records Hyŏnok's testimony as follows:

At the time that I was interrogated at Koksŏng, I declared my innocence [precisely because] I divulged everything about the things that Ma Naewan had done. However, [the Koksŏng magistrate] said that I was just making up false excuses and so subjected me to an intense session of *churi*. I could not bear the pain and so simply said that I perpetrated the forgery in the end. Now, I had said that Ma Naewan lived on the outside of West Gate in Hanyang, and that he called himself *chinsa* [literary licentiate degree-holder] Ma [first character of the name obscured by blotched ink]bi. He regularly paid visits to the Army Commander and [frequented] a tavern in the district of Changhŭng Fortress. So, after I was incarcerated, I dispatched many of my family members to the Army Commander and to Changhŭng Fortress so that they might find him and bring him back here. As for his age, he is 48, his body has a strong frame, and his hair has grayed significantly. I had a severe illness; however, under Ma Naewan's guidance, I saw some improvements. I therefore considered him a patron, as he provided me clothing and money in great quantities. Ma Naewan also had feelings of [obscured character] and so regularly said complimentary things about me, by name, to others, wherever he went. The fact that he mentions me in the letter surely owes to this. As for the matter of the recovery of the runaway slave, this was because my uncle owns slaves in Koksŏng and so he likely might have known [about the general circumstances of the slaves].<sup>277</sup>

Hyŏnok's answers responded to the Namwŏn magistrate's questions one-by-one. He fully explained the content of his previous testimony at Koksŏng as if to suggest that the initial case report was a gross oversimplification. He explained the herculean effort of his family to capture Naewan and bring him before the court. He explained Naewan's appearance in detail. He finally explained his former understanding of their relationship. Altogether, Hyŏnok provided reasonable responses to the magistrate's questions and kept the specter of Naewan alive.

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<sup>277</sup> *Collected Volume, Vol. 2, 122-23:*

矣身頃於谷城縣推問時以馬來完所爲箇箇發明是白乎矣謂之假托酷施周牢故不勝其痛◎果爲自當僞成爲白有跡馬來完稱以居在京中西少問外是白乎乃自稱馬進士◎肥馬常常出入於兵營與長興長城邑內酒幕故矣身今此被囚之後多送諸族於兵營長城長興等地期於捉得而年歲則四十八面鐵骨◎半白體中是白乎跡矣身難救之病因馬來完之指揮見差故矣身待之以恩人衣服錢兩多數備給來完亦有◎感常時矣身之名到處稱譽今番僞箇中盛稱矣身亦出於此是白遣推奴事段矣身三寸奴婢在於谷城之由渠有所知

Hyōnok mentioned that he sent his family members out in search of Ma Naewan, but it seems unlikely that they lacked the information to secure Naewan's arrest. Barring extreme circumstances, if Ma Naewan really was "a regular" at all of the different locations Hyōnok mentions, they probably should have found him in short order. Furthermore, since Hyōnok also knew the general location of Naewan's home in Hanyang, the family could have ascertained Naewan's specific address without much difficulty.

Nevertheless, Hyōnok's statements seem to have convinced the Namwōn magistrate. As discussed in the following section, the Namwōn magistrate's final adjudication sympathizes greatly with the arguments of Hyōnok—despite his very probing and even hostile questions, the magistrate seemed willing to change his stance. Though the magistrate never resolved to free Hyōnok from any punishments stemming from the hoax, he did see fit to see the Naewan story as legitimate. The Namwōn magistrate's final acquiescence to Hyōnok's testimony angered the Governor and generated a core legal disagreement in the adjudication of Taeik's case.

### **Episode V - Final Adjudications: The Governor and the Namwōn Magistrate**

One of the most fascinating aspects of Taeik's case lies in the fact that the three officials involved in the investigation (the Koksōng and Namwōn magistrates, as well as the Governor) interpreted the events and the testimony in significantly different terms. The Namwōn magistrate had no intention of rubber-stamping the Governor's interpretation—to the contrary, strongly contentious viewpoints emerged in the course of the investigation.

The Namwōn magistrate's initial suspicion of the Naewan story morphed into reluctant agreement. He saw merit in Hyōnok's testimony and concluded that Naewan very well might exist. For the Namwōn magistrate, Hyōnok's previous testimony, when taken in conjunction with

the scant material evidence relevant to the case, pointed strongly to the conclusion that Naewan was real and had to be found:

In the letter that Ma Naewan handed him [i.e. Hyōnok], the following is said: ‘Take and deliver to the two letters from the Boards of Personnel and Taxation and the one letter from the Governor to the magistrate of Koksōng. [Be sure] to go in and meet that magistrate personally before the fifteenth of the month. Moreover, Yi [Taeik] is extremely wealthy, so take another twenty *yang* from him when all is said and done.’ Moreover, the backside of the letter goes on to say: ‘To you, [Hyōnok], I have [rendered] a great service, but you have not requited that service for quite some time. As pertains to this issue, if you just dutifully collect the money, then how will this be any different than if you simply provided the money yourself?’ This note was found in the pocket [of Hyōnok] at the time of the investigation and interrogation in Koksōng. And so, we summoned the criminal [Hyōnok]. The functionary in charge of punishments [*hyōngni*] also came over at the same time and handed over [the document]. Therefore, after having looked it over, [we concluded] that the form of the writing and the style of speech were in no way different from the forged seals and the letters marked by those [very same] seals. The general line of argumentation [in the letter] was rather consistent with what [Hyōnok] had [asserted as his testimony] and with the timeline [reflected therein]. Furthermore, the *hyōngni* from Koksōng testified that [Hyōnok’s] testimony from the day of the interrogation at Koksōng largely conforms to the testimony given [here at Namwōn]. When one takes all of this into account, it seems that Hyōnok’s testimony is not just simply something he said in response to an emerging and urgent situation—rather, there surely must be someone [by the name of] Ma Naewan.<sup>278</sup>

The assemblage of facts in this particular passage—the conclusions of the handwriting analysis, the confirmation of Hyōnok’s previous testimony, the significance of the letter in Hyōnok’s pocket—all proved weighty to the Namwōn magistrate. The Namwōn magistrate therefore recommended a more robust search for Naewan. He also wanted to suspend the investigation until Naewan and Hyōnok might be interrogated simultaneously. The magistrate’s validation of Hyōnok’s testimony strongly colored the rest of his adjudications thereafter.

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<sup>278</sup> *Collected Volume, Vol. 2, 123-25:*

馬來完之抵其矣身書中有云吏戶兩札與營札俱囑於谷城官望前入去親面厥倅李也極饒二十兩文追後徵受云云又於書背曰於君吾有功而君無報久此事若其着實徵受則何異於君家所出云云而其書自谷城官當日查問時◎探於其所佩囊中是如可罪人領來刑吏一時來納故果爲考見則其◎跡文體與僞印所踏三書無所差異其所語脈與其矣身招辭來歷頗爲符合分叱不喻當日谷城縣查問時所告亦與今日招辭大體相同是如谷城刑吏亦爲告課爲臥乎所以此觀之則金顯玉所告似非臨時◎辨之語必有馬來完爲◎之人

The Governor of Chōlla Province strongly objected to the Namwōn magistrate's final evaluation of the case. Instead, he wanted to focus the case on Hyōnok once more and promptly execute punishments appropriate to the crime. He would not authorize a search for Ma Naewan unless the local authorities acquired all the information necessary to locate Naewan. Nobody was interested in a lengthy investigation guaranteed of no success. The Governor's adjudication appears as follows:

I have now reviewed Hyōnok's statement where he blames Ma Naewan for the forged seals and letters. The [specific content] of the forged letters [includes], first, the incident [concerning the position of] *chwasu* and, second, the issue of the search for the runaway slave. [There exists] clear and undeniable evidence that [Hyōnok] participated in the creation of the forgeries. At the time of the [initial] interrogation in Koksōng, he had already admitted to these things. Now, however, the story has suddenly changed and he is attributing his prior testimony to this Ma Naewan character, whose very existence cannot even be verified. [This strikes me as] total nonsense. Hyōnok himself said that he had known him for ten years and that he came and went between the capital and the countryside [to visit Naewan]. If so, there is no reason for [Hyōnok] not to know Naewan's location. Now, under more strenuous interrogation, return to the issue of whether he knows or whether he doesn't know. As for his clever and devious [schemes], strongly punish and interrogate him. As for Yi Taeik and Yang Myōngdōk, [because of their involvement in the transfer of] the five *yang* for securing the position of *chwasu*, their own relationship with the circumstances of this case is quite suspicious. Go ahead and submit them to punishments. As for Chagūnnom, there was really no reason to interrogate him after the arrest of Hyōnok. Just set him free. As for the matter of finding Naewan and submitting him to the law, we cannot confirm Naewan's very existence, nor can we place much trust in the highly ornamented words of Hyōnok. How, then, could I possibly direct each of the camps [to execute a search for him]? If there is indeed some fellow named Ma Naewan [out there], then you should really try to extract information from Hyōnok before Naewan just disappears.<sup>279</sup>

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<sup>279</sup> *Collected Volume, Vol. 2, 127-28:*

今觀金顯玉招辭偽印偽書一款雖誘於馬來完偽書中辭意一則座首事一則顯玉推奴事也渠之同謀偽造之跡明白無疑是遣谷城推問時既已真招是如可到今◎變前招誘之於有無未的之來元者語不成說是遣既曰十年相親京鄉往來云◎則來元之居住萬無不知之理而今於嚴問之下歸之於若知若不知之科◎危極巧惡各別嚴刑究問為旡李大益梁命德等段置既給五兩錢圖差座首則其間情節亦極可疑為先刑推為旡者斤老未段既捉顯玉之後別無可問之端放送來完讞捕段來完有無既不能的知顯玉飾辭之言亦不可取信何可分付於各鎮營果有馬來完為名者則馬來完未現出之前顯玉自當為主相考施行

The Governor focuses on what I see as the most crucial flaw in Hyōnok’s testimony: the question of Naewan’s address and the inability of the conspirators to produce it. The Governor therefore sees any investigation into the whereabouts of Naewan as a mere distraction from the punishment of Hyōnok, Taeik, and Myōngdōk, and would rather see those actions taken before the case reached unnecessary degrees of complexity. Unlike the Namwōn magistrate, the Governor simply does not prioritize the search for Naewan, predisposed as he was to believe that the story was a complete fabrication.

In my discussion and analysis of this case, I will reference some of the points raised in each official’s final adjudication to help deconstruct the actual trial records. In the process, I am confident that we will discover the strategy that guided the conspirators through their hoax and the private interests that motivated them to attempt such a daring stunt in the first place.

### **Questions and Problems in the Interpretation of Taeik’s Case**

Taeik’s case provides an opportunity to reflect on the nature of the relationship between the magistrate’s office, the local *hyang’an*, and the *hyangch’ōng*. As described previously, appointments to the *hyangch’ōng* were typically made by the local magistrate, though the pool of “eligible officers” seems to have varied by region and time—some magistrates may have been bound to select officers from members listed on the local *hyang’an*, while others may have had more leeway to draw from a non-roster or non-*yangban* base, sometimes even installing people of commoner background. In Taeik’s case, the conspirators attempted to influence the local appointment process in Koksōng at its heart, which is why they presented their forged letters of recommendation to the magistrate and not the *hyang’an*. The conspirators had other options for influencing the appointment process: for example, if *yangban*, they might have devised some

scheme to enter Taeik's name on the *hyang'an* and thereby put him in a better position to secure a position in the *hyangch'ōng* in the long term. However, they opted instead for a quick, one-shot approach to installing Taeik as *chwasu*. Clearly, this plan failed them.

The following analysis focuses on the conspirators' decision to submit the forged letters of recommendation directly to the Koksōng magistrate. What strategic calculations informed that decision? How did the conspirators understand the distribution of power in Koksōng at the time? How did they perceive the institutional relationships around which they attempted an end-run by submitting those letters? In brief, what gave them the confidence that this plan stood any chance of success?

The answer to these questions will involve a mix of history and speculation. There are precious few records that reveal the nature of local institutions in Koksōng at the beginning of the 18th century. Though the Koksōng *hyang'an* still exists and has been analyzed, there are no documents that explain the specific appointment process to the Koksōng *hyangch'ōng*, nor are there any records that reveal the names and status groups of those who earned positions in the *hyangch'ōng*. We will have to look within the case record itself for clues concerning the position of the magistrate in that appointment process—did he wield unilateral decision-making power, or was his power checked by various local interests (whether elite or non-elite)?

Furthermore, the status of the conspirators is never made explicit in the case record. Certain aspects of this case strongly suggest that the conspirators were of *yangban* status, while others may suggest that they were non-*yangban*, perhaps even commoners. The evidence for each is strong enough to justify interpreting Taeik's case through both lenses.

In sum, it seems to me that Taeik’s case can be interpreted in four basic ways, each determined by the two variables mentioned above: first, the question of whether the Koksŏng magistrate wielded unilateral authority in making appointments to the *hyangch’ŏng*, and, second, the question of whether the conspirators were of *yangban* or commoner status. I have provided a basic tabulation of this in Table 1 below. We will revisit this table at the end of the chapter, fill in the missing information, and question which interpretation seems most justified in light of the available evidence.

**Figure 6.** Possible Scenarios for Interpreting Taeik’s Case.

	CONSPIRATORS WERE <i>YANGBAN</i>	CONSPIRATORS WERE COMMONERS
MAGISTRATE HELD UNILATERAL OR RELATIVELY UNCHECKED AUTHORITY IN MAKING APPOINTMENTS TO <i>HYANGCH’ŎNG</i>	<u>SCENARIO 1</u>	<u>SCENARIO 2</u>
LOCAL ELITE INTERESTS STRONGLY CHECKED MAGISTRATE’S AUTHORITY IN MAKING APPOINTMENTS TO <i>HYANGCH’ŎNG</i>	<u>SCENARIO 3</u>	<u>SCENARIO 4</u>

The discussion will proceed as follows. The first section briefly resolves an outstanding matter from the case narrative—namely, the question of whether the conspirators were truthful when they testified that only Hyŏnok knew about Naewan. The second section provides a comparative perspective on the nature of the appointment process to the *hyangch’ŏng*. It examines variations in *hyangch’ŏng* membership from several regions in the late Chosŏn. The

third section questions the status of the conspirators and explains the evidence that supports the “*yangban*” and “commoner” interpretations mentioned above. The final section will then explain each of the scenarios listed in Table 1 in numerical order and assess the relative likelihood of each.

### **Peculiarities in the Recorded Testimony of Hyōnok and the Conspirators**

The Namwōn magistrate relied on a clear and systematic editorial strategy when compiling the record for Taeik’s case. In a very intentional way, the magistrate re-produced the specific word choices made by each of the testifiers within two distinct categories: terms related to money and terms designating the nature of their relationships. The testimony as transcribed by the magistrate represents, at most, a *gestalt* rendering of what the conspirators actually said—the magistrate only recorded those points that seemed most relevant to explaining the design of the hoax. The accounts are summaries, not verbatim transcriptions.

The Namwōn magistrate’s systematic attention to diction strongly suggests that the conspirators presented their testimonies in an equally systematic way, whether intentionally or unintentionally. If intentional, the conspirators likely coordinated and memorized their testimonies in advance. If unintentional, the magistrate was likely struck by the forcefulness of each conspirator’s attempt to exculpate himself—as a result, the magistrate would have quickly recognized that vocabulary choices about money and relationships formed the core of their defenses. Which of these two interpretations best explains the magistrate’s recording strategy? The following paragraphs will parse the magistrate’s notes in search of answers.

As mentioned just above, two categories of words reveal the conspirators’ cautious use of language: pecuniary terms and relational terms. Each member of the hoax had to clarify the



nature of his relationship with every other member, as well as his relationship with the potentially-fictitious Ma Naewan. The case featured a money trail extending from Yi Taeik, to Yang Myōngdōk, to Kim Hyōnok, to Ma Naewan. Each conspirator describes that money trail based on his specific position and role in the hoax. The Namwōn magistrate changes his vocabulary to reflect the testifier’s putative role in the bribe. The vocabulary further changes when a witness testifies about statements made by other co-conspirators concerning the bribe.

The magistrate limits himself to a specific vocabulary bank when discussing the money. To describe the physical money itself, he uses three different words: “cash” or *chōn* 錢, “bribe” or *roe* 賂, and “price” or *ka* 價. To describe the passing of the money or the execution of services in exchange for the money, he uses several different words: “lift up” or *pong* 捧, “provide” or *kūp* 給, “good offices” or *chusōn* 周旋, and “forgery” or *wijo* 偽造. This array of terms clearly includes some with positive or neutral connotations, and others with rather more negative or sinister connotations. All of this is intentional. With this minimal set of terms, the magistrate was able to reveal the attested roles of each conspirator succinctly and sufficiently. Each conspirator made a *unique* argument about the distribution of guilt and innocence in the hoax. The Namwōn magistrate had to choose vocabulary that reflected the particular criminal assumptions of each participant’s argument—a careful balancing act that required some linguistic skill, to be sure.

We will begin with Hyōnok’s testimony (as reproduced at the beginning of the chapter), which involved the simplest and most straightforward array of vocabulary found in any of the recorded testimonies. Of all the money-related terms mentioned above, the magistrate *only* uses terms with positive connotations. This demonstrates that Hyōnok denied *not only* any personal involvement in the forgeries, *but also* any accusation that his payment to Naewan was a bribe.

Whenever Hyōnok describes his handling of the money for Naewan, he only uses neutral terms (“cash” in every instance but one, where he instead uses the term for “price” with the accompanying verb “lift up”). Hyōnok always describes Naewan’s promise to help promote Taeik as an exercise of “good offices”—which itself simply means helping someone else realize a particular goal—and not as a commitment to “forgery.” The term “good offices” implies the concept of the “fee for good offices” or *chusōnbi* 周旋費, another neutral term that designates a fee in exchange for services rendered. Hyōnok never presented the money he handed to Naewan as a bribe, but rather as a finder’s fee, a token of appreciation, or even a per diem. Furthermore, Hyōnok always describes the letters simply as “letters” or *sōgan* 書簡, whereas those same letters are designated as “forged letters” or *wigan* 偽簡 throughout the rest of the case record.

Different patterns emerge in the testimonies of Myōngdōk and Taeik. Take the following example from Taeik’s testimony:

My brother-in-law Yang Myōngdōk told me that a man named Kim Hyōnok approached him, saying that he has friendly relations with and connections in the *yōngmun*. [Hyōnok further stated that] he could help me acquire a letter so that I might acquire the position of *chwasu*. Moreover, he stated that he required bribe money. So, I went along and believed what he said, providing five yang to Myōngdōk, who then relayed that money onto Hyōnok. However, as to the matter of the forged seals and letters, I had nothing to do with that.<sup>280</sup>

This passage records verbal testimony from Taeik, within which exists testimony from Myōngdōk about the offer from Hyōnok. Notice how the terms shift depending on who is being quoted (compare the underlined portions to follow this pattern). When Hyōnok demands the money, it is a “bribe”; however, when Taeik gives the money to Myōngdōk, it suddenly becomes

<sup>280</sup> *Collected Volume, Vol. 2*, 117:

矣身女◎梁命德言于矣身曰有金顯玉者來言自稱與營門相親之間受來請簡圖差座首云云而仍要賂錢是如爲白去乙矣身果信其言錢五兩給于命德傳給金顯玉爲白有乃其偽簡偽印節次元無與知之事

“cash.” Furthermore, the word for “good offices” is nowhere in sight, while “forged letters and seals” occupies a prominent position. The field of vocabulary shifts between the testimonies of Hyōnok to Taeik.

Moving on to the testimony from Yang Myōngdōk, still another complex pattern of vocabulary emerges. Consider the following quotation:

[Hyōnok] paid a visit on me and told me that he had an old friend who lived in the capital named Ma Naewan. [This Ma fellow] wielded quite a bit of influence with the *sunyōng* and the *pyōngyōng*, all of whom were familiar with each other. He mentioned that if there were someone who wished to avoid military service or someone who wished to acquire a local leadership position among the elite, then gather together and provide some bribe money and Ma Naewan will rightly exercise his good offices. ... So, I conferred with my wife’s father [i.e. Taeik] and relayed his five yang over to Kim Hyōnok. ... At first, I had been duped by Kim Hyōnok. Even though there is the matter of the cash I provided, I know nothing at all concerning the process by which Hyōnok forged the letters and seals.<sup>281</sup>

Once again, the word for “bribe” appears whenever Hyōnok requests money, but the word for “cash” appears whenever Myōngdōk discusses his own involvement with the money. In particular, notice how the hand-off of money to Hyōnok in one instance appears as “provide a bribe” [*kūmnoe* 給賂], but shortly thereafter appears as “provide cash” [*kūpchōn* 給錢]. Finally, the critical moment in this excerpt comes when Myōngdōk mentions that he was “duped” by Hyōnok. That particular statement underscores the conspirators’ lack solidarity before the Namwōn magistrate. It also allows Myōngdōk to deny conscious participation in a bribe. The whole statement implies that Myōngdōk too saw the money purely as a *chusōnbi* in exchange for legitimate services—a misperception that resulted entirely from Hyōnok’s deception.

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<sup>281</sup> *Collected Volume, Vol. 2, 118-20:*

請見矣身而言曰吾之京居親舊馬來完素多形勢與巡營兵營皆有親分◎欲頃軍丁者或欲差鄉任者求得給賂則馬來完當周旋云云 ... 故議于妻父果以五兩之錢傳給金顯玉是◎遣 ... 矣身初爲見欺於金顯玉雖有給錢之事顯玉之僞印僞簡節次千萬不知是白去乎

I will end my discussion of the pecuniary vocabulary here. Suffice it to say, one could analyze these patterns in the testimony at length. I trust that the examples above have demonstrated to the reader how the money terms reflect the role each conspirator claimed to play in the hoax.

Let us examine some of the patterns in the magistrate's recording of relationship terms, then. Once again, the magistrate deploys relationship categories in a patterned and systematic way throughout his notes.<sup>282</sup> All of this is meant to reinforce the attested position of each of the co-conspirators. The magistrate carefully considered the degree to which each witness either claimed or disowned their relationships with all the other witnesses. Keep in mind that the witnesses did not present a united front before the magistrate—therefore, a particular relationship may have appeared as a friendship to one witness but as a rivalry to another. Relationship terms had to reflect the voice of each witness.

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<sup>282</sup> Each of the four witnesses mention many other people in their testimonies. When the Namwōn magistrate introduces those people in his notes, he *generally* provides *both* their names and categorizes their relationships with the testifiers. Those categories always appear immediately before their names. The relational categories themselves typically reveal specific family ties or proprietary ties. Not one of the witnesses categorizes a relationship with terms that carry overtly negative overtones. The testifiers seem comfortable laying claim to the relationship and perceive no legal consequence for doing so.

On certain other occasions, the Namwōn magistrate identifies certain individuals and social groups *only* through the categories that defined their relationships with the various co-conspirators. In other words, the magistrate omits the names of those persons and groups. Women, for example, appear without names throughout the case record. The magistrate classifies women only by their positions within the family (wife, wife's mother, etc.) and occasionally by their place of residence as well. The magistrate even omits the given names of the women, which is how women were represented in much official documentation from this period.

On still other occasions, the magistrate writes *only* the name of the person under discussion. No relational category of any sort appears before the individual's name, whether that category pertains to friendship, kinship, patronage, or bureaucratic position. It seems informal, incomplete, and perhaps even thoughtless to declare a personal history with another and still neglect to classify that relationship. To provide only a name is to leave the listener to guess the quality of the relationship. Moreover, to provide only a name is to suggest to the listener that one does not entirely wish to claim the relationship—in fact, one might simply disown the relationship at any moment.

The magistrate's case notes reflects the efforts of the four testifiers to deny any relationship with Naewan. Hyōnok's first interrogation session with the Namwōn magistrate provides the clearest example of the distancing of Naewan. At no point in that detailed, pages-long testimony—at least half of which described the development of Hyōnok's trustful relationship with Naewan—does a categorical description of the relationship appear. Nothing even so much as a “friend,” “confidant,” or “acquaintance” modifies Naewan's name. Hyōnok does identify Naewan as a “patron” or *ūnin* 恩人 at one point during the *second* round of questioning; however, that term referred to a bygone and defunct relationship with no efficacy at the time of the interrogation. This sort of naming scheme seems consistent with Hyōnok's efforts to distance himself from the person of Naewan.

Naewan's name appears in a slightly different manner in the testimony provided by Myōngdōk. Consider once more the following passage, which presents the very beginning of Myōngdōk's response to the magistrate's question:

One day this year—I cannot remember whether it was the ninth or tenth month—the  aforementioned Kim Hyōnok arrived at his wife's mother's house and requested to see me. He addressed [me], saying: ‘Ma Naewan, my friend who lives in the capital [Hanyang], wields quite a bit of influence with the Governor and the Provincial Army Commander, all of whom were familiar with each other. He mentioned that if there were someone who wished to avoid military service or someone who wished to acquire a local leadership position among the elite, then gather together and provide some bribe money and Ma Naewan will rightly exercise his good offices.’<sup>283</sup>

Two aspects of this brief passage merit attention. To begin, this quotation presents the first moment in the entire case record where someone specifies the relationship between Hyōnok and Naewan. The curious thing is that *Myōngdōk* specifies that relationship, *not* Hyōnok himself.

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<sup>283</sup> *Collected Volume, Vol. 2*, 118-19:

今年日不記九十月間上項金顯玉來到其妻母家請見矣身而言曰吾之京居親舊馬來完素多形勢與巡營兵營皆有親分或欲頗軍丁者或欲差鄉任者求得給賂則馬來完當周旋云云

Hyŏnok never described Naewan as a “friend.” Likewise, Myŏngdŏk never claims a personal relationship with Naewan. Myŏngdŏk groups Naewan and Hyŏnok together to distance himself equally from both. The second point of interest in this passage concerns Myŏngdŏk’s description of Hyŏnok. The term “the aforementioned” [K. *sanghang* 上項] hardly seems a willing claim to a relationship. Once again, Myŏngdŏk attempted to distance himself equally from both Naewan and Hyŏnok. Note the contrast with Hyŏnok’s description of his own relationship with Myŏngdŏk during the first interrogation session: in that excerpt, Hyŏnok describes Myŏngdŏk as a member of his *chongjok* 宗族, which implies a willing claim to a relationship. These two were not keeping each other at equal distances during the testimony.

Similar patterns of naming and relationship-claiming appear in Taeik’s testimony. Once more, we return to a quote reproduced earlier in the chapter:

In the tenth month of this year, on a day I cannot quite remember, my son-in-law Yang Myŏngdŏk said to me [the following]: ‘Some fellow named Kim Hyŏnok came and said that he enjoyed a close relationship with the Provincial Army Commander and that he could bring the requested letter so that I might become *chwasu*.’<sup>284</sup>

Taeik’s ready identification of Yang Myŏngdŏk as an affinal relative contrasts markedly with his virtual disavowal of any connection with Hyŏnok. He had no difficulty associating with Myŏngdŏk—as if to reinforce the claim that the bribe never appeared to them as a bribe—but great difficulty associating with Hyŏnok.

As with the money terms, this analysis could continue for many more pages. I feel that the foregoing examples provide a clear indication of how the magistrate notated Taeik’s case. We

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<sup>284</sup> *Collected Volume, Vol. 2*, 117:

今年十月日不記良中矣身女婿梁命德言于矣身曰有金顯玉者來言自稱與營問相親之間受來請簡圖差座首云云

will proceed now to some concluding thoughts about the significance of the magistrate's editorial decisions.

In my view, there is but an infinitesimal chance the conspirators' testimony represented the product of extensive prior coordination. Rather, the spontaneity and conviction with which the conspirators articulated their defenses drew the Namwŏn magistrate's attention directly to their use of the monetary and relational terms. Those terms revealed each conspirator's role in the plot more immediately than any other aspect of their testimony. For these reasons, the conspirators' discussions of the money and their relationships remained in the magistrate's memory more firmly than any other aspect of their testimonies. This provides the context within which the magistrate developed his very succinct and measured case report.

The revelation of the Naewan story may have surprised Taeik and Myŏngdŏk; however, amid that surprise, there was still an effort to conceal an original understanding that the plan involved blatant corruption and not a simple "exercise of good offices." It seems unlikely that Taeik would have given Hyŏnok any money without a concrete understanding of how that money might be used. Taeik was aware from the very beginning that "Naewan's good offices" meant a set of recommendations addressed to the Koksŏng magistrate (forged or not). Especially if Taeik had fallen into financial difficulties, he doubtless required more than an abstract offer of "good offices." For these reasons, I think the conspirators coordinated their testimony to a minimal degree, specifically to conceal their initial agreement to direct the letters to the Koksŏng magistrate. The abstract term "good offices" was indeed code for "carefully-crafted letters." It was an attempt to lend an air of legitimacy to their plans. Therefore, the testimony that the Namwŏn magistrate collected was a mix of shock and concealment all at once.

The foregoing analysis means that the question of Naewan's existence is, for the broad purposes of this chapter, a non-issue. Whether or not Naewan was real, the conspirators still meant to target the Koksŏng magistrate with letters. Naewan may have forged the documents,<sup>285</sup> or the conspirators may have completed the forgeries themselves—in either case, their understanding of the nature of local institutions in Koksŏng remained the same. The important question is: how exactly *did* they perceive the relationship between the *hyang'an*, the *hyang'chŏng*, and the magistrate in Koksŏng?

### **Comparative Perspectives on the Appointment Process to the *Hyangch'ŏng***

Previous scholarship into the tripartite relationship between the *hyang'an*, *hyangch'ŏng*, and magistrate's office into the 18th century demonstrates considerable regional variation in that relationship.<sup>286</sup> In some areas, local roster members seemed to maintain a virtually unbreakable claim on *hyangch'ŏng* positions. In other areas, competition from non-roster elite grew with time. In still other areas, admission seems to have been granted with increasing frequency to persons

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<sup>285</sup> Naewan's non-existence also helps to explain the misspelling of Hyŏnok's name in the letters. The conspirators never provided a clear explanation why Naewan found it advantageous to write Hyŏnok's name incorrectly. Rather, the misspelling seems an overly forced attempt to make Naewan seem a mysterious outsider to the rest of the group. The conspirators stood to benefit from making Naewan seem as though he lacked intimate, personal familiarity with their inner circle. Such distancing allowed the conspirators to heap the blame on Naewan all the more easily. The Namwŏn magistrate himself considered the misspelling another component of the hoax, but rather saw it as a ploy devised by Naewan, not the conspirators—we will not rely on this interpretation here.

<sup>286</sup> The phenomenon of "division between the *sajok* and *hyangjok*" is commonly cited by scholars as one example of a variation in *hyangch'ŏng* politics. This phenomenon suggests a division between those local *yangban* who maintained status as descendants of central officials (the former) and those local *yangban* who maintained status as descendants of prominent local families (and who typically filled positions in the *hyangch'ŏng*). With notable exceptions, this division is commonly thought to have been very visible in the Kyŏnggi, Chungch'ŏng, and Chŏlla regions, and much less visible in the Kyŏngsang region. Kim Chunhyŏng, "Chosŏn hugi chinju ūi kuhyang · sinhyang, wŏnyu · pyŏlyu ūi chaebunsŏk," *Chosŏn sidae sahakpo* 78 (September, 2016), 261-62.



with purchased *yangban* credentials or those who were of *sōl* status. What follows is an overview of previous research detailing the variations in that relationship.<sup>287</sup>

The discussion begins with a summary of research that sees a continued, close link between the *hyang'an* and the *hyangch'ōng*. Fujiya Kawashima outlines two concrete models of that relationship, one of which assumes that the local elite operated from a position of strength, one of which assumes the opposite. In the first instance, magistrates not only relied on but welcomed the know-how and support of the local elite. In return, they received support from the local elite in carrying out their desired initiatives in local society. The local elite exerted their influence through the *hyangch'ōng* in this model. The second model sees the *hyangch'ōng* as the channel through which the magistrate subordinated the local elite and turned them into his personal agents, even to the point of furthering exploitative practices directed against the local population. The local elite in certain areas may not have organized as strongly as in other regions. The magistrate thus gained an opportunity to press the local elite into his service, often in ways they found regrettable.<sup>288</sup>

Several of Kawashima's studies emphasize the power and organization of the local elite, thereby suggesting that the *hyangch'ōng* both confirmed the position of the elite in local society

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<sup>287</sup> These questions partially overlap the more general discussion of whether local *yangban* increased their hold over local society in the late Chosŏn period, or whether their power and influence gradually withered. In the former case, the elimination of the centrally-located *kyōngjaeso* resulted in the weakening of the local elite organizations with which it was connected. Once local magistrates assumed the right to select local elite to the posts of *chwasu* and *pyōlgam*, the strength of the local elite was severely diminished and virtually collapsed by the 18th century. On the other hand, the latter position asserts that the Hideyoshi and Manchu Invasions encouraged a great strengthening of local elite power and that the elimination of the *kyōngjaeso* was actually the occasion where local elites began asserting their domination over their own regions. Chŏn Hyōngt'aek, *Chosŏn yangban sahoe wa nobi* (Seoul: Munhyŏn, 2010), 79-80.

<sup>288</sup> Kawashima Fujiya. "The Local Gentry Association in Mid-Yi Dynasty Korea: A Preliminary Study of the Ch'angnyōng Hyangan, 1600-1838," *The Journal of Korean Studies* 2 (1980), 118.

and also provided additional avenues for influencing local administration. In one study, Kawashima studies several *hyang'an* from the southern region of Korea and concludes that the composition of those *hyang'an* reflects an historical evolution in the position of the Chosŏn local elite, specifically one that involved growing autonomy and self-determination. Kawashima claims that the *hyang'an* initially served the purpose of establishing a local elite with loyal ties to the central bureaucracy; however, with time, the *hyang'an* gradually expressed their own autonomy by drafting their own bylaws and modes of self-regulation, until at last they devolved into an elitist and cultural institution with loose ties with the state bureaucracy. The ballooning size of local elite clans eventually made it impractical to maintain the *hyang'an* any longer.<sup>289</sup> Kawashima focuses more on the *hyang'an* itself than the workings of the *hyangch'ŏng* in this article, but nonetheless calls attention to the specifics of that relationship in Namwŏn, where the local elite drafted documents demanding that the rules governing election to the *hyangch'ŏng* be upheld *and* that those who held offices in the *hyangch'ŏng* (called the *hyangim*) conform to decisions reached in the official meetings of the *hyang'an* members (called the *hyanghoe*).<sup>290</sup> In a separate article, Kawashima further asserts that the *hyang'an* served the purpose of maintaining local elite privilege and status into the 19th century,<sup>291</sup> and that the interests of the *hyangch'ŏng* were rarely (if ever) distinct from the interests of the *hyang'an*, who not only selected the *chwasu* and *pyŏlgam*, but also saw them as agents of the interests of the *hyanghoe*.<sup>292</sup> Finally, in

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<sup>289</sup> Kawashima Fujiya, "A Study of the Hyangan: Kin Groups and Aristocratic Localism in the Seventeenth- and Eighteenth-Century Korean Countryside," *The Journal of Korean Studies* 5 (1984), 14-15.

<sup>290</sup> Kawashima, "A Study of the Hyangan," 14-15. Martina Deuchler also provides a detailed account of the history of local debates concerning the rules governing admission to the *hyangan* and *hyangch'ŏng* in Namwŏn in a separate discussion. For this, see Deuchler, *Ancestors' Eyes*, 256-260.

<sup>291</sup> Kawashima, "The Local Gentry Association," 119.

<sup>292</sup> Kawashima, "The Local Gentry Association," 121-122.

a later study of the *hyang'an* from Tansŏng, Kawashima notes that the elite there maintained their cohesion by holding annual *hyanghoe* despite the discontinuation of updates to their roster in 1707. In particular, the Tansŏng elite drafted a set of rules that required the *hyangch'ŏng* to notify the relevant families about any upcoming meetings to discuss the status of the *hyang'an*. The discontinuation of the *hyang'an* did not necessarily cause a radical diminution of its stature in local society.<sup>293</sup> In sum, Kawashima suggests that the *hyangch'ŏng* projected local elite power into local bureaucracy and that the two formed a relationship of interdependence.

Chŏn Hyŏngt'aek has studied the relationship between the *hyang'an* and *hyangch'ŏng* in Tamyang (a region just north of Kwangju in Southern Chŏlla Province) between the 16th and 17th centuries and found that roster members maintained their monopoly on appointments to the *hyangch'ŏng* throughout. Though conditions for admission to the *hyang'an* itself were loosened over that same period,<sup>294</sup> the bond between roster members and bureau positions underwent no similar loosening. Both *chwasu* and *pyŏlgam* positions were filled entirely by roster members. Furthermore, certain families among the roster members tended to fill those positions with greater regularity than others. Chŏn concludes that, though the final decision in appointments lay with the local magistrate, in reality the actual power of appointments was in the hands of the *hyang'an*, who offered the magistrate only a limited set of recommendations to choose from for any particular position.<sup>295</sup> Chŏn's research provides a strong example of continued *hyang'an*

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<sup>293</sup> Kawashima Fujiya, "A Yangban Organization in the Countryside: The Tansŏng 'Hyang'an' of Mid-Chosŏn Dynasty Korea," *The Journal of Korean Studies* 8 (1992), 23-24.

<sup>294</sup> Specifically, Chŏn notes that the review of family pedigree became slightly less involved in a limited number of cases, considering two variables of family pedigree instead of three. Chŏn, *Chosŏn yangban sahoe wa nobi*, 87-88.

<sup>295</sup> Chŏn, *Chosŏn yangban sahoe wa nobi*, 111-18.

domination of local positions in Tamyang throughout the 17th century, but leaves open the question of whether any changes emerged in the 18th century, when Taeik's case occurred in Koksŏng.

Pak Kyŏngha has introduced a rare document from the *hyangch'ŏng* of Anbyŏn in Hamgyŏng Province, a northern region of Korea for which few local documents are available. Written between 1848 and 1853, that document reveals the names of the members of the *hyangch'ŏng* over that period (along with other matters outside the scope of this chapter). Pak identifies key particularities in the constitution of the Anbyŏn *hyangch'ŏng* and its relationship with other local institutions. To be specific, it does not seem that *hyangch'ŏng* positions in Anbyŏn were simply shared by select few families but rather shared among a considerable number of different kin groups (a noticeable difference from many of the examples provided above).<sup>296</sup> Furthermore, the *hyangch'ŏng* split the duties of the *changch'ŏng* (i.e. the local bureau in charge of overseeing basic local military matters) with members of the *chakch'ŏng* (i.e. the local bureau managed by the *hyangni* who fulfilled various functional roles in the region).<sup>297</sup> Most relevant to the discussion at hand, over the period covered by the document introduced by Pak, the *chwasu* positions in Anbyŏn were filled by persons of *yangban* status. The Northern Provinces of Chosŏn were often thought of as areas with few *yangban*—for this reason, the position of *chwasu* may have retained its original pedigree.<sup>298</sup>

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<sup>296</sup> Pak Kyŏngha, "19-segi hamgyŏng-do anbyŏn ūi hyangch'ŏng · chakch'ŏng chigim kwa insa kwanhaeng - 'hyangch'ŏng · chakch'ŏng chigim myŏngdan' munsŏ rŭl chungsim ūro," *Yŏksa minsok hak* 44 (March, 2014), 172.

<sup>297</sup> Pak, *ibid.*, 171.

<sup>298</sup> Pak, *ibid.*, 161-164.

Martina Deuchler has tracked membership of the Andong *hyangch'ōng* stretching into the early twentieth century and found that local elite families continued to vie for those positions throughout. Though compilation of the Andong *hyang'an* ended in the late eighteenth century, local elite families still sought positions within the *hyangch'ōng* and even kept records of position-holders between 1766 and 1906. Andong was a curious case—prominent thinkers from the period marveled that the Local Bureau there maintained its high profile while *hyangch'ōng* in other regions deteriorated. Deuchler concludes that the Andong case represents an instance where continued competition among local elite families served to maintain the *hyangch'ōng* as a source of privilege in local society, even if *chwasu* appointments only lasted for several months at a time.<sup>299</sup>

However, Deuchler presents the history of the Namwŏn *hyangch'ōng* as a counterpoint to the Andong case. Deuchler presents Namwŏn as an archetype of the type of local social divisions that emerged in many regions throughout Chosŏn—namely, the division between the *sajok* and the *hyangjok*.<sup>300</sup> The former eventually avoided positions with the *hyangch'ōng*, while the latter tended to accumulate those positions. This division reflects an emerging and fundamental social cleavage that characterized Namwŏn society, especially at the turn of the eighteenth century.<sup>301</sup>

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<sup>299</sup> To quote Deuchler: “Even though, as suggested by the Rules, the bureau fulfilled purely ceremonial assignments, it retained its function as a powerful status-perserving institution. Gaps in the register in the nineteenth century likely point to continued infighting among the principal rivals, the Ŭisŏng Kim and the Hahoe Yu, that caused the local discourse occasionally to collapse ... Nevertheless, the bureau, a curious relic of bygone days that drew admiration from outsiders, served over generations as an exclusive sanctuary of *sajok* pride and successfully prevented lower social groups such as secondary sons or *hyangni* from infiltrating this privileged instrument of local dominance.” For this quote and the content mentioned above, cf. Deuchler, *Ancestors' Eyes*, 253-56.

<sup>300</sup> The term *hyangjok* typically refers to those local elite who acquired positions in the local *hyangch'ōng*. For a fuller explanation, see footnote 287.

<sup>301</sup> Deuchler, *Ancestors' Eyes*, 256-260.

For insight into the possibility of changes in the 18th century, we can turn to research by Pak Chonghyŏn, who has investigated the *Ulsan-bu sŏnsaeng-an* 蔚山府先生案, a document from the Ulsan region of Chosŏn that details the extent to which local members of the *hyang'an* occupied the available positions in the *hyangch'ŏng*.<sup>302</sup> Pak stresses that local elite families who dominated the *hyang'an* also typically enjoyed statistical overrepresentation in the positions of *chwasu* and *pyŏlgam*, with fluctuations over the course of the seventeenth century. However, that domination was not exclusive: roster members occupied 83% of all *chwasu* positions and only 58% of all *pyŏlgam* positions in that same century,<sup>303</sup> clearly indicating that the road to the Ulsan *hyangch'ŏng* did not pass exclusively through the *hyang'an* even before the eighteenth century was underway. A change of trends emerged in the eighteenth century when the construction of the Kugang *sŏwŏn* seems to have altered the criteria for admission into the *hyangch'ŏng*. The Ulsan Pak, who had regularly received seats in the *hyangch'ŏng*, suddenly became marginalized among local elite families because of their non-participation in and opposition to the construction of that *sŏwŏn*. Their admission to the *hyangch'ŏng* plummeted in the eighteenth century. On the other hand, the Haksŏng Yi, who had supported the construction and previously enjoyed statistical overrepresentation in the *hyangch'ŏng*, continued to dominate those positions. Families with whom the Haksŏng Yi developed marital ties also enjoyed success in gaining entry into the *hyangch'ŏng*.<sup>304</sup> Pak does not entirely resolve the question of the remaining influence of

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<sup>302</sup> Pak Chonghyŏn, "17-18-segi ulsan chiyŏk hyangim ch'ŭng ūi kamn kusŏng kwa chiyŏk nae wisang," *Chiyŏk kwa yŏksa* 36 (April, 2015), 178.

<sup>303</sup> Pak, *ibid.*, 192-3.

<sup>304</sup> Pak, *ibid.*, 199-201.

the *hyang'an* in Ulsan in the eighteenth century; however, it is clear that membership in a family with strong involvement in the *sŏwŏn* became crucial for admission to the *hyangch'ŏng*.

Kang Man'gil's outlook on 18th-century village power relations echoes those of Kim In'gŏl<sup>305</sup> and Ko Sŏkkyu.<sup>306</sup> Kang sees a progressive empowerment of the magistrates throughout the 17th and 18th centuries in state policy, as well as a concomitant shift of local power away from established the *sajok* to persons with stronger local interests (the *hyangni*, local elites, etc.). As part of this shift, wealthy commoners sometimes succeeded in acquiring positions as *hyangim*.<sup>307</sup> Kim Yongdŏk likewise presents the standard position that the position of *chwasu* eventually came to be avoided by people with *yangban* credentials and central connections (the *sajok*), and rather came to be monopolized by the elite of mostly local influence (the *hyangjok*).<sup>308</sup>

Drawing from the available store of so-called “Old Documents” [K. *komunsŏ*], Chŏn Kyŏngmok presents a case of a wealthy commoner who successfully acquired not only the position of *chwasu*, but also the position of *toyusa*, a prominent post in the local *hyanggyo*. The man in question was named Ch'oe Ch'un'gŏn. Ch'oe acquired these posts by first purchasing

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<sup>305</sup> Kim In'gŏl, “Chosŏn hugi hyanggwŏn ūi ch'ui wa chibaech'ŭng tonghyang,” *Han'guk munhwa* 2 (1981), 170-179.

<sup>306</sup> Ko Sŏkkyu constructs a narrative of changes in the composition of local power-holders in late Chosŏn society. In brief, Ko argues that the gradual empowerment of magistrates in the 17th and 18th centuries was boosted by an alliance with the local *hyangni*, *hyangim*, and other wealthy commoners, who eventually displaced the previous power-holders. Once that new alliance became fossilized, it too generated power-effects that contributed the rise of the large-scale rebellions typical seen in 19th-century Korea. As part of this argument, Ko asserts that magistrates took an increasingly prominent role in the selection of members of the local *hyangch'ŏng* and that the prestige of those positions concomitantly dropped. Ko Sŏkkyu, *19-segi chosŏn ūi hyangch'on sahoe yŏn'gu: chibae wa chŏhang ūi kujo* (Seoul: Sŏul Taehakkyo Ch'ulp'anbu, 1998), 339-354 and esp. 156-57.

<sup>307</sup> Kang Man'gil, *Koch'yŏ ssŭn han'guk kŭndaesa* (P'aju: Ch'angbi, 2006), 180-185.

<sup>308</sup> Kim Yongdŏk, *Han'guk chedosa yŏn'gu* (Seoul: Ilchogak, 1983), 298-301.

*yangban* status in the form of a document called a *kongmyŏngch'ŏp*. In 1873, Ch'oe was able to parlay his status distinction into the position of *chwasu*, thereby demonstrating one possible path that a non-*yangban* might take to earn that position. Nevertheless, as Chŏn points out, Ch'oe encountered considerable resistance from other locals who wished to maintain their self-proclaimed “legitimate” *yangban* identity. Ch'oe never maintained those positions for long before resigning. This led Chŏn to question whether the acquisition of a *kongmyŏngch'ŏp* should be seen as a method of status advancement, or rather as an opportunity for exploitation by local magistrates—which is to say, given the limited social efficacy of the *kongmyŏngch'ŏp*, it seems that magistrates distributed these documents purely to make a personal profit. Furthermore, Ch'oe's ability to acquire the post of *chwasu* may have been eased by the fact that the Kijang region where he lived was considered by other areas as a “place without *yangban*” [K. *mubanŭp* 無班邑]. Ch'oe's claims to *yangban* status likely would have been ridiculed in other areas with more robust pedigrees.<sup>309</sup> Whether the 140 years separating the cases of Ch'oe Ch'un'gŏn and Yi Taeik contributes significantly to their strategizing is itself a question worth considering.

The attempted entry of *sŏl* into *hyangch'ŏng* positions is perhaps best demonstrated by their efforts to convince the government that they deserved an opportunity to hold those positions. The *sŏl* were long engaged in political efforts to increase their access to official posts and to reduce the discrimination that had so long defined their lives in Chosŏn. However, their solution did not necessarily involve an abolition of the status system, but rather simply gaining

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<sup>309</sup> Chŏn Kyŏngmok, *Komunsŏ, chosŏn ūi yŏksa rŭl mal hada : k'ek'emugŭn komunsŏ han chang ūro ch'ujŏk hanŭn chosŏn ūi ilsangsa* (Seoul: Humanist, 2013), 232-43, esp. 242-43.



recognition as full-fledged *yangban*.<sup>310</sup> King Chǒngjo (r. 1776-1800) eventually passed a law officially allowing *sǒl* to acquire *hyangim* positions except for that of *chwasu*.<sup>311</sup> Whether this law emerged simply because of political pressure from *sǒl*, or whether it also reflected new practices that had already begun in certain corners of local society is a question I cannot answer at this time. Nevertheless, this event provides useful perspective on Taeik's case inasmuch as it postdates that case by about half a century.

Finally, it is worth revisiting a passage from Deuchler's recent research, where she describes government efforts to increase the power of local administration against the local elite in the early 17th century and how those efforts resulted in the magistrates acquiring complete power over appointments to the *hyangch'ǒng*. Once this occurred, the local elite began to view positions in the *hyangch'ǒng* as an occasion of social debasement—which is to say, the elite risked dropping to the status of functionaries. A vicious cycle resulted: many magistrates by necessity began appointing men of low social status (sometimes including slaves) to these posts, which caused the revulsion of the local elite only to grow ever more acute. Rather than remain a central focus of local elite influence, the *hyangch'ǒng* devolved into a site of pure functional subservience to the magistrate.<sup>312</sup>

To summarize all of the above material succinctly, an inverse relationship governed the influence that the magistrate and the *hyang'an* members wielded in determining appointments to

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<sup>310</sup> The movement of *sǒl* (and other social groups) to gain recognition in social and political life is called the *t'ongch'ǒng* movement, and has been introduced by Sun Joo Kim in a recent article. For more on this topic, see Sun Joo Kim, "Fragmented: The T'ongch'ǒng Movements by Marginalized Status Groups in Late Chosǒn Korea," *Harvard Journal of Asiatic Studies* 68, no. 1 (June, 2008), 143-154.

<sup>311</sup> Kim, *Hyangch'ǒng yǎn'gu*, 11.

<sup>312</sup> Deuchler, *Ancestors' Eyes*, 262-263.

the *hyangch'ōng*. If a magistrate possessed near-unilateral authority to appoint people as *chwasu* or *pyōlgam*, then the local *hyang'an* concomitantly could not claim those positions exclusively. Similarly, if the *hyang'an* completely dominated those positions to the exclusion of all others, then the influence of the relevant magistrate could not but be weaker. When the conspirators in Taeik's case began organizing their plot, these question of how those powers were balanced in Koksōng must have been their first consideration.

Which version of that relationship best approximates the Koksōng conspirators' strategic calculus, then? Research into the local history of Koksōng is rather limited, as are the primary sources that might reveal the conditions on the ground there in the early eighteenth century. Nevertheless, all of these sources provide a limited set of clues through which we can piece together an understanding of the Koksōng magistrate's relationship with the local elite there.

To begin, the Koksōng *hyang'an* provides some valuable clues to the nature of the relationship between the local elite and the magistrate. The Koksōng *hyang'an* is relatively understudied, especially in comparison to other *hyang'an* from elsewhere in Chōlla Province. One solitary study by Kim Tōkchin traces its development and preservation from its initial compilation in the sixteenth century to its final inclusion in the local gazetteer in the twentieth.<sup>313</sup> Kim's study focuses primarily on the internal politics of the *hyang'an* and mentions aspects of the *hyang'an*-magistrate relationship only briefly; however, we can still glean some important insights about that relationship from Kim's analysis.

We will begin with some basic facts about the Koksōng *hyang'an*. The document was first composed in the mid-16th century, was destroyed during the Hideyoshi Invasions, and

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<sup>313</sup> Kim Tōkchin, "Chōlla-do koksōng-hyōn hyangan yōn'gu" in *Yōksahak yōn'gu* Vol. 60 (November, 2015): pp. 93-123.

thereafter was quickly re-constituted and maintained with varying levels of earnestness.<sup>314</sup> After the Hideyoshi Invasions, the *hyang'an* was re-drafted nineteen times. Only seventeen of those iterations are extant. Between the initial post-Hideyoshi draft in 1614 and 1722, the document was revised with considerable regularity—fifteen times, to be exact. Subsequent revisions came in 1777, 1873, 1879, and 1880.<sup>315</sup> Taeik's case therefore occurred ten years after the 1722 draft and within a window of more than fifty years between roster compilations.

It is difficult to account for the precise reasons that the Koksöng elite stopped updating the *hyang'an* with consistency after 1722. Kim Tökchin suggests that there was internal dissension among the local elite concerning the membership of two persons whose names were scrawled out in the 1719 compilation. The 1719 version in its entirety was ultimately deemed unfit and marked on each page as “Not For Use” with the characters *pulyong* 不用. There is also some indication that there was a problem with general malfeasance in the maintenance of the principles guiding admission to the roster. These problems seemed to linger up to the 1777 draft, when the Koksöng magistrate reportedly involved himself in the compilation process so as to eliminate further internal conflicts (23 new persons were admitted on this occasion). Despite these basic facts, it is difficult to ascertain precisely what precipitated the conflicts. Kim suggests that any range of issues might provide an explanation, whether family politics, state politics, local competition from aspiring families, or perhaps even requests for admission from *sööl*.<sup>316</sup> Another difficult lies in the fact that many of the ancillary documents to the *hyang'an*, such as

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<sup>314</sup> Kim, *ibid.*, 97.

<sup>315</sup> Kim, *ibid.*, 99-100.

<sup>316</sup> Kim, *ibid.*, 102-103.

those that reveal procedural standards or the roster members' relationships with the *hyangch'öng*, no longer exist.<sup>317</sup> Whatever the case, it seems clear enough that Taeik's case occurred at a time when controversy surrounding admission to the *hyang'an* generated internal conflict and, perhaps, an increasing sense of exclusivity among members.

The internal politics of the Koksöng *hyang'an* differ in several crucial ways from *hyang'an* politics in other regions. As Kim points out, the overwhelming statistical presence of two local families in the *hyang'an* draws a sharp contrast with other areas in southern Chosön. The Munhwa Yu and the Haeju O together produced 47% of all persons on the roster—to expand out to the *six* most prominent families on the roster is to find that they accounted for 92% of all roster members. Though certain families undoubtedly dominated *hyang'an* in other regions, by no means did *all* achieve the extraordinary statistical overrepresentation enjoyed by the prominent families of Koksöng.<sup>318</sup> New families gained entry into the Koksöng *hyang'an* from time to time, but generally lasted no longer than one generation.<sup>319</sup> Furthermore, the total number of enrollees in the Koksöng *hyang'an* over the course of its multi-century history was rather small—271 in total, which seems minute in comparison to other regions that registered in excess of one-thousand members. At no single point did membership in the Koksöng *hyang'an* exceed 61 members.<sup>320</sup>

The exclusivity of the admission process to the Koksöng *hyang'an* did not necessarily imply that the Koksöng magistrate wielded only limited influence over their activities or their

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<sup>317</sup> Kim, *ibid.*, 94.

<sup>318</sup> Kim, *ibid.*, 104.

<sup>319</sup> Kim, *ibid.*, 112.

<sup>320</sup> Kim, *ibid.*, 100.

admission to local administrative posts. In fact, as mentioned previously, it seems that the magistrate involved himself in internal processes on at least one occasion in 1777. Kim Tökchin does not provide much concrete information concerning the extent of local elite involvement in the *hyangch'öng* specifically, but does speak at broader length about their involvement in other local institutions (particularly the *hyanggyo*).<sup>321</sup> It seems reasonable to speculate that roster members faced little difficulty acquiring *hyangch'öng* positions well into the eighteenth century.

The foregoing observations provide some added perspective on local politics in Koksöng but still leave much to speculation. It appears that Taeik's case transpired shortly after a turning point in the history of the Koksöng *hyang'an*. Still, we cannot be absolutely certain whether that "turning point" generated internal retrenchment, irreconcilable divisions, or something else entirely. Did the enormous fifty-year break in compilations come as an extreme reaction against internal disagreements about admission, or as the inevitable consequence of collapsing interest in the *hyang'an*? Moreover, did that "turning point" signal a moment where persons of non-*yangban* status began to acquire *hyangch'öng* positions with increased frequency?

One clue in Taeik's case record can be interpreted as an indication of the continued sensitivity of the Koksöng magistrate's relationship with the *hyangch'öng*: the limited scope of the Namwön magistrate's investigation, which was addressed earlier in this chapter. The Governor wanted to empower the Koksöng magistrate to resolve any problems concerning appointments to the Local Elite Bureau *on his own*. He wanted to prevent the Namwön magistrate from developing an alternate and competing interpretation of the case. The image of the Koksöng magistrate was at stake, as he had to project confidence and authority when

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<sup>321</sup> Kim, *ibid.*, 113.

addressing matters concerning his appointment process to the *hyangch'ōng*. A conflicting interpretation from Namwŏn may have undermined the Koksŏng magistrate, no matter how minute the difference. The Governor therefore tried to circumscribe the Namwŏn magistrate's investigation as tightly as possible to avoid diminishing the Koksŏng magistrate. He wanted the Namwŏn magistrate to accept most of the results from the initial investigation in Koksŏng as *faits accomplis*. Recall, for a moment, the strong reaction of the Governor to the Namwŏn magistrate's alternate interpretation of the hoax. The Namwŏn magistrate's overreach was unsolicited and undesired because it risked complicating the situation back in Koksŏng. This all seems a reflection of the enduring close connection between the *hyangch'ōng* and the local elite at the time of Taeik's case.

Unlike issues with the local elite, the forgeries were *not* simply matters of local interest. The seals of some of the most powerful statesmen in all of Chosŏn were forged to produce those letters. For that reason, the Governor had to use the many bureaucratic resources at his disposal to resolve those outstanding problems. The Namwŏn magistrate's involvement in that *particular* aspect of the case did not pose a fundamental risk to the authorities in Koksŏng. In sum, the Governor had to play a delicate game to coordinate these separate investigations. He attempted to maintain appropriate boundaries without stepping on toes, in full recognition of the various interests that played into Taeik's case. For all of these reasons, it does *not* seem that the Koksŏng magistrate wielded near-unilateral powers over local appointments at the time of Taeik's case, but required outside enforcement of his position.

## Questioning the Status of the Conspirators

The changes in *hyangch'ōng* membership outlined in the previous section broadly fall into two categories: first, the successful entry of non-roster elite into the *hyangch'ōng* between the late-17th and 18th centuries and, second, the successful entry of a limited number of non-*yangban* (i.e. *sōl* and wealthy commoners who purchased *yangban* status) in the late-18th and 19th centuries. Regional variations and exceptions still apply, especially as demonstrated in the case of Andong.

Those points dovetail with the question of the status of the conspirators, which the Namwōn magistrate never explicitly mentioned in the case record. The term “*yangban*” never appears next to the conspirators’ names in all of the document’s twenty-plus pages. Nor did the magistrate use any other terms that commonly indicated *yangban* status. (No titles appear before the names of Hyōnok, Myōngdōk, or Taeik; however, Naewan’s name bears the title of *chinsa* 進士, a marker indicating *yangban* status and the successful passing of a regional examination.<sup>322</sup>) In the other cases analyzed in this dissertation, the magistrate appended relevant status markers rather carefully, though admittedly not with perfect consistency. The documents for Taeik’s case are especially long compared with the other cases in this dissertation—around twenty pages, in fact. The complete lack of status terms therefore raises one’s eyebrows. Furthermore, not one of the conspirators appears in the Koksōng *hyang’an*, and therefore we cannot verify their status independently.<sup>323</sup> This raises a question: might the conspirators have been non-*yangban*? Might a

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<sup>322</sup> *Collected Volume, Vol. 2*, 122.

<sup>323</sup> The *Koksōng hyanggyo-ji* records the list of roster members in Koksōng beginning with the reign of Sōnjo (r. 1567-1608) and ending with the reign of Kojong (r. 1897-1907). At no point in this document do the names of the conspirators appear. Nor do their names appear in the list of examination passers, whether civil or military examinations. *Koksōng hyanggyo-ji* 1:22b-31a.

band of commoners have seen an opportunity to grab the position of *chwasu* in Koksŏng this early in the eighteenth century, well before the phenomenon of commoners with positions in the *hyangch'ŏng* became more visible?

Given the nature of the institutions involved in Taeik's case, it may seem natural to conclude that Taeik and his fellow conspirators were of *yangban* status. The Koksŏng magistrate and the governor consistently presumed that the conspirators possessed the level of literacy necessary to forge the letters themselves—another hint of *yangban* status. To my knowledge, there are no studies that have investigated the relationship between late-Chosŏn socioeconomic developments and changing patterns of literacy in the general population. Historians generally assume that people of non-*yangban* status were overwhelmingly illiterate (i.e. approaching 100%). There are some exceptions: a *yangban* punished for a serious crime could be demoted to slave status, opening the possibility that his progeny could inherit some of his own literacy. *Kisaeng*, likewise, were renowned for their skill in the visual and written arts. It is also conceivable that a wealthy independent commoner might have invested in acquiring the rudiments of a gentleman's education—even over the protests of *yangban* who wanted to maintain a monopoly on examination success. In sum, the magistrate's presumption of literacy suggests *yangban* status very strongly, but it is not a *necessary* indication.

Just as there are no positive indications of the conspirators' *yangban* status, so too are there no definitive indications of commoner status. There is only one piece of evidence that might serve as a plausible indication that they were *yang'in*—namely, the fact that Hyŏnok was interrogated under torture while in Koksŏng.



There is little question that *yangban* were often punished with torture or execution for excessive crimes. Consider the case of the Korean Catholics throughout the nineteenth century, whose refusal to practice the rite of ancestor memorialization [K. *chesa*] led to their swift executions. No less a personage than Yi Sunsin<sup>324</sup> also endured torture by order of the state. Yi Hüigwön notes the fact that punishments were often meted out to magistrates in the event that they were found guilty of corruption or other serious offenses.<sup>325</sup> It must be mentioned that punishments for *yangban* men and women were often considerably different. Consider the disparity in the codified punishments for adultery between *yangban* men and women.<sup>326</sup> Case records from local courts reveal that rural *yangban* were often subjected to torture as part of investigations. For example, Jisoo Kim has presented a detailed analysis of a case where an elite *yangban* women petitioned the King directly over a local magistrate's excessive torturing of her husband—something for which the husband eventually died.<sup>327</sup> For the purposes of Taeik's case specifically, both the *Kyöngguk taejön* and the *Taejön hoet'ong* specify execution by decapitation as the punishment for the forgery of seals.<sup>328</sup> Whether or not that rule was strictly held is up for question, but nevertheless, given the codified rules, the stakes in this case were high.

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<sup>324</sup> Yi Sunsin (1545-1598) is the renowned Chosön-dynasty Admiral credited with the development of the strategy and tactics that helped Korea ultimately repel the Japanese armies under Toyotomi Hideyoshi. Though born into a *yangban* family, he was tortured on different occasions and for different reasons, including rumors of desertion during a battle with the northern Jurchen tribes and for insubordination during the Hideyoshi Invasions.

<sup>325</sup> Yi Hüigwön, *Chosön hugi chibang t'ongch'i haengjöng yön'gu* (Seoul: Chimmundang, 1999), 123-24.

<sup>326</sup> Kim and Kim, *Wrongful Deaths*, 23-24.

<sup>327</sup> Kim also notes that the problem of excessive torture was a repeated one in local society. That overuse of torture (against which the Chosön law codes have dedicated sections) encouraged King Chöngjo to develop a set of instructions designed to further discourage excessive torture called the *Hümhyul chöngch'ik*. Jisoo Kim. *The Emotions of Justice*, 130-35.

<sup>328</sup> *Kyöngguk taejön*, 5:4a; *Taejön hoet'ong*, 5:10b.

However, there is an enormous distinction between, on the one hand, punishment for crimes of which one has already been found guilty and, on the other, torture used to extract a confession in the process of a criminal investigation. The latter is the relevant question in Taeik's case. It is not very difficult to establish that *yangban* were punished by execution or torture in certain cases. It is more difficult to talk about the conditions that justified interrogating *yangban* by torture. The state law codes contain a section that set guidelines for interrogations. In the *Taejŏn hoet'ong*, there is a clause that clearly allows governors to conduct interrogations under torture when investigating a serious crime committed by a person *residing outside the capital*, regardless of elite, commoner, or lowborn status. That same clause also allows for interrogation under torture against central examination-passers of all status groups if a *p'yŏngmun*<sup>329</sup> interrogation initially failed to generate a confession.<sup>330</sup> Unfortunately, the *Taejŏn hoet'ong* vastly postdates Taeik's case and therefore cannot necessarily be taken as a representation of ordinary practice in the early eighteenth century. However, the *Sok taejŏn*, a law code compiled in 1746 and therefore much closer chronologically to the events in Koksŏng, similarly permits governors to use torture to interrogate [K. *hyŏngch'u* 刑推] rural subjects if they committed serious crimes, regardless of *sajok*, commoner, or lowborn status.<sup>331</sup>

The *Kyŏngguk taejŏn*, by contrast, does not contain that same clause, but does set out more general guidelines for the appropriate use of torture in interrogations. As a general rule, the *Kyŏngguk taejŏn* states that the permission of the king is needed to conduct such interrogations

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<sup>329</sup> The term *p'yŏngmun* 平問 refers to any interrogation conducted without the use of torture.

<sup>330</sup> *Taejŏn hoet'ong*, 5:6b.

<sup>331</sup> *Sok taejŏn*, 5:4b.

except in the case of ordinary subjects of the state [K. *sŏin* 庶人] or thieves. Furthermore, the code also states that any person intending to interrogate a merit subject [K. *kongsin* 功臣] or a member of the royal family first needed to present that request to the King in writing. If the case occurred in rural areas—regardless of whether the intended target was a military or civilian official, a eunuch, the wife of an official, or a monk—the Governor would himself report to the king.<sup>332</sup> On the level of codified law, it seems entirely possible for a rural elite to have been tortured during interrogation.

The history of the punishment forced on Hyŏnok, *churi*, itself provides some informative clues relevant to this case. *Churi* was officially abolished early in Yŏngjo’s reign, although an exception was still allowed for the punishment of thieves. Later on, in the *Mongmin simsŏ*, Chŏng Yagyong defended its abolition by noting how *churi*, once performed, deformed people to the point of making it impossible for them to perform ancestor memorial services [K. *chesa*] to their parents for the rest of their lives.<sup>333</sup> This strongly suggests that *churi* was practiced with some frequency against *yangban*, even though precise records are scant. Furthermore, we have evidence that some magistrates continued to impose *churi* on their subjects despite the official restriction.<sup>334</sup> The case of Cho Tŭkyŏng 趙得永 (1726-1824), who became Governor of P’yŏng’an Province in 1808, provides one prominent example of this. In that same year, Secret

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<sup>332</sup> *Kyŏngguk taejŏn*, 5:2a-b.

<sup>333</sup> Sim, Chaeu. “Yŏngjo, chaninhan hyŏngbŏl ūl ōpsaeda.” (paper presented at *Jangseogak Academy Lectures* [2016 Lectures on the Culture of the Royal House; 2016-nyŏndo Changsŏgak ak’ademi wangsil munhwa kangjwa], March 28, 2016.) Reference derived from accompanying lecture paper available on internet at [http://jsg.aks.ac.kr/cmm/fms/FileDown.do?fileSn=0&atchFileId=FILE\\_000000000003291](http://jsg.aks.ac.kr/cmm/fms/FileDown.do?fileSn=0&atchFileId=FILE_000000000003291), Accessed on February 3, 2017, 77-78.

<sup>334</sup> Kim and Kim, *Wrongful Deaths*, 130-132.

Royal Inspector<sup>335</sup> Sō Nūngbo reported on the misrule of Cho. That report eventually led to Cho's removal from his post in P'yōng'an Province (though he would eventually be rehabilitated as a central bureaucrat). Sō reported on many issues but focused in particular on Cho's misapplication and overuse of the *churi* punishment, noting that the laws at the time typically reserved *churi* for thieves. Cho, by contrast, had used that torture technique indiscriminately on both *yangban* and commoners alike.<sup>336</sup>

The weight of the evidence evidence suggests that the conspirators were of *yangban* status. Though certain aspects of the case raise doubts about their social position, the magistrate's presumption of literacy and the possibility of interrogating *yangban* by torture makes the conspirators' elite status seem likely. Coupled with the fact that there seems little evidence of *hyangch'ōng* from other regions at this particular point in history admitting commoners in large numbers, it seems increasingly unlikely that these conspirators were non-*yangban*. Nevertheless, in the absence of definitive evidence, two of the four scenarios reviewed in the next section will entertain the possibility that they were non-*yangban* and will speculate on the strategic calculations that guided their actions.

### **Returning to the Four Scenarios**

An explanation of each of the four scenarios mentioned in Table 1 follows. The magistrate never explains the precise motives that drove the conspirators to help Taeik secure the

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<sup>335</sup> The Secret Royal Inspector [K. *amhaeng ōsa*] was a particular post in Chosŏn Korea that the central government dispatched as a clandestine monitor of local governance. The inspector would collect information on the quality of the rule of local officials and issue a report.

<sup>336</sup> Sim, Chaeu, "Choe wa pŏl ūi sahoe: tojŏk ege kahan mojin komun, churi t'ŭlgi." *Han'guk yŏksa yŏn'guhoe*, accessed on February 16, 2017, <http://www.koreanhistory.org/죄와-벌의-사회사-도적에게-가한-모진-고문-주리-틀기/>.

*chwasu* position. These scenarios try to make sense of those motives in light of the possible institutional arrangements in Koksŏng at the time.

*Scenario 1: The Desperate Efforts of a Newcomer Yangban to Increase his Local Profile*

The events of 1722 in the Koksŏng *hyang'an* made it impossible for Taeik to request entry as a *hyangwŏn*.<sup>337</sup> The dominant families in the roster began to look inward, monopolizing available positions and admitting only a limited pool of people. Though Taeik may have possessed sufficient credentials for membership, he still had to look elsewhere to increase his visibility in local society. As the *hyang'an* looked inward, the magistrate took the opportunity to look outward, bolstered by emerging trends in the empowerment of magistrates—already, he had begun selecting non-roster members for those positions. For Taeik, the *chwasu* position was the next best option to *hyang'an* membership, but he still lacked connections in Koksŏng or much familiarity with the magistrate. The forged letters were meant to overcome that obscurity, to help Taeik stand out among a wider group of eligible locals.

*Scenario 2: A Band of Commoners Tries to Stand Out from the Rest of the Candidates*

Were the conspirators commoners, entry into the *hyang'an* was never an option, irrespective of any changes in the internal politics of the roster after 1722. The *hyangch'ŏng* offered certain benefits, however substantial or marginal, that might have brought tangible improvements in their lives. For them, landing the *chwasu* position was not “the next best option,” but rather “the best possible option.” Installing Taeik as *chwasu* required outside intervention, though, given his status as a newcomer in Koksŏng and the possibility of competition from other aspirants or potential selectees. The letters serve a similar purpose for the

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<sup>337</sup> The term *hyangwŏn* refers to persons written into the *hyang'an*.

conspirators as in Scenario 1, with the notable exception that the Naewan story was needed in order to make their acquisition of the letters seem more believable.

*Scenario 3: The Conspirators Protest Continued Hyang'an Domination of Local Positions*

Despite the emergence of internal ruptures in the *hyang'an* after 1722, its claim on *hyangch'ōng* positions remained strong, if not entirely exclusive. This meant that local status resources were strongly concentrated in the hands of a limited number of families. Newcomers like Taeik would have found it exceptionally difficult to gain access to any of these new institutions. Taeik's close and distant relatives in Koksōng may have tried on previous occasions and failed—perhaps even Myōngdōk and Hyōnok themselves were among that group. By presenting letters from members at the top of the state bureaucracy, the conspirators hoped to send a direct message to the *hyang'an* that continued monopolization of *hyangch'ōng* positions was unacceptable and that new voices should be heard in that institution. The Koksōng magistrate had no choice but to respond severely to their scheme, given the serious affront to local vested interests that it posed.

*Scenario 4: A Band of Commoners Tries to Break the "Glass Ceiling" of the Hyangch'ōng*

To commoners, the thought of entering the *hyangch'ōng* must have seemed a pipe dream if the Koksōng *hyang'an* still claimed exclusive rights to those positions. How much more out-of-reach must it have seemed if the local magistrate enthusiastically supported those claims, as well? I can only imagine one set of circumstances to account for Scenario 4. Hyōnok and the other conspirators must have perceived, rightly or wrongly, some rift growing between the *hyang'an* and the local magistrate. Perhaps the events of 1722 decreased the confidence of the magistrate's office in the members of the *hyang'an*. Whatever the case, the conspirators saw an

opportunity to initiate in Koksŏng what would eventually come to pass in other regions—namely, the installation of non-elites as *chwasu*, *pyŏlgam*, and other lower positions. They wagered that the Koksŏng magistrate might proceed in that direction if high-ranking persons in the state bureaucracy encouraged him to do so. Hence, the forged letters. Scenario 4 seems the least likely scenario of all. Even if this interpretation accurately reflects the thoughts of the conspirators, it still does not mean that the plan itself was well-conceived.

### **Conclusion: Weighing the Four Scenarios**

In my view, this case is best understood as the protest of a newcomer elite and therefore best approximated by Scenario 3. Even if the Koksŏng magistrate had begun allowing some non-*hyangwŏn* into the *hyangch'ŏng* by the 1730s, it still remains the case that a full-fledged newcomer would be seriously disadvantaged in securing that position. Local established families of varying elite credentials had not yet completely abandoned their desire for *hyangch'ŏng* positions, which therefore forced Taeik into a position of exclusion. The attempt to install Taeik as *chwasu* may have been supported by a larger network of persons with interest in that position who nonetheless went unnoticed by the Koksŏng magistrate and therefore never figured into the Namwŏn magistrate's investigation.

Therefore, the forged recommendations present a paradox. The conspirators' decision to address the letters to the magistrate might, at first glance, suggest the unfettered primacy of the magistrate's authority in local affairs. What surer way to secure personal benefit than to go directly through a magistrate? In fact, the letters *actually* reflect the lingering exclusivity of local elite institutions. Recent controversies within the ranks of the Koksŏng *hyang'an* may have opened a narrow path in the eyes of the conspirators, an opportunity to evade established local

relationships. Nevertheless, the conspirators' choice to address the magistrate still should be understood as an enormous risk, a long-shot attempt to circumvent their own lack of profile in Koksŏng. Indeed, the conspirators sought not so much to exploit the established power of the magistrate, but rather to *empower* the magistrate *beyond* his usual remit. For all of these reasons, the odds were against the conspirators and, in the end, the odds won out.

One question that remains for future research concerns exactly how the conspirators understood the benefits to be gained from securing the position of *chwasu* for Taeik. The risk involved in their plan seems disproportionate to the potential benefits. As mentioned earlier, in the case of the Andong *hyangch'ŏng*, *chwasu* positions often only lasted for a handful of months. Furthermore, there are few records available that reveal how a person was remunerated or otherwise compensated for his time there. If the position was purely a symbolic post, Taeik's case becomes all the more difficult to understand.

On the following page, I have recreated the table from the beginning of the discussion with the core content of each scenario filled in.



	CONSPIRATORS WERE <i>YANGBAN</i>	CONSPIRATORS WERE COMMONERS
MAGISTRATE HELD UNILATERAL OR RELATIVELY UNCHECKED AUTHORITY IN MAKING APPOINTMENTS TO <i>HYANGCH'ŎNG</i>	<p style="text-align: center;"><u>SCENARIO 1</u></p> <ul style="list-style-type: none"> <li>· Conspirators may have needed whatever marginal benefits the <i>chwasu</i> position could offer.</li> <li>· Therefore, the conspirators desperately tried to gain positions in an office that was no longer exclusive to <i>hyangwŏn</i>.</li> <li>· Alternatively, the closure of the Koksŏng <i>hyang'an</i> in 1722 meant that newcomers to Koksŏng like Taeik needed to look elsewhere for positions that might elevate their status in local society, even if only marginally; hence, Taeik targeted the <i>chwasu</i> position.</li> <li>· The weakened relationship between the <i>hyang'an</i> and the <i>hyangch'ŏng</i> opened the door for the conspirators to advance directly through the magistrate.</li> </ul>	<p style="text-align: center;"><u>SCENARIO 2</u></p> <ul style="list-style-type: none"> <li>· The gradual or continued opening of positions in the <i>hyangch'ŏng</i> to persons of non-<i>hyangwŏn</i> status encouraged the conspirators of their own possibilities, whether rightly or wrongly.</li> <li>· However, they still needed some form of official backing to lend legitimacy to their efforts.</li> <li>· Moreover, Taeik, as a newcomer to Koksŏng, needed to stand out even more.</li> <li>· By acquiring the forgeries, the conspirators achieved that “stand-out” quality. The forgeries also provided the Koksŏng magistrate with some assurance that Taeik had the wherewithal to fulfill the duties of <i>chwasu</i>; the issue of literacy here is crucial.</li> </ul>
LOCAL ELITE INTERESTS STRONGLY CHECKED MAGISTRATE'S AUTHORITY IN MAKING APPOINTMENTS TO <i>HYANGCH'ŎNG</i>	<p style="text-align: center;"><u>SCENARIO 3</u></p> <ul style="list-style-type: none"> <li>· The closure of the Koksŏng <i>hyang'an</i> here played a slightly different role in the conspirators' strategic calculus than in Scenario 1: whereas in that case they saw the <i>chwasu</i> position as a viable “second option” to <i>hyang'an</i> membership, in Scenario 3 they viewed their plan more as an affront to the families that continued to dominate local institutions in Koksŏng.</li> <li>· The only way to break the tacit agreement between the magistrate and the <i>hyang'an</i> was to present a directive from high atop the Chosŏn bureaucracy, going over the heads of the families in the <i>hyang'an</i>—this was a “Hail Mary play.”</li> </ul>	<p style="text-align: center;"><u>SCENARIO 4</u></p> <ul style="list-style-type: none"> <li>· This scenario is by far the most difficult of all to imagine.</li> <li>· The most plausible explanation for Scenario 4 is that the conspirators perceived enormous strains in the relationship between the magistrate and the <i>hyang'an</i> and took that opportunity to create conditions that they hoped might become more general throughout Chosŏn. Namely, they wanted to see if letters from atop the bureaucracy might convince the Koksŏng magistrate to take the <i>hyangch'ŏng</i> in a new direction, one that included non-status elites.</li> <li>· Whether this plan counts as a well-conceived one is debatable.</li> </ul>

Figure 7. The Four Interpretive Scenarios of Taeik's Case.

## **The Abduction of Sinihwa and the Absconding of Choch'al: The Recovery of Human Resources and Fraught Negotiation Among Magistrates**

### **Introduction**

This chapter presents two cases where the Namwŏn magistrate enters into negotiations with other nearby magistrates. The Namwŏn magistrate discovered that two people ordinarily registered in Namwŏn had been discovered in other regions. Sinihwa, a government slave attached to the magistrate's office, had been kidnapped by a *yangban* from neighboring Mujang named Pak Sangdong. Choch'al, a monk who had received orders for corvée duty, had gone into hiding in a temple in Kurye alongside other monks fleeing similar duties. In both cases, the Namwŏn magistrate discovers the whereabouts of the missing person and demands that the Mujang and Kurye magistrates return them.

Those negotiations ultimately failed. The central question of this chapter is why. In brief, the Namwŏn magistrate seemingly held to a principle of non-intrusion in other magistracies. His authority ended at the borders of Namwŏn. If a particular interest of his bled into a different region, he had to make specific requests of the magistrate there to solve it. Though he outranked both the Mujang and Kurye magistrates, he could not infringe on their administration. The negotiations therefore began cooperatively but ended poorly. The Mujang magistrate initially provided the Namwŏn magistrate with timely support, but then started to challenge the substance of his requests, going so far as to say that his demands lacked a defensible rationale. The Kurye magistrate also lent help to the Namwŏn magistrate, but handled the problem poorly. Notice how the principle of non-intrusion generated two different results: in the former case, backtalk, and in the latter case, an inability to intervene in a poorly-handled situation.

The magistrates' sensitive relationships with prominent local social groups also contributed to the breakdown of negotiations. In each case, the Mujang and Kurye magistrates seemed concerned by the local profile of those actors. The Mujang magistrate recognized that some disenfranchised *yangban* families in the region held strained and hostile relationships with the local authorities. Judging by the evidence from the case record, those families—called *t'oho* 土豪—already had a number of run-ins with the Mujang magistrate. The Kurye magistrate, by contrast, seemed unable to compel the local Buddhist communities to adhere to the requests from Namwŏn. Indeed, the Kurye magistrate had to weigh his relationship with the local Buddhists against his relationship with the Namwŏn magistrate. In neither case did the Namwŏn magistrate ultimately retrieve his people.

The negotiations proved unsuccessful despite the fact that the Namwŏn magistrate considerably outranked the other magistrates. The Namwŏn magistrate was a Junior-3rd-level position, while the Kurye and Mujang magistrates each held positions ranked at the Junior-6th level.<sup>338</sup> Disparities of rank did not prevent the junior magistrates from Mujang contesting the claims and requests from his ranking “superior” in Namwŏn. At certain moments, the magistrates seemed more beholden to their own local concerns than to any bureaucratic allegiances. The Chosŏn bureaucracy codified standardized documents for inter-bureau communication; however, the availability of such communication did not necessarily result in the prioritizing of requests across the bureaucracy. Instead, relationships with local society may have trumped bureaucratic loyalties in these two cases.

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<sup>338</sup> For a chart detailing administrative divisions and associated bureaucrat rankings, see Kim and Kim, *Wrongful Deaths*, 11.

As Ku Wanhoe has pointed out, previous research on Chosŏn magistrates has focused almost entirely on their relationships with higher authorities and local elite. Little attention has been paid to relationships and conflicts between magistrates themselves.<sup>339</sup> To explore this theme, Ku has investigated local administrative reports and complaints very similar to those found in the *Collected Volume*. Ku's documents recount several types of conflict that emerged between magistrates, but he focuses primarily on disputes over the use and ownership of irrigation facilities. Ku argues that magistrates of the mid-18th century typically attempted to resolve conflicts among themselves, though they engaged in forceful argumentation and bold rhetorical gestures in a game of one-upmanship. The influence of higher authorities like the provincial governors seemed relatively minor—they mostly offered opinions and guidelines for resolving the disputes, but rarely anything resembling a binding directive. Furthermore, magistrates exercised considerable caution to represent the interests and needs of local resident cultivators.<sup>340</sup>

Some of the themes that Ku develops overlap strongly with the themes developed in this chapter. Two cases of negotiation between magistrates—one involving an abducted official slave, another involving a group of runaway monks—present an opportunity to examine several questions pertaining to interregional negotiation. These include the themes that magistrates invoked in the course of resolving disputes, the degree to which the magistrates relied on outside authority to reach a solution, and the question of whether local resident groups seriously influenced the magistrates in the course of negotiation. The broad conclusion of this chapter is

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<sup>339</sup> Ku Wanhoe, "Chosŏn hugi kunhyŏn sai ūi kaldŭng kwa suryŏng ūi yŏkhal," *Taegu sahak* 86 (2007), 79-81.

<sup>340</sup> Ku, *ibid.*, 112-14.

that the ability of the magistrates to defend their interests decreased dramatically once the issues spilled over into other magistracies. These cases do not support the notion that the bureaucracy was united unconditionally in the realization of “mutual goals.”

### **The Abduction of Sinihwa**

The story of Sinihwa 新移花 presents an example of the local authorities in Namwŏn acting from a position of weakness.<sup>341</sup> It also reveals some of the barriers that may have prevented smooth communication between magistrates. This case involves a progression from mutual cooperation to mutual antagonism. Sinihwa, a government-owned slave, was illegally claimed by an aristocrat from Mujang named Pak Sangdong 朴相東. Sinihwa’s presence in neighboring Mujang County appears to have blocked the Namwŏn magistrate from taking direct action against Sangdong. The two magistrates became embroiled in a heated correspondence as they wrangled over matters of procedure until, at the conclusion, the tone of their exchange grew confrontational. Regular updates on the situation reached the desk of the Governor in form of summations from the Namwŏn magistrate.

In his first communication to the Governor, the Namwŏn magistrate provided a general overview of Sinihwa’s case. The overriding theme of the document is “non-cooperation from Mujang.” Not only had the Mujang magistrate been delinquent in responding to requests from his fellow magistrate, but the orders of the Governor had likewise been neglected. Let us examine, then, how the Namwŏn magistrate presents his understanding of the case.

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<sup>341</sup> The case of Sinihwa unfolds over the course of five documents. The first, second and last of these records consist of communication between the Namwŏn magistrate and the Governor. In those documents, the magistrate provides status updates and legal interpretations of the case. The intervening documents involve communication between the magistrates of Namwŏn and Mujang. The region of the latter magistrate presents the “scene of the crime” and therefore required cooperation between the two.

The Namwŏn magistrate revealed at the very beginning of his notes that he sees the abduction of Sinihwa not as an isolated incident, but rather as one instance of a much larger structural problem. He asserted that local strongmen [K. *t'oho* 土豪]—the precise definition of which is subject to some dispute, but generally designated members of the local elite who routinely caused problems for the authorities and for officials of the Local Bureau—had begun to flout the law in countless areas of daily life. He portrays the *t'oho* as particularly eager to accrue resources of various types. They often acted without inhibition and attempted to steal property attached to the local government. Many *t'oho* even targeted the property of officials in far-off regions. The Namwŏn magistrate portrayed himself and his fellow magistrates as virtually powerless against the brazen and self-empowered *t'oho*:

Sinihwa, a female slave belonging to the authorities in Namwŏn, has been lured into hiding at the house of a *yangban* named Pak Sangdong, who lives in Mujang. For quite some time, she has not been returned to us. This is a serious matter [with relevance to the] law concerning official slaves. Failure to pursue this matter is not an option—as such, I reported to the Governor that I had sent as many as three orders to [Mujang], and I myself sent official communiques to Mujang on as many as two occasions. Nevertheless, Sinihwa has not yet been produced, [to say nothing of the fact that] I still have not yet once been able to interrogate the recent examine graduate Pak Sangdong and his slaves together. More recently, *t'oho* from other regions have completely flaunted the law of the state and habitually indulged themselves. Even though occurrences such as these [crop up] from time to time, have [we seen a case] so dissipated as [the one involving] Pak Sangdong?<sup>342</sup>

In the above quote, the magistrate seems to exaggerate for effect while also trying to represent the problem with considerable accuracy. He portrays himself as disempowered before an entrenched local group that achieved enough influence to steal government property without

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<sup>342</sup> *Collected Volume, Vol. 1, 637.*

本縣官婢新移花身茂長居朴相東爲名兩班招引隱接久不還送其在重公賤之法不可不推現之由報營門背關同縣至於三次自本縣移文往復亦至二次而新移花推現新及朴相東奴主間尙不得一番捉問近來外方土豪輩蔑法自恣之習雖或有之豈有如相東者類乎

much difficulty. Perhaps he intended his rhetoric partly as a ploy to secure further assistance from higher authorities.

The Namwŏn magistrate then reminded the governor that he, too, had previously experienced similar frustrations with the progress (or lack thereof) of the case. Repeated communications between the Governor and the officials at Mujang had produced the same non-results as the communications of the Namwŏn magistrate:

My anger over this case is considerable, [to say the least]. On the 18th of the second month past, I sent a special report suggesting that Pak Sangdong and his slaves be incarcerated in the Governor's prison and, afterward, that they be directed to be brought over to [Namwŏn] for interrogation. Though the Governor states in his response that he had sent an order to Mujang, two months have already passed and there is still no news of anything. Perhaps this is just simply a matter of the people at Mujang failing to execute the order after receiving it. Perhaps it is a case where the people at Mujang sent the [suspects] over but Pak simply disobeyed orders as before and neglected the matter [entirely]. [Whatever the case], the Governor's orders were not carried out against the *t'oho*. How could one not feel outraged at all of this?<sup>343</sup>

Some aspect of the system enabling the transfer of prisoners between regions seems to have failed in this instance. Without any direct communication from Mujang, however, nobody possessed the information to discern precisely where the problem arose. Suspicion ultimately fell on the nature of the relationship between the *t'oho* and their designated magistrates.

Up to this point in the report, the Namwŏn magistrate focused primarily on venting his frustrations. He changes tack immediately thereafter. With increased conviction, the magistrate begins constructing a theory of the case that featured Sangdong as the prime suspect and offender. History was the determining factor for the magistrate. On prior occasions, Sangdong

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<sup>343</sup> *Collected Volume, Vol. 1, 637-38.*

事之寒心莫此爲甚叱分不喻去二月十八日以朴相東奴主間捉囚營獄後分付本縣押來查處之意別爲論報則使題音內背關分付于茂長縣是如爲有矣已過兩月尙無早白是乎所背關下送後自同縣不卽舉行而然是乎喻自同縣捉送而朴哥等如前拒逆而放此是乎喻營門命令亦不得行於土豪豈非憤惋之甚者乎

presented the local authorities with specious proprietary claims to Sinihwa—a checkered record that could not but invite suspicion. Sinihwa’s recent disappearance may simply have been the next phase of Sangdong’s long-running plan to claim ownership over that particular government slave. The magistrate writes:

Looking over the entire matter, Sinihwa’s absconding to the house of Pak [Sangdong] is not simply some momentary attempt to frustrate the handling [of this case]. Mr. Pak had once previously come to us and presented the absurd argument that [Sinihwa] was his own *pi*. After [Sangdong] returned [to Mujang], [Sinihwa] then fled. How could this not be a case of Mr. Pak dragging [Sinihwa] along with him? Had Sinihwa and her husband Usang conspired to first escape from Mr. Pak and then [just completely] fled in the end, then this is clearly because [Sinihwa] had been kept in hiding at Pak [Sangdong’s] house. Initially, [Sinihwa’s] husband Chang Usang—who had been entrusted with my *paegwan*<sup>344</sup> and dispatched [to deliver it]—had reportedly submitted it to Mujang. However, Mr. Pak also returned [to Namwŏn] and attempted to lay claim to Sinihwa [again, this time with the use of falsified documents]. Indeed, [these things] are known. If that particular event [never occurred], then [you are left with] a theory that [relies on a warped view of the human spirit]. [Specifically], Usang’s mother was incarcerated at the time of his departure [on the promise that] she would be immediately released once he returned [with Sinihwa]—[Usang], [despite] fully knowing [that his mother would remain in prison until his return], therefore would have had to leave with Sinihwa from Mujang and travel elsewhere [to the complete neglect of his mother].<sup>345</sup>

Sangdong repeatedly argued with the authorities about his “ownership” of Sinihwa. For the Namwŏn magistrate, those prior interactions confirmed Sangdong’s ulterior motives irrefutably. The Namwŏn magistrate could not demonstrate conclusively that Sangdong's actions undermined the execution of the Governor’s orders; however, he presented a strong case based on the mysterious disappearance of Usang. As described in the quote above, Usang had received

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<sup>344</sup> A *paegwan* was an official document form that was normally written on the back of a document from an office of lower rank. In this case, the document in question appears to have been written on the back of a report from Mujang.

<sup>345</sup> *Collected Volume, Vol. 1*, 638-39.

大抵新移花隱接朴家之狀實非一時抑料朴哥既以渠之婢子會者來推理屈還歸之後仍爲逃走此豈非朴哥招引之事乎新移花身與其夫右尙相與謀議做劣朴哥是如可畢竟逃避則隱伏朴家之由明白無疑最初背關持去是在其夫張右尙處雖云捉給是如爲乎乃朴哥之還爲據奪亦有所聞若無是事則右尙去時既囚其母率現即放渠既知之自茂長率妻他往之說決是人情之外是去乙



official papers deputizing him to travel to Sangdong's house, retrieve Sinihwa, and then return to Namwŏn. Usang's mother had been placed in jail to guarantee his return. Nevertheless, both he and Sinihwa had mysteriously disappeared. How could anyone with a heart leave his mother to languish in prison while he attempted to establish a new life with his wife in some region elsewhere in the domain?

The Namwŏn magistrate asserted that Sangdong played a central role in the disappearance of Sinihwa and Usang. That claim also provided a pretext for criticizing the Mujang magistrate's handling of the case. The Namwŏn magistrate found it shocking that the Mujang magistrate chose to investigate Usang but found no reason to suspect Sangdong. Exclamations of outrage and disbelief color his notes. The Namwŏn enumerated several basic ways the confusion could have been avoided:

You seriously considered [the possibility] that Mr. Pak committed no crimes. If so, you should have taken the many reports [I sent to you]—[the same reports] where I requested serious discussion of [Mr. Pak's] crime of attempting to claim an official slave as his own—as [opportunities and calls] to reprimand and intimidate Mr. Pak. It would have been ideal for [Mr. Pak] to have fully confessed once in your district; however, far from doing that, he just provided misleading testimony full of useless facts. You really should have been able to deduce that he had himself committed these crimes. [Overall], the official requests of a neighboring district have not been attended to, while the orders of the Governor furthermore have not been executed. In the end, they have simply been pushed aside, neglected, and left unconsidered. In cases of abductions of government slaves, your duty requires you to engage earnestly with powerful families near and far so that any future mishaps might be avoided—indeed, you absolutely must not fail to commit yourself to a thorough investigation and eliminate [these problems].<sup>346</sup>

The pressures of the case and the duress felt by the Mujang magistrate mattered little to the Namwŏn magistrate. Sinihwa's case was ultimately about his competence on the job. The

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<sup>346</sup> *Collected Volume, Vol. 1*, 639-40.

若使朴哥果無所犯而自真則渠之壓公論罪之舉屢登於報牒移關中其在懲畏之道一到本縣從實卜白事理當然而不此之爲徒事瞞告該邑其自犯罪狀亦可推知是如乎隣邑文移既不得施營門關背又無以見行終至於置而不論則公家奴婢之厭避本役有必將盖入於遠近有勢之家後弊所關決不可不期於窮推而止是乎等以

Mujang magistrate seemed neither inquisitive enough nor assertive enough to navigate his way through a case with so many competing interests as this one. In effect, the Namwŏn magistrate comes very close to belittling the Mujang magistrate and suggesting that he increase his own standards of performance.

The first case document (which provides all the material reviewed thus far) ends with a few formalistic recommendations from the magistrate and a status report from the Governor. The magistrate requests that Sangdong be sent to Namwŏn for investigation, while the Governor says simply that he had not yet received Sangdong from Mujang but would send a request for that order to be executed.

Subsequent reports recapitulate many of the issues discussed in the first report but provide more details about the negotiations between the Namwŏn and Mujang magistrates. The Namwŏn magistrate reiterates that Sangdong's retention of Sinihwa had lasted for more than half a year. During that time, the magistrate apprised the governor of the situation and received an order for her return. The Namwŏn magistrate then entrusted Sinihwa's craftsman husband, Usang, with the delivery of the governor's order to the authorities of Mujang. The Namwŏn magistrate deputized Usang to recover Sinihwa and return to Namwŏn. This plan seems to have backfired on the Namwŏn magistrate: several months passed without any communication from Usang or updates on the case.<sup>347</sup>

The argument between Namwŏn and Mujang mostly revolved around the allegation that foul play by Sangdong resulted in the disappearance of Usang. The magistrate seems totally uninterested in the possibility that Usang and Sinihwa simply fled. That conviction likely

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<sup>347</sup> *Collected Volume, Vol. 2, p. 173.*

resulted from the fact that he faced a situation where two valuable workers from his own district were lost to him—Usang, in particular, established his reputation as a skilled craftsman of fanned corner rafters [K. *sŏnja ch'unyŏ*] and apparently was in demand in Namwŏn.<sup>348</sup>

The Namwŏn magistrate's frustrations with the Mujang magistrate become more evident as the records become more detailed. Even though the Mujang magistrate had responded to the orders previously sent by the governor, the Namwŏn magistrate found that response inadequate. Sangdong was questioned in Mujang but testified upon his life that he had no contact with Sinihwa since the transfer to Usang. After that, the Mujang magistrate simply said that the problem was out of his hands once the transfer to Usang was completed and that he could provide help in the future only if Sinihwa reappeared at Sangdong's house. The Namwŏn magistrate's tone completely changed after that response: he began accusing the Mujang magistrate of extreme insouciance and questioned his dedication to the duties of his post, focusing on what he saw as several extreme illogicalities in the development of the case. He reiterated the problems of the hostage imprisonment [K. *taesu* 代囚] of Usang's mother. He also highlights the excessive trustfulness of the Mujang magistrate. He portrays the Mujang magistrate's acceptance of Sangdong's previous testimony as blithe and uncritical. This was not a lack of investigative imagination and procedural thoroughness, but a dereliction of duty: his overconfidence in Sangdong's statement implied that he valued relationships with local elite more than his duties to the state.<sup>349</sup>

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<sup>348</sup> *Collected Volume, Vol. 2*, 173-174.

<sup>349</sup> *Collected Volume, Vol. 2*, 177-179.

The Mujang magistrate, however, was having none of it. He took umbrage at the Namwŏn magistrate's various accusations and offered a point-by-point rebuttal. He first addressed the overarching claim that he had failed in his duty to cooperate with other local magistrates unconditionally. The Mujang magistrate counter-accused the Namwŏn magistrate of spewing sheer nonsense, noting that he had followed the Namwŏn magistrate's instructions to the letter when he handed Sinihwa over to Usang.<sup>350</sup>

The Mujang magistrate then argued that the Namwŏn magistrate's incarceration of Usang's mother actually bolstered his own position. Had Sangdong stolen Sinihwa once more, what could have stopped Usang from reporting the incident to the local authorities? He attributes their disappearance to Usang "coming under the spell of his wife." Therefore, the reasons for Usang's non-communication were too weighty to be counterbalanced even by the leverage gained by incarcerating his mother.<sup>351</sup>

The Mujang magistrate then offered another perspective on the claim that Sangdong was responsible for Sinihwa's disappearance. He argued that the Namwŏn magistrate's claim that he was in dereliction of duty could not stand because the Namwŏn magistrate himself, in his zeal to pin responsibility on Sangdong, never considered whether his account of the case made any sense. Once more, the Mujang magistrate referenced the problem of how to interpret Usang's disappearance against his mother's incarceration. In sum, how could he have violated his oath to assist fellow magistrates if his fellow magistrates' requests were, from the very first, complete gibberish?<sup>352</sup>

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<sup>350</sup> *Collected Volume, Vol. 2*, 179-180.

<sup>351</sup> *Collected Volume, Vol. 2*, 180.

<sup>352</sup> *Collected Volume, Vol. 2*, 180-81.

With that note, direct correspondence between the magistrates ceased. The *Collected Volume* presents only one more piece of correspondence between the Namwŏn magistrate and the governor, after which we receive no further information concerning the fate of Sinihwa. On this occasion, the Namwŏn magistrate presents a point-by-point rebuttal of his own. He tackled the Mujang magistrate's responses by clarifying the background information that informed his own accusations. First, the Namwŏn magistrate elaborates his rationale for an earlier request to interrogate a slave from the house of Pak Sangdong. Previous questioning of Sangdong yielded few satisfactory answers, but a slave in the house of Sangdong might be able to provide some insider information if pressed strongly enough.<sup>353</sup> Moreover, the Namwŏn magistrate could not ascertain whether Usang disappeared under threat from a local aristocrat, which would have "forced [Usang] to return empty-handed and thus [opened the possibility] that he would be charged with a serious crime." Nor could the magistrate verify whether Usang was still alive—perhaps he had met an unfortunate fate at the hands of Sangdong. He needed an insider perspective, which he could gain by summoning one of Sangdong's house-slaves.<sup>354</sup>

The Namwŏn magistrate then described his larger personal history with Sangdong in greater detail than what appeared previously. This passage relates that Sangdong had once approached the Namwŏn magistrate with ownership papers for Sinihwa and demanded that she

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<sup>353</sup> *Collected Volume, Vol. 2*, 183.

<sup>354</sup> *Collected Volume, Vol. 2*, 184-86.

be returned to him.<sup>355</sup> (The submission of these papers occurred *prior* to his actual abduction of Sinihwa.) The magistrate reviewed the papers thoroughly, but found nothing in them to support Sangdong's claim. He subsequently told Sangdong that if he left immediately and caused no further problems for Namwŏn, he could avoid charges for attempting to confiscate government property. Clearly, Sangdong had long planned to acquire Sinihwa—though when these initial efforts failed, he simply resorted to force.<sup>356</sup>

Most of the substantial content of the case ends with these comments. The last of the Namwŏn magistrate's notes simply detail some of his quick thoughts about how the case should proceed. He began by articulating his strong suspicion that the governor's various written directives were somehow not fully delivered to the Mujang magistrate. He requested that the governor issue yet more directives to the Mujang. The Namwŏn magistrate then moved onto Sangdong. Determined as ever to assert Sangdong's complicity in Sinihwa's apparent disappearance, the Namwŏn magistrate once again called attention both to Sangdong's prior attempts to claim ownership of Sinihwa falsely, and also to Sangdong's apparent willingness to join the ranks of those vying with the authorities. He again requests the incarceration of

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<sup>355</sup> Sangdong's documents present one of the core mysteries of this case: were they forgeries, or were they valid papers? The lack of any detailed description of the documents suggests that they were either forgeries or otherwise lacked the appearance of legitimate documents; however, we must recall that the Namwŏn magistrate described how he reviewed the documents carefully and thoroughly, which suggests, at the very least, that the documents crossed the threshold separating obvious fakes from believable forgeries (if they were even "forgeries" at all). Furthermore, the Namwŏn magistrate eventually only charges Sangdong with attempted expropriation of a government slave—he never explicitly charges him with forgery, nor does he mention that he launched an investigation into the origins of the documents. Whatever the case, one's interpretation of Sinihwa's case can change considerably depending on how one chooses to view Sangdong's documents.

<sup>356</sup> *Collected Voluem, Vol. 2*, 184.

Sangdong for further investigation. The governor approved of the Namwŏn magistrate's new plans.<sup>357</sup>

### **The Absconding of Choch'al**

The magistrate recorded the events surrounding the disappearance of Choch'al and his close associates, Wŏn'gam and Yuksam, over the course of a single document. Dated 1737/5/5, this record recounts a dispute between the magistrates of Namwŏn and Kurye concerning the management of corvée duties assigned to these monks. All monks were normally stationed in a temple in the Namwŏn region. Tension seems to have defined the relationship between the magistrate and the local Buddhist community. The themes of this case mirror many of the themes treated in the previous chapter on the local Buddhist communities, whether the financial distress of the local monks and the dilapidation of their temples, the monks' repeated attempts to escape state-imposed corvée requirements, and the ability of the monks to challenge the magistrates officially. In Choch'al's case, the magistrate identifies the *transregional* Buddhist community as the source of his problems. He sees that community as a rather well-integrated one consisting of a mutual support network that could, at times, undermine his initiatives (corvée or otherwise). Both institutional alignments and kinship networks provided avenues for the monks to seek refuge in neighboring regions. The two magistrates seemed unable to manage the monks in a coordinated way—the reader will notice in the case narrative how the Kurye magistrate relied on the Buddhist communities themselves to send the monks back to Namwŏn. All of this suggests that the Buddhist communities perceived gaps in communication and between the magistrates and a certain amount of wiggle room to evade official directives.

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<sup>357</sup> *Collected Volume, Vol. 2*, 186.

Three monks from Ch'ŏn'ŏn Temple<sup>358</sup> in Namwŏn fled to neighboring Kurye, hoping to escape the excessive corvée duties placed on them. A group of monks from Ch'ŏn'ŏn Temple then approached the Namwŏn magistrate with a request to find the three delinquent monks and return them to their duties. The Namwŏn magistrate subsequently requested that the Kurye magistrate carry out the monks' wishes. The Kurye magistrate fulfilled that request and even sent an official communique to the Namwŏn magistrate confirming their transfer; however, the Namwŏn magistrate replied to the Kurye magistrate that the monks never actually arrived in Namwŏn. In a somewhat cryptic passage, the magistrate writes that false testimony provided by the monks of Hwaŏm Temple<sup>359</sup> generated miscommunication between the two magistrates. The magistrate's full description of the events thus far reads as follows:

I submit for your consideration the following: Ch'ŏn'ŏn Temple in our county was once a great and famous temple, but now has grown extremely dilapidated and run-down. The work requirements placed on the monks are [also] extremely onerous and have driven the monks to the point of despair. As such, three monks who reside at this temple—namely, Choch'al, Wŏn'gam, and Yuksam—devised a plan to escape when it was their turn to fulfill their duties as monks. They fled to and briefly hid themselves within the borders of your county. A group of monks came recently and requested that [those fleeing monks] be captured and returned to work. I then sent a message [to you] requesting that the monks be captured and returned. Even though I received a response from your county stating that the monks had been sent over, at no point did I actually receive them. On account of this, you grew extremely angry, having heard and believed the false testimony of the monks of Hwaŏm Temple, [going so far as to] incarcerate all of the relatives of the [various] monks of Ch'ŏn'ŏn Temple who live in

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<sup>358</sup> Ch'ŏn'ŏn Temple is thought to be the temple currently known as Ch'ŏn'ŭn Temple, which stands at the base of Chiri Mountain on its western side in the Namwŏn region. It was razed during the Hideyoshi Invasions but rebuilt in 1678.

<sup>359</sup> Hwaŏm Temple is a major site of Buddhist practice in Korea and is located at the western foot of Chiri Mountain in Kurye, not entirely far away from Ch'ŏn'ŏn Temple. An interesting aspect of Choch'al's case is that the monks did not go very far at all to escape the orders placed on Ch'ŏn'ŏn Temple. The direct distance between the two temples as measured on a map (without accounting for topographic features) is only around one mile, with Hwaŏm Temple to the south of Ch'ŏn'ŏn Temple.



and around your county. This was, of course, part of an effort to encourage the return of [the initial three monks.]<sup>360</sup>

How best to interpret the Kurye magistrate's angry reaction against the monks of Hwaõm Temple for their "false testimony"? This passage suggests that Kurye did not rely on police functionaries or any other agents of the magistrate's office to execute the transfer to Namwõn. Rather, it seems that Kurye simply took Hwaõm Temple at its word that the monks would be transferred. The Kurye magistrate felt tricked, but perhaps he only had himself to blame—to rely on persons with close connections to the transferees is to invite disregard of official orders.

In a subsequent passage, the Namwõn magistrate chides the Kurye magistrate for failing to ascertain the whereabouts of the monks under his authority. In the previous quotation, the Kurye magistrate suggested that the family members of the various monks from Ch'õn'õn Temple be incarcerated to encourage the return of Choch'al and his associates. The Namwõn magistrate found the Kurye magistrate's suggestion insufficient to address the emerging circumstances, a problem which he highlights through the case of the monk Sun'gae:

Let us [simply examine the matter] through the case of the monk Sun'gae. His father was born in our county, while his mother was born and raised in Sunch'õn. [Sun'gae] himself became a monk in P'agũn Hermitage<sup>361</sup> in Namwõn and resides in Ch'õn'õn Temple. Now, for various reasons, I was not able to interact with this monk very much; however, [I know] that his brother-in-law [i.e. younger sister's husband] lives in your county and that the sister has been dead for over thirty years. Therefore, to request [as you have] that Sun'gae's brother-in-law be incarcerated seems completely [nonsensical] when considering the specifics of this monk's [family situation]. The other cases [you mention], as well, are much like [that of Sun'gae]. How could you not [take the effort] to ascertain these facts?—

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<sup>360</sup> *Collected Volume, Vol. 1, 666.*

為相考事弊縣天彥寺初以有名大刹近甚凋殘僧役煩重將至於空虛之境是在如中同寺照察元甘六森等以原居之僧儀僧當次之役欲為謀避暫時隱接於貴縣境內是如僧徒來請刷還故頃果移文以為捉來之地是如乎自貴縣雖有捉送之回移實無來接之事是去乙貴縣因此發怒又聽華嚴僧之誣告弊縣天彥寺居僧[Overly lengthy list of names omitted here]等之族屬遠近間居在貴縣者一併囚禁方為星火督還為詒

<sup>361</sup> All that remains of P'agũn Temple is the site where it previously stood, with scattered footstones and wall ruins throughout that area. It seems to have still been in use in the eighteenth century, based on the records from the *Collected Volume* and others, including the *Tongguk yõji sũngnam*. P'agũn Hermitage was, presumably, related to P'agũn Temple.

moreover, how could you have [spared these efforts and still] sent me an official  
communique?<sup>362</sup>

It appears that the Namwŏn magistrate considered the in-law relationship highly susceptible to weakening following the termination of the connecting marriage. In his view, the death of Sun'gae's younger sister severed any meaningful or functional bond between Sun'gae and his in-laws. Moreover, Sun'gae's status as a monk and therefore as someone "removed from the world" served only to further dilute that relationship. The passing of at least three decades since the sister's decease further corroded any practical significance the in-law relationship may have held. In saying all of this, the Namwŏn magistrate chastises the Kurye magistrate for devising an impulsive response to the situation with the monks, rather than a carefully-planned and well-devised one: the request to incarcerate the family members of the monks amounted to a mere mechanical application of legal precedent and failed to consider the social realities of Kurye in any real detail. This particular record portrays the Kurye magistrate as someone lacking a certain administrative savvy—if not as an outright bumbler.

Though the Namwŏn magistrate was underwhelmed by the Kurye magistrate's handling of the absconded monks, he seemed impressed by the organization of the struggling Buddhist communities. Unlike the wretched state of Ch'ŏn'ŏn Temple, Hwaŏm Temple enjoyed a considerable measure of success and clearly served as a place of refuge for monks seeking to escape the burdens of their corvée responsibilities. After his previous derision of the Kurye magistrate's handling of the monks, the Namwŏn magistrate describes the solidarity of the Buddhist community as follows:

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<sup>362</sup> *Collected Volume, Vol. 1*, 667-8.

以順蓋一僧事言之其父卽弊縣胎生人其母乃順天人爲僧于弊縣波根庵時居於弊縣天彥寺則以此以彼俱爲不干是乎矣順蓋之妹夫居在於貴縣而其妹之身死已過三十年是去乙稱以順蓋之妹夫捉囚列督是如爲去乎今觀一僧事而其萬萬無實如此其他可知貴縣何不量此茲以論移爲去乎

Ch'ōn'ōn Temple had already completely exhausted its ability to provide tribute products. It simply lacks the ability to meet its requirements. It was inevitable that monks would take refuge at Hwaōm Temple in your district, given that the monks who reside there have parents in Namwōn, not to mention the fact that they took their vows in Namwōn. As for these thirty monks who have fled to Hwaōm Temple, including [list of names omitted here], return them immediately to Namwōn.<sup>363</sup>

The Namwōn magistrate saw the close family connections between Hwaōm Temple and Namwōn as the chief reason that so many monks sought refuge there. However, if ties were indeed that close, then the Namwōn magistrate faced a curious paradox. He had every opportunity to coax the monks back to Namwōn by pressuring their families in Namwōn—and yet, the institutional strength of Hwaōm Temple seemed to preclude that option.

It seems that the local magistrates also developed an interest in limiting the productive and economic activities of the monks in general. To allow the monks free access to local markets, to produce and sell commercial products as they saw fit, and therefore to accumulate wealth in any appreciable measure might have entailed a break in the magistrate's control of their social lives. The specific passage where the magistrate mentions his “economic quarantine” of the monks reads:

Ch'ōnōn Temple touches the border of your county. I have completely banned the monks from abandoning their cultivating activities and from pursuing market [activities]. If any [monks] should [cross] the boundary [into your area], send them all to me and I will make it so that they do not encroach again.<sup>364</sup>

For the Namwōn magistrate, the very act of a monk crossing the border into a neighboring county set off many imaginative speculations—a border crossing was never *simply* a border

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<sup>363</sup> *Collected Volume, Vol. 1, 668.*

天彥寺今已空虛進上之役無以擔當勢不得不以貴縣華嚴寺時居僧徒之有父母同生於弊縣及且爲僧於弊縣而移接於華嚴諸寺是在僧[Overly lengthy list of names omitted here]等三十餘人今方刷還爲乎矣

<sup>364</sup> *Collected Volume, Vol. 1, 666-67.*

天彥寺與貴縣接境而僧徒之◎耕歸市者一切嚴禁或有入境者群起衆攻使不得接跡

crossing, but the occasion of a refusal of official work duties, or an opportunity to pursue personal interests in the market at the expense of state interests as directed by the local authorities. It seems indicative of a process through which magistrates began to imagine county boundaries as bearing qualities beyond their codified, official, functional, and administrative meaning. What stood beyond the border was not simply an area under the authority of another magistrate (and therefore one where a simple process of negotiation could settle matters of human resources that had absconded), but also an area of economic activity that the Namwŏn magistrate could only *hope* to control (and, at that, in a manner far less efficient than that even of the Kurye magistrate).

The conflict between the Namwŏn and Kurye magistrates amounts to a complaint over the lazy handling of an important personnel matter. The Namwŏn magistrate had to rely on the Kurye magistrate to resolve the matter, given his inability to enter into Kurye directly and recover the monks in question. The final comment on respecting mutual boundaries in the management of economic activities is a broader reflection of the unwillingness of magistrates to intrude on the regions of other magistrates.

## **Discussion**

The cases of Sinihwa and Choch'al raise a simple question: why did the Namwŏn magistrate seem so ill-equipped to handle insubordination and irresponsiveness from lower-ranking magistrates? Were the communication problems in these cases made possible by a bureaucratic system that was poorly-defined, or was that bureaucracy well-defined but poorly-articulated? Or were these cases simply a matter of local magistrates lacking the power or wherewithal to manage members of local society effectively?

Sinihwa's case requires a discussion about the nature of magistrate rankings. Perhaps the rankings assigned magistrates simply reflected the demographics of their localities, whether population size, percentage of locals who passed central exams, or some other criterion—once two magistrates began negotiations with one another, official rankings played a much weaker role in shaping those negotiations. In other words, rank was defined purely in relation to the scope and challenge of a magistrate's local purview, *not* as a matter of power relations with other magistrates. Perhaps the design of the Chosŏn bureaucracy focused primarily on establishing lines of communication and logistical routes between the various magistracies and the center, leaving the question of inter-magistrate relations relatively untouched. Though magistrates fulfilled the critical function of resolving legal disputes in local areas, from the state's perspective, their foremost duty likely was the efficient and sufficient collection of taxes to replenish state coffers. Choch'al's case raises similar issues from a different vantage point. The Kurye magistrate responded to the requests from Namwŏn, however did so in a manner that lacked thorough forethought.

Yi Hŭigwŏn argues that the late-Chosŏn magistrates, as centrally-dispatched officials, wielded enormous influence in local society but all stood before the provincial governor as equals, irrespective of their official titles.<sup>365</sup> Within provinces *as a whole*, “rank” was a ghost. That viewpoint echoes the suspicion I raised above—namely, that the “rank” of magistrates may have been defined purely in proportion to the size, and therefore the challenges, of the areas to which they were assigned. Yi's interpretation strongly suggests (though does not mention explicitly) that magistrates, when dealing with each other, did not operate within a particular

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<sup>365</sup> Yi Hŭigwŏn, *Chosŏn hugi chibang t'ongch'i haengjŏng yŏn'gu* (Seoul: Chimmundang, 1999), 105.

hierarchy. A sense of rank only came into effect when relating with the governor. Sinihwa's case strongly confirms the idea that the sense of hierarchy among magistrates was weak; however, the case does not seem to provide evidence that the *suryōng* always wielded "overwhelming influence" over local affairs. Though the Mujang magistrate questioned Sangdong on several occasions and generally seemed willing to prosecute the case if further evidence appeared, he did not seem willing to act unilaterally against Sangdong. Early in Sinihwa's case record, the magistrate expresses trepidation about the unruly behavior of the *t'oho* and the nuisances they often caused. Clearly, these two magistrates did not feel empowered to handle that local social group with ease.

Yi Hūigwōn attempted to fill a major gap in research on local magistrates by offering a concrete understanding of three different relationships, namely those between magistrates and the central bureaucracy, the governor, and other magistrates. Though magistrates were theoretically understood as a projection of the King's power into the countryside, the provincial governors fulfilled a critical role in the middle of that relationship. For example, central offices had to go through the governors to get to the magistrates, a principle that gained legal expression in the *Sok Taejōn* in the form of a rule prohibiting direct communication between capital offices and rural offices. Such direct communication was a punishable offense.<sup>366</sup> Yi's interpretation further emphasizes the fact that local magistrates held ultimate authority within their designated regions. They formed a community of equally-ranked rulers who behaved in highly territorial ways when issues from other magistracies spilled into their own. Yi draws this conclusion from local reports analogous to the *Collected Volume*. In those reports, magistrates constantly defer to

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<sup>366</sup> However, similar restrictions were not placed on communication directed by magistrates up to central offices. For a full discussion of all of these issues, see Yi Hūigwōn, *ibid.*, 117-19.

one another's local authority when attempting to resolve issues of mutual interest. Yi notes how even the form of and word choices in those communiques reflect the principle of egalitarianism among magistrates.<sup>367</sup> Sinihwa's case and Choch'al's case both seem to confirm the viewpoint of Yi Hŭigwŏn on inter-magistrate relations; however, some caution is needed here, because as both Yi's argument and my own initial argument were reached on the basis of similar document types, we may not be seeing the full picture here. Input from other document types may counterbalance the preliminary conclusions above.

An entire class of documents existed to provide magistrates with guidance on how to govern effectively. Called "Treatises on Governing the People" [K. *mongminsŏ* 牧民書], these documents enumerated procedures and principles to help magistrates govern effectively while on assignment. Perhaps the most well-known of all *mongminsŏ* was written by Chŏng Yagyong, the noted Chosŏn thinker who drafted a voluminous treatise on the role of magistrates while exiled in the Kangjin region. He titled his treatise *Admonitions on Governing the People* [K. *Mongmin simsŏ* 牧民心書]. That document, having rightly been judged as enormously significant, undergoes constant re-interpretation from Korean historians. The core question here is: in the *mongminsŏ*, are there any significant discussions of procedure for cooperation among and comportsment between magistrates? Or, was this issue largely neglected in those documents?

The scholar Hong Yangho<sup>368</sup> wrote a *mongminsŏ* entitled the *Mongmin taebang* 牧民大方 (1792), which is included now in his posthumous collection of written works, the *Igye-chip*

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<sup>367</sup> Yi Hŭigwŏn, *ibid.*, 122-24.

<sup>368</sup> Hong Yangho (1724-1802) was a member of the P'ungsan Hong family and rose to prominence in the state bureaucracy after passing the central examination in 1752. He held such posts as Governor of P'yŏng'an Province and Minister of the Board of Personnel.

耳溪集. The *Mongmin taebang* postdates the *Collected Volume* but still provides valuable insights into how discourse on the role of magistrates unfolded at high levels. Hong's document provides insight into the effective management of local society in the six typical areas of authority given to magistrates: personnel, revenue, rites, defense, punishments, and works.<sup>369</sup> The *Mongmin taebang* is formulaic at times but also provides detailed recommendations about concerning the ordering of local society, especially lines of communication and authority among those designated with responsibilities of oversight and reporting throughout the villages.<sup>370</sup> For all of its many specifications, however, it provides no recommendations concerning the various issues that may have arisen between magistrates and strategies for resolving them effectively. The overwhelming focus concerns matters situated "within boundaries" [K. *kyōngnae* 境內]. The very word "outside boundaries" [K. *kyōngoe* 境外] appears nowhere in the text.

Authors of other *mongminsŏ* reproduce that same local focus in their writings, even if they analyzed the particular duties of magistrates at different lengths. Many of the writings in Kim Sŏn'gyŏng's edited collection of late-Chosŏn *mongminsŏ* reflects the interior-looking orientation of their authors. Consider the the document *Fundamentals of Rule* [K. *Mokkang* 牧綱], whose author is unknown but whose date of origin seems traceable to the mid-nineteenth century.<sup>371</sup> In that document, the closest thing to a discussion of inter-magistracy issues comes when the author explains proper procedure when a particular magistrate assumes a new post. In that instance, the author states that it would be inappropriate for a magistrate to sleep within the

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<sup>369</sup> *Igye-chip*, 11:1a-b.

<sup>370</sup> *Igye-chip*, 11:19a-22b.

<sup>371</sup> Kim Sŏn'gyŏng, ed. *Chosŏn minjŏng charyo ch'ongsŏ*. (Seoul: Yŏgang Ch'ulp'ansa, 1987), 3.



boundaries of his new assignment the night before he assumed office.<sup>372</sup> Certain issues that may have keenly interested neighboring magistrates—for example, the management of local markets and the repair of local roads—are still circumscribed within the concept of *kyōngnae*.<sup>373</sup> In the section that addresses the problem of conscripts fleeing military duty, there is a mention of “other authorities” [K. *t’agyōng* 他境], however the author’s suggestions for addressing the problem are minimal in comparison to his prescriptions for other local matters. Ultimately, the author suggests rearranging military responsibilities within the relevant region should the search for the escapees fail.<sup>374</sup> The *Mokkang* is vastly more detailed than the *Mongmin taebang* in its treatment of the many duties, responsibilities, and procedural standards of magistrates; however, its focus is still overwhelmingly internal. This suggests that the predominant theory at the time focused on enumerating all of the powers and procedural knowledge that magistrates required to rule as if the maximum possible amount of political and bureaucratic authority had been devolved down to them. The now-current concept of subsidiarity resonates with that theory on certain levels,

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<sup>372</sup> *Mokkang* in *Chosŏn minjŏng charyo ch’ongsŏ*, ed. Kim Sŏn’gyŏng (Seoul: Yŏgang Ch’ulp’ansa, 1987), 117.

<sup>373</sup> *Mokkang* in *Chosŏn minjŏng charyo ch’ongsŏ*, ed. Kim Sŏn’gyŏng (Seoul: Yŏgang Ch’ulp’ansa, 1987), 176-79.

<sup>374</sup> *Mokkang* in *Chosŏn minjŏng charyo ch’ongsŏ*, ed. Kim Sŏn’gyŏng (Seoul: Yŏgang Ch’ulp’ansa, 1987), 223.

though several key differences still remain.<sup>375</sup> One consequence of helping magistrates accrue as much power as possible to themselves is that their powers became increasingly territorial and guidelines for cooperation in mutually-relevant matters may not always have been well-defined.

It is therefore unsurprising that secondary research into the *mongminsŏ* rarely addresses the question of inter-magistrate relationships. Song Yangsŏp's analysis of the *Mongmin simsŏ* provides a detailed overview of the observations and recommendations that Chŏng Yagyong made in his treatise, but the content only concerns issues that might emerge *within* a magistrate's region of authority.<sup>376</sup> Kim Sŏn'gyŏng has argued for the existence of an entire area of learning called "The Study of Ruling the People" or *Mongmin-hak* 牧民學 and has enumerated many of the *mongminsŏ* included in that category stretching back to the second half of the fourteenth century.<sup>377</sup> As reflected in the content of present-day scholarship, it appears that Chosŏn-era theory confined the role of the magistrates largely within regional boundaries—or, perhaps it

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<sup>375</sup> Roger Scruton notes that the term 'subsidiarity' generally refers to the devolution of political decision-making power down to the lowest relevant level of governance, but also points out how it has taken on different nuances in different contexts. Scruton is critical of how subsidiarity is used when describing the structures of the European Union, suggesting that the devolution of power often leads to the European Court of Justice and not the constituent member-states of the EU. Conversely, Scruton takes a more favorable outlook of how subsidiarity was defined in the documents of the Catholic Church and later re-articulated by other scholars, in which cases the principle seeks to erect barriers against the emergence of political authorities that are too distant from the interests of local communities and too centralized to comprehend the details of local problems. Roger Scruton, *A Political Philosophy* (London; New York: Continuum, 2006), 164-65.

Though the principle of *kyŏngnae* embodies aspects of the devolution of power, it does not seem to fully embody the principle of "empowerment of local communities." To the contrary, the magistrate *himself* is empowered to address emerging problems among those registered in his area of responsibility. Furthermore, many of the powers enumerated in documents like the *mongminsŏ* concern how best to collect taxes and meet labor requirements—which is to say, the magistrate is being empowered partly to serve state interests and collect on their behalf.

<sup>376</sup> Song Yangsŏp, "Mongmin simsŏ' e nat'an-an dasan chŏng yagyong ūi suryŏng insik kwa chibang haengjŏng ūi panghyang," *Tasan-hak* 28 (June, 2016), 65-106.

<sup>377</sup> Kim Sŏn'gyŏng, "Chosŏn hugi mongminhak ūi kyebo wa 'mongmin simsŏ,'" *Chosŏn sidae sahak-po* 52 (March 2010), 157-196.

never occurred to theorists that magistrates needed stronger guidelines for their mutual interactions. If the Chosŏn bureaucracy was oriented in a strongly vertical way, it may also have seemed less necessary to specify guidelines of interaction between magistrates.

In what areas of policy or administration might interregional cooperation have been frustrated by the territoriality of magistrates? The cases reviewed in this chapter demonstrate how a simple problem like lost persons exposed inefficiencies in the provincial bureaucracy. Sinihwa's case demonstrates how cooperation among magistrates might spontaneously break down because of the apparent emptiness of the ranks that "distinguished" magistrates. Choch'al's case demonstrates how a "ranking" magistrate's search for his people might be frustrated by his inability to act directly in another magistracy. The Namwŏn magistrate was at the mercy of the Kurye magistrate, who seemed either incompetent or ill-equipped, judging by the records in the *Collected Volume*. Ku Wanhoe's research further demonstrates how matters pertaining to irrigation<sup>378</sup> often generated negotiations between magistrates, though negotiations that seemed always to respect proper boundaries. Though the magistrates had the option of consulting with the governor to help resolve their cases, that option never presented a sure-fire solution—nobody could predict with whom the governor might side, nor could anybody necessarily expect a "binding directive" from the governor.

The illicit movement of people and the joint management of environmental resources likely represent the two problems that generated direct negotiation between magistrates most frequently. No magistrate could completely prevent those issues bleeding from his own region

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<sup>378</sup> The late Chosŏn period witnessed many debates concerning the development and propagation of irrigation technology, as well as questions concerning how to publish and disseminate that knowledge. Mun Chungyang has addressed this topic at length in prior research. See Mun Chungyang, *Chosŏn hugi surihak kwa suri tamnon* (Seoul: Chimmundang, 2000).

into another. Therefore, common problems in late-Chosŏn rural administration that fell under those two categories—whether the recovery of runaway slaves, disputes related to the ownership of forestry adjacent to mountaintop graves, or others—likely resulted in fraught negotiations between magistrates from time to time. It remains for future research to determine the full scope of the complications between magistrate purviews and Chosŏn state policies. On balance, territoriality among magistrates may not have affected the execution of the vast majority of state policies very strongly. Rather, the cases here reflect a limited set of circumstances where Chosŏn-era theory on the authority of magistrates calibrated poorly with realities on the ground.

## Conclusion

Two lines of inquiry have run in parallel throughout this dissertation. The first involved a search for new framings of the various institutions, codes, and traditions that informed human behavior in the Chosŏn period. The discussion focused on close analyses of negotiations from mid-1730s Namwŏn. The *Collected Volume* provided the original case records upon which the analyses were based. We investigated five core topics: the relationship between ritual codes and legal codes; the legal concepts applied to slaves in the late Chosŏn; the position of Buddhist monks in the Chosŏn corvée system; the tripartite relationship between the *hyangch'ŏng*, *hyang'an*, and magistrate's office; and, finally, the constraints placed on relationships between magistrates. In each case, the very *process* of negotiation helped reveal the intricacies of those influences.

The second question concerned the position and power of magistrates in local society, especially gradations of that power across a variety of circumstances. I often only addressed the second investigation implicitly, given that each chapter focused primarily on the details of specific social formations. This conclusion will therefore double as summary of the overall findings of the dissertation and a dedicated discussion of the variable nature of magistrate power. The ability of the Namwŏn magistrate to manage a local conflict depended heavily on circumstance and the relative position of his interlocutors. Unchecked power and influence were *not* intrinsic characteristics of the post of the magistrate. As I will discuss later, the vision I suggest here counterbalances interpretations of the late-Chosŏn magistrate as a relentlessly exploitative, oppressive, overbearing, and pitiless figure. That former image appears with particular frequency in historiography of 19th-century Korea, which I see partially as a product

of the strong focus on the large-scale rebellions of the period, many of which identified the misrule of magistrates as a core grievance. If armed resistance is a moment of extraordinary action, negotiation exists more on the level of the everyday—consequently, it allows us to see more of the everyday realities of the power of magistrates. I am *not* disputing the claim that many late-Chosŏn magistrates committed gross improprieties. I *am* challenging a broader implication of that claim, specifically, the claim that the exploitative practices of the magistrates reflected a near-total absence of local checks on their power.

While I am fully aware of the risks of generalizing from a limited set of cases, I am still confident that the material in this dissertation suggest patterns in the rule of magistrates worth considering. The following paragraphs therefore re-visit the conclusions of each chapter and frame them in terms of the concluding discussion, namely the question of the power of magistrates.

The Namwŏn magistrate consistently appears at his strongest and most influential when resolving local legal complaints. The magistrate's most creative negotiation strategies appear in the context of those reviews. Similarly, the magistrate's most unilateral decisions emerge in that same context. In cases that required legal interpretation and decision-making—that is to say, “when court was in session”—the Namwŏn magistrate seemed undeterred from conducting his court as he saw fit. Such behavior may have been purely the product of the personality of the magistrate, the result of established practices that gave magistrates wide personal discretion in court, or, in all likelihood, a combination of both. Whatever the case, the resolution of legal disputes seemed an area where the Namwŏn magistrate acted from a position of empowerment.

There is an important corollary to the statement just above: the magistrate's interlocutors had to carefully craft their own "courtroom" negotiation strategies to counterbalance the strength of the magistrate. The strategy developed by the Hō family in Hamjang's case reflects that basic approach. The Hō family fully recognized that the Namwōn magistrate had no intention of canceling his investigation of Hamjang's death. Therefore, they had to go well over the head of the magistrate. They hoped to avoid an arcane reckoning of the material details of Hamjang's case and instead wanted to focus on problems whose content seemed borderline-metaphysical. The *real* problem of the case was not the conflicting interests of the Hō family, the Kim family, and the magistrate's office, but rather how Hamjang's case instantiated an under-addressed conflict between state ritual and law codes. If the purpose of the magistrate's court was to apply legal codes to local events, what better way to halt the discussion than to point out the contradictions in the codes exposed by the case—in effect, to call the foundations of juridical practice into question. We will never know exactly what the Namwōn magistrate thought in response to the Hō family's argument, but we do know that his response was more dismissive than substantive. Rather than working through the problem, the magistrate simply pushed their legal argument aside, a reflection of two things: first, the ability of the magistrate to conduct his court by fiat and, second, the fact that the Hō family's argument struck a nerve.

Myōngaek's case also reflects the arbitrariness with which the Namwōn magistrate seemed to conduct his court. The magistrate's goal in that case was not to create a "just outcome" for the slaves, but rather to manipulate the parties involved and thereby solve a long-standing local conflict. His strategy relied on the fact that slaves embodied a contradiction and a duality in Chosōn society and law, namely that they were simultaneously recognized both as humans

bearing legal privileges and as chattel. The magistrate's strategy was not about affirming one "side" of this duality over the other, but rather about using both sides as necessary so that the accused (Nogyong) might confess to his misdeeds. In other words, consistency was the furthest thing from the Namwŏn magistrate's mind. This case was not about rendering proper legal judgments so much as it was about ending a series of nuisances he had experienced while collecting taxes. The fact that the magistrate was able to devise such a creative strategy reflects the degree to which he possessed broad leeway to conduct his court as he saw fit.

Given the interpretation above, one wonders why Myŏngaek's family initially attempted to have their case heard in Chŏnju, the seat of the provincial governor, and not in Namwŏn. (Recall that the Namwŏn magistrate mentions first hearing of the case while returning from business in Ch'ungch'ŏng Province.) Perhaps the Namwŏn magistrate had acquired a reputation for extreme arbitrariness or for legal determinations that defied explanation. If so, Myŏngaek's kin may have made the journey to Chŏnju not as a statement about the seriousness of Nogyong's crime, but rather to avoid the Namwŏn magistrate entirely. Whatever the case, avoidance of a local court seems a logical response if there was an expectation of injustice.

Once removed from the context of his own court, the magistrate begins to appear less and less powerful. The field of negotiation was much more level once more groups and broader institutions influenced the course of the debate. When resolving local legal disputes, the magistrate controlled the most narrowly-defined forum possible. However, in other forms of dispute, he did not have the option of operating in his own court. The magistrate's negotiations over the reconstruction of Kyoryong Fortress demonstrate that clearly. The governor magnified the interests of the temple headman against the corvée requirements of the magistrate. In this



case, the interests of the state aligned with those of the magistrate *and* the *sūngt'ong*. A compromise was needed. The magistrate lost his ability to act with complete discretion. Ultimately, he was forced to view the challenges faced by the temples as his own challenges.

In Taeik's case, the power of the Koksōng magistrate is presented in paradoxical terms. Recall that Hyōnok and his co-conspirators presented their forged letters of recommendation directly to the magistrate. At first glance, that decision suggests that the Koksōng magistrate had unilateral decision-making authority over posts in the *hyangch'ōng*. In actuality, the magistrate was still greatly constrained by various local interests—whether *hyangwōn* or non-*hyangwōn* elite—meaning that his power of appointment still required prudential judgment. It was still *something* of a formality. The Namwōn magistrate, for his own part, found himself in a peculiar position in Taeik's case: the governor placed strict limits on what the magistrate could and could not do or ask in the course of his investigation, which was really only intended as confirmation of the initial findings in Koksōng. The Namwōn magistrate did not approach Taeik's case with the same ingenuity or hard-fistedness that he displayed in the cases of Myōngaek and Hamjang. It seems, then, that even the local courts might not have allowed for a pure exercise of power in specific circumstances.

When a problem spilled into other magistracies and required cooperation with other magistrates, the Namwōn magistrate once again found himself disempowered, but not in the same way as above. The conception of the magistrate as a “local sovereign” seemingly made it impossible for the Namwōn magistrate to intervene directly in adjacent magistracies, even if those magistrates ranked more lowly than him—this was the phenomenon of the “emptiness of rank,” as described in Chapter 5. Both the Kurye and Mujang magistrates initially seemed

willing to respond to the Namwŏn magistrate's requests concerning Sinihwa and Choch'al. Negotiations eventually broke down for reasons of "unreasonable requests" or the appearance of insouciance. The ability of lower-ranking magistrates to withdraw from negotiations forced the Namwŏn magistrate to rely on the intervention of the Governor, which was never a safe bet, given that many of the Governor's recommendations seemed advisory at most.

I intend the foregoing discussion to serve as a *preliminary* counterpoint to the image of the magistrate that often appears in discussions of 18th- and 19th-century Korean history. That period featured several large-scale rebellions that united the interests of commoners and disaffected *yangban*. The rebellions in question—particularly the 1862 Chinju rebellion<sup>379</sup> and the 1894 Tonghak rebellion<sup>380</sup>—involved strong grievances against the excesses and misrule of magistrates, who appear as exploitative, oppressive, and largely unfazed by the struggles of ordinary people. Certain scholars argue that new state policies greatly empowered magistrates during this period and that magistrates consolidated close alliances with key members of local

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<sup>379</sup> Sun Joo Kim's analysis of the 1862 Chinju Rebellion in no way denies that corruption among local officials (especially the magistrate) contributed to the outbreak of the rebellion, but also notes that an overemphasis on local corruption fails to address the more systemic problems that contributed to the uprising. In particular, Kim stress the changing socioeconomic situation at the time, particularly in terms of the commercialization of the economy and an increasing use of money. Sun Joo Kim, "Taxes, the Local Elite, and the Rural Populace in the Chinju Uprising of 1862," *Journal of Asian Studies* 66, no. 4 (November, 2007), 1018-1021.

<sup>380</sup> The Tonghak Rebellion may provide the quintessential example of an uprising encouraged in large measure by the misrule of a magistrate. The notorious Cho Pyŏnggap, then the magistrate of Kobu, and those in his office who served, formed a focal point among the rebels' many grievances. For more on the role of Cho Pyŏnggap as a grievance of the Tonghak rebels, see Lew Young Ick, "Conservative Character," 156-160.

society, including the *hyangni* and the *hyangjok*.<sup>381</sup> The tight cluster of power that formed around the magistrates in this period only made it easier for the magistrates to abuse their power.

The image of the “overbearing 19th-century magistrate” has emerged in part because research on this period has focused on violent resistance and dramatic action. Magistrates are seen as creators of intolerable circumstances unsolvable by ordinary means. I am not saying that the characterization is completely invalid; however, I am encouraging caution in response to any image of magistrates as wielders of unilateral power in all aspects of everyday life. In the introduction to this dissertation, I explained why I deliberately avoided the concept of resistance and chose negotiation instead. To view the magistrate’s office as an impregnable fortress of power is to overlook the fact that it often functioned much more as a *node* of power. Once implicated in broader issues, magistrates had to struggle more vigorously against competing interests—a fact that ordinary people in Namwŏn in the 1730s seemed to understand very well.

Though Chosŏn law imposed various checks on the behavior and power of magistrates, it is unclear whether those checks were easily dodged. For example, the *p’op’yŏm*<sup>382</sup> system mandated official reviews of the performance of magistrates from various levels of society and the state. However, magistrates may have found ways to circumvent that system, perhaps with ease. There is also evidence that Secret Royal Inspector [K. *amhaeng ŏsa*] system was, at times,

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<sup>381</sup> According to Ko Sŏkkyu, the strengthening of magisterial power through local alliances and government policy enabled the magistrates to extract from local communities with impunity, thereby encouraging the outbreak of revolt and rebellion in the 19th century. Ko Sŏkkyu, *19-segi chosŏn ŏi hyangch’ŏn sahoe*, 339-353.

<sup>382</sup> The *p’op’yŏm* 褒貶 system established the standards by which magistrates might advance up into the state bureaucracy and was based on performance reports from the countryside. Because so many magistrates were known for their exploitative practices and often for their overuse of punishments, it was important to create a mechanism that might discourage the arbitrary exercise of power in local settings. In the *Kyŏngguk taejŏn*, the *p’op’yŏm* system calculates of the quality of a magistrate’s performance based on ten separate evaluations. For the specifics of this system and a discussion of its broader importance, see Yi Chonhŏi, *Chosŏn sidae chibang haenjŏng chedo yŏn’gu* (Seoul: Ilchogak, 1990), 151-161.

largely ineffective in detecting corruption and misrule by magistrates. Magistrates may have ceased seeing that system as a deterrent against misusing the power of their posts.<sup>383</sup> The usefulness of a document like the *Collected Volume* is that it reveals a magistrate acting in practical circumstances and gives a strong sense of what might have checked their powers in actuality.

One discussion missing from this dissertation concerns the practices of the Namwŏn magistrate in the areas of tax collection and management of local emergency grain stores. The *Collected Volume* includes many individual reports on those issues and details many negotiations thereabout. In future research, I plan to review those case records to develop a fuller picture of the Namwŏn magistrate's manner of rule. I am confident that such an investigation will further clarify the variability of the local influence of magistrates and, perhaps, spark new questions concerning broader trends and changes in the behavior of magistrates between the 18th and 19th centuries.

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<sup>383</sup> Im Pyŏngjun, "Amhaeng ŏsa chedo ūi unyŏng sŏnggwa wa han'gye," *Pŏbsahak yŏn'gu* 24 (October, 2001), 53.

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