

that such an articulated social hierarchy provided the basic framework essential for social stability. Such a division of the rights and responsibilities of society along class lines was called *myŏngbun* (maintaining clear distinctions of social status), a term borrowed from Chinese tradition. However, Koreans interpreted those distinctions differently and divided up Korean society into categories different from the Chinese. Here is Yi's description of how Korean society was actually structured.

The Chosŏn dynasty was founded on the principle of maintaining clear distinctions of social status. The reason, however, that the appellation of scholar-officials (*sadaebu*) is applied to so many people today is that leaders are selected solely on the basis of their family background, regardless of their ability.

People are differentiated in numerous ways. The families that produce high officials for the court are those of the royal house and the scholar-officials. Ranked below the scholar-officials are those holders of titles, degrees, and merit who reside in the countryside and are without any official duties. Below them are scholars of illegitimate birth, military officers, interpreters, mathematicians, physicians, and officers of the military reserve. One rung lower on the social ladder are petty officials, householders assigned to military duties, and commoners. At the bottom of the social hierarchy are the mean people, consisting of both government-owned and privately owned slaves.

The class of lowly persons (*hain*) consists of people ranging from slaves to petty officials in the government's central and local administrations. The *chung-in* (middle people) consists of persons of illegitimate birth and those specializing in the various professions. The title holders and the scholar-officials are both known as literati (*yangban*). However, title holders constitute one social stratum of the literati and scholar-officials another, higher stratum. And scholar-officials themselves are further differentiated into the great families and the merely prominent families. With so many different ranks and grades separating people from one another, people tend not to have a very large circle of friends.

Even though the lines between social classes can be quite rigid, changes do occur over time in the social status of a family: The descendants of a scholar-official may fall to commoner status, and a commoner family may slowly climb the social ladder and eventually produce a scholar-official.

FK

## SECONDARY SONS

"Maintaining clear distinctions of social status" could refer broadly to the general Confucian preference for maintaining clear distinctions between social classes within a hierarchical social order, or it could be used in a narrower sense to refer specifically to one expression of class discrimination unique to Korea:

severe discrimination against those whose fathers were literati but whose mothers were concubines. In contrast to the way the Chinese treated sons of concubines, Koreans insisted on denying them most of the normal benefits of being born as a male in a noble household.

Under Chosŏn dynasty regulations, sons of concubines were barred from the civil service examinations and therefore from the high-status government posts earned by successful performance in those examinations. Moreover, within their father's house they had to accept an inferior status before a legitimate half-brother, even a younger one. For example, they were not supposed to address their father as "father," for to do so would imply that they, too, were true sons with as much claim to their father's affection as sons of high-status mothers.

Yu Suwŏn was critical of the way his fellow Koreans discriminated against sons of concubines. First of all, he argued, such discrimination wasted potential talent that could be useful to the state. Secondly, China did not engage in such discrimination and therefore Korea should not either. He made the same points against the barriers Korea had raised against allowing commoners or members of the *chungin* class to vie with the legitimate sons of *yangban* for government posts.

## YU SUWŎN: SECONDARY SONS AND PUBLIC OFFICE

[From "Non sasŏ myŏngbun," in *Usŏ* 2:9a-12b]

Someone asked me, "China does not practice the principle of maintaining clear distinctions of social status, does it?"

I responded, "How could that be?"

He said, "That principle arose back when there was a need to distinguish between the legitimate sons of aristocratic families and the rest of decent society. In China today, however, neither family background nor legitimacy of birth are all that important in selecting people for government office. Moreover, the children and grandchildren of an official can join the descendants of merchants in pursuing profit in the marketplace. How can they be said to be concerned about distinctions by name and rank?"

I answered, "Even though the Chinese do not consider the illegitimacy of birth as important a factor for official recruitment as talent, they have been very strict about how a concubine and her children are to be treated and rigidly observe the distinctions enshrined in the social code. Unlike legitimate sons, the children of a concubine and a government official do not have the right to an automatic appointment to a lower-level civil service position. Nor may the child of a concubine inherit the headship of his family. When their father's

epitaph is written, their mother is recorded as 'the concubine so-and-so who gave birth to so-and-so.' How can you say, then, that the Chinese do not distinguish between those of legitimate and those of illegitimate birth?"

He then said to me, "Nowadays those secondary sons who have the slightest bit of self-confidence are likely to think little of their relatives of legitimate birth and ignore the principle of distinction by social status. If we allow them the same access to official service legitimate sons now enjoy, will we ever be able to stop worrying about their lack of proper respect for men of legitimate birth?"

I answered, "If we bar them from official service, we do not show respect for them as fellow human beings. This will incite some of the more ignorant among them to despair and desperation — so much so that they will no longer accept their proper station in life but will become unruly and rebellious, and then others of illegitimate birth will follow suit. But if we treat secondary sons as potential scholar-officials, and in so doing ask them to abide by the laws of propriety, how could they act otherwise? Treat people properly first, and then they will act properly. If after we have treated them badly, we ask them to be respectful and obedient, how could they not feel resentful and hateful? Moreover, their resentment will grow and they will turn rebellious and perverse. Because our prohibition of their official service is so absolute, their accumulated resentments will make them recalcitrant, and recalcitrance will become a habit."

He countered, "How can we permit a son who is born of a lowly concubine to live the same way as a son born of a legitimate wife?"

I answered him, "In his family he is indeed a son of a lowly concubine. But the state should ask only whether he is wise or ignorant in order to employ him. Chou I, Tu Yen, Fan Chung-yen [989–1052], and Chu Shou-ch'ang were all born of concubines.<sup>4</sup> How could we prohibit such talented people from becoming officials? Heaven produces men of brilliance and straightforwardness so that they may be employed to work under the ruler. How can we not employ them simply because we want to distinguish between those with a respectable family background and those whose family background is not so respectable?"

He then asked me, "If that is the case, should we then not give secondary sons an equal right to inheriting the headship of their family so that they are treated no differently from the legitimate children and grandchildren?"

I answered him, "Heaven and the king are both very high and very strict. We have never failed to call Heaven Heaven and our king king. How then can we have a son whom we do not dare allow call his father father? That is not in accordance with the principle of maintaining clear distinctions of status.

4. Four famous Chinese government officials of past dynasties. Chou served at the highest levels of the government of Eastern Chin (317–420). The other three were high officials in Sung China (960–1279).

If a younger brother acted impolitely to his older brother, or a nephew treated his uncle with disdain, then ethics would be nonexistent. How could we tolerate such a thing! A legitimate brother or nephew should treat a secondary elder brother or an uncle as an elder brother or father, respectively. However, a secondary elder brother should perform the rites appropriate for a concubine's son toward his legitimate brother's mother, remembering his humble origin. Even if he is of a higher generation, he should perform the rites appropriate for ordinary children toward a legitimate son or nephew who is in line to inherit the headship of the family. Only then will ethics be illuminated and decorum be put into practice.

The ethics governing relations between father and son come from Heaven. As such, they are an integral part of human nature and cannot be artificially denied — so much so that if a secondary son cannot call his father father, great harm is done to human relations. Still, ordinary people are left so unenlightened that they do not think of this practice as strange. How lamentable it is! People who have spoken on this matter often express regret for the lost talent of secondary sons who are barred from official employment. But such an expression of loss is merely derived from their concern for profitability. There is nothing more important to a country's governance than to understand human relations. How can we support ethics that do not permit a father to be a father and a son to be a son!"

FK

#### YI SUDŬK: A PETITION ON BEHALF OF SECONDARY SONS

[From *Kyusa* 1:94–97]

Most of the Confucian scholars who were bothered by the discrimination against secondary sons confined their expressions of dissatisfaction to essays meant to be circulated among the Confucian scholarly elite. However, some, such as Yi Sudŭk (1697–1775), a government official during King Yŏngjo's reign (1724–1776), followed the example set by 1,600 secondary sons in 1568 and 988 secondary sons in 1695 and memorialized the throne directly to ask that such discrimination be ended.

In 1769 Fifth Rank Military Officer Yi Sudŭk submitted to the king a petition requesting that secondary sons be allowed to take the state examinations. He also requested that restrictions on their appointment to government posts be lifted. The contents of the petition are summarized as follows:

"In the past we were very hospitable to the worthy scholars of neighboring countries, honoring them with the proper ceremonies and being quite generous with the gifts we presented to them. Our only worry was that they would not

come to pay their visits. Yet, now we make laws that place limitations on talented men of our own country in the worry that they will perhaps become appointed to government positions. If an emergency were to occur, we would have trouble finding enough men capable of dealing with that situation. That would not be due to any real lack of capable men in our country but only to the fact that we are not able to take advantage of all the talent among our population.

"Even more strangely, people of obscure and inferior ancestry from the remote countryside are at times appointed to great government positions, and yet secondary sons of renowned families and upper-class families are completely and forever restricted from such posts; using this criterion to decide whom to appoint and whom to discard is absurd in the extreme.

"If a secondary son happens to have scholarly inclinations and desires to study at the National Academy, he will have to sit in the back, no matter how old he is, though the other students are assigned seats according to their age. This being so, there is not a place in the world where secondary sons can make their mark or even have their existence recognized. Those who have any self-respect at all never entertain any hope of winning an appointment to public office and instead withdraw from the world, closing their doors and staying by themselves. Those who are forced to go out into the world appear dejected and lifeless and look as if they were guilt-ridden because of some great sin.

"Even those who become government officials cannot closely attend to the king and therefore are not able to completely fulfill the proper obligations of a subject toward his king. Moreover, when they are children, they do not dare call their father father, and so the moral relationship between father and son also becomes denigrated. Worst of all, there are fathers who ignore the existence of their sons by their secondary wives and instead adopt distant relatives to carry on the family line. This destroying of moral relationships and this violation of heavenly principles is extremely serious.

"Alas, even if this discrimination against secondary sons had been instituted by the sages of old, its evil effects would still have become clear over time. Besides, Sō Sōn was no sage but a mean-spirited individual.<sup>5</sup> Nevertheless, after he succeeded in having this immoral proposal adopted, we have respected this policy and followed it ever since. Over the last three hundred years we have prevented many talented men from being able to use their talents, an extremely perverted practice indeed. Truly this is something we do not want any of our neighboring countries to know about.

"Perhaps one may argue that if secondary sons are allowed to take the exams, social ranking will become confused. However, this is not the case. In the

5. In 1415 under King T'aejong's reign, Sō Sōn (1367–1433) proposed a prejudicial treatment discriminating against those born of concubine mothers.

opinion of the former High State Councillor, the late O Yungyōm [1559–1636], "The distinction between primary sons and secondary sons is a distinction that only needs to be made within a family. In the king's court, in making appointments to public offices, all we should be concerned about is that we select those who are wise and capable. If, by appointing secondary sons to a high-status office, we violate the social hierarchy, that is because that social hierarchy is too rigid. Any confusion of social status that results is not the fault of secondary sons.' Since a respected high court official has already spoken decisively on this matter, for others to contradict him is a cause for grave concern.

"On the other hand, if someone says we should learn from our experience with the secondary son Yu Chagwang and the trouble he caused and beware of secondary sons, I would have to laugh. The trouble he caused is nothing compared to the harm done by Kim Allo [1481–1537], Yun Wōnhyōng [d. 1565], Nam Kon [1471–1527], and countless others who were not secondary sons. How can we take the actions of just one man, even if that man is Yu Chagwang, as an excuse to bar all secondary sons from public office?

"I might add that even if, starting today, secondary sons were allowed to compete for civil service positions, I do not think we would see an immediate effect tomorrow. However, the overall impact, if the doors that have been blocking the appointment of secondary sons to government posts are opened wide, would be that more talented men would be encouraged to develop their talents and abilities. Once they learned the good news that discrimination against them had been lifted forever, they would be even more encouraged. Who knows, might not another Huo Ch'ü-ping or Han Ch'i [1008–1075]<sup>6</sup> emerge from among these secondary sons?

"I have humbly selected some memorials and proposals made by several different officials in the past and have added to them the records of some debates over some of the difficult points concerning this issue and have brought all this together for your perusal. I am convinced that if you sincerely and carefully go over this material, you will come to a firm and fair conclusion about what needs to be done.

"I respectfully offer this concise and short petition together with these accompanying documents. However, due to old age and ill health, I am unable to go to the palace myself and have therefore taken the liberty of doing as Yi I did before me and have boldly ordered my servant to deliver this forthwith. I pray that Your Majesty will talk this over with your ministers and quickly hand down an edict ending this discrimination against secondary sons."

MP

6. Two men who rose to positions of prominence in the Han and Sung dynasties respectively, though they both were born of mothers of low social status.

## INHERITANCE PRACTICES

The sons of concubines were not the only ones adversely affected by changes brought on by the Confucianization of Korea. Women lost status and privileges as well. Up through the early part of the Chosŏn dynasty, women inherited property equally with their brothers and even on occasion assumed responsibility for the *chesa* ceremony, the ancestor memorial ceremony that is the primary ritual expression of family unity across generations. However, under the impact of the Chosŏn dynasty's decision to remold government and society along Confucian lines, Korea began to take on a more patriarchal appearance. As a result, women began to be denied any responsibility for performing the ancestor memorial service, which increasingly became the monopoly of the oldest son of the legitimate wife.

Since one of the reasons for passing on a father's property to his children was to give them the wherewithal to perform a proper ancestor memorial ceremony, much of the rationale for leaving property to daughters was eliminated when daughters were no longer expected to assume any responsibility for that ritual. As a result, women would find that their share of the family inheritance had dropped to only one-third of their brother's share. Even the way women were listed in the family registry began to show discrimination against women. Whereas in the earlier part of the Chosŏn dynasty, children had been listed in the order of birth without regard to gender, in the latter half of the dynasty all male children were listed before any daughters' names appeared.

The family records of the Puan Kim, an upper-class family of officials, scholars, and landlords, reflect this growing concern for conforming to Confucian patriarchal notions of propriety. Lineage heads began to issue instructions to their descendants to adhere more closely to the guidelines provided by the great Chinese Neo-Confucian Chu Hsi as interpreted in Korea. An example is the instruction below issued in 1669 by the lineage head and his two younger brothers concerning who should be responsible for the ancestor memorial ceremonies for the main lineage line, and how this division of responsibility among siblings would affect inheritance shares.

## KIM MYŎNGYŎL: FAVORING SONS

[From *Puan Kim-ssi Uban komunsŏ*, p. 224]

The law governing ancestor ceremonies by the lineage heir's household is clearly recorded in the ritual texts of ancient China. Since this matter is so important and is so serious, more ceremonial property should be set aside so

that the lineage heir's household may perform all the ceremonies, and the performance of ceremonies by the younger siblings on a rotational basis will not be allowed.

In our country the rule of the lineage heir's household has been corrupted for a long time. All the aristocratic families have allowed the ceremonies to be performed by all the siblings on a rotational basis for so long that it is difficult to correct the situation. In the case of daughters, after they leave the household to marry, they become members of the other household. The principle of following the husband is important. That is why the standard of etiquette established by the sages stipulates that daughters wear mourning clothes for a shorter term after they have married. Both the affection and duty are less important for the daughter.

These days, we frequently see aristocratic households allowing the households of the sons-in-law to perform the ancestral ceremonies on a rotational basis, and we often see that the sons-in-law or their children are tempted to make excuses and omit the ceremonies. Even when they carry out the ceremonies, they use inferior offerings, or they are not sincerely respectful to such a degree that it is better that they not perform the ceremonies at all.

In our family we once brought up this matter with our now-deceased father, and we brothers discussed the issue fully and have decided as a point of principle that the household of the son-in-law or the children of that household shall in no wise be allowed to perform the ceremonies in rotation. This is a rule set for all succeeding generations.

There is no difference in the degree of affection between parent and child whether son or daughter, but daughters are different from sons in that there is no way for them to nurture their parents when the parents are alive since they leave the household when they marry, and they do not perform the ceremonies for their parents after they die. This being so, how can a daughter possibly expect a share of property equal to that of a son? Therefore, on the basis of both emotion and propriety, there is nothing unfair or wrong about giving a daughter a one-third share. How could a daughter or a child of a daughter possibly dare to challenge this principle? Read this document and understand its intent, and then you will know this is a fair way to handle this matter. Who can ever say this differs from the commonly accepted rule and is therefore wrong?

If the primary line descendant is at any time so poor that he cannot perform the ceremony, then he can be forgiven, but if he disobeys and allows the ceremony to be carried out on a rotational basis, then how dare we call him a descendant of ours?

Signed: the former magistrate of P'yŏngsan, Myŏngyŏl, and brothers Yongyŏl and Yuyŏl.

MP



## KIM PŎN: DISINHERITING DAUGHTERS

[From *Puan Kim-ssi Uban komunsŏ*, p. 213]

The Puan Kim obviously were in the vanguard of the Confucianization of the Korean family and felt the need to remind lineage members that despite what their neighbors did they should conform to the patriarchal standards of inheritance and ritual that were becoming more and more the standard for upper-class families in the seventeenth and eighteenth centuries. As can be seen in the following document, dated 1688, Kim Pŏn, Kim Myŏngyŏl's oldest son and therefore the lineage heir, adhered faithfully to his father's instructions, though he himself had no son and had to pass on the lineage headship, with all the property that entailed, to the son of his younger brother.

Our ancestors left us instructions stating that our family is different from other families. Since married daughters are not allowed to participate in the ancestor memorial ceremonies on a rotational basis, they should be given only a one-third share of property. As long as I am alive, if I handle the inheritance in this manner, who would dare to raise a dispute? If I have sons or daughters, who of them could read this and not be moved?

The property received by me and my brother as special allocations will not be passed on to the daughters. Only sons will be inheritors of that property as was earnestly taught by our father.

MP

## KIM SUJONG: TO A DAUGHTER-IN-LAW

[From *Puan Kim-ssi Uban komunsŏ*, p. 206]

Kim Pŏn's heir, Kim Sujong, continued the family tradition of discriminating against daughters in the distribution of lineage assets. That does not mean that the Puan Kim cared nothing for the women in their family, of course, or were not able to help out those women financially. Women were often left special allocations from property the parents themselves had acquired through their own efforts rather than through inheritance, property that thus was not subject to the strict patriarchal laws governing inherited lineage property. Even a daughter-in-law might be favored in this way, as can be seen in the following document, dated 1735, which Kim Sujong wrote to the wife of his only son.

After you completed the wedding ceremony at our home with the son who was born to me late in life, and while you were at your natal home waiting for the *sinhaeng* date [when the bride and groom return to the groom's house after

spending a year or more, often until the birth of the first child at the bride's parents' house], you received word that my wife had suddenly taken ill and died. You did not hesitate but left immediately and traveled with the stars at your back to take care of the funeral ceremonies. Since then, amidst the bitterness of my loneliness as an aged widower, you have made every effort to take care of me and also have helped me carry out the various ancestor memorial ceremonies with a kind of devotion that has been ideal. Your personality is quite gentle and tranquil, and the way you handle the slaves has been exemplary. There cannot be a greater blessing for our family. I strongly feel I should express my feelings in the form of some gifts. . . . I am giving you eight slaves and several pieces of land.

MP

## GOVERNMENT CORRUPTION

The district magistrate was usually the only official in a local government office who had passed the civil service examination, held a high-status official title, and received an official stipend from the central government. His assistants were of a different social class. They were *chungin* and, though they were literate and were often the descendants of local dignitaries and thus considered themselves superior to commoners, they were ineligible for civil service offices, titles, and stipends. Serving as clerks for local government and assisting district magistrates in enforcing the law and collecting taxes, they became the focus of much criticism, accused of inefficiency, and corruption. Since those petty officials gained their posts through heredity rather than merit and usually held those posts for life, and since they received no pay from central government coffers but were supposed to survive on such informal sources of income as fees for services rendered, some of the charges of corruption laid against them may have been justified. Chŏng Yagyong argued, however, that petty officials were not corrupt and immoral by nature but were led into corruption by the system that employed them and defined the conditions and terms of their employment.

## CHŎNG YAGYONG: WICKED PETTY OFFICIALS

[From "Kanni non," in *Yŏyudang chŏnsŏ* 1:12:10b-11a]

Petty officials are not born wicked; it is the law that makes them so.

It is difficult to tally all the numerous reasons for their wickedness. A man may become wicked when he is overqualified for the post to which he is assigned, when he is educated beyond his station in life, when he is able to reap immediate benefits with a minimum of effort, when he stays at the same job