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Finding female identity in the Neo-Confucian country of Joseon: analysis of female-related crimes in “Sabeobpumbo” (司法稟報)

Boram HAN, PhD

The Department of History and Culture
Daejeon University, South Korea
96-3, Daehak-ro, Dong-gu, Daejeon, South Korea 34520
hanboram0924@gmail.com

ORCID: <https://orcid.org/0000-0003-0598-9527>

Abstract: This research analyzes female-related cases in *Sabeobpumbo* (사법품보, 司法稟報) to examine Joseon women’s identity and perceptions of their role in the patriarchal society. Since women’s chastity was directly related to their social value, it was sometimes traded for their lives. Women were often unfairly reprehended when involved in domestic conflicts because of their lower status and they have been understood as individuals who faithfully followed the agnatic principle. However, there were exceptions, and *Sabeobpumbo* contained extraordinary accounts of various Joseon women in which they were described as independent and displayed active defiance in response to their highly conservative society while hoping to break free from the rigid social structure. In some cases, Joseon women decisively left their husbands for various reasons, mostly involving financial instability

or neglecting duties. Furthermore, some women went to incredible lengths to preserve their husband's and his family's dignity. Interestingly enough, these women were not only absolved from their actions but even met with silent approval from the public. These examples provide an intriguing perspective that directly clashes with the accepted norms during the Joseon Dynasty and calls for further research on the complexities of female identity as a Joseon woman.

Keywords: *Sabeobpumbo*; Joseon; Korean women; women's identity; female-related crimes.

성리학 국가 조선에서 여성의 정체성 찾아가기
- 『사법품보』에 나타난 여성 범죄 사건의 분석 -

초록: 본 논문은 19세기 말 자료인 사법품보에 등장하는 여성 관련 사건들을 분석하여 조선이 구축했던 가부장제 사회의 현실에서 여성이 가지고 있었던 정체성과 자기 역할에 대한 인식을 살펴본 작업이다. 흔히 조선의 여성은 중벌 질서가 지배하는 성리학 국가가 여성에게 의도한 것, 즉 정절 규범의 수용과 남편 가족의 위계 아래 종속됨을 충실히 따른 것으로 이해되어 왔다. 여성의 정절과 관련된 명예는 곧 여성의 사회적 가치와 직결되었기 때문에, 정절은 여성의 목숨과 맞바꾸어지기도 했다. 또한, 시집 공동체 내에서 약자의 위치에 서있었기 때문에 남편 혹은 시집 구성원들과 갈등에서 희생자가 되는 일도 흔했다. 하지만 조선의 여성이 이와 같이 국가와 사회로부터 부여받은 여성의 위치를 수동적으로 받아들인 것은 아니었다. 사법품보에 나타나는 그녀들의 모습은 국가의 의도에서 벗어나 주체적이고 능동적인 자세로 자신을 둘러싼 환경에 대응하는 것이었다. 그녀들은 인간으로서 생존을 위해 자신의 생존에 도움이 되지 않는 남편은 과감하게 바꾸기도 했다. 그리고 남편을 죽인 원수를 직접 살해하는 등 자신이 소속된 가족을 위해 자신이 주체가 되어 문제 해결에 나서기도 했다. 그런데 여성이 주체가 되어 문제를 해결한 가족 공동체는 시가 공동체에 한정되지 않았다. 친부모를 죽게 만든 전남편을 직접 살해함으로써 친정 부모에 대한 효를 입증한 사건도 존재한다. 즉, 사회가 여성에게 요구한 것은 부계 중심 사회에서 여성으로서 정절과 종속이었지만, 여성은 단지 여성이 아닌 하나의 인간으로서, 사회가 인간에게 요구하는 효를 입증함으로써, 남성과 동일한 기준으로 공동체 내 자신의 역할을 수행하고 있었던 것이다. 그리고 국가는 이와 같은 여성의 경계 넘기를 제어할 논리를 가지고 있지 않았다.

핵심어: 사법품보; 조선; 조선 여성; 정체성; 여성 관련 범죄.

**W poszukiwaniu kobiecej tożsamości w neokonfucjańskim Joseon:
analiza przestępstw dotyczących kobiet w „Sabeobpumbo”**

Abstrakt: Niniejsze badanie opisanych w *Sabeobpumbo* (사법품보; 司法稟報) przypadków przestępstw dotyczących kobiet ma na celu analizę przykładów mówiących o kobiecej tożsamości z czasów Joseon, jak i percepcji roli kobiet w patriarchalnym społeczeństwie. Cnotliwość kobiet odgrywała olbrzymią rolę w ich życiu gdyż korelowała z ich społeczną ‘wartością’. Kobiety z racji swego niskiego statusu często były niesprawiedliwie piętnowane za udział w konfliktach domowych. Przyjmowano także, że mają się one wiernie stosować do zasad starszeństwa i podległości. Zdarzały się jednakże wyjątki. *Sabeobpumbo* zawiera szczególnego rodzaju świadectwa dotyczące koreańskich kobiet, w których opisane są one jako jednostki niezależne i buntujące się przeciwko konserwatywnemu społeczeństwu, działające z nadzieją na przełamanie ograniczeń sztywnych ram społecznych. W pewnych przypadkach kobiety z Joseon świadomie i z różnych przyczyn opuszczały swoich mężów, choć w znacznej mierze było to spowodowane brakiem stabilności finansowej lub zaniedbywaniem przez nich męskich obowiązków. Zaskakująco niektóre z nich dołożyły jednocześnie wszelkich starań, by nie tylko zachować, ale i by zadbać o honor męża i jego rodziny. Co ciekawe, kobiety te nie tylko zostały uniewinnione z zarzucanych im czynów, ale nawet spotkały się z cichą aprobatą opinii publicznej. Te przykłady prezentują zaskakującą perspektywę, która bezpośrednio kłóci się z przyjętymi w czasach dynastii Joseon normami i daje podstawę do dalszych badań nad złożonością koreańskiej tożsamości kobiecej.

Słowa kluczowe: *Sabeobpumbo*; Joseon; Koreanki; tożsamość kobiet; przestępstwa dotyczące kobiet.

1. Introduction

As a Neo-Confucian state, Joseon sought to establish a social order based on the agnatic principle (종법, 宗法) from the beginning of its foundation. The agnatic principle was to give authority to the firstborn son so that all successions could be carried down to the paternal side. Therefore, male-centered patriarchy was established in the late Joseon Dynasty, and accordingly, the hierarchical order of men and women was reinforced. In this social structure, women were assigned the task of playing the role of daughter-in-law and wife as subordinates to the

husband's family. *일부종사* (*Ilbujongsa*, 一夫從事), maintaining fidelity to their husbands, had become a social virtue that women must defend. It naturally led women to have passive social status who were not able to decide anything according to their will (정지영 Jung, Ji Young 2002: 21).

To date, a general view of Joseon women described them as subordinates who were forced into obedience and obligation in a male-centered Neo-Confucian society. Joseon women were portrayed as strictly controlled individuals in a society dominated by Confucian ideology and were given roles such as generous wives, obedient daughters-in-law, and modest widows (Deuchler 2013: 379–380). Some studies, however, suggest that Joseon women tried to protect their status in a given situation. For example, Joseon women tried to gain social recognition by exercising their right to adopt children, using their rights as a daughter-in-law guaranteed to them, or by choosing the path of a virtuous woman who follows her husband to the grave (이순구 Lee, Sun-gu 2005: 136–137).

However, there is a big obstacle to precisely examining how Joseon women established their status and identity under the Neo-Confucian social order, which is a lack of data produced by women themselves that provides their perspectives and stances. This is because women in the Joseon Dynasty were not able to express their opinions officially. Even if data produced by women remain, there are only a handful of high-class women's writings available currently. In order to overcome these limitations and lack of data, this study examines the situation and choices of women in the late 19th century of the Joseon Dynasty, using “사법품보” *Sabeobpumbo*. *Sabeobpumbo* is judicial records from the late Joseon Dynasty to the Korean Empire (1894–1907) with details of various civil and criminal cases, testimonies from people involved, and sentences from the state. It is currently in the possession of the Seoul National University Kyujanggak Institute for Korean Studies. A total of 180 books remain, including 128 books of “사법품보 (갑)” *Sabeobpumbo (Gap)* and 52 books of “사법품보 (을)” *Sabeobpumbo (Eul)*. Female-related cases comprise a significant proportion of the records as well as various examples that vividly show the situation in which women were in a patriarchal community (한보람 Han, Boram 2022).

Therefore, this research aims to explore the reality of women in the late Joseon Dynasty, when the agnatic principle was considered to have been settled as the governing order of society, and how women

were responding to such reality by analyzing the female-related cases in *Sabeobpumbo*. In specific, the study pays attention to the state's intention that was to be implemented to women in the process of establishing a patriarchal society and examines if it was successful. This will take us a step closer to what identity women of the time formed on their own. All English translations are mine unless stated otherwise.

2. The State's Intention: Acceptance and Subordination

2.1. Acceptance of norms of fidelity

From the 16th century, the state began to impose strong regulations on women's *Ilbujongsa* and fidelity. In the reign of 중종 (中宗) *Jungjong*, the adultery of a noblewoman was capitally administered by hanging her. Since then, in the 18th century, the scope of punishment has expanded to include the adultery of common women as well. In addition, remarriage is considered to fall within the scope of adultery so that remarried women were punished as servants of government offices (장병인 Chang, Byung-inn 2003).

Furthermore, the code of the Joseon Dynasty, *대명률* (*Daemyeongryul*, 大明律), stipulates that "if a woman is found to be committing adultery, it is acceptable for the woman's husband to kill the wife and the other man immediately"¹. The law allows private revenge for the woman's husband if a woman's fidelity is damaged. In Joseon society, keeping fidelity to their husbands has become an unavoidable norm. Women had to face a situation where they could lose their lives when they failed to maintain their fidelity, and their tarnished reputation would also heavily affect their families as well. On the other hand, if a woman remained faithful to her husband and was recognized as a virtuous woman, it was considered a great honor for the entire clan. That was why the mere rumor of a woman's obscene behavior could potentially lead her to be completely ostracized from the community and permanently ruin the family's social status (김선경 Kim,

¹ *The Great Ming Code*. Criminal code (『大明律』 刑律, 殺死姦夫條.) https://db.history.go.kr/law/item/level.do?levelId=jlawb_160_0190_0010_0040. (Accessed 3 Feb. 2023).

SunKyoung 2000: 69-71). It was impossible for a woman living in Joseon society to deviate from these national and social norms.

Therefore, a considerable number of tragic stories about women's fidelity appear in female-related cases in *Sabeobpumbo*. Women chose death just by rumors of a relationship with men. In the case of an incident in 1896 in Uiju-gun, Pyeongan-do (의주군, 평안도), 김인택 Kim In-taek's farm servant, 김귀만 Kim Gwi-man, tried to block In-taek's 15-year-old niece's chance of marriage by spreading a rumor that she was dating him. In response, Kim In-taek immediately drove his farm servant out of his house, but Gwi-man responded by returning to the family residence and refused to leave. The 15-year-old girl, who could not endure the humiliation surrounding her, committed suicide after nine days of self-imposed starvation².

In such an environment where mere rumors about women could lead them to commit suicide, it was natural to see several cases of women's suicide due to rape crimes, which could *damage* their fidelity. For example, the case that occurred in 1896 in Gyeolsung-gun of Chungcheong-do (결성군, 충청도) made 심(沈)씨 처녀 maid Shim hang herself after 유진석 Yoo Jin-seok threatened and tried to rape her and she resisted³. Even though it was the attempted rape, maid Shim proved her innocence by death. Given this situation, the suicide of a rape victim woman in 1895 in Yeongil-gun, Gyeongsang-do (영일군, 경상도), seems very natural; it was an incident in which 김(金)씨 여인 a woman with the last name Kim committed suicide by drowning with her young son after being raped. She tried to publicize her resentment by extinguishing not only herself but also her son, who was the successor of her husband's family⁴.

For women, defamation of their fidelity was directly related to women's social values. A woman who was considered to have lost her

² *Sabeobpumbo*, Gab 19, Bogoseo 3. (『司法稟報(甲)』 19 책, 報告書 제 3 호(平安北道裁判所判事署理定州郡守 洪淳旭→法部大臣韓圭高, 建陽 2 年 2 月 23 日). ‘義州郡金仁宅姪女獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

³ *Sabeobpumbo*, Gab 15, Bogoseo. (『司法稟報(甲)』 15 책, 報告書(忠清南道觀察使李乾夏→法部大臣韓圭高, 建陽元年 11 月 11 日). ‘結城郡沈女兒獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

⁴ *Sabeobpumbo*, Gab 9, Bogoseo 3. (『司法稟報(甲)』 9 책, 報告書 제 3 호(東萊府觀察使池錫永→法部大臣韓圭高, 建陽元年 6 月 18 日). ‘陸已西子婦金召史獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

value in society responded to her family and society by giving up her life. The ruling of the *Justice Department* 법부 (*Beobbu*, 法部) on these cases illustrates how their choices were socially accepted; the state referred to them as chaste women and positively evaluated them as dead to keep their righteous fidelity soundly. Those women were praised as a being that did not deviate from the fence of the fidelity value set by the state.

In Joseon society, the fidelity of women was an honor that the state and the family community should protect, and in such a social view, women died in vain to protect their fidelity or because they could not protect it. The state and society viewed the death of a woman as a sad but noble act to prove her chastity. Women's suicide also shows that women themselves were actively accepting it as a value to protect their chastity in such a society. The norms of chastity set by the state and society were acting as a powerful means of controlling women until the end of the Joseon Dynasty. Understandably, women were in a position where they had no choice but to accept it.

2.2. Subordination under the hierarchy of the family

In Joseon society where the patriarchal system was established, women belonged to their husbands' family through marriage after leaving their own family. In addition, the social moral norm to which women had to adhere was *Ilbujongsa* so that women's remarriage was regulated, and thus, the reality faced by Joseon women was to faithfully play the given role as a member of the husband's family community, the husband's wife, and daughter-in-law. The previous research notes that although Joseon women lost their rights as daughters, they actively secured their status by finding the rights guaranteed as daughters-in-law (이순구 Lee, Sun-gu 2005). Nonetheless, it remained unchanged that women still had to struggle alone in the husband's family community due to the patriarchal social structure of Joseon. If a woman were to be separated from her husband's family, she would be threatened with social honor as well as survival itself. Therefore, women had no choice but to stay in the position of the weak in society and family communities in Joseon's given social environment.

It is easy to find cases in *Sabeobpumbo* that imply the status of women as the weak in the family community; these cases show that if a woman experienced conflict with her husband and his family members, she did not have many options to choose. If the husband no longer wanted to live with his wife due to the marital conflict, the wife was forced to commit suicide. In a real case in Daegu-gun, Gyeongsang-do (대구군, 경상도), 이(李)씨 부인 *a wife with the last name Lee*, who was kicked out by her husband Kim Yang-ro, returned to her parents' home and hanged herself. The reason why she was kicked out was that she did not obey her mother-in-law⁵. In another case, 유(柳)씨 부인 *a wife named Yoo* committed suicide by taking poison after hearing her husband 심상득 Shim Sang-deuk's intention to divorce⁶. Nevertheless, both husbands were acquitted because the article of a criminal code in *Daemyeongryul*, "If a husband beats and scolds his wife and then she commits suicide, the husband is absolved from any crimes", was applied⁷.

Interestingly enough, there was a separate case that was similar to 김양로 Kim Yang-ro's that occurred in a similar time period and in the same province. This case reported a husband who committed suicide due to a marital conflict in Daegu-gun, Gyeongsang-do (대구군, 경상도). 공정오 Gong Jeong-oh, 이(李)씨 Lee's husband, committed suicide by taking poison because his wife Lee went to a neighboring village at night without preparing his meals. Regarding this case, the provincial governor judged that even if taking poison was 공정오 Gong Jeong-oh's own will, it was not different from a plotted murder. While the governor inquired about what laws to apply, he gave 50 lashes to

⁵ *Sabeobpumbo*, Gab 6, Jilpumseo 6. (『司法稟報(甲)』 6 책, 質稟書 제 1 호(大丘府觀察使 李重夏→法部大臣 張博, 建陽元年 1 月 14 日). ‘大丘郡致死女人李召史獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

⁶ *Sabeobpumbo*, Gab 8, Bogoseo 24. (『司法稟報(甲)』 8 책, 報告書 제 24 호(仁川裁判所判事臨時代辦行裁判所檢事 任午準→法部大臣 韓圭高, 建陽元年 6 月 27 日). ‘仁川港致死女人柳召史獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

⁷ *The Great Ming Code*. Criminal code (『大明律』 刑律, 人命, 夫毆死有罪妻妾條). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

the wife and imprisoned her⁸. Even though the wife did not directly persecute her husband, she was singled out as the cause of her husband's suicide just because there was discord, and she had already been given severe lashing even before the official sentence was made. *Daemyeongryul* was a law that discriminated between the same criminal acts of husbands and wives according to hierarchical order, by giving them different punishments and sentences. Wives were even punished for disobeying and betraying their husbands; that is, *Daemyeongryul* was enacted to establish a family order based on husband-centered marital relations (박경 Park, Kyoung 2009: 41–42). Under this legal system, therefore, the position of women, including the relationship with their husband and husband's family, was inevitably reduced.

In such social and legal environment, incidents in which a husband used violence against his wife and led her to death could often occur. In Cheongdo-gun, Gyeongsang-do (청도군, 경상도), 김원석 Kim Won-seok beat his wife 서(徐)씨 Seo to miscarry, and then she died⁹. In Geumgu-gun, Jeolla-do (금구군, 전라도), 김진여 Kim Jin-yeo strangled his wife 김(金)씨 Kim to death after having an argument with her under the influence of alcohol¹⁰. Women were often killed due to their husband's violence.

Not only the husband, but also his family were at the top of the hierarchy that women had to endure. There were many reported cases where a daughter-in-law was beaten to death by her husband's family member. Additionally, it was common to find documents that report many cases of suicide of a daughter-in-law due to severe physical and psychological abuse.

⁸ *Sabeobpumbo*, Gab 16, Jilpumseo 11. (『司法稟報(甲)』 16 책, 質稟書 제 11 호(慶尙北道觀察使 嚴世永→法部大臣, 建陽元年 11 月 24 日). ‘大丘郡致死男人孔正五獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

⁹ *Sabeobpumbo*, Gab 14, Jilpumseo 5. (『司法稟報(甲)』 14 책, 質稟書 제 5 호(前大丘府觀察使署理大丘郡守 李範善→法部大臣, 建陽元年 9 月 30 日). ‘清道郡致死女人徐召史獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹⁰ *Sabeobpumbo*, Gab 21, Jilpumseo 20. (『司法稟報(甲)』 21 책, 質稟書 제 20 호(全羅北道觀察使 尹昌燮→法部大臣臨時署理議政府贊政 趙秉稷, 建陽 2 年 5 月 5 日). ‘金溝郡致死女人金召史獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

In Jinsan-gun, Chungcheong-do (진산군, 충청도), when mother-in-law 강(李)씨 Kang scolded her daughter-in-law 이(李)씨 Lee, she committed suicide by drowning¹¹. Just a few days after this incident, another mother-in-law 조(趙)씨 Cho physically assaulted her daughter-in-law 강(姜)씨 Kang, which led her to death, in a similar area, Deoksan-gun, Chungcheong-do (덕산군, 충청도)¹². Not only mothers-in-law, but conflicts with other family members also led women to death; for example, a woman hanged herself after being abused by her husband's sister-in-law¹³, and another drowned herself after having a conflict with dongseo (a wife of brother-in-law)¹⁴.

Joseon women entered the family community of her husband's clan and were subordinated to them as the lower rank of the community hierarchy. In the patriarchal social order that the state wanted to establish, women had no choice but to accept a subordinate position. They were in the position of the weak, and thus, they frequently became a victim of several incidents that demonstrated such position.

¹¹ *Sabeobpumbo*, Gab 11, Bogoseo 8. (『司法稟報(甲)』 11 책, 報告書 제 8 호(忠淸南道觀察使 李乾夏→法部大臣 韓圭高, 建陽元年 8 月 22 日) ‘珍山郡致死女人李召史獄事’.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹² *Sabeobpumbo*, Gab 13, Bogoseo 25. (『司法稟報(甲)』 13 책, 報告書 제 25 호(忠淸南道觀察使 李乾夏→法部大臣 韓圭高, 建陽元年 9 月 5 日) ‘德山郡致死女人姜召史獄事’.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹³ *Sabeobpumbo*, Gab 6, Bogoseo 1. (『司法稟報(甲)』 6 책, 報告書 제 1 호(南原府觀察使署理參書官 申佐熙→法部大臣 李範晉, 建陽元年 3 月 29 日) ‘寶城郡致死女人姜召史獄事’.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹⁴ *Sabeobpumbo*, Gab 23, Bogoseo 47. (『司法稟報(甲)』 23 책, 報告書 제 47 호(忠淸北道觀察使 朴齊億→議政府贊政法部大臣 韓圭高, 建陽 2 年 7 月 3 日) ‘鎭川郡致死女人徐召史獄事’.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

3. Joseon Women's Perspectives: Choice for Survival and Becoming the Main Agent of Society

3.1. Changing the husband for survival

In the Neo-Confucianist ideological society that emphasized *Ilbujongsa*, women's remarriage was a deterrent from the state. Remarriage was taboo even for a widow whose husband died. According to research on widow remarriage, it already became a trend for noble women to live as a widow for the rest of their lives in the mid-17th century, and the proportion of common women living as widows for life had also gradually increased in the late Joseon Dynasty, indicating that the negative social notion of widows' remarriage began to pervade even among the ruled class (정지영 Jung, Ji Young 2000). Due to these social norms, it was generally recognized until recently that remarriage of women in the Joseon Dynasty was almost impossible. In reality, various cases mentioned in *Sabeobpumbo* seemed to deviate away from this societal norm. It was actually not uncommon for women to change husbands to survive, and the social perception seemed to be very flexible depending on the situation.

We can see that it was realistically possible for a woman to choose divorce through various incidents that occurred when a woman abandoned her husband. It is noteworthy that the reason why a woman leaves her husband is mostly due to poverty; that is, if a man could not guarantee his wife's survival, the wife left him in a decisive manner. For example, in Gowon-gun, Hamgyeong-do (고원군, 함경도), 한종길 Han Jong-gil's wife 김(金)씨 Kim complained about poor living conditions and financial woes, so she decided to leave home and return to her original family. The husband went to her family's house to argue with her parents, but Kim's father, 김덕연 Kim Deok-eon, rather scolded his son-in-law, saying that his daughter was already seeing another man. The disappointed husband returned home drunk and died shortly after¹⁵. What stands out in this incident is that there were situations in which a woman with discontent, in terms of

¹⁵ *Sabeobpumbo*, Gab 18, Jilpumseo 2. (『司法稟報(甲)』 18 책, 質稟書 卷 2 호(咸鏡南道裁判所判事 徐正淳→議政府贊政法部大臣 趙秉式, 建陽 2年 1月 30 日) ‘高原郡致死男人韓宗吉獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

maintaining a living, left her husband and had a relationship with another man afterwards.

Such a case is also seen in the incident of 보부상 *bobusang* (peddler) 이용운 Lee Yong-woon that occurred in Onyang-gun, Chungcheong-do (온양군, 충청도). Lee Yong-woon visited the house of the noble 심선전 Shim Seon-jeon with a group of *bobusang* and behaved violently after learning that his wife, who left the house a few years ago, lived there. This case, like the above one, shows that the wife left her husband due to discontent, but what attracts attention in this case is the state's ruling; it notes that "What did a husband do to make his wife betray her husband and followed someone else?"¹⁶. It criticized the husband by saying that "the husband had to reflect on himself if the wife did not want to live with him even after he found her, but he created a disturbance without reflecting on himself"¹⁷. It refers to the husband's responsibility for his wife's leaving him. This shows that the state could not prohibit a woman from leaving her husband when he could not guarantee her survival. Despite the statement that *following a man is a woman's proper duty*, the country could not compel women to keep their 'duty' beyond 'survival' at a time when real problems arise.

Women's willingness to choose a husband was not only shown in commoners. Noble women were also found to choose another husband to survive after their husband's death. It is interesting that aristocratic women showed an evolved form of the will of choice rather than simply choosing to survive. In Hansan-gun, Chungcheong-do (한산군, 충청도), so-called widow 보쌘 *bossam* occurred, in which a commoner 이봉일 Lee Bong-il kidnapped 양반 과부 박(朴)씨 Park, a noble widow. However, in this case, when 김학관 Kim Hak-gwan, a rich man in the same village, suggested that she be a concubine, the widow Park asked the neighbor 조(曹)씨 여인 woman Cho to introduce her to at least a poor widower because she did not want to be a concubine of the rich. With Cho's matchmaking, the commoner Lee Bong-il picked up widow Park and lived together, and the widow's

¹⁶ *Sabeobpumbo*, Gab 16, Bogoseo 17. (『司法稟報(甲)』 16책, 報告書 제107호(忠淸南道觀察使 李乾夏→議政府贊政法部大臣 韓圭高, 建陽元年 12月 13日) ‘溫陽郡李貴同被打事件’) 取妻如何하야 背夫從他하니. https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹⁷ *Sabeobpumbo*, Gab 16, Bogoseo 17. (『司法稟報(甲)』 16책, 報告書 제107호(忠淸南道觀察使 李乾夏→議政府贊政法部大臣 韓圭高, 建陽元年 12月 13日) ‘溫陽郡李貴同被打事件’) 雖覓無味라 不思自返하고 犯分作孽하며. https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

former mother-in-law reported that her daughter-in-law had been kidnapped¹⁸. In this case, the widow Park needed a new husband to survive, but she rejected the status of a “첩 (concubine)” and chose the status of a “부인 (wife)” where only the minimum survival was guaranteed. It is important that basically women had a choice of changing husbands, even if there were differences according to social stratum.

It is also noteworthy that the choice of a woman to change her husband was often met with silent approval from her original family. In case of 한종길 Han Jong-gil's wife Kim's father, who was mentioned above, had no objection that his daughter, who was dissatisfied with her husband because of poverty, left him and came to her parents' house without keeping loyalty to her husband. Rather, it is interesting and uncommon to see that Kim blamed his son-in-law for not playing the role of the husband properly and did not try to hide about his daughter's wish to meet with another man.

The same instance, actively taking the daughter's side who tried to leave her husband, was shown in other cases as well. In Sunan-gun, Pyeongan-do (순안군, 평안도), 한국현 Han Kook-hyun died shortly from severe injuries after a fight with his daughter's former in-laws; Mr. Han attempted to reclaim his daughter's property from her ex-husband's family when she remarried afterwards¹⁹. Even though his daughter remarried, he still claimed the right to his daughter's property at her ex-husband's house. Given the extreme response of her ex-husband's relatives and that the same case rarely appears in *Sabeobpumbo*, it does not seem to be common for a woman who remarried after a bereavement to claim property rights. However, it is noteworthy that a remarried woman's parents were not appeared to be ashamed of their daughter's remarriage and even confidently claimed their rights.

As such, national discipline that prevented women from changing the relationship they have with their husband did not exert a

¹⁸ *Sabeobpumbo*, Gab 16, Bogoseo 127. (『司法稟報(甲)』 16 책, 報告書 제 127 호(忠淸南道觀察使署理公州郡守 徐玉淳→議政府贊政法部大臣 趙秉式, 建陽元年 12 月 27 日) ‘韓山郡朴寡劫奪事件’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

¹⁹ *Sabeobpumbo*, Gab 6, Jilpumseo 1. (『司法稟報(甲)』 6 책, 質稟書 제 1 호(平壤府觀察使 鄭敬源→法部大臣 張博, 建陽元年 2 月 4 日) ‘順安郡致死男人韓國玄獄事’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

strong power in a situation where they cannot guarantee women's survival in the reality. Women made choices for themselves, not bound by national discipline, for their own survival and dignity. These choices were shunned by neither their own families nor society.

3.2. Being a problem solver for the family

The family was the foundation of the country during the Joseon Dynasty. The state pursued the ideal of establishing a patriarchal family order; under such a social stance, women belong to the husband's family and were given the role of wife and daughter-in-law. The female-related cases in *Sabeobpumbo* reflect that women were playing an active role as members of the family community to which they belonged. They actively filed a complaint to the state or directly avenged the perpetrator as members of the marital community for the damage suffered by their husbands. For instance, when 허(許)씨 부인 the wife Heo's husband 유희일 Yoo Hoe-il was shot by his neighbor 이만룡 Lee Man-ryong in Mokcheon-gun, Chungcheong-do (목천군, 충청도), the wife Heo accused Lee Man-ryong of killing her husband due to the pressure the husband gave to Lee to pay the debt that Lee failed to repay within the time limit. The provincial governor interrogated Lee Man-ryong, but Lee instead laid the blame on Yoo Hoe-il saying that he committed the crime because he viewed Yoo as a thief. However, the wife Heo broke down and sobbed on the ground, constantly complaining of an injustice; after further investigation, the governor concluded that Heo's claim was true²⁰. In this incident, Heo actively appealed to the state for the injustice in her husband's case. Even though the perpetrator joined the hunter's army and threatened the victim with the power of the group, Heo did not succumb to his threat and actively solved problems on behalf of her family.

Such active roles of women are frequently shown in *Sabeobpumbo*. They sometimes went beyond merely appealing to the state for their husband's problems and took action more actively. In

²⁰ *Sabeobpumbo*, Gab 13, Bogoseo 19. (『司法稟報(甲)』 13 책, 報告書 제 19 호(忠淸南道觀察使 李乾夏 鄭敬源→法部大臣 韓圭高, 建陽元年 9月 1日) ‘木川郡致死男人柳會一獄事’).

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

Naju-gun, Jeolla-do (나주군, 전라도), a cigarette seller 최덕원 Choi Deok-won was beaten to death by a young man, 이연수 Lee Yeon-soo, after having a quarrel with him. During Choi's autopsy, his wife 서(徐)씨 Seo was so enraged and decided to confront Lee in person; she suddenly rushed to Lee Yeon-soo and stabbed him to death. She personally decided to avenge her husband, rather than waiting for the state to decide a punishment. However, the views stated by the governor on this case are noticeable; he highly appreciated the wife Seo that "this ordinary woman's energy was firm and strong"²¹, and said that it was "natural in the name of loyalty" that she took revenge on Lee for her husband. In addition, he ruled that Seo should not be executed for murder because vengeance on the husband's foe should be treated the same as avenging the parents²². Seo proved her value as a member of society by actively realizing the social value in a patriarchal society that women's duty to their husbands is the same as that to their parents. Seo was not the only woman who proved this. A considerable number of cases of women who directly took revenge on behalf of their husbands are shown in *Sabeobpumbo*, and the state evaluated that "their dignified and courageous spirit is sufficiently virtuous because they saw their husband die before their time so that they killed the foe with a knife in their hand, and immediately informed the governor"²³. A woman's revenge for her husband was recognized and highly valued in the Neo-Confucianist ideological society. Under the patriarchal social structure, women actively absorbed the values of society and proved their values

²¹ *Sabeobpumbo*, Gab 20, Bogoseo 3. (『司法稟報(甲)』 20 책, 報告書 제 3 호(全羅南道觀察使 尹雄烈→法部大臣, 建陽 2 年 3 月 18 日) '羅州郡致死男人崔德元獄事') '匹婦之義氣가 凜烈이요'. https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

²² *Sabeobpumbo*, Gab 20, Bogoseo 3. (『司法稟報(甲)』 20 책, 報告書 제3호(全羅南道觀察使 尹雄烈→法部大臣, 建陽 2年 3月 18日) '羅州郡致死男人崔德元獄事') '義則當然'. https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

²³ *Sabeobpumbo*, Gab 19, Bogoseo 8. 見夫匪命에 手刀讐人하고 旋即告官하얏시니 凜烈之風은 足爲可尙이나.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023). (『司法稟報(甲)』 19 책, 報告書 제 8 호(平安北道觀察使署理定州郡守 洪淳旭→議政府贊政法部大臣 韓圭高, 建陽 2 年 3 月 12 日) '義州郡致死男人金太平獄事').

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00. (Accessed 3 Feb. 2023).

with their own actions beyond passively enduring the roles given to them.

Women not passively performing the role given by society are also shown in the cases in which they proved their filial piety toward their parents. Joseon's patrilineality set limits for women to play the role of a member of their husband's family. However, it is very interesting to see that Joseon women were not bound by the limits set by society, but had an identity as a member of their original family and carried out the social value of filial duty. In this regard, the case of 송씨 여인 woman Song in Jeonju-gun, Jeolla-do (전주군, 전라도), is notable; Song's husband, 김덕삼 Kim Deok-sam, confined Song's aged mother and vented his anger on her for nine days and eventually caused her life to end after his wife left him and remarried. Song avenged her mother's death with her sister by beating Kim Deok-sam to death with a wooden pestle²⁴. She stepped up as the main agent of revenge for her mother. Song's case is also noteworthy in that she chose to remarry after leaving her husband with whom she was not satisfied. However, what stands out in addition to this is that she did not perform the filial duty to her husband's family as a daughter-in-law, but performed the duty directly to her own mother as the main agent of her own family community. In particular, she decisively relativized her ex-husband as a different individual when trouble occurred between him and her own mother, as the main agent of her original family. She took revenge on her ex-husband, who killed her mother, by taking an oath of "not being able to live under the same sky with him due to the proper human path".

In Song's behavior, it is impossible to find any loyalty to her husband that Neo-Confucianism society tried to realize as appropriate behavior for women; rather, she was completely out of the social context of emphasizing *Ilbujongsa*. However, her intention was not to break away from the society she lived in but to realize the values pursued by society as a member of society by presenting filial piety to her parents, the best value recognized in her society. In addition, Song's realization of these values was something that could not be ignored by the state. The provincial governor who was in charge of the judgment

²⁴ *Sabeobpumbo*, Gab 26, Jilpumseo 31. (『司法稟報(甲)』 26 책, 質稟書 제 31 호(全羅北道觀察使尹昌燮→法部大臣韓圭高, 光武元年 9 月 29 日). ‘全州郡致死女人 趙 召 史 致 死 男 人 金 德 三 獄 事 ’). https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00.(Accessed 3 Feb. 2023).

highly appreciated Song's actions by saying, "Since she killed the foe with joy by picking up the pestle and hitting the foe to death, this is not something a woman can easily do"²⁵. In this evaluation, it is not even a problem that Song betrayed her husband and remarried; rather, only Song's realization of the best social values despite her gender was the center of attention, the filial duty to the parents.

Joseon emphasized the value of '인간이라면 부모에게 효도해야 한다; *human beings should be filial to their parents*' as a social norm, but women were expected to have loyalty to their husbands because the state emphasized that women should treat their husbands and parents the same. Therefore, what the state expected of women would be being loyal to their husband, which could be useful for maintaining a patriarchal family order. The state must not have included the category of social norms for women to promote filial piety toward their own parents while relativizing their husband. However, the women of Joseon actively interpreted and applied social norms, beyond the limits set by society, as '인간 (living beings)', not as '여성 (women)'. They actively tried to maintain their dignity as '인간 (human beings)' keeping the shared values for '남성 (males)', going beyond the limitations of socially created '여성 (female figures)'. The state did not have any logic to restrict such women's crossing of boundaries.

4. Conclusion

Joseon nationally pursued a patriarchal family order. The late Joseon Dynasty was a period when the patriarchal order, which had been in progress since the early period, was evaluated to have been socially established over a long period of time. In this context, the end of the 19th century, near the end of the Joseon era, can be seen as the final stage to examine how the order created by the state had been absorbed into society. Therefore, this study examined the identity of women and their perceptions of the given roles in the reality of Joseon's patriarchal

²⁵ *Sabeobpumbo*, Gab 26, Jilpumseo 31. (『司法稟報(甲)』 26책, 質稟書 제31호(全羅北道觀察使尹昌燮→法部大臣韓圭高, 光武元年 9月 29日). '全州郡致死女人趙召史致死男人金德三獄事') 擧杵直打하야 甘心殺讐하니 實非女子之所可容也라.

https://kyudb.snu.ac.kr/book/view.do?book_cd=GK17278_00 (Accessed 3 Feb. 2023).

society through female-related cases in *Sabeobpumbo*, the data from the end of the 19th century.

Often, women in Joseon were thought to be passive beings who had an identity as a member of the husband's family and who accepted the mere role of a wife and daughter-in-law. Of course, since they were socially required to have this identity, it was not difficult to find women who accepted the norms of fidelity set by the state in the social framework and were subordinated to the lowest rank in the hierarchy of the husband's family community.

However, Joseon women did not only passively remain to accept and stick to the roles given by the state and society, that is, *Ilbujongsa* or the role of daughter-in-law and wife as members of the husband's family community, not their original parents. Women independently and actively took action with their own intentions, going beyond the state's intention. They decisively changed their husband who was not helpful to their survival for their own survival as a human being, and also clinched the norms that could bring social recognition, which was only applied to males originally, by proving their filial piety for their own parents, not for their husband's parents. In other words, despite the limitations that women could never be free from the restrictions presented by the state and society, they tried to perform and prove their role in the community on the same basis as men.

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