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## **Perceptions on disabilities and illnesses in late Joseon Korea**

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**Abstract:** This paper seeks to delineate and explain changing public perceptions towards those who suffered from deafness, blindness, or intellectual disability in Joseon Korea. In the fifteenth century, the Great Code of State Administration (경국대전, 經國大典 Gyeongguk Daejeon) prohibited discrimination against the disabled. The deaf and blind in particular even enjoyed favorable attention. The state provided such economic benefits as exemption from taxes as a way to compensate them for their impaired abilities, thereby fostering a rather favorable social climate towards persons with disabilities. Some blind persons were even believed to have such special talent as fortune telling. In the eighteenth century, however, negative perceptions towards the disabled began to gain strength. Increasing frequency of documented references to disability as an object of mockery suggests that the state and the society alike viewed the disabled as ‘useless people’ (폐인). Mainly utilizing court histories, literary anthologies, army rosters (군적), and military division (군영) records, this paper argues

that overall change in the Joseon economy fueled discrimination against the disabled. In particular, changes in the military defense system and its associated military tax (군포) significantly contributed to the negative portrayal, as the new practice tended to divide the population into households collectively responsible for tax levies. By the nineteenth century, the state's harsher treatment of the disabled set the stage for outright discrimination against disabled in modern Korea, exacerbated by the introduction of the Western notion of eugenics.

**Keywords:** Disabilities; Postive Perception; Discrimination Economic Benefits; Collective Responsibility.

### **Percepcje niepełnosprawności i chorób w Korei okresu późnego Joseon**

**Abstrakt:** Artykuł ma na celu naszkicowanie i wyjaśnienie zmian publicznego postrzegania osób cierpiących na głuchotę, ślepotę lub niepełnosprawność intelektualną w Korei okresu Joseon. W XV wieku *Wielki Kodeks Administracji Państwowej* (경국대전, 經國大典 Gyeongguk Daejeon) zakazał dyskryminacji osób z niepełnosprawnościami. Szczególnie ucieszyli się z tego ślepcy i głusi. Państwo w celu rekompensaty ograniczonych możliwości zapewniło im korzyści ekonomiczne, takie jak zwolnienie z podatków, tworząc tym samym raczej sprzyjające warunki społeczne dla osób z niepełnosprawnościami. Wierzono wręcz, że niektórzy ślepcy posiadają zdolności wóźbiarskie. W XVIII wieku na sile zaczęło jednak przybierać negatywne postrzeganie osób z niepełnosprawnościami. Zwiększająca się częstotliwość dokumentowania odwołań do niepełnosprawności jako przedmiotu wyłudzeń sugeruje, że zarówno państwo jak i społeczeństwo postrzegało niepełnosprawnych jako 'osoby bezużyteczne' (폐인). Bazując na historiach sądowych, antologiach literackich, spisach wojskowych i dokumentacji oddziałów militarnych artykuł argumentuje, że całościowa zmiana w gospodarce Joseon przełożyła się na dyskryminację osób z niepełnosprawnościami. W szczególności do negatywnego wizerunku przyczyniły się zmiany w systemie obrony militarnej i powiązany z nimi podatek wojskowy (군포), które podzieliły społeczeństwo na gospodarstwa domowe współdzielące zobowiązania podatkowe. W XIX wieku ostrzejsze podejście państwa do osób z niepełnosprawnościami przygotowało podłoże do narastającej dyskryminacji tej grupy we współczesnej Korei, zaostrene przez wprowadzenie zachodniej koncepcji eugeniki.

**Słowa-klucze:** niepełnosprawności; pozytywny wizerunek; dyskryminacja; korzyści ekonomiczne; odpowiedzialność zbiorowa.



## 조선 후기 장애인에 대한 인식의 변화

**초록:** 본 고에서는 장애인에 대한 전근대 관념을 다양한 자료를 통해 추적해 보았다. 전근대 장애인에 대한 인식은 오늘날과 큰 차이가 있었다. 장애가 있더라도 다른 부분의 능력이 뛰어난 것으로 파악하고 그들을 보호해야 할 대상으로 인식하고 있었다. 그러나 조선후기에 접어들면서 장애인에 대한 인식은 당대의 기록을 통해 급속하게 부정적으로 바뀐 것을 확인하였고 이는 공개적인 장소에서 거리낌 없이 나타나고 있다. 이에 대한 원인을 경제적인 변화 즉 공동책임을 강조했던 조선후기의 세제의 변화에서 찾아보았다. 장애인의 노동력 결여가 다른 사람들에게 부담으로 전가되기 시작하면서 장애인을 온정적으로 보는 관점에서 벗어나 점차 공동체의 부담으로 간주했기 때문이다. 이러한 인식은 식민지기를 지나며 더욱 악화된 것을 확인할 수 있다. 장애인의 사회의 일원으로 받아들이고 사회의 일원으로 공동체 생활을 영위하기 위해 이러한 인식의 변화를 살피고 그 원인을 좀 더 면밀하게 향후 연구에서 검토할 필요가 있다.

**핵심어:** 장애; 긍정적 인식; 차별; 경제적 이득; 집단책임의식.

### 1. Introduction

A general definition of a disabled person is someone who “[has] a physical or mental condition that limits their movements, senses, or activities”<sup>1</sup>. Because of their impairment, disabled people feel immense difficulty in performing tasks that are completed by others without thought, such as climbing a stair. The difficulties disabled people in Korea, however, go beyond the physical aspects; they must deal with another enormous obstacle, which is the perceptions held about them by others. In Korea, disabilities are often viewed not just as a difficulty but ‘something to be ashamed of or to be hidden’.

As of 2015, people with disabilities take up about approximately 5% of Korea’s population. This ratio is much lower than the global average, which is about 10%, and it is not too far-fetched to say that this is partially related to the Koreans’ perceptions

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<sup>1</sup> Oxford Living Dictionaries. <https://en.oxforddictionaries.com>. (Accessed 15 June 2023).

of disabilities<sup>2</sup>. It is easy to find present-day examples that point to the discriminative perception held about the disabled in Korean society, such as the neighborhood protests held against the construction of facilities for disabled people because such facilities are deemed disadvantageous for children's education or real estate value. Why is it that there is such a negative perception of people with disabilities in Korea? This is the question that this paper sets out to answer by examining the historical formation of Korea's perceptions of disabled people and its meaning.

There are barely any historical studies on disabled people in Korea so far conducted. The primary reason behind this insufficient research is the lack of records available on disabled people during the premodern era. The few records that do remain mostly provide descriptions of fragmentary facts. Thus, the very few studies that have been conducted on this topic have concentrated on reviewing the records on disabled people from the viewpoint of history and tracing how the definition of disabled people have changed over time. Another study put its focus on the perceptions of disabilities found in Buddhism and Confucianism, which were the main religions of premodern Korea, in the attempt to identify the period's cognitive framework on disabilities (안옥선 An Ok-sun 1999: 46-55; 정창권 Jung Chang kwon 2005).

The study extracts the viewpoints on the human body from the representative scriptures and sheds light on the religious definitions and meanings given to disabilities. Through this study, we were able to collect what few sources that exist on disabled people in Korea, which enabled us to carry out the basic research on how the perceptions towards disabled people and their transformation over time.

Recently, based on the above research, a few studies have been conducted on 'the point of change' in the perceptions towards people with disabilities. These studies utilized the genre of fiction as the basis for identifying the 18th to 19th century as the point in time where the perceptions underwent a change. Especially in the field of Korean literature, analyses of vernacular fiction and colonial novels have been used to argue that the negative perceptions towards people with disabilities significantly increased from the mid to late 18th

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<sup>2</sup> In the census conducted after the Korean War, the ratio of disabled people among the national population was only 0.4%.

century and that, through the colonial period to the era of industrialization, this negative perception became more prevalent. Another study on this topic focusing on late Joseon Korea states that the spreading of the negative perception towards disabled people is connected with the dissolution of Korea's class order in the 18th to 19th century. Here, it is argued that the commoners of this period started using disabled people as symbols for ridiculing or criticizing the ruling class or as ways to censure others (이훈상 Yi Hun-sang 1990).

The interpretations of the few records that have been collected so far have made it possible to identify the large trend in how the perceptions towards disabled people in Korea have changed. However, additional sources beyond the records that have been discovered so far remain elusive, causing the research on this topic to stagnate. Therefore, in this paper, we revisit how the perceptions towards disabled people have changed historically based on previous studies with particular attention to the influence of economic circumstances since disabilities strongly tend to be defined based on external social, cultural, and economic factors (Turner 1984). Historically, poverty has often led to the magnification of the negative image held of the weak, at times leading to attacks in the form of “witch hunting” (Miguel 2005: 1153–1172) a representative example of how poverty molds the perceptions towards the socially vulnerable. The task of examining how the economic conditions of premodern Korea led to changes in the perceptions towards disabled people will help us to trace the origins of the perceptions held in today. We expect that this study will allow us to approach closer to understanding the transformation of the perceptions towards disabled people in Korea.

## **2. The Positive Perception Held of Disabled People**

The perceptions towards disabled people have varied historically depending on the period, place, and sociocultural background. What can be found from the historical records of premodern Korea include both positive and negative perceptions, albeit at slightly different levels. Over time, however, one began to overwhelm the other, especially in the 18th century, and the negative stance became

mainstream in Korea. What is interesting is that the records on people with disabilities before the 18th and 19th centuries mainly contain positive perceptions. The shifts in perceptions cannot be solely attributed to a simple change in people's perceptions; rather, they must occur from various historical backgrounds.

As historical records before the 14th century are virtually unavailable, it is not easy to trace what is said about disabled people in ancient and medieval times. Most of the records that remain were those that were made under the direction of the government. There are some records dealing with disabled people, albeit very few. A key example is the 'Ondal seolhwa' (온달설화) a biography included in the *Samguk sagi* (삼국사기, 三國史記, *History of the Three Kingdoms*) which records the history of the ancient Korean state in the latter half of the 6th century. The disabled people in this biography are Ondal and his mother. Ondal's mother is blind and, being unable to work, can only barely sustain her life. Her only family is her son Ondal who, according to the records, is intellectually disabled and teased as being an idiot. Due to his disability, Ondal is unable to make an independent living, so he goes around the neighborhood to beg for food so that he can survive. According to the story, Ondal becomes a successful figure in the end after overcoming many difficulties, ultimately marrying the king's daughter and distinguishing himself in battles against other countries. Against historical records of the late Joseon and the colonial periods that describe people with disabilities as either having no ability at all or having some abilities only to give up everything in the end in the face of obstacles, the story of Ondal and its depiction of disabled people produce a striking contrast.

Although Ondal made his living through begging, in ancient Korea, the government operated a relief system for the 'weak' who required protection called 'the four kinds of poor people' (鰥寡孤獨, 환과고독). The 'four kinds' refer to widowers, widows, orphans, and elders without children. The disabled people are not specifically included in the 'four kinds', as they would have faced harsher lives than even the four kinds that are listed (as can be seen from the story of Ondal), it is possible to imagine that they would have received government protection as well. Quite a few articles from the Joseon era discuss the government's efforts to provide relief to people with disabilities and those who are unable to make an independent living. The following record is a petition made to the King on February 4,

1423, by the Board of Revenue (戶曹, 호조), requesting the implementation of a special relief for disabled people:

“It is now a very busy time for farming, so all healthy people who work in the fields should be given grain (grain distributed in the spring to be returned in the autumn harvest season with 10% interest), and for the four kinds of poor people (鰥寡孤獨) and *Janjil* (殘疾, 잔질), *Pyejil* (廢疾, 폐질), grain should be given free of charge.” (세종실록 *Sejong sillok* 1423.2.4.).

The *janjil-ja* 殘疾者 and *pyejil-ja* 廢疾者<sup>3</sup> mentioned in this article as beneficiaries of the special relief are categorized under people with disabilities today, and the government actively sought to distribute grains to them, free of strings, to provide relief. In other words, the Joseon government gave more special treatment to disabled people among the weak under their protection.

Moreover, the government during this period did not simply view disabled people as beneficiaries of its relief system. The government’s recruitment of disabled people for job positions that can be performed regardless of their disabilities shows indirectly is that disabled people were seen as more than just objects of protection. In the 15th century, blind people were employed at the Directorate of Astronomy (觀象監, 관상감), which was responsible for weather forecasting and observations. Suggestions were made within the government on the hiring of blind people for specific jobs, pointing to how open the government during this period actively sought to employ disabled people. Such was possible because the contemporaries had the understanding that the visually impaired have more acute senses due to their blindness. Thus, blind people were able to work as fortune tellers, astronomers, musicians, etc. and were also employed in the related government positions. Of course, more preparation may be required for blind people to play musical instruments compared to the non-disabled, but the general perception was that they could produce the same or better achievements than the non-disabled. This perception became the basis for the active employment of disabled people.

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<sup>3</sup> ‘폐질자 (廢疾者)’, ‘잔질자 (殘疾者)’, ‘篤질자 (篤疾者)’ are terms used in premodern Korea to refer to disabled people. The terms are left in Chinese characters in the manuscript due to the difficulty in translating their exact meaning.

Thus, in the Joseon era, the consensus was that disabled people might be impaired in certain bodily functions but can be outstanding in certain fields, and the government officially recognized this view as a fact. This view held strong until the late Joseon period, and examples that reflect this consensus can be found in the chronicles as well as the periodical works of the time such as vernacular fiction. The following excerpt is from a work by Yi Ok (李鈺, 1760–1815), a novelist of the time who introduced a new style of fiction in the late Joseon period, which depicts a scene with a blind fortune-teller:

“The blind person whose surname is Chang is from Seoul. . . . I tell fortunes using food, and it is much more accurate than fortune-telling with a turtle shell. . . . The world thinks of you as a person knows only to eat, but I see that there is deep thought behind your actions. Ah, if you tell fortunes based on such principles, who would dare question its authority?” (이옥 Yi Ok 2001: 54).

Sin Hoechae (신희재), who also appears in Yi Ok’s novel, is speech impaired but has an extraordinary ability as a blacksmith. Moreover, Shin is respected not only for his talent in making knives but also for his extensive knowledge of things. The description of Shin presents him in a positive light: he is exceptionally competent in many areas, and his unimpaired abilities are perceived to be functioning well, unaffected by his disability. Objectively speaking, such perception of disabled people should be considered as a given, as something that is apparently true. However, the reality today is that people with disabilities are seen as being challenged in other areas as well, beyond their actual disabilities. In comparison, the perceptions towards disabilities found here differ significantly from today’s perceptions of disabilities in Korea.

### **3. The Increase of Negative Perceptions**

Then, when did the favorable perceptions towards disabled people move in a negative direction? More precisely, when did the negative perceptions become more prevalent? According to previous research, this trend appeared from various backgrounds in the late Joseon

period, more precisely from the mid to late 18th century. However, as the excerpts from Yi Ok and the chronicles of Joseon show, the positive perceptions held of disabled people continued to coexist with the negative perceptions even into the 19th century. Gradually over time, the negative perceptions spread and gained dominance, and it is possible to find traces of the negative perceptions formed then in today's language and culture. A representative example is common proverbs, which well-reflect the perceptions of the period as they are used by both the commoners and the ruling class.

Proverbs that include the mention of blind people, such as 'Sleep matters little to the blind' (소경 잠자나마나) or 'A mirror in a blind man's house' (소경집에 거울), are illustrative examples. These proverbs stop at simply making a mockery of blindness, but there are other proverbs that go further. The proverb 'A blind with his eyes open' (눈뜬 장님) uses blindness to express how someone is good for nothing, which is clearly distinguished in its tone from the positive perception of blind people and their exceptional abilities. Proverbs such as 'To kill a blind and pay for murder' (소경 죽이고 살인 빚 갚는다)<sup>4</sup> or 'Killing a blind taken as murder' (소경 죽이고 살인한다) go even further to denying the visually impaired of their human dignity by implying that the killing of a blind person does not amount to killing a person. In other words, the proverbs bring to surface the subconscious dismissal of blind people's human dignity.

These proverbs are not used frequently but have been passed down to this day, unlike proverbs that give positive meaning to disabilities which have mostly disappeared over time. It is not clear when these proverbs first appeared. However, they seem to have been in usage continuously up to recent times since their original meanings have been preserved. That is, there is a very high possibility that, at one point in time in the late Joseon era, the records on disabled people started to reflect more of the negative perceptions, and through the colonial period and the Korean War, the negative emotions held about disabled people became amplified further to be transmitted by word of mouth.

Especially in the 1930s when Japan started in full-fledge to extract war supplies from Korea, worsening Korea's economic

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<sup>4</sup> The meaning of this proverb is 'to become responsible for something very big after doing something very small or insignificant' and implies that the life of a blime person is not equal to a person without disabilities.

situation severely, the spread of negative perceptions towards disabled people became more pronounced. Short novels written during this era portray the lives of disabled people, and those written during the colonial period mostly depict disabled people in a negative way with barely any positive light. The novel *Blindness* by Eum Heung-seop, which was published in 1937, is a typical example.

Wŏnch'il, the main character of Eum Heung-seop's *Blindness*, goes to a school for the visually impaired due to his blindness while preparing to find his place in society. Although he receives education at the school, the curriculum is geared towards training the students for the occupations that have been traditionally held by blind people, for instance, to become a massage or acupuncture therapist. In the excerpt from the novel below, it is possible to see that the perception held about the special abilities of blind people remains the same. However, the positive impression of disabled people that seem to emerge at first sight fades away quickly to project negative images:

“You shouldn't dismiss someone because they are mute or blind. A physiologist once said that a person who is defective in his physical structure or senses, although he has that defect, all of the energy that is not used because of the defect is sent to his other senses or organs. To give examples, the eyesight of a person who has one blind eye is much stronger than that one eye of a person who has two working eyes; a person who cannot move his legs has strong arms, and a person who cannot use his arms has strong legs... But, to be honest, blind people are the most pitiful.” (엄홍섭 Eum Heung-seop 1937: 645–746).

In the first excerpt, the main character Wŏnch'il mentions his hidden physical abilities despite his impaired vision. He comforts himself that although his eyes do not function well, his other abilities do not fall behind and even exceeds those of others. The second excerpt is a conversation held by a teacher at the school for the visually impaired on his views on disabilities. Both excerpts share the idea that a disabled body is physically inferior to a non-disabled body, but to compensate for the disability, other senses or functions become superior to the non-disabled in disabled people. On the surface, the contents of these excerpts seem to draw a positive image of the visually impaired. However, in the novel, one is merely the personal thoughts of Wŏnch'il, and the other is the teacher's private comments



to a parent of a student while the students are asleep late at night. In other words, the positive outcomes of disabilities are only recognized passively, not publicly. On the other hand, the images held of blind people expressed in public conversations throughout the novel are full of negative views about their incompetence and dishonesty:

“Oh, what’s up with him! You think we’ll be scared if you raise your voice? Such an annoyance, go on your way! Should’ve known when I woke up on the wrong side of the bed!” (엄홍섭 Eum Heung-seop 1937: 774).

Unlike the positive perceptions in the previous excerpts, negative comments about disabled people are openly thrown about without hesitation in the presence of Wŏnch’il. Even considering the limitations of fiction, it seems safe to say that the perceptions towards disabled people described here do not significantly differ from the reality of the period.

#### **4. The Reversal of Perceptions**

When did the negative perceptions towards disabled people become dominant and why? Recent studies on the perceptions towards disabled people found in Korean literature suggest the possibility that the negative perceptions spread in the mid to late 18th century through the commoner’s borrowing of the disabled people’s negative images to mock the incompetent ruling class since they provided a good tool for attacking the aristocracy. However, while the negativity placed upon disabled people may have been effective means of resistance against the ruling class, it was social violence exerted upon the weak.

Various negative images were projected on disabled people and utilized in the late Joseon period. In particular, the socially underprivileged used these images as tools of satire, which would have been only possible because a consensus had formed that the behaviors of disabled people can be sources of laughter. A representative example can be found in masked dances that were performed at the local markets in the late Joseon period. Among them, the ‘Performance of Five Players’ (오광대놀이) performed at the markets in South Gyeongsang Province in the late Joseon period

provided emotional catharsis to its audience by having a leper who is a member of the ruling class as its main character:

“Leper: His face is deformed and ugly. One arm and leg are broken.

Stage

When the curtain rises, music plays loudly. The leper (mask) enters the stage from the left, dancing to the music. He has a horrible, deformed face and dances in a strange form, waving his afflicted arm and leg. (Music stops)

Leper: I am disabled, but I am aristocracy. The lowly commoners have to follow whatever I say. (Dances to the music wearing the leper mask and circles the stage.)

Leper: Being an aristocracy is great. So great. Aristocracy is great. (The music climaxes. He dances to the music around the stage, then exits the stage to the left.)” (전경옥 Jeon Kyung Wook 1993: 72–73).

As can be seen, the aristocracy is portrayed as being pompous despite having disabilities. At the same time, the speaker attracted audiences at the market by mocking and scorning the authority of the aristocracy. Most of the audience watching this performance were commoners. Considering the proximity of disabled people and commoners in terms of social vulnerability, the way disabilities were used to demean the aristocracy and provide entertainment gave way to larger violence against disabled people.

An explanation is needed as to why the commoners of the time shut their eyes from the suffering they were inflicting on disabled people to attack the aristocracy. From the viewpoint of analogy or mockery, disabilities were used to attack the aristocracy because body images can be easy and effective tools. However, if there is a disabled person among colleagues, neighbors, or family members, it would have been difficult to use disabilities for satire just because it is an effective way to attack others. For a person use disabled people as a tool of ridicule, it would have been necessary to sever all links connecting him/her to disabled people. If a person empathizes with a family whose member has disabilities, so that their unhappiness becomes that person’s unhappiness, such mockery would feel as though it is directed to his/her own family. It is only when society feels an emotional connection with disabled people and empathize

with their suffering that it becomes possible for them to perceive disabilities in a positive way.

In the premodern era, the emotional connection with disabled people went beyond sympathizing with their disabilities. People who were close to those with disabilities felt a responsibility for the disability or disease, and this responsibility was shared by the whole community to become a sense of duty about the diseases afflicting others and their healing process. The disease or physical difficulties experienced by an individual was not seen as pertaining solely to the individual; an understanding existed in the background that such physical affliction can only be cured within the context of society and culture.

We can learn the contemporaries' perception of diseases in the premodern era from the ritual performed for treating skin diseases in Chungcheong Province, which is located in the central part of Korea. This healing ritual, which continues to exist today, embodies a completely different cognitive framework from that for modern medicine (이필영 Lee Pil-Young 2000). The skin disease that spurred the performance of this ritual in Chungcheong Province was called 'tan (丹)'. Tan causes the patient's temperature to rise and their body to become red and itchy. In modern medicine, dan is referred to as herpes zoster<sup>5</sup>, a viral disease that surfaces when the immune system becomes weak. In other words, tan is a disease that is caught on a strictly individual basis. Yet, in Chungcheong Province, regardless of the fact that tan requires individual treatment by nature, all treatment for tan was attempted as a community, from uncovering the cause and finding a cure. It was thought that the disease was caused by a ghost and that all members of the community were responsible for bringing this ghost to give rise to the disease in the village. So, people who became sick or impaired from the disease while receiving treatment in the designated communal space were considered a community responsibility. That is, in the central region of premodern Korea, even a personal skin disease was considered a community responsibility and its treatment was believed to be possible through a community effort.

Could it have been possible for the Performance of Five Players in the Tongyeong region and the ritual for treating skin

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<sup>5</sup> In the *Exemplar of Korean Medicine* (東醫寶鑑), 'tan' is written as 'tandok (丹毒)'. The common name for this disease is 'jeongnyu' (赤瘤).

diseases in Chungcheong province to take place in the same spatial background? My answer to this question is ‘no’. If the community was held accountable for a person’s disease or disability, it is doubtful that disabilities or illnesses will be treated as someone else’s business and used as a tool to condemn others. Then, from when and why did the people of late Joseon period begin to portray and use disabled people negatively in their everyday lives? In particular, the question why, unlike in early Joseon, disabled people came to be seen as useless beings, making it difficult for them to coexist in society requires examination.

We intend to explore this question from an economic perspective. Around the world in the premodern era, women or disabled people were targeted and attacked to reduce food consumption during economic difficulties. For example, even up to recently in Tanzania, witch hunting of women was conducted during famines (Miguel 2005: 1153). The situation in East Asia during the premodern era was not very different. Especially in Korea, where a vast number of people engaged in rice farming during farming seasons, any loss in the labor force could deeply affect the survival of the community. Thus, preserving the labor force was the most pertinent issue during famines as this directly connected to the farming and harvesting in the following year. For the commoners who barely survived the year on a meager harvest could not but feel burdened by disabled people who were unable to contribute to the labor power. However, since relief was provided by the government for the protection of the weak including disabled people on a community basis and as disabled people participated in other productive activities instead of contributing directly to the farming labor, their efforts were recognized by the community. There were some disabled people whose physical disabilities were so severe that they could not work at all, but there was no open criticism or mockery of them because the government established various systems to provide relief to those who were unable to make an independent living. Thus, the non-disabled did not bear the full burden arising from the disabled people’s lack of labor power.

However, in the late Joseon period, the problems of the government’s relief system for the weak slowly emerged and led to its collapse, making the lives of the commoners even more difficult. The original purpose of the famine relief system, which was implemented and in operation since ancient Korea as well as the grain

loan system (through which grains were distributed in spring to be repaid with interest in the autumn) became distorted to such a degree that, by the late Joseon period, the government viewed the systems as a tax imposed on its people (양진석 Yang Jin-Suk 1989: 45–48). The reason behind such distortion is that the government was unable to secure enough tax revenue to cover its huge operation costs. As the government began to put its hands on this social security system to secure more tax revenue, the government systems the people depended fell apart.

Facing financial crisis, the government implemented a provincial quota system (pichongbeop, 비총법) in the mid-18th century to secure its annual budget, regardless of the will of the people. The government's intention was to secure a stable revenue regardless of the situation faced by the commoners, e.g., whether they were experiencing famine or a decrease in yield. A fixed amount of taxes was imposed every year on each region, and the county magistrate was put in charge of imposing and collecting the taxes. A certain amount of harvest had to be cultivated and gained every year to pay the designated amount of taxes, however, the reality is that this was impossible for most regions. Among the types of taxes, the military cloth (gunpo, 군포) tax, in particular, was levied on any male who can be enlisted as a soldier, but as more men among the aristocracy evaded going to the army using their ties to power, this tax became concentrated on the commoners. At that time, the government was imposing military-related taxes even on young children and the dead to secure the necessary amount of military taxes every year. Therefore, in most regions, the military cloth tax was imposed on disabled people as well, and the burden of this tax was passed onto the shoulders of the non-disabled, especially the commoners.

In 19th century Korea, the government did not have any system protecting the disabled people, and with the gradual disappearance of government protection, the disabled people became a burden to the non-disabled people in the community. As a result, it was inevitable that the image of disabled people changed to the negative. There exist many historical examples where, in the face of economic pressures and poverty, the first target of blame became the socially weak in the community rather than those that caused the problem such as the government or the people in power. Moreover, under the colonial rule of Japan, the policies that were put in place

veered further away from protecting the socially vulnerable. We believe that this context led to an interruption from the perceptions towards disabled people of the past, giving way to negative expressions. As a result, novels portrayed the socially vulnerable in a negative light, and disabled people, especially the women, whose physical labor efficiency was inferior, had to succumb to an even harder life. There would have been no barrier protecting them from being perceived as burdensome or as imposters among the non-disabled.

## **5. Conclusion**

Even until recently, the socially vulnerable in Korea, especially disabled people were perceived as an unnecessary or unreasonable burden in the maintenance of the community. In this paper, we investigated when such perceptions had formed and why from a historical perspective. To answer the question of whether people with disabilities have been negatively viewed from the beginning, we reviewed existing records to find clues to the premodern perceptions towards disabled people. What we found is that there were both negative and positive perceptions held of people with disabilities, but the negative views gradually began to overrule other perceptions during the 18th to 19th century. Concerning the positive perceptions towards disabled people, we presented the example of a ritual held to treat diseases and discussed how diseases or disabilities were understood traditionally in the regional areas. In Chungcheong Province, located in the central part of the Korean peninsula, even personal diseases were treated as a community responsibility, and the community as a whole cared for the ill and the weak. At the background of such consensus was the idea that people with disabilities, despite their impairment, are members of the community. The government also recognized disabled people as members who should receive special support. At the least, the negative perceptions did not dominate over the positive. However, as the systems that maintained Joseon society failed to respond to changes, the perceptions towards disabled people began to change as well.

First, in the 18th century, Korea was no longer able to secure sufficient funds to run the country based on its existing system. As a result, the relief systems that were in place gradually lost their function to be used for the benefit of the government, while the unit for tax collection was slowly shifted in a way that made the whole community accountable its payment to guarantee a stable tax revenue. By imposing set tax quotas on a community basis rather than on an individual basis, the government attempted to secure the total amount of tax revenue they required. As a result, disabled people with smaller income and labor power compared to the non-disabled became a burden to the community. Especially after the late Joseon period and during the colonial period when economic difficulties exacerbated, extreme poverty robbed the people of the ease of mind that was needed to view disabled people as positive members of the community. Disabled people were no longer perceived as welcomed neighbors, and this perception continued to spread. Ultimately, the changing economic environment spurred the negative perceptions towards disabled people to grow and dominate until today.

### **Conflict of interest statement:**

The author states that there is no conflict of interest to disclose.

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## **Perspectives on the Horak debate (湖洛論爭): reviews and suggestions**

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**Abstract:** This paper analyzes the perceptions shared in previous studies by dividing them into two categories and examines how to grasp the Horak debate and the academia of the late Joseon Dynasty. First, the appropriateness of describing the late Joseon academia in terms of the doctrinized Neo-Confucianism and anti-Neo-Confucianism is examined. The consciousness and research methods of the Horon, which are considered to be typical of the doctrinized Neo-Confucianism, was analyzed. Next, whether the political positions of Horon and Rakron before and after the Horak debate can be categorized as conservative or open-minded is examined. The actual political positions of the main debaters of the Horak debate was carefully reviewed. With this discussion, this paper argued that the existing understanding of the Horak debate is largely based on an overly schematic framework, and that it is necessary to move beyond this framework and examine the context of the period in a more nuanced way.

**Keywords:** Horak debate (湖洛論爭); Horon (湖論); Rakron (洛論); Noron (老論); intellectual history of Joseon.

### 호락논쟁을 보는 관점: 검토와 제안

**초록:** 본 논문은 기존 연구의 관점을 크게 두 가지 경향으로 나누어 그 적절성을 살펴보고, 어떻게 호락논쟁과 조선 후기 사상계를 이해할 수 있을지 검토하였다. 먼저, 조선 후기 사상계를 교조화된 주자학과 반 주자학의 대립 구도에서 서술하는 경향에 대해 검토하였다. 특히 일반적으로 교조화된 주자학의 전형으로 받아들여진 호론의 문제의식과 연구 방법에 대해 살펴보았다. 다음으로는 논쟁을 전후하여 호론과 낙론의 정치적 입장을 보수나 개방으로 파악할 수 있는지 검토하였다. 이를 위해 호락논쟁의 주요 논자들의 정치적 성향을 세밀하게 분석하였다. 이러한 검토를 통해 본 논문에서는 호락논쟁에 대한 기존 이해가 지나친 도식화에 근거한 것이며, 이 도식을 넘어서서 당시의 맥락을 세밀하게 분석할 필요가 있다고 주장하였다.

**핵심어:** 호락논쟁, 호론, 낙론, 노론, 조선후기사상사

### Percepcje debaty *Horak* (湖洛論爭): opinie i spostrzeżenia

**Abstrakt:** Artykuł podejmuje przeglądowo istniejący stan badań nad kontrowersjami wokół debaty Horak i środowiska akademickiego okresu późnego Joseon oraz dzieli je na dwie kategorie. W pierwszej uwzględnia się zasadność opisu środowiska akademickiego okresu późnego Joseon w perspektywie zdoktrynizowanego neokonfucjanizmu oraz anty-neokonfucjanizmu. Analizuje się świadomość i metody badawcze Horon, uznawane za typowe dla zdoktrynizowanego neokonfucjanizmu. Następnie Autor przygląda się próbom kategoryzacji pozycji politycznych Horon i Rakron przed i po debacie Horak jako konserwatywne lub otwarte na inne poglądy. Szczególną uwagę zwrócono na rzeczywiste pozycje polityczne głównych uczestników debaty Horak. W świetle tejsze dyskusji artykuł przychyła się do założenia, że istniejące pojmowanie debaty Horak w głównej mierze opiera się na całościowym schematycznym zrozumieniu, oraz, że koniecznym jest przełamanie ograniczeń tejsze percepcji i przeanalizowanie kontekstu czasowego w świetle istniejących niuansów.

**Słowa-klucze:** debata Horak (湖洛論爭); Horon (湖論); Rakron (洛論); Noron (老論); intelektualna historia Joseon.

## 1. Perspectives on the Horak debate

The Horak debate refers to a debate within the Yulgok school in the late Joseon Dynasty over the understanding of human mind and things. Philosophically, it led to the development of Joseon's Neo-Confucianism over issues such as *weifa* (未發), mind of sage and ordinary person and nature of human and other things, and is considered one of the three major debates in Joseon scholarship, along with the Four-seven debate (四端七情論爭) and the Ritual debate (禮訟). It has also attracted the attention of recent scholars because it brought the ideological and political division between the Horon and Rakron. The bifurcation of the debate was a process of deepening the philosophical theory of Neo-Confucianism from an academic point of view, but on the other hand, it was also caused by factors outside of academia, such as the heterogeneity of academic styles based on regional differences and the adjustment to changing realities. These facts illustrate the nature of the Horak debate. Therefore, studies in the field of history have largely focused on the political and social background of the Horak debate and its impact. This has revealed that the Horak debate was basically a disagreement over philosophical concepts, but it was also rooted in differences in political lines surrounding changes in the late Joseon's society (유봉학 Yoo Bong-hack 1995; 조성산 Cho Sung-san 2007).

Based on their different understandings of the philosophical issues at stake in the debate, Horon and Rakron are understood to have developed different directions of economic theory in response to the social changes and reforms of the late Joseon Dynasty. In general, Horon developed a philosophy that recognized the intervention of temperament (氣質) in reality as very important, emphasizing the difference between saints and ordinary people and the difference between human and things. This led to Horon's extreme vigilance against heresy, their socially conservative stance based on a hierarchical view of humanity, their feudal stance that emphasized the interests of the local noblemen (在地土族), and their political intransigence toward the other faction. In contrast to Horon, Rakron is understood to have been socially and politically open-minded, based on their philosophical stance that emphasized the ontological sameness of all things. In particular, it has been noted that a new school of thought called Bukhak (北學), which recognized Qing dynasty as the civilized (中華) rather

than barbarians (夷狄), was able to emerge from the school of open-minded Rakron. This attitude was seen as a significant departure from the strict distinction between the civilized and barbarians in Horon, which was centered on the ‘principle of righteousness’ (義理論). As a result, the Horon school was weakened and lost its influence politically and ideologically, especially as it was cut off from the central government, while the Rakron school is understood to have led the political and ideological circles of Joseon based on the new school of thought (유봉학 Yoo Bong-hack 1998: 68–69).

The academia’s basic perception of the Horak debate goes beyond the evaluation of Horon and Rakron and provides an overall view of the intellectual history of late Joseon. Many studies have noted that new tendencies emerged to explore new thought paths by escaping from Neo-Confucianism as Joseon’s Neo-Confucianism became increasingly dogmatized and conservative in the 17th century. From this research perspective, Horon was recognized as a school representing the doctrinal and conservative Joseon Neo-Confucianism (김준석 Kim, Jun-seok 2003), and on the contrary, Rakron was noted as a school representing a new open trend (조성산 Cho Sung-san 2007). The conservatism of the Horon is a common thread in most studies of the Horak debate. These studies mainly focus on the formation of the ‘open’ school of thought in the Rakron to explain the intellectual history of the late Joseon. In the context of the ‘open’ and ‘conservative’ frame, a historical assessment of the two groups that formed the mainstay of the Horak debate is being made. In particular, rather than exploring the problematic nature of Horon’s and Rakron’s theories, many studies focuses on their political and social ‘reformity’ and ‘conservatism’ in response to social changes in late Joseon.

A recent study pointed out that *The Stanford Encyclopedia of Philosophy*’s entry on Korean philosophy and Korean study abroad is very positive about the Four-seven debate, stating that it was a very high quality debate and that the emphasis on individual moral responsibility derived from it enabled the respect and protection of each other, which is necessary in this pandemic era, while the Horak debate is negatively evaluated because it emphasizes factional confliction more than the scholarship of the debate (신상후 Shin Sang-who 2023). Although this assessment is somewhat extreme, it is a good example of the contemporary scholarly perception of the Horak debate and the late Joseon academia.

However, through a series of recent studies on the Horak debate,

it has been pointed out that the contrast between conservatism and openness in the previous studies is an analysis through the eyes of later historians and does not represent the actual aspect of Joseon's academia (나종현 Na Jonghyun 2019; 나종현 Na Jonghyun 2020). This paper analyzes the perceptions shared in previous studies by dividing them into two categories and examines how to grasp the Horak controversy and the academia of the late Joseon Dynasty. First, I will examine the appropriateness of describing the late Joseon academia in terms of the doctrinized Neo-Confucianism and anti-Neo-Confucianism. To do so, the problem consciousness and research methods of the Horon, which are considered to be typical of the doctrinized Neo-Confucianism, will be analyzed. Next, I will examine whether the political positions of Horon and Rakron before and after the Horak debate can be categorized as conservative or open-minded. The actual political positions of the main debaters of the Horak debate will be carefully reviewed. Through this, it is expected to contribute to changing the perspective of research on the Horak debate.

## **2. Is it appropriate to categorize Zhu Jia's orthodoxy and deviationism?**

In the 17th century, Song Si-yeol, a representative scholar of the Yulgok school (栗谷學派), claimed that their theory is the orthodoxy of Neo-Confucianism in the midst of a scholarly confrontation with the Toegye school (退溪學派). Therefore, his basic scholarly position was to adhere to and strengthen Yulgok Yi I's theory while understanding both Zhu xi and Yi's theories in an integrated manner. At the time, the criticisms from the Toegye school focused on the fact that Yulgok's theory was heretical, not Zhu's. For example, in 1650, when the idea of worshipping Yi and Sung Hon into a Munmyo (文廟, the Confucian shrine) was discussed, the Gyeongsang-do Jinsha Yujik and others criticized Yi's theory as having originated from Lu Jiu Yuan (陸九淵) and as having the same harmful effects as Buddhist heresy<sup>1</sup>. Song Si-yeol's position in response to these attacks centered on declaring that Yi's theory was the orthodoxy of Zhu Xi. Therefore, on the surface,

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<sup>1</sup> 『孝宗實錄』 권3, 1650년 (효종 1) 2월 22일 을사 2번째 기사.

Song's views were characterized by adherence to Yi's viewpoint, claiming that Yi inherited the orthodoxy of Zhu Xi's theory. However, when carefully examining Song Si-yeol's philosophical stance, his scholarly tendency was not consistent with the way he thoroughly admired Yi's viewpoint.

The characteristic of Song's thought that adhered to but also developed Yi's view, is well illustrated in his views on the 'four clues' (四端). The four clues had been perceived as morally appropriate emotion. On the contrary, the 'seven sentiments' (七情) had been understood as which likely to flow into evil emotions. In this contrast, the four clues were easily regarded as good emotions that symbolized human good nature, that is, the very basic premise of Confucianism.

During the debate on the four clues and seven sentiments, both Ki Dae-seung and Yi I, the outstanding teachers of the Yulgok schools, raised the possibility that the four clues could not be morally appropriate. In the case of Ki, this was strongly criticized by Yi Hwang, who was the opponent of Ki in the four-seven debate. And Yi I considered the same possibility but did not treat it as a separate topic in his debate with Sung Hon. In other words, at this stage, Ki and Yi I both had considered the possibility of the four clues being 'inappropriate' but did not officially declare. However, if one thoroughly applies the basic propositions of the Yulgok school, the theory of the Kibal-iseung-ildo (氣發理乘一途), to both the four clues and the seven sentiments, the question of the four clues being morally inappropriate naturally arises. This question also arose with Song Si-yeol, the legitimate successor of the Yulgok School:

"I have a separate doubt here, but it is difficult to dare to say. Yi Hwang, Ki, Yi I, and Sung all regarded the four clues as pure and good. However, Master Zhu Xi said that there is also something in the four clues that is not good, but did not all four teachers see this? How is it that there is also something not good in the four clues? It is because also, the four clues are emanated by qi (氣) and li (理) rides on it (氣發理乘). If the qi is clear when it emanates, the li is pure; if the qi is dizzy, the li is obscured."<sup>2</sup>

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<sup>2</sup> 『宋子大全』 권130, 「朱子言論同異攷」, “愚於此別有所疑而不敢言矣。退溪高峯栗谷牛溪皆以四端爲純善。朱子以爲四端亦有不善者,

未知四先生皆未見此說乎。夫四端何以亦有不善乎。四端亦氣發而理乘之故也。發之之時, 其氣清明則理亦純善, 其氣紛雜則理亦爲之所掩而然也。”

<https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=boo>

In his thorough application of Yi I's theory, Song once again raised a point which his academic ancestor had failed to address: the possibility of the four clues being morally inappropriate. Song claimed that if the *qi* is clear, the *li* is pure, and if the *qi* is dizzy, the *li* is obscured and his claim meant the four clues could be morally inappropriate if *qi* was not pure. In the midst of this, Song questioned the fact that his ancestor Yi I and Ki also considered the four clues to be pure. In fact, Ki raised the possibility, but then abandoned it due to Yi Huang's strong criticism, and Yi I did not make it a topic of the debate, so Song Si-yeol understood that they all considered the four clues to be pure. And in line with the school's theory, he argued that these emotions could not be pure. It can be seen that he faithfully inherited the basic position of the Yi I's philosophical theory and strengthened it, while also questioning to Yi I theoretically. This situation, which thoroughly applies the teacher's theory and with the results rather raises questions about the teacher, seems a bit paradoxical but clearly not doctrinaire.

From Song Si-yeol to his academic successor Han Won-jin, the possibility of the four clues being inappropriate was formalized. Han Won-jin denied the view that the four clues was pure and tried to apply the same standard with the seven sentiments. In other words, the inheritors of Yulgok's theory were developing their logic in the direction of affirming the possibility of the four clues being inappropriate, while thoroughly adhering to the propositions set forth by their academic ancestor. This behavior was applied to various concepts, which eventually became the subject of the Horak debate. A typical example is the controversy over *weifa* (未發, 'not yet emanated').

In the theory of Neo-Confucianism, maintaining the state of appropriate (中) in the stage of *weifa* (未發) and achieving harmony (和) in the stage of *yifa* (已發, 'already-emanated') are the key factors in the self-cultivation (修養). Park Sang-hyun, a student of Song Si-yeol, defined the appropriate (中) as a state in which both *li* (理) and *qi* (氣) are pure, and argued that only when the *weifa* is pure does the stage of *yifa* achieve harmony, and if the *weifa* is not pure does the state of *yifa* fail to achieve harmony<sup>3</sup>. A pure *weifa* means that the *li* (理) and *qi*

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<sup>3</sup> 『寓軒集』 권2 「上尤菴先生(丁巳六月)」, “中庸曰喜怒哀樂之未發謂之中,

(氣) are pure and tranquil, achieving the state of the appropriate. According to this logic, if the *li* and *qi* are not pure, the *weifa* is not pure, and therefore in the stage of *yifa* will not achieve the harmony (和). In other words, Park Sang-hyun argued that the *weifa* may not be pure because of the *qi*, and in that case, the *yifa* will not achieve the harmony either.

Park's logic that the state of the *weifa* could change depending on the temperament (氣質) of the person, was the result of a rigorous application of the Yulgok school's view, which understood all things to be composed of *li* and *qi* and the human mind is also made of *qi*. Despite the fact that Park's logic was not against the propositions of the Yulgok school, Song Si-yeol disagreed with Park's view. Song saw no need to mention *qi* in the state of appropriate in the *weifa*, because he concerned that if one were to apply *qi* in the state of appropriate, as Park did, one would be committing a grave error by undermining the long-standing tradition and basic premise of Confucianism: "the human nature is good (性善)":

"In general, the appropriate (中) describes the virtues of human nature. Although human nature does not exist in isolation from *qi*, when the sages spoke of the human nature, they always revealed only one aspect of *li* in the midst of *qi*. And it seems unreasonable for you to mention the appropriate with *qi*."<sup>4</sup>

Song Si-yeol criticized Park Sang-hyun's definition of the state of the appropriate as a state in which both *li* and *qi* are pure, saying that

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發而皆中節謂之和。所謂中也，理氣純粹而寂然不動之謂也，所謂和也者，隨其所感而無過不及之謂也。是故未發者純粹則所發者和，未發者雜糅則所發者不和矣。”

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4 『宋子大全』 권113 「答朴景初(丁巳六月十八日)」 別紙, “蓋中者, 狀性之德也。所謂性者, 雖非舍氣獨立之物, 然聖賢言性者, 每於氣中拈出理一邊而言, 今便以氣並言者, 恐未安.”

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it was contrary to the tradition of Confucianism. To Song, the appropriate is not a matter of *li* and *qi*, but an important concept that symbolizes the virtues of human nature. Song argued that the discussion of human nature in the tradition of Confucianism has always emphasized the aspect of *li*, and that the aspect of *li* should also be emphasized in the state of appropriate in *weifa*. In Song's view, Park's logic of explaining *weifa* in relation to *qi* was incompatible with the most basic premise of Confucianism. However, the logic of Park Sang-hyun, which Song Si-yeol strongly criticized, can be seen even more clearly in the philosophical works of Kwon Sang-ha and Han Won-jin, ironically who are considered as Song Si-yeol's legitimate successors.

The key point of Kwon Sang-ha's view of human nature was that human nature in reality is limited by individual temperament (氣質). According to Kwon's view, the original human nature (本然之性) that is said to be shared by all human and things, could be conceptually possible only when referring to just *li* (理) alone, but in reality, in which *li* (理) and *qi* (氣) coexist together, this original human nature is also limited to temperament. It was quite different from what many scholars thought because they only thought of connecting the original human nature with *li*. In Kwon's philosophical works, the role of temperament was emphasized not only in the human nature, but also in the stage of *weifa*. His views on the human nature and the stage of *weifa* shows that his works were not just imitation of his master Song's.

Kwon Sang-ha's disciple, Han Won-jin was a leading figure in the Horak debate through his argument with Yi Gan, who was Kwon's another outstanding disciple but had quite different view from his master. Han argued that since *qi* is clearly present even in the stage of *weifa*, it is possible to speak of the temperamental human nature (氣質之性) from this stage on. That was an argument which Han's academic forefather Song would strongly disagreed with.

Han Won-jin's view, which understands the *weifa* in relation to *qi*, is in line with the arguments of Park Sang-hyun, whom Song Si-yeol had strongly criticized<sup>5</sup>. Yi Gan, on the other hand, argued that the *weifa*

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5 『南塘集』 권30 「本然之性氣質之性說」, “其在人者以心言之, 則心即氣也, 性即理也. 未發之前, 理具氣中, 故專言理則渾然至善, 而所謂本然之性也, 兼言氣則善惡一定, 而所謂氣質之性也. 已發之際, 理乘氣上, 故其善其惡, 固皆氣質之性所發, 而其善者, 乃本然之性, 不為氣揜者也, 其惡者, 乃本然之性, 為氣所揜者也. 然則氣質之性所發, 即本然之性所發也.”

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is pure good and that the original human nature (本然之性) should be seen in it, and criticized Han's view that temperamental human nature exists in the state of *weifa*. Because it implies that good and evil coexist in the *weifa*, which should symbolize the virtue of the good human nature<sup>6</sup>. In the debate between the disciples, their master Kwon raised Han's hand. He recognized Han Won-jin's view, because he thought that there is no good or evil in the *weifa*, but that the temperament (氣質) in the *weifa* becomes the sprout of good and evil in reality<sup>7</sup>.

The issue of the four clues and the *weifa* means that the logic of the Horon school cannot be understood simply as dogmatization. Dogmatization is the belief in and following of certain ideas as unchanging truths, and in the case of Yi I, Song, Kwon and Han, there were repeated instances in which they denied the master's logic at the same time while reinforcing the master's theoretical premises. The academic goal of the Horon scholars was to apply their own scholarly tradition firmly and to expand it further, and in doing so, to argue strongly for things that their masters had not considered, and sometimes even for things that the master had flatly rejected. It is doubtful that the

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<sup>6</sup> 『巍巖遺稿』 권12 「未發有善惡辨」, “然則未發之體, 當論於所拘所蔽, 有時而昏者乎. 抑當論於本體之明, 有未嘗息者乎.” 『巍巖遺稿』 권12 「未發辨」, “今援此合彼, 打成膠漆, 畢竟湛然裏面, 純昏依舊, 本體裏面, 眞惡自在, 所謂天下之大本何如是汨襍也.”

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<sup>7</sup> 『寒水齋集』 권13 「答李公舉(壬辰七月)」, “頃年高明問曰未發時亦有善惡乎. 愚答曰五性感動之後, 善惡出矣. 未發之時, 寧有善惡之可言者乎. 高明笑曰果然矣. 未發時有善惡之云, 是德昭之見也. 愚以爲如此則德昭誤矣. 其後德昭之來, 叩其所見, 儘不然矣. 其意蓋謂有生之初, 便有氣質之性, 清濁粹駁, 有萬不齊, 其本領之美惡如此, 故爲發後淑慝之種子, 非謂未接物時惡念常存於心也.”

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act of changing the scholarly tradition inherited from one's master, rather than merely accepting it, can be understood as dogmatization. It is necessary to read more closely the situation in the world of thought at the time.

### **3. Is the distinction between conservative and open-minded appropriate?**

The Horak debate was not limited to philosophical discussions, and it is understood that it also had significant political implications as it was linked to political faction. Generally, Rakron is politically categorized as moderates, whereas Horon is categorized as hardliners. Based on the philosophical ideologies presented in the Horak debate, the Horon school was likely to form a divisionist ideology, while the Rakron school was likely to form an integrationist ideology. Within this general understanding, those who sympathized with the philosophical position of Rakron were often seen as having the potential to end the factional conflict, to provide a philosophical platform for reconciliation with the barbarians, and to contribute to the elimination of discrimination in society. However, these possibilities were just the expectation of modern researchers. The actual political positions of the main debaters of the Horak debate did not differ much.

The early 18<sup>th</sup> century, when the Horak debate took place, was a politically sensitive time for Noron faction. Philosophically, there was a fierce debate between Horon and Rakron. Politically, however, both schools belonged to a faction called Noron. In the 18<sup>th</sup> century, the conflict between the factions intensified and in particular, Noron had a massive political war with Soron, who was the same faction a decade ago. The death of Noron's Song Si-yeol in 1689 due to the Kisa-hwanguk (己巳換局), and the Sinim-oksa (辛壬獄事), which greatly harmed Noron in the reign of King Gyeongjong, further clarified Noron's political position. The logic of Noron's criticism of Soron in this period is summarized in that Soron betrayed own master and disobeyed the king.

Yun Jeung, one of the founders of Soron, was originally a disciple of Song Si-yeol, who represents Noron. However, he confronted his teacher over various issues, eventually leading to a

political split. Noron criticized Yun's feud with his teacher Song and his subsequent betrayal and attack on his teacher as an act of treachery, while they emphasized that Soron's attack on the crown prince (later King Yeongjo) and Noron during King Gyeongjong's reign was disloyalty to both King Gyeongjong and Yeongjo.

Han Won-jin, who represented the logic of Horon in the Horak debate, argued that in order to eliminate the abolition of the faction, it was necessary to declare the loyalty of Noron and to punish the traitors to Gyeongjong. He understood that since King Yeongjo was enthroned, the disposition was not clear and the punishment was not strict, so the people misunderstood that the evil side also had a great righteousness, which caused the country to be upset. Therefore, the country would be at peace from top to bottom only if the punishment of the traitors in the Gyeongjong's reign was clearly decided in advance<sup>8</sup>.

According to Han, the punishment of traitors is not merely an act of political appeasement by the Noron, but a crucial factor related to the existence of the basic moral principle (彝倫) and the Confucianism. If the traitors are allowed to participate in the Tangpyong, King Yeongjo's political agenda which declare the end of the factions, without strictly punishing them, the basic moral principle will not be able to spread and the Confucianism will not be dignified, causing the civilized (中華) to become the barbarians (夷狄) and mankind to become beasts<sup>9</sup>. The act of proclaiming the political merits of the Noron

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<sup>8</sup> 『南塘集』 권2 「丙午擬陳所懷疏」, “殿下即位之後, 處分不明, 懲討不嚴, 故國人疑其建儲代理, 或不能出於正, 而彼輩指以爲逆者, 亦有大義之所執. 故主上亦不得以私意誅之也. 於是不能無疑於逆順, 名實之際, 不能無疑也. 故民志不定, 民志不定, 而主勢不尊, 主勢不尊, 而國家之禍, 有不可勝言矣. 欲尊主勢, 當先定民志, 欲定民志, 當先正其名, 正名之道, 只在乎明建儲代理之出於光明正大, 必不可已之舉, 而亟正羣兇懷貳心動國本之罪, 以致之法, 而戮其巨魁, 寬其黨與, 則法行而恩加, 名正而言順, 國人皆曉然於逆順之分, 而民志定於下, 主勢尊於上矣.”

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<sup>9</sup> 『南塘集』 권2 「丙午擬陳所懷疏」, “天地之所賴以立, 人物之所恃以生者, 惟道而已. 道之興廢, 實係乎彝倫之叙不叙道學之尊不尊. 而彝倫不叙, 道學不尊, 則人心僻違, 天地閉塞, 中國而淪於夷狄, 人類而入於禽獸矣, 可不懼哉.”

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was set as an important criterion for distinguishing between the civilized and the barbarians, mankind and beasts. Therefore, Han identified the biggest problem of scholars of his time as ‘not distinguishing’ (無分). The problem of ‘not distinguishing’ is divided into three major categories: not distinguishing of mankind and beasts, not distinguishing of Confucianism and the heresies, and not distinguishing of the civilized and the barbarians. Han Won-jin warned that these three problems of not distinguishing would cause infinite harm to the Confucianism<sup>10</sup>. Han’s political logic of being right has been understood to be very exclusive attitude of other political parties, and it has been recognized by modern scholars as a typical example of the exclusivity of the Horon (김준석 Kim Jun-seok 2003: 388–441)

So, would Yi Gan, who disagreed with Han Won-jin philosophically, have opposed Han politically by being open to other political factions? The answer is ‘no, not at all’. Yi Gan also strongly insisted that the traitors, which meant Soron, should be punished thoroughly. In 1724, Yi Gan raised a petition to reveal that Song Si-yeol and Kwon Sang-ha were innocent and insisted that those who framed the great masters should be punished. When Soron was more politically powerful, they had fiercely criticized Noron’s two masters, Song and Kwon. In this appeal, Yi Gan’s political stance is clearly revealed. Yi Gan defined the royal punishment for two masters as the fact that the rulers had punished good people in the name of evil, falling into the twisted hands of the wicked<sup>11</sup>. While he praised Song Si-yeol and Kwon

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<sup>10</sup> 『南塘集』 권20 「答權亨叔(丁卯八月)」, “今之學者, 以人物之性, 謂同具五常, 是人獸無分也. 釋氏曰心善, 而儒者亦曰心善, 是儒釋無分也. 推尊許衡, 以爲聖門眞儒, 旣以爲眞儒, 則當學其人, 是華夷無分也. 此三說者, 將爲吾道無窮之害.”

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<sup>11</sup> 『巍巖遺稿』 권3 「代士林辨尤菴遂菴兩先生被誣疏」, “因竊惟念, 奸孽之禍人家國, 輒以惡逆二字, 籠罩善類, 而後乃肆其誅夷斬伐, 人無由得脫, 費持箝制, 世莫敢誰何. 此宵小輩千古熟套承用妙計, 而至以此移上一層, 操縱得逼於不敢言之地, 則臣等歷稽史牒, 僅見於今日廷臣矣.”

Sang-ha for becoming the masters of the whole country and for having been treated with respect and kindness by the two kings, Sukjong and Gyeongjong, he criticized the Soron as a group that originated from the Yun Jeung, who seriously violated the moral cords of that time. In doing so, Yi Gan revealed a perception of the times similar to Han's 'not distinguishing'. Yi Gan argued that the great legacy of Song Si-yeol and Kwon Sang-ha enabled Joseon to honor the Confucianism and reject heresy, hold the civilized close and hate the barbarians, and exalt the lord and defeat the traitors<sup>12</sup>.

If the first half of the Horak debate was centered on Han Won-jin and Yi Gan, who were the disciples of Kwon Sang-ha together, the second half of the debate developed into a confrontation between Horon and Rakron in earnest. The representative scholar of Rakron was Yi Jae. After Yi Jae's disciple Choi Seok visited Han Won-jin and asked for a debate, but was refused, Yi Jae and Han Won-jin expressed their views in the form of poetry and criticized each other's thought. However, in contrast to their clear philosophical opposition, Yi's political stance as the head of the Noron was very similar to that of Han Won-jin.

Yi Jae insisted that the monarch's mind is the source of all things, and from here, the royal court is corrected and the whole country is corrected. To detect the signs of public/private, righteous/evil, right/wrong and gain/loss in a monarch's heart, to eliminate human desires, and to realize the principle of heaven, is the fundamental way to correct the all affairs. For Yi Jae, the moral act of correcting the king's heart eventually led to the concrete political acts of the declaration of righteous and evil, and the proclamation of Noron's loyalty to punish those who had sinned in the past in the way of great public justice. He insisted on doing the right thing and dealing with the wrongdoers clearly,

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<sup>12</sup> 『巍巖遺稿』 권3 「代士林辨尤菴遂菴兩先生被誣疏」, “盖先正平生所服事者, 朱子之學也, 所擔負者, 春秋之義也. (중략) 而至於環東一域, 式至今日, 猶知夫宗朱而斥鑄, 內夏而外夷, 尊君父討亂賊, 得免於禽獸者, 伊誰之力歟.”.

[https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC\\_MO\\_0477A\\_0030\\_010\\_0040](https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC_MO_0477A_0030_010_0040). (Accessed January, 31, 2024).

without fear of appearing to have a personal interest in the case<sup>13</sup>. If the ruler distinguish the right and wrong and shows example and submits the hearts of the people, it will eventually become a factor in achieving the state of *tangpyong* (蕩平), which means there is no faction and the ideal politics unfolds, but if the ruler fails, he will end up promoting evil while claiming to edify the wicked<sup>14</sup>. Politically, we can clearly see that Yi Jae, the representative of Rakron, showed a strong exclusion of other faction.

Politically speaking, it is hard to say that the main debaters in the Horak debate had distinctly different positions. This was also evident in their social reform theory. Han Won-jin's social reform theory, representing Horon, was usually perceived as conservative, representing the interests of the local noblemen (在地士族). However, this perception is based on preconceived notions of Horon, which are often very different from the real history.

Previous research has found direct evidence of his hierarchical views in Han Won-jin's famous statement, "If there is no distinction between upper and lower, it is like knowing a child as a father and the father as a child"<sup>15</sup>, and compared this strict view of hierarchy to the

<sup>13</sup> 『陶菴集』 권6, 「入城後陳所懷疏」, “然人君一心, 萬化之源, 君心正則朝廷正, 朝廷正則萬方正, 此理之必然. (중략) 甚至一念之頃, 公私邪正是非得失之機, 未嘗不分明角立, 交戰於其中, 而終是人欲勝而天理負矣. 此非臣妄度. 生於其心, 害於其政, 發於其政, 害於其事.”  
[https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC\\_MO\\_0485A\\_0060\\_010\\_0150](https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC_MO_0485A_0060_010_0150). (Accessed January, 31, 2024).

<sup>14</sup> 『陶菴集』 권6, 「入城後陳所懷疏」, “殿下苟能痛析是非, 昭示典刑, 處置得宜, 大服人心, 使皆知惡之可羞善之可慕, 則彼將悔舊圖新, 偕之蕩平之域. 而殿下不惟不能討罪, 輒於是非源頭, 含糊而蕩泐之, 忠逆不分, 名實相戾, 善者何所勸, 惡者何所懲, 紀綱何由而立, 習俗何由而變哉. 是則聖上所欲化其惡者, 適所以長惡, 所以紿黨禍者, 適所以益禍, 此豈聖上仁之之道乎.”  
[https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC\\_MO\\_0485A\\_0060\\_010\\_0150](https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC_MO_0485A_0060_010_0150). (Accessed January, 31, 2024).

<sup>15</sup> 『南塘集』 권28 「李公學上師門書辨」, “天命之謂性, 猶父生之謂子, 命之屬天, 猶生之屬父. 父子雖是一氣, 若喚父爲子, 喚子爲父, 則不亦名分之紊亂而倫理之倒置乎. 今謂命卽性性卽命而無上下之辨, 則直是父其子子其父之類

open-minded perceptions of the Rakron, which was optimistic about the possibility of edification of all classes (조성산 Cho Sung-san 2007: 278–279). At first glance, this analysis might seem to make sense, given that Han Won-jin’s philosophy emphasized fundamental differences, while Rakron’s philosophy focused on the same possibilities of the all human being’s mind. However, this passage was not written by Han Won-jin to explain his hierarchical view of identity. When Han Won-jin says that the distinction between upper and lower should not be disturbed and likens it to the relationship between a father and a son, he is trying to convince us of his philosophical view that the heaven’s order (天命) and the human nature (本性) should not be understood as the same concept.

Rather, Han Won-jin’s strong advocacy of the *Hopo* (戶布, a hemp cloth as a prescribed tributary payment from each householder) in the debate over the reforming of military tax system, which was one of the major social issues of his time, revealed a rather open-minded view of social ranks. Han Won-jin argued that everyone in the household from the loyal (公卿) at the top to the common people at the bottom, should be pay a hemp cloth for their military duty<sup>16</sup>. Some may read a hierarchical perspective into Han’s approach to talking about noble and common. However, Han’s logic that the noble pay taxes, so the common people won’t complain, was not intended to advocate for hierarchical order, but rather to emphasize that no one would complain only if everyone, even those of high status, pay taxes evenly. In fact, Han goes so far as to argue that they should be able to abandon even the honor of the noble in order to implement the *Hopo* system.

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也.”.

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<sup>16</sup> 『南塘集』 권5 「經筵說上」, “我國田役則均矣, 而身役不均, 戶役則全闕矣. 我國民戶之數, 較之出布之軍, 其數十餘倍矣. 上自公卿, 下至賤隸, 有戶者皆出布, 一人之役, 十餘人分應, 則役輕而均, 行之甚易. 公卿出布則士無所怨, 兩班出布則民無所怨矣.”.

[https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC\\_MO\\_0491A\\_0050\\_010\\_0010](https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC_MO_0491A_0050_010_0010). (Accessed January, 31, 2024).



In response to an opponent's view that implementing the *hopo* system might undermine the honor of the superior, Han Won-jin argued that the maintenance of the honor did not depend on the burden of a single sack of tax cloth or a single grain of rice, but rather on the ruler's basic conduct and ability to cultivate virtue, stabilize the people, and impress the hearts of the people. He strongly argued that the *hopo* system must be enforced to reform the abolition of the military tax system, on which the nation's survival depended, even if it actually undermined the honor<sup>17</sup>.

Whether the *Hopo* system was in fact the most efficient and open solution, and whether Han Won-jin's arguments were based on a clear understanding of the realities of his time, are too vast topics to cover in this article. However, Han Won-jin's statement that he could not help but compromise the honor by advocating for the *Hopo* system seems to raise the question of whether his social reform theory was based on hierarchical identification, as assumed in previous studies.

In terms of politics, the main debaters in the Horak debate shared the position of declaring the loyalty of Noron and strongly chastising Soron. In addition, if we look specifically at Han Won-jin's social reform theory, which usually has been perceived as conservative, it seems that the previous studies have mechanically substituted Han's arguments in an overly schematic framework. If so, we can question the basic way of looking at the Horak debate and understanding the intellectual history of late Joseon.

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<sup>17</sup> 『南塘集』拾遺 卷2 「良役變通議」, “且維持名分之道, 亦在乎修德政安民物, 以服國人之心而已. 不此之謀, 反欲恃尺布斗米之不出於凡民之所出者, 以爲正名分之計, 豈不迂哉. 設或有損於名分, 爲大事者, 不顧細故, 古之忠臣, 苟有利於國家者, 身體髮膚, 亦有所不愛. 今者良役之弊, 將召亡國之禍, 而其可以變通者, 惟在戶布, 則爲生民爲國家, 建此大計者, 寧可復有所顧愛者乎. 況其名分之加損, 元不繫此者乎.”.

[https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC\\_MO\\_0491A\\_0400\\_030\\_0010](https://db.itkc.or.kr/dir/item?itemId=MO#dir/node?grpId=&itemId=MO&gubun=book&depth=5&cate1=Z&cate2=&dataGubun=%EC%B5%9C%EC%A2%85%EC%A0%95%EB%B3%B4&dataId=ITKC_MO_0491A_0400_030_0010). (Accessed January, 31, 2024).

## 4. Conclusion

In the preceding discussion, I have argued that the existing understanding of the Horak debate is largely based on an overly schematic framework, and that it is necessary to move beyond this framework and examine the context of the period in a more nuanced way. I am not alone in arguing that the way we view the Horak debate is closely linked to the conventional view of the intellectual history of late Joseon, and that it needs to be revisited. For example, many questions have been raised about Silhak (實學), which has been recognized as a typical reformist idea of the late Joseon Dynasty. However, on the other hand, it also raises the question of how to replace the macroeconomic framing of existing research with a new one.

While it is clear that the schematic dichotomy of conservative and open-minded is over-represented in the previous studies, it is also undeniable that we could be able to establish the historical significance of the Horak debate by those studies. The previous studies has allowed us to reevaluate the debate not as a speculative axiomatic discussion, but as closely connected to the political and social outlook of each scholarly group, and it has also provided a clearer picture of the historical role of Neo-Confucianism in Joseon Dynasty as an idea that guided medieval society. How to evaluate the historical significance of the Horak debate and the Joseon's academia based on a new understanding of the debate is the challenge for new researchers today.

So how should we approach the Horak debate? First, we need to carefully examine the social implications of the philosophical debates of the time, rather than prejudging the nature of the academic groups. At its core, the Horak debate was a discussion of human individuality and sameness. This was very close to the goal of Neo-Confucianism, which was to build an ideal society through individual morality, and on the other hand, the debate was about the awareness of individuality of individuals who were growing as social subjects. These connections need to be carefully examined. Next, it is necessary to examine the meaning of the Horak debate in the context of East Asian intellectual history and world history beyond Joseon. The debates in other cultures about the moral and social possibilities of the individual in a broader perspective should be also reviewed. These methods will allow us to understand the Horak debate more broadly.

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## **Intersectional examination of transgender women in South Korea: a case study of the dismissal of the first transgender officer by the Ministry of National Defense**

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**Abstract:** This paper presents an intersectional examination of transgender women in South Korea, focusing on the dismissal of the first transgender officer, Hee-soo Byun (who committed suicide later after the dismissal), by the Ministry of National Defense in 2021. Drawing on the principles of Korean feminism and the third-wave feminist emphasis on intersectionality, the study

examines the intersecting factors of gender identity, military service, and institutional policies that contribute to the marginalization and mistreatment of transgender individuals. By investigating the multifaceted challenges experienced by transgender women in South Korea, this paper highlights the complex dynamics of discrimination, taking into account the unique cultural and socio-political context of Korean society. This article aims to contribute to the existing body of knowledge on transgender rights, gender equality, and feminist activism in South Korea, providing insights to inform future discussions, policies, and actions aimed at promoting inclusivity and equal opportunities for transgender individuals within the context of military service and beyond.

**Key words:** Korea; transgender; intersectionality; feminism; military service.

**한국 성전환 여성에 대한 상호 교차적 고찰:  
국방부의 첫 성전환 군인 해임 사례 연구**

**초록:** 이 글은 2021년 국방부에 의해 해임된 첫 번째 성전환 군인, 변희수 하사 사건을 중심으로 대한민국의 성전환 여성에 대한 상호 교차적 접근을 제시한다. 본 연구는 한국 페미니즘의 이론과 상호 교차성을 강조하는 3세대 페미니스트의 이론을 바탕으로 트랜스젠더 개인에 대한 소외와 학대에 기여하는 성 정체성, 병역, 제도적 정책의 교차 요인을 조사한다. 또 한국의 성전환 여성이 직면하는 다양한 도전을 조사함으로써 한국 사회의 독특한 문화적, 사회 정치적 맥락을 고려하여 차별의 복잡한 역학을 조명하고 있다. 마지막으로 이 글의 목적은 한국 트랜스젠더의 권리, 성평등, 페미니즘 운동에 대한 기존 지식 체계에 기여하고, 트랜스젠더 개인의 포용성과 군 복무 및 그 외 상황에서의 평등한 기회 획득을 촉진하기 위한 향후 논의, 정책, 행동에 대한 통찰력을 제공하는 것에 있다.

**주요 키워드:** 한국; 트랜스젠더; 상호 교차성; 페미니즘; 군 복무.

**Intersekcjonalna analiza sytuacji kobiet transpłciowych w Korei Południowej: studium przypadku zwolnienia przez Ministerstwo Obrony Narodowej pierwszej transpłciowej żołnierki**

**Abstrakt:** Artykuł przedstawia intersekcjonalną analizę sytuacji kobiet transpłciowych w Korei Południowej, szczególną uwagę skupiając na zwolnieniu przez Ministerstwo Obrony Narodowej w 2021 roku pierwszej transpłciowej żołnierki, Hee-soo Byun, która krótko po zwolnieniu popełniła samobójstwo. Na podstawie założeń koreańskiego feminizmu oraz feministycznego skupienia na intersekcjonalności (w ramach trzeciej fali



feminizmu) badanie zwraca uwagę na przenikające się czynniki tożsamości płciowej, obowiązku służby wojskowej oraz regulacji instytucjonalnych, które przyczyniają się do marginalizowania i niewłaściwego traktowania osób transpłciowych. Artykuł analizując wielowymiarowe wyzwania, w obliczu których stają transpłciowe kobiety w Korei Południowej, podkreśla złożoną dynamikę dyskryminacji biorąc jednocześnie pod uwagę wyjątkowy kulturowy i społeczno-polityczny kontekst. Tekst ma na celu omówienie istniejącego stanu badań w zakresie praw osób transpłciowych, równości płciowej i aktywizmu feministycznego w Korei Południowej, jak i podzielenie się spostrzeżeniami na potrzeby przyszłych dyskusji, rozwiązań systemowych oraz działań podejmowanych w kierunku promowania inkluzywności i równych szans dla osób transpłciowych w i poza służbą wojskową.

**Słowa-klucze:** Korea; transpłciowość; interseksjonalność; feminizm; służba wojskowa.

#### 韓國跨性別女性的交織性研究：以國防部解僱首位變性軍官為案例

**摘要：**本文對韓國跨性別女性進行了交織性研究，重點討論 2021 年國防部解僱首位變性軍官卞熙洙 (Hee-soo Byun, 後自殺身亡) 一事。本研究借鑒韓國女權主義和第三波女權主義強調交織性的原則，探討了性別認同、兵役政策和制度政策等導致跨性別人群被邊緣化的交叉因素。本文結合韓國社會獨特的文化和社會政治背景，探討了韓國跨性別女性所經歷的多方面的困境。本文旨在為現有的有關韓國跨性別人士的權利、性別平等和女權運動的知識體系做出貢獻，為未來的討論、政策和運動提供啟示，以促進跨性別人士在服兵役期間乃至其他社會空間裡的包容性和平等機會。

**關鍵詞：**韓國; 跨性別; 交織性; 女性主義; 服兵役.

## 1. Introduction

The contemporary understanding of complexity recognizes that singular factors, theories, or analyses are insufficient to explain every occurrence. Instead, a diverse perspective and approach are required. Feminist theory has undergone significant evolution over the centuries, expanding from a narrow focus on achieving equal rights for women in society to encompassing a broader range of women's diverse needs (Tong and Botts 2017). Early feminist movements primarily

concentrated on developing influential and informed theories that provided a theoretical foundation for understanding the history of women's oppression.

One prominent strand of early feminism was 'Liberal Feminism', which sought to understand why women, particularly white women, were not treated as equals to men. Liberal feminists argued that the absence of women's rights reflected a lack of equal opportunities. Mary Wollstonecraft (1792), for instance, advocated for women's right to develop as autonomous individuals, just like men. She specifically emphasized the importance of equal access to education, which was lacking at the time she made her claims. Inspired by Wollstonecraft's ideas, women began to demand suffrage rights and equal educational opportunities, forming the foundational principles of liberal feminism. The growth of liberal feminist theory has had a profound impact on women's rights, most notably culminating in the historic achievement of women's suffrage. This movement, driven by the desire for equal rights and education, represents a significant milestone in the advancement of liberal feminism. The influence of liberal feminism, with its emphasis on equal opportunities and education, has played a pivotal role in shaping women's rights movements and achieving significant milestones such as suffrage.

Despite significant advancements that have made women's lives more independent compared to the past, a considerable number of women continue to experience discrimination and inequality resulting from various factors beyond their sex, class, race, color, and personality traits. Recognizing this limitation, a new wave of feminism known as 'third-wave feminism' has emerged. This movement emerged in the 1990s as a response to the perceived limitations of second-wave feminism, which had been criticized for its exclusive focus on the experiences of white, middle-class women. The third-wave feminism movement aimed to address the diverse experiences of women by embracing the concept of intersectionality as a central tenet. Intersectionality recognizes that gender oppression intersects with other forms of oppression, such as racism, classism, and homophobia. It emphasizes the need to acknowledge and confront these intersecting systems of oppression in feminist activism and theory. The focus of third-wave feminism extends beyond a specific type of 'women' and encompasses a broader range of minority women, including women of color and LGBT (lesbian, gay, bisexual, and transgender) women.

In this study, drawing upon the principles of Korean feminism and the emphasis on intersectionality within the third-wave feminist framework, we examine the intersecting factors of gender identity, military service, and institutional policies that contribute to the marginalization and mistreatment of transgender individuals in Korea. Specifically, we present an intersectional analysis of the dismissal of the first transgender officer, Hee-soo Byun (변희수), by the Ministry of National Defense in 2021. Considering the unique cultural and socio-political context of Korean society, this paper highlights the imperative for inclusive and equitable approaches to transgender rights, informed by feminist principles and an understanding of the intersecting forms of oppression that transgender individuals face.

## **2. Feminism in South Korea**

Korean society has traditionally been highly male dominated, with its origins rooted through the history. The environment placed men in significant roles, not only as fathers and heads of households but also as leaders and decision-makers in the hierarchical community. Consequently, women assumed passive roles focused on caregiving within the family and society, rather than being recognized as individual members of society. During the time Korea has been developed, and there were significant changes in the social status of women over the centuries. However, the mindset regarding women's rights and the cultural expectations placed upon women still adhere to a hierarchical social order that has not kept pace with the speed of social changes.

Feminism has gained significant recognition in South Korea, encompassing advocacy for women's rights in a male-dominated society as well as the pursuit of women's basic social rights and quality of life. The earliest feminist movement in Korean history was the women's liberation movement. During its inception, the prevailing belief among the majority of Koreans was that women had little reason to pursue education and should instead focus on acquiring skills related to home economics. Efforts to promote women's fundamental rights led to the establishment of the Korean Women's Association United (KWAU) in 1959 under the leadership of Dr. Kim Hwal-lan. This organization campaigned against practices that devalued women and

perpetuated gender inequality in traditional societies, such as advocating for the removal of public officials who maintained concubines during the selection and appointment processes.

In the 1970s, South Korea entered a period of rapid economic development following the Korean War, with a primary focus on the manufacturing sector. During this time, many women, employed as factory workers, faced significant challenges in accessing their rights. Consequently, organizations like KWAU concentrated on improving women's labor rights in Korean society. From the 1980s to the mid-1990s, South Korea experienced social upheaval due to the democratization movement. This period witnessed a surge in women's social and political participation, with Korean feminism striving to promote women's engagement in these spheres and secure their rights as equal members of society. The establishment of the Korean Federation of Women's Organizations (KFWO) in 1985 aimed to challenge policies such as 'early retirement at 25 for female workers' and advocate for women's rights. The KFWO remains actively involved in promoting women's rights to this day. Following the economic collapse in South Korea in 1997, the focus of the Korean feminist movement shifted toward achieving equality with men in various aspects of daily life, including social status, financial equality, and fair treatment. This emphasis on equal status and liberation from male-dominated culture has led to the establishment of the Ministry of Gender Equality and Family as a government ministry in South Korea. The ministry, along with policy advancements, has worked to establish a legal foundation for gender equality.

In the 2000s, the Korean feminist movement shares similarities with 'radical feminism' and represents the mainstream of the movement. There is a growing trend among the younger generation to reject marriage and challenge traditional societal expectations imposed on women, as exemplified by the 'anti-corset' movement. These movements aim to break free from traditional gender roles and standards imposed on women in Korean society. Notably, South Korean feminist activist and scholar Kim MiHyun (2018) emphasizes the importance of the new generation of feminists actively participating in the fight against violence towards women and raising their voices in support of feminism:

"I have introduced the new feminism generation of South Korea that fights to stop violence against women. The new generation has been

actively participating in feminism reboot to oppose violence against and speak out their voice.” (Kim MiHyun 2018: 27).

As seen above, it is undeniable that feminism in Korea has represented the voices of women who are socially, economically, and politically marginalized, advocating for the expansion and assurance of their rights. However, it is important to acknowledge that Korean feminism has primarily focused on women’s rights and the empowerment of women, without necessarily encompassing the rights and experiences of other marginalized groups. This narrow focus on women’s rights and the power dynamics between men and women, particularly within the family and broader social environment, does not necessarily address the intersecting forms of oppression experienced by various minority groups. While it is not inherently wrong for feminism to prioritize women’s rights, it is crucial to recognize that an inclusive and intersectional approach should be taken to ensure that the rights and concerns of all marginalized groups are addressed.

This limitation in Korean feminism can be traced back to the early waves of feminism in Western countries. While the historical contexts and issues addressed by Western feminism and Korean feminism differ, both movements have, to some extent, formed dominant categories that neglect or exclude other minority groups. This includes women of color, individuals with minor sexualities, and non-women minorities. The majority of feminists in Western countries and contemporary Korean society have often failed to fully address the social issues faced by these other minority groups. In the case of Korean feminism, the movement has struggled to embrace diverse subjects of oppression that do not fit neatly within their defined category of women. Consequently, many individuals and groups that fall outside of the narrow ‘women’ category have been left out and have not received adequate social care or support. This narrower perspective may contribute to the exclusion and neglect of issues related to non-heterosexuality in Korean society, as it may not align with the primary focus of Korean feminism on women’s rights. However, it is worth noticing that in recent years, there has been an increasing recognition and inclusion of LGBT issues within the feminist movement in Korea. Many feminist activists have been working to address the intersectionality of gender and sexuality (Seo Jungmin and Choi Seoyoung 2020), acknowledging that the struggles faced by LGBT individuals are interconnected with those faced by women.

### **3. Third wave feminism and Intersectionality**

Third-wave feminism represents the importance of diversity and individuality towards minorities' rights. Leslie and Drake (1997) state that all streams of feminism are part of the third wave lives, thinking, and praxis, as third-wave feminism embraces the broad range of social issues related to inequality. However, at the same time, this new trend of feminism also takes a perspective as focusing the analysis on individualities. Hence, this multi-vocal feminism covers a wide range of minority issues, including race, gender, disability, or homosexuality. In order to interconnect all these different and robust features in one target, third-wave feminism has used one keyword, "Intersectionality".

"Intersectionality" is a concept that was originally introduced by Kimberlé Crenshaw (1989: 141), a civil rights activist and legal scholar, in her influential work published in 1989. In this groundbreaking piece, Crenshaw critiques the existing US antidiscrimination laws, highlighting their failure to acknowledge the interconnectedness of racism, sexism, and classism experienced by black women. She argues that these forms of discrimination cannot be viewed as separate entities, but rather as integral components of a complex and intertwined system. Coined by Kimberlé Crenshaw (1989: 141), intersectionality challenges the dominant white feminism by highlighting the interconnected nature of various forms of oppression within society. Crenshaw argues that patterns of oppression are not isolated but rather intertwined, influenced by intersecting systems of race, gender, class, ability, and ethnicity. To truly understand discrimination, it is essential to consider the multiple dimensions of identity and their interactions, rather than attributing it solely to one factor, such as gender. For example, if we compare a white gay male from a labor-class background to a highly educated young black female, the discrimination they face cannot be solely attributed to the binary relationship between men and women or their individual characteristics. Instead, discrimination is the result of the interconnectedness of all their factors. In this case, the black woman faces more discrimination due to the intersection of her race and gender, placing her in a more disadvantaged position compared to the white gay man. This example demonstrates a basic, yet clear division of how interconnected factors impact the lives of marginalized individuals.

However, intersectionality goes beyond this simple example, recognizing that the mechanisms of discrimination are often more complex and require in-depth analysis in individual cases. It allows for a deeper understanding of the ways in which different systems of oppression intersect and shape individuals' experiences. Intersectionality has been recognized as a valuable method for examining the institutional reproduction of inequality, whether in the context of the state, family, or legal structures. It has made significant theoretical contributions to women's studies (McCall 2005) and provides a framework for understanding the complexities of discrimination and oppression faced by various marginalized groups. As stated by Grabham et. al (2009: 1), intersectionality can be used as a method for "interrogating the institutional reproduction of inequality, whether at the level of the state, the family, or of legal structures more generally".

Intersectionality in the context of third-wave feminism highlights the importance of understanding and addressing the ways in which gender intersects with other identities and social structures. It recognizes that women's experiences are shaped by multiple dimensions of their identities and that different women face different forms of oppression and privilege based on these intersections. It calls for inclusive feminist movements that center the experiences of marginalized groups and strive for a more holistic and nuanced understanding of gender and social justice (McCall 2005). As pointed out by Tong and Botts (2017: 131), the solutions to the problems taken up by feminism "must resist simplistic analysis and instead reflect the complexity of the historicity of the women who experience them". Intersectionality can be an essential tool that explains discrimination with multi-dimensional approaches since discrimination does not solely stem from sexual differences between men and women but arises from diverse conflicting factors, even within the same gender. It encompasses various minorities such as gay, lesbian, disabled, or other marginalized individuals. According to Seo and Kubota (2023), the concept of intersectionality has transcended disciplinary boundaries and geographical borders. It has not only been embraced by various academic fields but has also found its way into administrative offices within universities. While the original purpose of intersectionality, as outlined by Crenshaw (2011), was to address the unique challenges faced by black women and dismantle the marginalization resulting from

the intersection of race and gender discrimination, subsequent studies (Cho et al. 2013; Davis 2020) have expanded and modified the concept.

In addition to its application in different contexts, the concept of intersectionality has been utilized to examine various phenomena. For example, it has been employed to explore the experiences of the Korean diaspora (Choo Hae Yeon 2012; Chun et al. 2013; Song Jee Eun Regina 2023) and shed light on the lived experiences of Black female English teachers in South Korea (Seo and Kubota 2023). These studies aim to comprehensively understand the multifaceted role of gender and feminism within Korean society, considering their cultural, social, political, and economic implications (Kim Jinsook 2021). Utilizing this theoretical framework, we can analyze the case of the first transgender officer dismissed by the Ministry of National Defense in South Korea, aiming to dissect the discrimination faced by transgender women within the country's societal and institutional contexts, through the lens of third-wave feminism.

#### **4. Intersectional analysis of the transgender officer discharged by the Ministry of National Defense**

In the case of staff sergeant Hee-Soo Byun, an active-duty soldier serving in the Korean Army, an intersectional analysis reveals the discrimination she faced within the societal and institutional contexts of South Korea. Byun underwent sex reassignment surgery during an official vacation, a process that did not violate any regulations. However, the Ministry of National Defense dismissed her, citing a “physical and mental disability” as the rationale for the discharge (Choi Si-young 2021). Despite Byun’s desire to rejoin the army as part of the ‘women’s army corps’ instead of remaining in the male troop, all her efforts to remain as a member of the army were rejected. Additionally, her petition for reinstatement was also denied. Frustrated by these decisions, Byun filed a lawsuit on 11 August 2020, seeking the cancellation of her discharge and expressing hope for a just decision by the judiciary and for the Republic of Korea to overcome hatred (Choi Si-young 2021). Unfortunately, the situation took a tragic turn, as Byun was found dead on 3 March 2021, having taken her own life (Choe Sang-Hun 2021).



The case of staff sergeant Hee-Soo Byun and the ensuing discussions in Korean society highlight the complexity and divergence of opinions regarding transgender individuals serving in the military. While Gallup statistics indicate that a majority of Koreans believe that changing one's gender is a personal choice, the acceptance of transgender individuals serving in the military shows a different trend. According to the same Gallup survey, 58% of respondents believed that a male-to-female transgender person could not remain in the army (Gallup 2020). This disparity between general acceptance of transgender individuals and the specific context of military service demonstrates a deviation in attitudes. It suggests that societal views on transgender issues may vary depending on the specific field or context. A study conducted by Lee, Ryu and Lee (2022) further supports this finding. Their analysis of online news articles and comments related to Byun's case revealed that while a portion of the comments acknowledged the personal autonomy of surgical transition, only one comment expressed support for transgender soldiers with surgical transition (Lee Jeehye, Ryu Dong-Hee and Lee Su-Jin 2022).

To comprehensively understand the discrimination faced by Byun and others in similar situations, an intersectional analysis is necessary. This approach examines how various factors intersect and influence the rationale behind such cases. By considering the diverse elements at play, such as gender identity, societal attitudes, legal frameworks, and institutional biases, we can gain insights into the complex dynamics contributing to discrimination in this context. An intersectional analysis allows us to examine the interconnections between gender, social norms, institutional policies, and public attitudes. It helps us understand how these factors intersect and shape the experiences and challenges faced by transgender individuals in the military and society as a whole.

Firstly, it is crucial to recognize the diversity within the transgender category and understand the inequality faced by transgender individuals. The history of sex reassignment and transgender identities is relatively recent, leading to persistent misconceptions and prejudices. Many people still hold the belief that transgender individuals suffer from mental or genetic disorders. Initially, the World Health Organization (WHO) defined transgender individuals as individuals with gender disorders. However, in the recent WHO ICD-11 (2019), the definition has been updated to "gender incongruence", reflecting a shift in attitudes towards transgender individuals and

recognizing their experiences as a valid aspect of their identity. Despite this evolving understanding, the Ministry of National Defense in Korea, in their statement on January 16, 2020, referred to the officer's decision to change her sex as a mental and physical disorder. This decision by the Ministry of National Defense exemplifies the intra-categorical complexity framework, as it illustrates discrimination based on a specific categorical identity, namely transgender. By adhering to traditional biases regarding sexuality and perceiving minorities as physically and mentally abnormal, the ministry's decision perpetuates discrimination against transgender individuals. Such discrimination by a national institution violates the principles of equality among diverse categories advocated by the perspective of third-wave feminism.

Secondly, the military exerts a significant influence in this case. Specifically, the Korean Army holds a prominent role as the national defense force, responsible for safeguarding the country from potential threats. Due to the historical context of the Korean War and the ongoing tensions with North Korea, the Korean Army operates within a strict hierarchical structure and maintains a predominantly male-dominated system. The Gallup survey (2020) results reveal an important finding: while the majority of Korean people do not view the category of 'transgender' as inherently discriminatory, when the question presupposes the context of the army, approximately half of the respondents answered negatively. This underscores the significant role played by the army as a determinant of discrimination. The Korean Army, by nature, does not readily embrace the inclusion of diverse sexualities such as transgender or homosexuality. The interplay between the categories of 'army' and 'sexuality other than heterosexual' is crucial and contributes to the discriminatory outcomes observed. The army represents a strict adherence to a heterosexual norm, leading to the exclusion and non-acceptance of other categories that deviate from this specific group. Consequently, the presence of the army in the question limits the acceptance of categories that contradict its strict 'heterosexual' identity. The army stands out as an influential factor in perpetuating discrimination in this case. The Korean Army's characteristics, including its historical background, hierarchical structure, and male dominance, contribute to a lack of acceptance for diverse sexualities such as transgender or homosexuality. The strict heterosexual identity associated with the army restricts the acceptance of other categories that challenge or deviate from this norm. Moving forward, it is crucial to address and transform the rigid norms and

exclusionary practices within the military to foster inclusivity and equity for individuals of all gender identities and sexual orientations.

Furthermore, the constitutional policy in South Korea reinforces the exclusion of transgender women. Specifically pertaining to transgender individuals' right to self-determine their occupations, particularly in the context of military service, the Constitution of the Republic of Korea contains provisions that hinder their inclusion. Article 39 of the Constitution states that "All citizens shall have the duty of national defense" (Constitution of the Republic of Korea 1987) while Article 3 of the Military Service Act specifies that "Every man of the Republic of Korea shall faithfully perform mandatory military service. A woman may perform only active service or serve through volunteering" (Military Service Act 2019). Although transgender women can now be exempted from military service upon receiving legal gender affirmation, the previous requirement for proof of genital surgery along with the legal process posed significant challenges (Kim et al. 2018 cited in Lee et al. 2022). However, even with these recent changes, there is a lack of relevant policies and appropriate medical services for transgender women who express a willingness to serve their country. Consequently, their right to serve in the military is not guaranteed, despite the Constitution guaranteeing the right to pursue happiness, freedom of occupation, and prohibiting discrimination (Constitution of the Republic of Korea 1987). The United Nations High Commissioner for Human Rights has condemned the forceful discharge of individuals like Ms. Byun, asserting that "the dismissal of Ms. Byun would violate the right to work and the prohibition of discrimination based on gender identity under international human rights law" (Choe Sang-Hun 2021, para.15). Thus, the constitutional policy perpetuates the exclusion of transgender women, resulting in their marginalization within the military and broader society.

The constitutional policy in South Korea acts as a barrier to the inclusion of transgender women in the military. The provisions outlined in the Constitution and the Military Service Act hinder their ability to freely determine their occupation and exercise their right to serve. The lack of comprehensive policies and adequate medical services further undermines their inclusion. This exclusionary policy contradicts the constitutional guarantees of pursuing happiness, freedom of occupation, and protection against discrimination. As a result, transgender women face marginalization not only within the military but also within society at large.

Lastly, the absence of sufficient social systems or norms to protect minorities in the Korean society exacerbates the discrimination faced by transgender individuals. The social system's failure to accommodate and acknowledge alternative sexualities beyond the binary of male and female plays a significant role. The rejection of the transgender officer by both male and female army institutions demonstrates that the discrimination is not solely based on gender differences. Moreover, the lack of support from civic groups, which should ideally advocate for minor issues, further reinforces the perception of the 'transgender' category as being on a distinct level.

Korea is often characterized as a conservative country with limited tolerance towards the LGBT community compared to other nations. This conservative stance is frequently attributed to the influence of Confucian ideology (Kim Heisook 2009; Shim Young-Hee 2001), which emphasizes traditional conservatism and hierarchical relationships (Xu Xiaoge 1998; Mizock and Mueser 2014). Despite the presentation of eight previous proposals for an anti-discrimination law in Korea since 2007, such legislation has yet to be enacted. Previous studies have highlighted the existence of negative beliefs, attitudes, and fear towards transgender individuals, resulting in social stigma, prejudice, discrimination, and even violence against them (Mizock and Mueser 2014). Thus, the interconnected social structure and traditional biases towards different sexualities serve as significant factors contributing to discrimination (Lee Jeehye, Ryu Dong-Hee and Lee Su-Jin 2022).

It is noteworthy that a similar situation, but with divergent outcomes, occurred across the Pacific Ocean. In the United States, a transgender woman was able to continue her career as a female soldier, whereas the Korean officer faced obstacles in achieving the same outcome. These disparate results can be attributed to the differing social and cultural structures of the two countries. Unlike Korea, the United States does not regard transgender individuals as having a mental illness or physical disability (Marty and Segal 2015). According to Baker's definition, transgender individuals are those whose gender identity does not align with the sex assigned to them at birth (Baker 2017). It is important to note that not all transgender individuals experience significant distress, and the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), employs the term "gender dysphoria" to clinically describe this distress (Baker 2017: 1081). Hee-Soo Byun, throughout her lifetime, openly shared her journey of undergoing

gender-affirming surgery to live authentically as a woman and as a soldier (Kwon Junhyup 2021). However, the current military personnel regulations in South Korea do not fully encompass the DSM-5 definition of transgender. It is increasingly recognized that considering transgender identity solely as a mental illness is outdated (Brown and Kolditz 2015; Lee Jeehye, Ryu Dong-Hee and Lee Su-Jin 2022).

From an intersectional perspective, it becomes evident that the issues faced by marginalized individuals are not solely rooted in simplistic differences based on sex. Instead, they are the result of multi-categorical complexity, wherein various intersecting factors interact in diverse ways. The discrimination observed in the current Korean case can be understood through the lens of intersectionality and the framework of third-wave feminism. Such discrimination should be analyzed as a consequence of individual, categorical, and socially interconnected complexities, which are encountered by minority groups worldwide.

## **5. Concluding remarks**

This paper begins by examining the earlier development of Western feminism and its parallels with Korean feminism within the historical and social context. It subsequently introduces the intersectional framework as a means to analyze the case of Hee-Soo Byun, the first transgender officer who faced discharge from the South Korean Ministry of National Defense. More specifically, it explores the interplay of gender identity, military service, and institutional policies that contribute to the marginalization and mistreatment of transgender individuals within the military. By utilizing the case study of Hee-Soo Byun, this research sheds light on the challenges encountered by transgender individuals in Korean society where the LGTB group represents a gender minority. In Korea, the absence of anti-discrimination laws and the cultural context contribute to an unfriendly environment for LGTB individuals. As noted by Yi and Phillips (2015), the LGBT community is often excluded from discussions on human rights issues in Korea. Additionally, research on transgender health primarily focuses on clinical aspects and surgical experiences, neglecting the social well-being of transgender individuals (Kim et al.

2018 cited in Lee et al. 2022). Following the death of Hee-Soo Byun, the Defense Minister acknowledged the need for research on the inclusion of transgender individuals in the military (Ji Da-gyum 2021). However, as of now, no such study addressing Byun's case has been published (Lee Jeehye, Ryu Dong-Hee and Lee Su-Jin 2022). This highlights the severe situation faced by transgender people in Korea, characterized by multidimensional exclusion and oppression.

Feminism has evolved over time, initially focusing on securing rights for women, particularly white women. Contemporary feminism, however, transcends binary gender boundaries and embraces a more diverse understanding of identity. As society becomes more complex with intersecting identities, the feminist movement reflects this diversity. While Korean feminism has predominantly focused on women's rights, the case of the transgender officer sheds light on a new approach to future feminism, not only in South Korea but also in countries still operating within the framework of second-wave feminism. Third-wave feminism, which emphasizes intersectionality, offers fresh insights into gender, recognizing its complexity beyond the male-female binary. It argues that discrimination and inequality arise from various conflicting factors, including the outdated misconception of transgender identity, policy and hierarchical culture within the military and the conservative traditional Korean culture. This paper, which takes into account the unique cultural and socio-political context of Korean society, underscores the need for inclusive and equitable approaches to transgender rights. With the above analysis and discussions, it is hoped that this paper will contribute to the existing body of knowledge on transgender rights, gender equality, and feminist activism in South Korea, providing insights to inform future discussions, policies, and actions aimed at promoting inclusivity and equal opportunities for transgender individuals within the context of military service and beyond.

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