

## 4. Society and Culture

### On the Community Compact (hyangyak 鄉約)

甲戌 五月 二十四日 (眉巖日記草 4:379-80)

朝見通報 昨日 禮曹啓目 經筵官柳希春所啓 鄉約全規 固當待時而行 然其中有一事 簡便無弊 可以化民成俗之事故 乃敢達之矣 謹按鄉約之儀 同類相接 有五等焉 一曰 尊者長於己二十歲者是也 二曰 長者長於己十歲者是也 三曰 敵者與己年相上下不至十歲者是也 四曰 少者下於己十歲者是也 五曰 幼者下於己二十歲者是也 鄉約之會 幼者·少者 於尊者·長者 皆再拜 蓋以長幼之序爲重也

又曰 凡坐者 皆以齒 若有異爵 雖鄉人 亦不以齒 此以朝廷之爵爲重也 乃長長貴貴 並行不悖之義也 國俗於公廳公禮行再拜 私禮只揖 私處相見當是並用兩義 常時 於同類尊長 行單拜禮 單拜雖非華禮 然亦有致敬之意 與相抗而揖不同 自中廟朝以前 士人私處相見 非但拜於尊者 於長者 拜者亦多 長幼有序 恭順成俗 三二十年來 人心不古 士習日趨於簡慢 鄉黨閭里之間 不特見兄長而不拜 雖遇父行尊者 相與抗揖者 往往有之 蓋見朝官私禮之揖 而未知公禮之恭 徒見道路地上之不可拜 而不知堂室之上 不可不拜 因循浸漬 漸成驕倨之風 朱子說論語恭近於禮曰 見尊長而拜禮也 又作童蒙須知 訓小子曰 道路見長者 疾趨而揖 今若申明此禮 凡同類士人 於尊者 非陋地必拜 於長者 或拜或揖 各隨其宜 同爲朝官之人 於齒爵俱高之尊者 私處必拜 於長者只揖 或少者有官 長者無官 則相敬而揖 以通行長幼爵位之義 凡遇尊長於道 皆乘馬 則於尊者 或避或下 於長者 立馬道側揖之 已乘馬而尊長徒行 則望見而下馬 趨揖 過既遠 乃上馬 此是教民以禮 事體非輕 乞命該曹 議諸大臣 詳定施行 以革苟簡傲慢之習 以成恭遜和順之風 不勝幸甚

上曰 如此爲之可也事 傳教是白置有亦 議于大臣爲白乎矣 近來禮教不行 閭巷之間 傲慢成習 果如啓辭內事意 通諭中外宜當是如爲白昆 鄉約中諸條 無非化民善俗之事 廣布中外 使自講習 目染耳熟 知所勸戒爲白在如中 長幼禮節 自是應行中一事是白在果 閭巷之間 僻遠之村 不識禮貌 徑情妄行者 一聞通諭 惕然覺悟 牖民之道 在盡其方是白昆 五部及外方各邑良中 謄書知委 事 漢城府·開城府·八道監司處 行移 何如 啓依允.

1574 年 5 月 24 日 (미암일기초 4:379-80)

아침에 <통보>를 보니, 어제 예조에서 올린 계목에, 경연관 유희춘이 아뢰던 바 “향약전규를 마땅히 때를 기다려 시행해야 하지만, 그 중 한가지 일은 간편하고 폐단이 없어서 가히 백성을 교화하고 풍속을 이를 만한 일이므로 감히 진달합니다.

삼가 향약의 의례를 고찰하니 동류들이 서로 접하는 데에 다섯 등급이 있습니다. 첫째, “존자”는 나보다 20 세가 많은 자가 그것이고; 둘째는 “장자”인데 나보다 열 살이 많은 자이고; 세째는 “적자”인데, 나와 더불어 위 아래로 열 살 정도에 이르는 자이고; 네 째는 “소자”로 나보다 열 살 적은 자이고; 다섯째, “유자”는 나보다 이십세가 적은 자입니다. 향약의 모임에, 유자, 소자들이 존자와 장자에게 모두 두 번 절해야 하는데, 장유의 차례가 중하기 때문입니다.”

또 [유희춘이] 말하기를, “무릇 앓는 경우에, 모두 나이로 하는데, 만일 높은 벼슬을 한 경우는, 비록 같은 고향 사람이라도 역시 나이대로 하지 않습니다. 이는 조정의 벼슬이 중하기 때문입니다. [이것은] 어른을 어른으로 여기고 귀함을 귀하게 여기는 것으로, 이 두가지를 같이 시행하는 것이 도리에 어긋나게 되지 않는 뜻입니다. 나라의 풍속이 공칭의 공례에서는 재배를 하고 있고, 사례는 단지 읍만 하는데, 사사로운 곳에서 서로 만날 때는 두 가지 의례를 같이 쓸 수 있습니다. 보통 때, 같은 류의 존자와 장자에 대하여는 한 번 절하는 예로 합니다. 한 번 절하는 것이 화려한 예는 아니지만, 역시 공경을 다하는 뜻이 [그안에] 있으니, 서로 대등하게 읍하는 것과는 같지 않습니다. 종종조 이전부터 선비들이 사처에서 서로 만나면 존자에게 절을 할 뿐 아니라, 장자에게도 절하는 사람들도 많아서, 장유의 질서가 있어서 공손하고 순한 풍속이 이루어졌습니다. [그러나 지난] 이삼십년 이래 인심이 예전과 같지 않아, 선비들의 습관이 날마다 간단하고 태만함을 쫓아가서, 시골 마을에서 형이나 장자를 보고도 절을 하지 않을 뿐 아니라, 아버지의 향렬되는 존자를 만나도 서로 대등하게 읍하는 사람들이 이따금 있습니다. 이것은 대개 조관들이 사사로운 예에서 읍하는 것만 보고 공례에서의 공손함은 알지 못한 것이며, 한갓 도로상에서 절 할 수 없는 것만 보고 마루와 방에서는 절을 해야하는 것은 모르는 것입니다. 점점 이런 풍속에 젖어들어 거만한 풍속을 이루게 되었습니다. 주자가 <<논어>>의 “공손함이 예에 가깝다”라는 말을 설명하여 말하되, “존장을 만나면 절하는 것이 예이다” 라고 하고, 또 <<동몽수지>>를 지어 어린아이들을 가르쳐 가로되, “도로에서 장자를 보면 빨리 달려가 읍한다” 라고 했습니다. 지금 만약 이 예를 펴서 밝히면, 대개 같은 류의 선비들은 존자에 대하여는 누추한 곳이 아니면 반드시 절하고, 장자에 대하여는 혹은 절하고 혹은 읍하는데 각각 그 형편을 따릅니다. 같이 조관이 된 이들은, 나보다 나이도 많고 벼슬도 높은 존자에게는 사처에서는 반드시 절하고, 장자에게는 단지 읍합니다. 혹은 젊은 자가 벼슬이 있고 장자가 벼슬이 없는 경우는 서로 공경하여 읍하여 장유와 작위의 질서에 맞도록 합니다. 무릇 길에서 존장을 만났을 경우 모두 말을 타고 있으면, 존자에 대하여는 혹은 피하기도 하고 혹은 말에서 내리며, 장자에게는 말을 길가에 세우고 읍합니다. 자기는 말을 타고 존장이 걸어가고 있는 경우는 멀리서 보고 말을 내려 달려가 읍하고, [존장이] 이미 멀리 갔을 때 말을 타고 갑니다. 이것이 바로 백성을 예로서 가르치는 것이니, 사체가 가벼운 것이 아닙니다. 바라건대, 해당 관서로 하여금 대신들과 의논하여 상세히 정하고 시행하여, 구차하고 소략하며 오만한 풍속을 개혁하여 공손하고 조화롭고 순한 풍속을 이루게 된다면, 너무 다행스럽겠습니다.”

임금께서 말씀하시되, “이와같이 시행하는 것이 좋겠다”라는 일로 전교 하였으므로, 대신들과 의논하여, [대신들이 아뢰기를], “근래 예교를 행하지 않아 향촌에서 오만한 풍습이 이루어진 것이 과연 계사 내의 뜻과 같으니, 온나라에 알리는 것이 마땅합니다. 향약중 여러 조항은 백성을 교화시키고 풍속을 좋게하는 일이 아닌 것이 없으니, 나라에 널리 알려져 스스로 가르치고 익혀서 눈과 귀에 익숙하게 하여 권고하고 경계할 바를 알게 하셨건대, [그중에] 장유에 관한 예절은 마땅히 행해야할 일 중에 하나이거니와, 도시 거리와 먼 시골에서 예모를 알지 못하고 경솔하고 망녕된 행동을 하는 자들이 유시를 한번 통하여 들으면 마음에 경계하여 깨닫게 될 것이니, 백성을 인도하는 길이 그 방편을 다하는데 있으므로, [서울의] 오부와 지방 각읍에 등서해서 알게할 일이고, 한성부와 개성부, 그리고 팔도의 감사에게 문서를 발송하는 것이 어떠하겠습니까” 라고 하는 것을 그대로 임금이 윤허하였다.

1574/5/24 (*Miam ilgi ch'o*, 4:379–80)

In the morning I read the official circular (*t'ongbo*). In yesterday's written report by the Ministry of Rites to the king, [there is an entry where] Royal Lecturer Yu Hŭi-ch'un said, "On all the regulations of the community compact, though we still need to wait for the right time when these regulations shall be enacted, there is one thing among others which is simple and does not have any fault, and that transforms the people and advances their customs. Therefore, I dare to talk about it. As I examine the rites of community compact, there are five grades in the ways of interacting with other people. The first, *chonja*, designates one who is twenty years your senior. The second, *changja*, designates one ten years your senior. The third, *chökcha*, designates one whose age is within ten years of your own. The fourth, *soja*, designates a person who is ten years your junior. The fifth, *yuja*, designates one twenty years your junior. At meetings of the community compact, *yuja* and *soja* all perform two prostrations (*chaebae*) to the *chonja* and *changja*. This is because the principle of precedence between seniors and juniors is important. In terms of seating, everyone is seated according to age. If, [however,] there are those of different official ranks, even if it is a person from the [same] county, they are not [seated by] age. This is because official titles and ranks are important. Thereby, we treat the elder with [appropriate rites suitable to] the elder, and the officials with prestigious ranks with [appropriate rites suitable to] them. Practicing these two kinds at the same time fits the correct rites. According to our country's customs, one performs two prostrations for public salutations, while for private salutations one performs merely a single bow. When meeting in private quarters, both single bows and double prostrations must be performed. When *chonja* and *changja* of the same status meet, they normally perform a single prostration. Although a single prostration is not the most elaborate etiquette, its intent attains respectfulness. It is not the same as bowing simply with hands out, on equal terms. From before Chungjong's court (r. 1504–44), when gentlemen met in private, there were many who prostrated not only to *chonja* but also to *changja*. There was precedence between seniors and juniors, and deference was a well-established custom. [However,] for the last twenty to thirty years, people's hearts have not [been equal to those of] the ancients. Day by day gentlemen's customs become degraded and lazy. Across the villages and hamlets, not only do people not offer prostrations when seeing their brothers

and *changja*, there are even those who would perform no more than a single bow, as if an equal, were they to meet their father's generation. They saw that court officials only perform a single bow for private salutations, and thus know nothing of the virtue of public etiquette [of performing prostrations]. On the road, they have seen that people could not perform prostrations, and thus they do not know that they must perform prostration indoors. These ill-conceived practices permeate and, little by little, create a culture of arrogance. Zhu Xi, in his discussion of the phrase "Politeness is close to propriety" from the *Analects of Confucius*, stated that performing prostrations to *chonja* and *changja* is an act of propriety. He [Zhu Xi] also wrote *Tongmeng xuzhi* (Essential Things for Children to Know) and taught children that if they see a *changja* on the street, they must rush to him and bow. Now I shall explicate [Zhu Xi's teaching of] rites further. The learned scholars of the same level must perform prostration to *chonja* unless it is too shabby a place [in which to do that]. To *changja*, they must either bow or prostrate, depending on the situation. Among court officials, when meeting outside the court, they must prostrate to a *chonja* who is older and in a higher position. To a *changja*, they should just bow. If someone who is younger and holds an official post [meets] someone who is older but without any post, both must show respect to each other and bow. This is to meet the propriety of [the order between] older and younger and [also] among officials of different ranks. When someone encounters a *chonja* on the road and they are both on horse[back], he must make way for the *chonja* or get off his horse. When meeting a *changja*, he should just stop his horse and bow to him. If someone is on a horse and [meets] a *chonja* or *changja* who is walking by, he should quickly get off his horse [when] he sees him from afar, approach him, and bow. He should mount his horse only after [the *chonja* or *changja* has] walked far away him. This is to teach propriety to people and is a very grave matter. [Therefore,] I request [the king] to order [establishment of] an office that would be in charge of this task and to have the officials discuss and decide the details to carry it out. I cannot help but to feel greatly relieved by the thought of reforming the custom which is [now] poor, simple, insolent, and idle, into one which is polite, humble, harmonious, and obedient."

The king said, "Carrying it out this way is good," and had the matter promulgated and discussed by the ministers. [The ministers offered their opinion,] saying, "In the recent past, the teachings of propriety have not been carried out, so that among the hamlets and villages, insolence has become the habit. Just as the memorial intends, we should propagate this decree to both the capital and the provinces. Among the various clauses in the community compact, there is nothing that does not concern transforming the people and improving their customs. We must spread this widely in the capital and the provinces, to ensure that they learn this and practice this on their own, to the point that their eyes are saturated and their ears familiar with it, and to make them aware of what to encourage and what to inhibit. The propriety and manners of young and old are one of those things that must be carried naturally. The people of towns and remote villages who do not know propriety and etiquette, and who are thus impulsive and unbridled in their actions, once having heard this decree, will with trepidation come to a realization. The way of enlightening the people is in thoroughly following this method. How about sending a copy of this decree to the offices of the five districts of the capital and to each county in the provinces, and [also] circulating this order to Kaesŏng and Hansŏng special cities and the governors of the eight provinces?" The king agreed to this.

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Adulterous Affair of Ha Chong-ak's Wife<sup>1</sup>

戊辰 七月 五日 (眉巖日記草 1: 279)

南原陳公夢日宅奴 持細書來 晉州故進士河宗嶽妻李氏  
爲[주:邊姦邪之族所誣 被囚至刑問奴婢 不勝驚怪]

1568 년 7 월 5 일 (미암일기초 1:279)

남원 진몽일 님의 종이 짧은 편지를 가져왔는데, 진주의 진사 고 하종악의 아내 이씨가 남편 친족쪽 간사한 무리의 모함을 받아 수감되고 그 노비가 형문받기에 이르렀다고 하니, 놀랍고 괴이함을 이기지 못하겠다.

1568/7/5 (*Miam ilgi ch'o*, 1:279)

From Namwŏn, venerable Chin Mong-il's slave came to deliver a short letter. [The letter says that] Madam Yi, the wife of the late Ha Chong-ak, a literary licentiate from Chinju, was accused falsely by the family on her husband's side and imprisoned, leading ultimately to the interrogation of her slaves as well. This is unbelievably surprising and bizarre!

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戊辰 七月 六日 (眉巖日記草 1:280-81)

驪州陳漢佑商晦來 陳海壽 自晉州歷南原上來 乃河進士宗嶽之養子也 河進士妻李氏 大司憲仁亨之孫而薦舉科翎之女也 年二十八喪夫 哀毀備至 罕有梳洗 以禮自守 聞於鄉閭 前室女金勵之妻河氏 居于丹城 謀欲害繼母而專吞家產 造成奸淫之說 浸潤其四寸大父曹植 使囑于都事金逸駿 熒惑監司 以屢聞爲公事 發軍掩捕囚禁 并囚奴婢十二名 刑問或二次或三次 一鄉大小人民 連名等狀 尤爲辨明 逸駿執迷愈甚 於

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<sup>1</sup> This is a collection of entries in *Miam ilgi* concerning this affair, in which, Yu thinks, Madam Yi was falsely accused of adultery. This was not only a case about a women's moral behavior being discussed at the court, but also became a focal point of disputes among different groups of scholars in the southern provinces, when Chosŏn elites attempted to institute Confucian moral precepts. For a detailed study of this incident and its political repercussions, see Chŏng Man-jo, "Sŏnjo-ch'o Chinju ūmbuok kwa kŭ p'amun" [The adultery case of Chinju in the early years of King Sŏnjo and its repercussions], *Han 'gughak nonch'ong* 22 (2000): 69-94.

刑訊三次之後 監司以辭狀不叅公事 逸駿擅論到付 又令加捉奴婢 期於究竟 晋牧崔君·昆陽趙君 皆以爲曖昧云

1568년 7월 6일 (미암일기초 1:280-81)

여주의 진한우(자는 상회)가 왔다. 진해수는 진주로부터 남원을 거쳐 올라왔는데 이 사람은 진사 하종약의 양자이다. 하진사의 처 이씨는 대사헌 이인형의 손녀인데, 친거과에 합격한 이령의 딸이다. 28세에 남편을 잃고 슬픔과 몸이 상함이 심하였고, 드물게 세수하고 머리를 빗질하여, 예로서 스스로를 지켜나가니, 고을에 소문이 났었다. [하종약의] 전처의 딸 하씨는 김려의 부인이 되었는데 단성에 살았다. 계모를 해치고 가산을 오로지 삼키고자 도모하여, [이씨가] 간음했다는 말을 만들어서 [이 딸이] 사촌대부 (외종조부) 조식에게 알려지매, [조식이] 도사 김일준에서 부탁하여 감사(박계현)를 미혹시켰다. [감사가 이 일에 대해] 자주 듣게 되어 [이 일이] 공사가 되어, 군사를 풀어 체포하고 감옥에 가두었는데, 아울러 감옥에 갇힌 노비가 12명이었다. 고문과 심문이 두차례 또는 세차례에 달하자 고을의 대소 인민이 연명으로 등장을 올려 더욱 [이씨를 위해] 변명을 하였다. 김일준이 심히 미혹되어서 형신을 세번 한 후에, 감사는 사직서를 내고 공사로 참여하지 않았다. [그러나] 김일준이 [이 사건에 대한] 논의를 함부로 하여 문서가 상부에서 도착하였다고 하고, [김일준은] 또 노비를 더 죽쳐서 결말을 내려고 하였다. [그러나] 진주 목사 최군과 (崔應龍) 곤양의 조군(趙惟誠)이 모두 애매하다고 말한다.

1568/7/6 (*Miam ilgi ch'o*, 1:280-81)

From Yōju came Chin Han-u, styled Sanghoe. Chin Hae-su came from Chinju, having passed through Namwōn. [Chin Hae-su] is the adopted son of literary licentiate Ha Chong-ak.<sup>2</sup> Literary licentiate Ha's wife, Madame Yi, is the grand-daughter of Inspector General Yi In-hyōng (1436-1504)<sup>3</sup> and the daughter of Yi Ryōng, who passed the recommendation examination (*ch'ōngōgwa*).<sup>4</sup> At the age of twenty-eight she was

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<sup>2</sup> Chin Hae-su was a son-in-law of Ha Chong-ak's cousin, but was apparently adopted by Ha to succeed his line. Ha only had a daughter from his first wife, Madam Cho. Madam Yi did not produce any child with Ha.

<sup>3</sup> Yi In-hyōng of the Haman Yi family passed the higher civil service examination in 1468 and held a number of posts, including inspector-general of the Office of Inspector-General (Taesahōn 大司憲). Because he was a disciple of Kim Chong-jik, his body was uncovered and cut up at the time of literati purge of 1498. Yet he was posthumously pardoned in 1506 and awarded the posthumous post of minister of Ministry of Rites (Yejo P'ansō). Yi is Yu Hŭi-ch'un's wife's maternal grandfather, thus Madam Yi in this incident is a maternal cousin of Yu's wife Song Tōk-pong. See also Chapter 1: Introduction.

<sup>4</sup> Yi Ryōng was one of the scholars selected for the recommendation examination, the

widowed. Her sadness was heartrending, and her body withered. She rarely brushed her hair or washed her face. She kept herself poised with such courtesy and propriety that [praise of] her rang throughout the village. The daughter of his (Ha Chong-ak's) first wife, Madam Ha, who became the wife of Kim Yŏ, lived in Tansŏng. Plotting to harm her stepmother in order to swallow up the family's assets for herself, she concocted the story that her stepmother was engaging in adultery. She gradually impressed this accusation upon her great-uncle Cho Sik (1501–72),<sup>5</sup> who [then] entreated Governor's Aide Kim Il-jun to confound the provincial governor. The governor [in turn] assumed that, having heard such news often, it [should be treated as] a matter for public investigation. [The governor] sent constables to arrest and imprison her [Madam Yi]. In addition, twelve of her slaves were imprisoned and interrogated under torture. When interrogation reached twice or even three times, the people of the county, whether high or low [in status], came forth with petitions with their signatures attached in order to clear up the situation. Yet Kim Il-jun stuck even more stubbornly to his errors. After three rounds of interrogation, the provincial governor resigned and did not hear [about this incident] as a public affair. Kim Il-jun, however, asserted his own authority and, under the [false] excuse that the order had come down from the upper administrative office, ordered further interrogation of the slaves, hoping to pursue the matter to the end. Ch'oe Ŭng-yong, county magistrate of Chinju, and Cho Yu-sŏng, country magistrate of Konyang, all found this incident to be dubious.

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戊辰 七月 八日 (眉巖日記草 1:281)

雨, 喜雨也. 朝答晉牧之書, 以河宗嶽妻氏受冤辱事爲答  
早朝, 往訪新慶尙監司鄭公惟吉吉元, 權然談笑, 仍白河宗嶽妻李氏冤枉,  
鄭公亦深以爲然, 柳太浩亦至, 良久乃來.

1568 년 7 월 8 일 (미암일기초 1:281)

비가 왔는데 [때맞춰 온] 좋은 비다. 아침에 진주목사의 편지에 답을 했는데  
하종악의 처가 원욕을 받은 일에 대하여 답하였다.  
아침에 신 경상감사 정유길(자는 길원)을 방문하였는데, 아주 기쁘게 담소하였다.  
이어서 하종악의 처 이씨의 원통하고 굶은 일에 대하여 아뢰었다. 정공도 매우  
그렇다고 말하였다. 유태호도 역시 도착하였다. 한참 있다가 왔다.

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institution recommended by Cho Kwang-jo and carried out only once. Those selected, however, became victims of the 1519 purge with the dramatic downfall of Cho, and were thus revered by later scholars and officials as upright subjects.

<sup>5</sup> Cho Sik is known for his Confucian scholarship and criticism of the court being dominated by a few prominent families in the capital. He received a number of official appointments but did not take them. He was posthumously awarded the highest bureaucratic post of chief state councilor.

1568/7/8 (*Miam ilgi ch'o*, 1:281)

Rain [today]; it is an auspicious rain. I sent a reply letter to magistrate of Chinju [Ch'oe Ũng-yong] in the morning and told him that Ha Chong-ak's wife had been unjustly humiliated and insulted. Early in the morning, I visited Chǒng Yu-gil (1515–88), styled Kilwǒn, the new provincial governor of Kyǒngsang Province, and had a good conversation with him. I reported to him that Ha Chong-ak's wife Madam Yi had been wronged by a false accusation. Provincial Governor Chǒng also agreed with me. Yu Kyǒng-sim (1516–71), styled T'aeho, came. I stayed there for a while and [then] came back.

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戊辰 十月 三十日 (眉巖日記草 1:387–88)

是朝, 慶尙都事崔興源上來過訪, 具言嶺南監司, 已於九月, 釋然知河宗嶽妻氏之冤而放送之, 一鄉公證, 皆言其無辜, 推官亦然, 監司亦曾聞其冤而快雪之, 可喜孰甚焉, 又星州呂之秀, 嘗從權監司應昌, 來湖南, 奪取吾韓妹金堤居二婢之事, 崔都事, 答以當曉使還本云.

1568 년 10 월 30 일 (미암일기초 1:187–88)

이날 아침 경상도사 최흥원이 올라와서 지나다 들렸다. 갖추어 말하길 경상감사가 이미 구월에 [그 사건에 있어서] 분명하게 하종약의 처가 원통하다는 것을 알아서 석방했다고 한다. 한 고을의 공적인 증언이 모두 그녀가 허물이 없다고 말하고, 심문관 역시 그렇다고 하였다. 감사 역시 일찌기 그 원통함을 듣고 통쾌하게 설원해준 것이다. 이보다 더 기쁜 일이 있으리오? 또 성주 여지수가 일찌기 감사 권응창을 쫓아 호남지방에 와서, 한씨(한사눌)에게 시집간 내 여동생의 김제에 사는 두 여자종을 탈취하는 사건이 있었는데, 도사 최흥원이 마땅히 밝게 처리해서 본주인에게 돌려주게 하겠다고 답하였다.

1568/10/30 (*Miam ilgi ch'o*, 1:387–88)

This morning, Ch'oe Hǔng-wǒn, the governor's aide of Kyǒngsang Province, stopped by on his way to the capital and told me in detail that the governor of that province had already released Ha Chong-ak's wife Madam Yi because he knew very well that she had been wrongly accused [of adultery]. Everyone at [Chinju] attested to her innocence, and the interrogating officers also agreed. Furthermore, the provincial governor had heard about the false accusation early on, so he completely washed away her shame. What tidings could be more joyous than this! Early on, Sǒngju's Yǒ Chi-su followed Provincial Governor Kwǒn Ũng-ch'ang (1500–68) to Honam (Chǒlla Province), and had once stolen two female slaves, living in Kimje, of my younger sister, who was married to one of the Han family members.<sup>6</sup> Governor's Aide Ch'oe told me that the slaves will be returned to the rightful owner.

<sup>6</sup> The man of Han family to whom Yu's younger sister was married was Han Sa-nul.



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## A Certificate of Ruling about a Legal Dispute over Slave Ownership

萬曆二十年 [교정주:宣祖二十五年] [주:壬辰]正月十六日珍原縣立案  
(眉巖日記草 5:340-43)

爲等如元隻及文記是置有亦 相考爲乎矣 隻宋連等亦 所訟婢戒非・湯今・奴必山・  
奴必同・婢銀之・奴林希等乙 其等徒高曾祖宋麒孫妻李氏都文記遺漏是如爲良置  
元告柳景濂等 現納婢湯今・婢戒非等段 嘉靖十八年 [교정주:中宗三十四年]  
己亥正月二十四日 元財主宋麒孫妻李氏亦 孫女婿柳希春處 登科別給成文  
今至五十四年是齊 婢銀之段 嘉靖二十一年 [교정주:中宗二十七年]  
壬寅閏五月初五日 財主宋麒孫子宋駿亦 子廷彦, 奴必山・奴必同等段  
女婿說書柳希春亦中 各各衿給成文 今至五十一年是齊 奴林希段  
宋廷芝妾大福母寶德亦 嘉靖三十五年 [교정주:明宗十一年] 丙辰十月初七日  
宋廷秀處 放賣白文二道以 依法經官斜出 今至三十七年是沙餘良 元財主李氏亦  
宋廷芝父宋驕處 奴林希父萬孫乙 壬寅年分衿給爲有去等 初非遺漏 的實是如爲乎矣  
宋連一樣立訟 自作元隻 加于分明爲齊 爲等如各項文記 別無違錯之事爲去乙  
宋連等亦 追術現納是如 臆料口說叱+分是遣 了無現發之端爲旡 其中登科別給段  
一國通行常規 而元財主李氏及許多有名堂上朝官 慶席上成置叱+分不喻  
柳希春亦一道名相以 五十年至 尤非追術是置 大概法典內 凡訟事在三十年以前者  
勿許聽理亦爲有去等 所訟事段 文記成置 入籍使喚 已過五十餘年  
大大過限爲有臥乎等乙用良 所爭奴婢等乙良 貫限使用 元告柳景濂等亦中 決給爲旡  
各衿花名 立案後錄爲遣 合行立案者 行縣監[주:著標 李景白]

元告柳景濂衿 柳希春衿得 奴必同年七十二 奴大同年二十五 婢燕非年二十一  
奴忞同年十六 婢忞福年十六 奴必同所生奴七福年四 柳希春登科別給  
婢李德年三十五 奴大斤年四十二 婢戒非年六十七 婢李非年三十八 婢丹花年三十八  
奴漢世年十 宋駿子廷彦衿 婢銀之年六十六 婢銀月年四十三  
奴河龍年三十三 婢從龍年二十七 奴忠男年十七 婢正月年十八 奴暫只年九  
婢忞春年五 宋廷秀衿 奴林希年五十五 婢風代年十八

1592년 1월 16일 진원현 입안 (미암일기초 5:340-43)

모두 통틀어 원고와 피고 및 문서이라고 하였기에 견주어 조사하였는데, 피고  
송련 등이 소를 제기한 비 계비, 비 탕금 및 노 필산, 노 필동, 비 은지, 노 임희  
등이 그들의 고조부와 증조부 송기손의 처 이씨의 도문기에 빠져 있다 하여도,  
원고 유경렴 등이 직접 제출한 비 탕금, 비 계비 등은 1539년 1월 24일 전 재주

송기손의 처 이씨가 손녀사위 유희춘에게 [그가] 과거에 급제하였다고 해서 따로 증여한 문서에 [기재되어 부려 온 것이 오늘까지] 54 년이다.

비 은지는 1542 년 윤 5 월 5 일에 송기손의 자 송준이 아들 정언에게, 노 필산·노 필동 등은 (송준이) 사위 설서 유희춘에게 각각 몫으로 나누어준 문서에 [기재되어 부려 온 것이] 오늘까지 51 년이다. 노 임희는 송정지의 첩 대복의 모 보덕이 1556 년 10 월 7 일에 송정수에게 방매하여 백문기 2 통으로 법에 따라 관을 거쳐서 입안을 받은 것이 오늘까지 37 년일뿐더러 원 재주 이씨가 송정지의 부 송화에게 노 임희의 부 만손을 1542 년 즈음에 그 몫으로 나누어 주었거든, 처음부터 빠지지 않은 것이 확실하다고 하겠는데, 송련이 한결같이 소를 제기하여 스스로 원고와 피고가 된 것은 더욱 분명하다.

모두 통틀어 각항의 문기는 특별히 어긋나는 일이 없거늘, 송련 등이, [유씨 측이] 꾀를 부려 직접 제출하였다고 억측으로 생각하고 말할 뿐이고 명백하게 밝혀낸 단서는 없다. 그 중 등과별급은 한 나라에 통용되는 상규로 원 재주 이씨 및 허다한 당상조관이 잔치 자리에서 작성해 두었을 뿐 아니라 유희춘도 한 도의 명재상으로 50 년에 이르렀으니 더욱이 꾀를 부릴 일이 아니다.

대개 법전 내에 무릇 모든 소송은 30 년 이전의 것이면 수리하지 말라고 하였거든, (이) 소송은 문기를 작성하고 호적대장에 올려 부린 지 이미 50 여 년이 지났으니 아주 크게 기한을 지난 것으로써 다투는 바의 노비 등은 그 동안 죽 부려온 원고 유경렴 등에게 판결하여 주며 각 몫의 노비 명단은 입안의 뒤에 기록하고 입안을 발급하는 것이 마땅하다.

#### 행현감 (이경백 도장)

원고 유경념의 몫은 유희춘의 몫을 받은 것으로 종 필동은 72 세, 종 대동은 25 세, 여종 연비는 21 세, 종 끝동은 16 세, 여종 끝복은 16 세, 종 필동이 낳은 종 칠복은 4 세이다.

유희춘이 과거에 급제하여 특별히 지급받은 여종 이덕은 35 세, 종 대근은 42 세, 여종 계비는 67 세, 여종 이비는 38 세, 여종 단화는 38 세, 종 한세는 10 세이다. 송준의 아들 송정언의 몫은 여종 은지는 66 세, 여종 은월은 43 세, 종 하룡은 33 세, 여종 종룡은 27 세, 종 충남은 17 세, 여종 정월은 18 세, 종 잠기는 9 세, 여종 끝춘은 5 세이다

송정수의 몫은 종 임희는 55 세, 여종 풍대는 18 세이다.

A Certificate of Ruling from Chinwŏn County on the Sixteenth Day of the First Lunar Month of the Twentieth Year of the Wanli Reign (1592)<sup>7</sup> (*Miam ilgi ch'o*, 5:340–43)

The plaintiffs and defendants, as well as all the relevant documents, have been prepared and thus examined one against the other. As for the female slaves Kyebi, T'anggŭm, and Ŭnji, and male slaves P'ilsan, P'iltong, and Imhŭi, for which the defendants Song Ryŏn and others sued, their names are missing from the comprehensive ownership registry of Madam Yi, the wife of Song Ki-son, who is either defendants' great grandfather or great-great-grandfather. [In contrast,] as for female slaves T'anggŭm, Kyebi, and others, [they are recorded in] the document submitted by the plaintiffs, Yu Kyŏng-ryŏm and others. [That document is] the special division writ (*pyŏlgŭp*) that Madam Yi, the wife of Song Ki-son and the original owner of those slaves, drafted and gave to Yu Hŭi-ch'un, her grandson-in-law, on the occasion of his passing the civil service examination, on the twenty-fourth day of the first month in the *kihae* year, the eighteenth year of the Jiajing reign (1539). It has been fifty-four years since then.

On the fifth day of the intercalary fifth month of the *imsin* year, twenty-first year of the Jiajing reign (1542), the female slave Ŭnji was [given by] proprietor Song Chun, Song Ki-sun's son, to his [own] son Song Chŏng-ŏn. The male slaves P'ilsan and P'iltong were [given by Song Chun to] his son-in-law, Fifth Tutor Yu Hŭi-ch'un. Each person's allotment portion is documented, and fifty-one years have passed since then. As for the slave Imhŭi, he was sold by Song Chŏng-ji's concubine, Podŏk, the mother of Tae-bok, on the seventh day of the tenth month of the *pyŏngjin* year, the thirty-fifth year of the Jiajing Reign (1556), to Song Chŏng-su, with two pieces of private documentation, which were [later] certified according to legal codes and with official approval. As of today, thirty-seven years have passed since then. Madam Yi, the original owner of the slave [Imhŭi], had given the male slave Manson, father of the male slave Imhŭi, to Song Hwa, Song Chŏng-ji's father, as his share [of the inheritance] around 1542, the year of *imin*. Therefore, it is certain that [the names of these slaves] were not missing [from the record] from the beginning. It is very clear that Song Ryŏn on his part filed a follow-up litigation and thus fashioned himself as both plaintiff and defendant.

All in all, there is no particular document that proves otherwise. Yet Song Ryŏn and others unreasonably argue that [the party of Yu Kyŏng-ryŏm] devised a trick and

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<sup>7</sup> Professor Jung Gung-sik at Seoul National University, a scholar of the legal history of Korea, provided his expertise for the translation of this document. Due to the lack of other relevant information, the context of this litigation is not completely clear. From the phrase in the last part of the document saying that “the slaves that are the object of this litigation shall be awarded to the plaintiffs Yu Kyŏng-ryŏm and others who have been using them,” it seems that Yu Kyŏng-ryŏm and his party initiated a preemptive suit to confirm their ownership of the slaves under consideration, probably because Song Ryŏn and others raised questions about their ownership. For a study of Yu Hŭi-ch'un's family's wealth, see Yi Sŏng-im, “Chosŏn chunggi ŏnŭ yangban'ga ŭi nongji kyŏngyŏng kwa nobi sahwon [Agricultural land and slave management of one yangban household in the mid-Chosŏn period],” *Chindan hakpo* 80 (1995): 115–51.

submitted [false documents]. However, there is no clue to prove [their argument]. In particular, granting the special division writ for an exam degree-holder is a common practice in this country. [Upon Yu Hŭi-ch'un's success in the examination,] the original owner Madam Yi issued the document when she and many other prominent court officials gathered for the celebration [of Yu's success]. Furthermore, Yu Hŭi-ch'un has been building his fame as a highest court official for the last fifty years, and it is very unlikely that [his party] would have plotted a false claim.

The legal codes generally state that all events that happened more than thirty years ago shall not be permitted for litigation.<sup>8</sup> Now as for this litigation, it has been more than fifty years since all legal documents had already been issued, the names of those slaves had already been registered, and these slaves have been working [for Yu Kyŏng-ryŏm]. [Therefore, this case] has greatly exceeded the statute of limitation. By [this court's] judgment, the slaves that are the object of this litigation shall be awarded to the plaintiff Yu Kyŏng-ryŏm and others who have been using them. A list of slaves by order of each owner shall be created and appended at the end of this certificate. This certificate must be properly executed.

[Seal by] Magistrate [Yi Kyŏng-baek] whose title is higher than his post (*haeng*)

Share of plaintiff Yu Kyŏng-nyŏm, obtained from the share of Yu Hŭi-ch'un  
Male slave P'iltong, 72 years old

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<sup>8</sup> There are two relevant legal codes on the statute of limitation in *Taejŏn husongnok*, *hyŏngjŏn*, *kyŏlsong ilhan* 大典後續錄 形典決訟日限 (Amended Great Code of the Chosŏn Dynasty, code of punishments, statute of limitation for litigation): 1. 凡冒占良人及他人奴婢 或稱奴良妻所生 或稱祖上逃奴婢 爭訟 而非當身見存 事在六十年以前者 勿許聽理(正德十年三月十二日本曹受教) 무릇 양인 또는 타인의 노비를 함부로 점유하거나, 혹은 자기 노의 양인인 처의 소생이라고 하거나, 혹은 조상 때 도망간 노비라고 쟁송하는데, 그 노비가 살아 있는 경우가 아니면, 사건이 60년 이전에 있었던 경우에는 들어주지 않는다. (정덕 10년[1515]-중종 10년 3월 12일 형조 수교). For the cases in which [one] enslaves a commoner or take over slaves owned by others, one claims that those people under dispute are children of a commoner wife of his male slave, or one argues that those people under dispute are runaway slaves who used to be owned by his ancestors, if those slaves are not alive and the case has been sixty years or more old, they shall not be permitted for litigation. (This statute is by the royal order given to the Ministry of Punishments on 1515/3/12); 2. 凡訟 事在三十年以前者 勿許聽理(盜賣□合執等項 不在此限 正德十三年十一月十八日本曹受教) 무릇 소송에서 사건이 30년 이전에 있었던 것은 들어주지 않는다 (훤처 판 것, 상속분 침해 등의 일은 이 제한이 없다. 정덕 13년[1518] 중종 3년 11월 18일 형조 수교) If the case is thirty years or more old, it shall not be permitted for litigation (the sale of stolen objects and the evasion of inheritance shall not be under this statute of limitation. This is by the royal edict given to 1518/11/18).

Male slave Taedong, 25 years old  
Female slave Yŏnbi, 21 years old  
Male slave Kküttong, 16 years old  
Female slave Kkütpok, 16 years old  
Male slave P'iltong's son, male slave Ch'ilbok, 4 years old

(Share of) Yu Hŭi-ch'un, which he received by the special division writ upon his passing the civil service examination

Female slave Yidök, 35 years old  
Male slave Taegün, 42 years old  
Female slave Kyebi, 67 years old  
Female slave Yibi, 38 years old  
Female slave Tanhwa, 38 years old  
Male slave Hanse, 10 years old

Share of Song Chun's son Song Chöng-ön

Female slave Ŭnji, 66 years old  
Female slave Ŭnwöl, 43 years old  
Male slave Haryong, 33 years old  
Female slave Chongyong, 27 years old  
Male slave Ch'ungham, 17 years old  
Female slave Chöngwöl, 18 years old  
Male slave Chamgi, 9 years old  
Female slave Kkütch'un, 5 years old

Share of Song Chöng-su

Male slave Imhŭi, 55 years old  
Female slave P'ungdae, 18 years old