Dieter Eikemeier著，Documents from Changjwa-ri；
A Further Approach to the Analysis of Korean Villages
(Albert Harrassowitz, Wiesbaden, 1980, pp. 261)

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I.

이 책은 유럽의 한국학자들이라면 누구나 잘 아는 독일 뒤링겐 대학의 한국학 교수 니더 아이케마이어작사의 교수이건분서 (Habilitationsschrift)을 보름대학 동아시아연구소 연구 (Veröffentlichungen des Ostasien-Instituts der Ruhr-Universität Bochum) 제25권으로 출판한 것이다. 독일에서 쓰여진 책이면서도 영어로 쓰여진 것이 다소 기이하게 생각되지만, 저자는 이 논문으로 1979년 초에 보루 (Bochum) 대학 브루노 레빈 (Bruno Lewin) 교수실에서 독일의 초의 한국학 교수로 지적을 인정받게 되었던 것이다. 아이케마이어 교수는 원래 임법학을 전공하고 나서 한국학을 연구한 학자이기 때문에 유럽의 한국학자들 가운데에서도 한국의 법과 교육문화에 대하여 특별히 관심을 가졌다는 것에서 한국 법률가들에게는 고마운 인물이라고 하겠다. 저자는 마침 독일에 유학을 가시링척 일부분과 함께 아이케마이어의 이 논문과 축하학자에 창작한 것임을 알게 되었던 것은 잊을 수 없는 경험이었는데, 그 뒤 이 책이 출판되어 다시금 보게 되자니 학문의 일인이 이런 것임이 하는 생각이 된다. 다소 여념이지만, 처음 유학설에 온라 독일인도 한 바퀴도 하지 못하던 외국인은 이 축하학자에 창작한 대부분의 독일학자들이 유창하게 한국말을 하는 것을 보고 얼마나 놀라고 학문의 대체할만하다는 것을 실감하면서 안도의 한 순간을 체험했던 것은 지금도 잊을 수 없다. 그 외 아이케마이어 교수는 아직도 보루의 도움에 인상적인 저서음 을 기르고, 저자는 이 논문의 내용에 대하여 간단한 한국말로 설명한 것이 있다. 그리고 이 책의 서문에도 쓰여져 있지만 아이케마이어 교수는 이러한 문제점은 함에 있어 서울대학교의 유명한 법학자, 특히 중세의 도나로리스 (Dorfgeschichte) 연구의 전위자로 알려져 있는 카를 바더 (Karl Siegrid Bader) 교수로부터 사기를 받은 바 크다고 말하였고, 서울대학교의 임현, 이간, 이간 교수로부터 지도를 받았다고 하였다.

이 책은 저자가 1970년 2월에 처음으로 한국에 왔을 때 전라남도 울진의 장소를 담사
하고 거기에서 발굴한 제약과 관련에 관한 자료들을 분석한 것이다. 그 분석 방법은 서양의
法学界에서는 일반적으로 그 가치를 논리 일정한 '법연구(Rechtsesthologie) 데
저 '법론(Rechtliche Volkskunde)'의 방법을 사용하고 있다. 쓰르는 이러한 방법은 한국
의 규칙에 적용시키기 위하여 카탈 바이디 교수를 찾아가 적절 지도를 받은 바 있다고 기
(1837, 1965), Karl von Hegel의 Städte und Gilden der germanischen Völker in Mittelalter
(1891)와 Otto von Gierke의 Das deutsche Genossenschaftsrecht(1868～1913) 같은 독일의 학
자들의 연구원을 참고하고, 측면으로는 서양학자로서 한국 자료에 대하여 연구한 바 있
는 Phillip L. Gillet의 The Village Gilds of Old Korea(TKB, Vol. IV, 1913)와 Brandt의 A
Korean Village(1971) 같은 자료들을 두루 참조하며 학자로서의 지질을 여실히 보여주고
있다. 실로 이러한 세계학문적인 테마에서도 한국의 자료에 대하여 연구가 기울여진다는 것
은 반가운 일이라고 하겠다.

II.

이 책은 모두 10장으로 구성되어 있는데 한국의 독자들을 위하여 그 내용을 소개하면 아래
와 같다.

제1장 An old society
The Nature of the Material
The Prospect of the Study
Community and Commune
The Concept of Village
로 대체로 전라도 완도군 장타리의 위치와 본서에서 취급할 자료들의 성격을 소개하고, 한
국의 '자료'의 개념에 대하여 기본적인 용어해설을 하고 있다.

제2장 The Village of Changjiwa-ri
Some facts about the History and the Socio-economic background of the Village
The Documents of Changjiwa-ri
여기에 '필상으며' '상속'의 역사적 배경을 서술하고 이 다음에 역사적으로 내려오는 자료
도를 연구하고 있다.

제3장 The Regulations of Changjiwa-ri as Law Among Laws
Definitions of Law and the position of a Historian of Law
Multiplicity of Legal Systems.
여기가 '법학자들에게는 매우 심미있는 부분인데, 저자는 '상속 계약'(Regulations)
The Regulations of Changjiwa-ri as Customary Law

The Attributes of Customary Law and their Application to the Regulations of Changjiwa-ri

Models of the Regulations of Changjiwa-ri


The Community

The egalitarian Communitly Ethic
Village Property
Ownership of Forests
The Use of Seaweed Grounds and Fishery
The Common Fund
Common Undertakings

여기서는 한국의 춘추사회 속에서의 두민과庶民의倫理構造과財產에 대한所有權意識의 문제를 다루고 있다. 특히山林法과漁業에 대한權利 내지法意識의 문제를 진중 분석하고 있다.
Chapter 6 Communities and other groups within the village

Preliminary Remarks
Mutual Benefit Associations
Other groups
An attempt at evaluating the community

Chapter 7 The village Festival

Chapter 8 The Commune
The government and the rise of the commune
The preponderance of duties
An evaluation in historical perspective

Chapter 9 The criminal jurisdiction of the village

Chapter 10 The village government
The futility of the formal lay out
The Informality of the village government
The position of the village Head
Village Democracy
여기서는 장리가 내부에서의 조직, 농촌 행정의 비정식성, 토착의 지위와 역할, 농촌 안에서의 민주주의에 대하여 시사하고 있다.

제13장 Prospects of village life and village studies

마지막 이 장에서는 전반의 장리의 조직, 보건 건강 문제의 발생, 장리의 토착의 지위와 역할, 농촌 안에서의 민주주의에 대하여 시사하고 있다.

여기에서 한국의 한자(Chinesisch)의 불완전한 조사, 그리고 모병식의 불완전한 조사, 그리고 농촌 안에서의 민주주의에 대하여 시사하고 있다.

제3장 III.

이러한 아이케마이어수의 연구의 방향과 결과에 대하여 한국독자들의 이해를 위하여 그의 다른 연구와작을 소개함으로써 도움이 될 것이다.


그리고 1974년 Orients Extremus(極東) 제 21권 2호에 '한국의 합법, 장승 및 시장방의 법의 작용(Rechtswirkungen von heiligen Stangen, Pfeilergottheiten und Steinhaufengottheiten in Korea)'이라는 논문을 발표하여 法人類學(Rechtsethnologie) 혹은 法民族學(Rechtliche Volkskunde)의 전문으로 한국의 토착을 최초로 분석하였다. 그는 여기에서 한국의 합법, 장승, 시장방 등이 한국의 전통적 平和共同體(Friedensgemeinschaft)와 法共同體(Rechtsgemeinschaft)에서 境界標(Grenzmaile)과 逃避法(Asylrecht) 그리고 平和法(Friedensrecht)로서의 역할을 하였다고 분석하고 있다.

또 그는 1974년에 편찬된 China-Handbuch에 '韓中關係'(Koreanisch-Chinesische Beziehungen)를 서술하였는데, 여기에서는 경력적인 정치적, 군사적 관계, 외교와 정부간의 관계 및 중국과 한국의 內政干涉을 서술하고 朝貢制度의 중식과 13세기에 들어와서 北韓과 中共과의 관계, 그리고 한국과 중국과의 文化政策의 관계를 서술하고 있다.


이처럼 한국의 한국학에 대하여 독일의 관점에서 한반도에 대한 특별한 농촌형태를 소재한 김

교수의 研究資格 논문에 대한 간단한 書評을 몇들으면서 참고로本書에서 다른 장리研究과
규약을 제시함으로써 우리의 공동관심의 참조자료로 삼고자 한다. 그리고 그 내용까지도 우리가 사양의 기간은 그러한 것도 중요하지만 우리의 건전적인 자의에 대한 연구도 매우 중요하다는 사실을 아이케마이어 교수의 연구활동을 통하여 배워야 하겠다고 생각한다. 특히 아이케마이어 박사가 본 연구를 통하여 보여준 한국 법사와西洋法사와의 비교문헌, 즉 비교법의 단일한 한국의 법정법에도 널리 보급이 되었으면 하는 생각이 간절하다.

[자료]
아이케마이어博士는 이 두 文서를 철저히 영어로 완전하여 부록에 실었다. 희양을 Village Articles라고 번역하고, 규약을 Regulations라고 번역하였다. 아마도 한국의 전통의 自治法로
규약이西洋學界에 번역되기 전 이 이것이 처음이 아닌가 생각된다. 그런데 한국의 학자
와 閑者들로 위하여 長佐里洞約과 規約을 原文과 英文의 두 가지를 자료로 덧붙여 소개할
가 한다.

龟甲 长佐里 洞約

第1章 定 理

第1條 此洞約是全洞民人國法を遵守하고 人道와 相互愛로서 団結을 壮固히 하며 모든 社會의 疑習
を打破하고 經済的 安定を 謙譲하여 各人の 責任と義務を 完遂하고 美風良俗을 保存하여 興村振興
을 目的으로 한다.

誓 約 者

本人同卵 共同一致로서 本里 美風을 作興하고 鄉士を 美化하기 爲하여 左記 各項を 誓約과 同時
各號의 一에 該當한 者는 違約을 改徵到로 함.

記

1. 特別한 事故없이 集會에 不参加 또는 落後한 者는 一回에 隨時 標樣 一升을 改徵到로 함

2. 特別한 事故없이 共同賦役에 不出 또는 家族中에 被力者を 不出한 者는 一日 吹金의 倍額을 改徵到로 함．(但 親等의 恩中이나 立身者는 此限에 不在者)

3. 將不 宋太將軍卿의 風致林이나 森政의 風致林, 射亭의 風致林에서 盗伐折枝 脫皮 牛羊 驚留 海苔

4. 洞有林 又是 個人所有林 並 洞里에서 共同으로 管理 使用 收益한 林野에서 盗伐한 者는 現物은

5. 本里 区域内 遠有林에서 許可하지 産物を 盜伐한 者는 現物은 没收하고 該當 官署에 告發到로 함

6. 他人의 農産物을 窃取한 者는 該主에 現物 傷損은 勿論이로 洞里에서 追出到로 함

7. 置物이 放牧한 者는 一回에 隨時로 標樣 1과을 改徵到로 함

8. 共同 井戸에 汚水在 浮春 又是 洗衣 擌置 川近에서 衣類 海苔類 生菜類을 洗濯한 者는 一回에 隨

9. 本里 区域内産的 蘑菇類 及 摘果等 共同 採取 警告 以前에 單獨行為을 한 者는 現品은 没收하고

10. 無備人 又是 家族等의 行為는 老少人을 不問하고 總誓約者가 責任을 負擔到로 함

違約金 5千圓 以上을 改徵到로 함
§ 1 General Rules

Art. 1

As to these village articles, all the villagers will observe the laws of the country and, by means of humanism and fraternal love, will firmly establish unity among themselves; they will do away with the bad habits in society and plan for economic stability; everyone will completely meet his responsibilities and duties and will preserve the fine customs and beautiful manners and [thus] aim at the prosperity of the village and the loyal service to the country.

Pledge

In order to promote fine customs and refine our native place in unanimous co-operation, we take an oath on the items recorded below, and at the same time, we decide that from those who fall under one of the articles we shall collect a fine for violation of articles.

Record

1) We decide that from those who, without [being hindered by any particular] incident, did not take part in the usual meetings or came late, we once collect one toe of washed grain of the season.

2) We decide that from those who, without [being hindered by any particular] incident, did not take part in the common compulsory labour or did not apply their vigour in the families, we collect an indemnity worth the pay of one day of hired labour.

Yet, those who have to avoid [public appearance] because of family affairs and the like, or who are seriously ill, are exempted from this regulation.

3) We decide that from those who in the sacred forests around the shrine of General Song on General's Island, the Plum Altar, and the Archery Arbour have illegally felled trees, broken of branches, peeled off bark, tied up cattle and sheep, stored beams used in seaweed culture, or piled up garbage and (thereby) disturbed the beauty of our native place, we confiscate the goods and collect a fine for violation of the articles of at least five thousand hwan.

4) We decide that from those who have illegally felled trees in village-owned forests, privately owned forests as well as in woodlands which are jointly taken charge of, used, and exploited by the village, we confiscate the goods and collect a fine for violation of the articles of at least five thousand hwan.

5) We decide that from those who have without permission encroached upon forestry products from the province-owned forests within the territory of our village, we confiscate the goods and charge against them a file with the authorities concerned.

6) As to those who have stolen other peoples' farm produce, we decide that it goes without saying that we shall indemnify the person concerned and banish (the evil-doer) from the village.

7) We decide that when [somebody] has let cattle graze freely, we once collect [from him]
one toe of washed grain of the season.

8) We decide that from those who have let filthy water penetrate into the common well or wrong their laundry [there], or who by its side washed things like clothes, seaweed, and fresh vegetables, we once collect one toe of washed grain of the season.

9) We decide that from those who on their own have collected seaweed or camellia fruit growing within the territory of our village, before the announcement of joint collecting was issued, we confiscate the goods and collect a fine for violation of the articles of at least five thousand hwan.

10) As to the behaviour of employees and family members, we decide that we will not hold responsible the old and the young, but that all the covenants will bear the responsibility [for their behaviour].

11) As to the disobedient behaviour of those living in the attached rooms, we decide that the landlord bears all the responsibility.

In order to authenticate this pledge we seal the items.

In the fifth month of the year 4285 after Tan’gun’s accession to the throne (May 1952).

The covenants from Changjwa-ri

長佐里規約

第1章 総則

第1條 本里に於て本里民の指導監督に於て住民の自治として實行を期する共に住民、經濟安定の努力を確立する従来の諸社会の翼を破壊して固有の美風良俗を保存して徳義興村に資すを目的とする。

第2條 本里に於て長佐里を云ひ柚住民は本里内に於て住所がある者を云ひます。

第3條 住民は信仰を以て自由を保持し勤勉の権利の義務を負じます。

第4條 住民は里位を仰ぐに随して官公署の指導に順従するが如く。

但し民主的発展に背反する指導には此限において。

第2章 住民の権利と義務

第5條 住民は左の各役員に選挙を有する権利を有し且つ各役員に當選せると時は彼等の義務を負じます。

里長 各役員及他代表者の選挙の揃い

第6條 住民は民主的発展を期する為に報國を期すに於て左の義務を負じます。

1. 國土の統一及防衛に盡力
2. 民主的諸制度を確立し施行に協力
3. 子弟教育に盡力及青年新成に協力
4. 統完節操の家庭化
5. 民主精神及國家概念の徹底
6. 各種税金及官公署の徴収税金個人負担額持参納付
7. 治安確保及び警備に協力
8. 死病者軍人招魂祭及遺族慰安に協力
9. 現役軍人と応徴に援助
10. 國債券消化に協力

第7條 住民の經濟安定を期する為に徳義興村に於て左の如く改善及生産増強を期す。
1. 祝賀에 參加한 者는 親戚 或 以外是 招待人에 限한다.
2. 婚姻是 未婚的 本義에 依하여 莊嚴 醞釀히 하고 分外的 各種-tab は 全然한다.
3. 表彰에는 酒食의 道愛를 全然하고 餐食은 全然한다.
4. 婚家에는 葬儀準備人 及 住所기 외의 出入을 禁止한다.
5. 告別式에 參加한 者는 悼念 及 献花를 妄하여 唤醒의 志을 表한다.
6. 運筆者 又는 葬儀者에게는 特別 酒食을 供給한다.
7. 家庭 葬儀는 附祭로서 家族에서 年 1次 行한다.
8. 山林의 保護과 農作物 侵害 防止
9. 未作增産 及 増作增産 共勧
10. 空地 利用於 植物增産 共勧
11. 賭博 防止及 酒類 防行
12. 穀肥增産 及 营業 堆肥 增産 共勧
13. 牲畜 塘釣 防行하고 養羊 塌養可及的 防止한다.
14. 長樓 密植 防止의 近海 魚業 共勧
15. 牡蠣 養殖 優勧와 各種 物品 共勧

第 8 條 營力의 美化을 園藝기 而여 當的 各項을 施行한다.
1. 各道路의 修飾 擴張状 保存
2. 竹林 及 山中の 天然の 藝術의 保存
3. 船舶 宋大將軍の 鳳致林 射獵 及 植物の 鳳致林 保存
4. 史跡 記念物 映画 및 見人の 見事 善行 陥陽

第 9 條 美風良俗을 保存하고 優習을 改善기 而여 當的 各項을 行한다.
1. 助婚契 又는 慰餞契를 組織하여 所要物品을 助給계 한다.
2. 運墓契 又는 葬行契を 組織하여 運棺及 埋葬에 便宜계 한다.
3. 青年들의로서 敬老會를 年 1回 行계 한다.
4. 男女 共に 上下 外衣을 着身하고 戶外에 出계 한다.
5. 敬上愛下하며 親睦을 園芸하고 坐席은 前後 如既 年長者を 上位에 座定계 한다.
6. 共食 資料 養護 및 隨保 勢力 相助

第 10 條 保健衛生을 園芸하기 當的 家庭을 常時 清潔히 하고 共同井戸에 汚染水 侵入 防止의 共勧

第 11 條 住民은 里費 又는 学校 設備費 其他 各種賦金을 負擔한 程度를 가진다.

第 3 章 会 議

第 12 梱 住民 總會 又는 里委員會의 二種으로 한다.

住民의 通例 總會는 毎年 陰正月 15일에 開하고 臨時總會는 里長 又는 本里的 團體長이 必要로 認한 時、官署의 約請이 有할 時에 里長이 招集한다.

但 出席員數は 特別한 事由가 없는 限 毎戸에 1人으로 하여 男子 會議에는 男子、女子 會議에는 女子が 出席한다．

集會는 聲告로부터 한다．

第 13 梱 里委員會는 里內의 團體長이 必要로 認定 時에 里長이 召集하여 3日前에 會議事項을 記入하여 回報으로써 発送하되 告知하여야 한다。

住民總會는 里長 1人을 選挙한다．里長은 里務의 依序維持 암 發言権이 許可와 言論이 停止과 退職 命令과 議決에 있어서 議決権을 가지며 予以 回數된 境遇에는 決定権을 가진다．
제23권 4 호 (1982)  Dieter Eikemeier 著, Documents from Changjwa-ri — 149 —

第14条 住民総会 又は 里委員会의 議決을 出席員數의 過半数로써 行す。
第15条 里長 又は 各團體長은 里委員会의 議決을 遵命하여 住民総会에 議案을 提出한다。 住民은 5人 以
上的 同意를 얻어서 建議案을 提出한다。
但 官公署의 指示事項 又是 緊急事項으로 住民総会를 開催할 時는 此限에 不在한다。
第16条 里長 又は 各 団體長은 里會에 出席하여 意見을 頒述하고 里長에 報告하여 里會의 結果가 有する
時は 出席 報告하여야 한다。
第17条 里委員会는 里會에 公選된 者 及 里長으로 任職하여 住民에게 財政의 負擔을 負う 時에 同
意権가 拒否権을 가하여 左의 各項을 議決한다。
1. 里費 支出 預算 及 決算 及 里内の 各團體 經費 支出 預算 及 決算
2. 公公署의 預算金을 住民에게 分配 及 里山林組合費 分配
3. 里有財産의 得失 及 管理 並 處分方法
4. 税規稅의 設定 及 稅止
5. 清海學校 施設費 及 青年 諸成費 分配
6. 住民 負擔이 省計画 建立 及 契約
7. 預算費의 預算外의 支出
8. 善行者 功労者 勳勞者 表彰
9. 違約者 處分 及 職務 惣慢者 手當 減下
10. 他其 必要로 識別 事項

第4章 任 員

第18条 本里는 里事務를 處理하기 爲하여 左의 任員을 決한다。

里長 1人, 里委員 5人, 班長 岳人, 里書記 1人, 山監 1人

前記 任員은 名譽職으로 하여 里書記 山監은 若干의 年手當金을 支給한다。
但 議決의 決定에 依す。

第19条 里長은 住民総會에서 選挙하고 里委員은 里會에서 選挙한다。 選挙은 総理 無記名 投票로 하
지 多票者が 當選하고 同票의 時는 班長者가 當選한다。

班長은 班長의 推薦에 依하여 里長이 委嘱하고 里書記는 里委員會의 推薦에 依하여 里長이 委嘱하
이 山監은 里委員會의 推薦에 依하여 里林契約이 委嘱한다。

第20条 里長은 上司의 指揮을 承하야 里事務를 處理하고 本里를 代表하여 里委員會의 決議에 依하여
里費 及 各 給與費を 支給하여야 處理한다。

里委員은 里委員會를 構成하여 第17条의 各項을 議決한다。
班長を 班長を 代表하고 里長을 补佐한다。

里書記는 里長의 指揮を 承하여 里事務를 執行한다。

山監은 里林契約의 指揮を 承하여 里林을 監守한다。

第21条 里長의 任期는 2年으로 한다。

補缺選挙에 依하여 就任한 里長의 任期는 前任者의 残任期間으로 한다。
但 再選도 한다。

第5章 會 計

第22条 會計年度는 正年에 依한다。 里長는 里費 支出預算 及 決算書 各團體는 毎年度 經費 支出預算 及
決算書을 里委員會에 提出하여 議決을 行여야 한다。

第23条 里長 又是 各團體長은 預算外의 支出 及 決算超過支出에 充當하기 爲한 預備費 支出을 購買
里委員會의 承認을 얻어야 한다。

里長은 里委員會의 決議이후에 住民에게 財政의 負擔을 行여不得한다。
第245 条 里内の 各園體는 그 園體의 規約을 創定하여 事務를 處理하고 経費를 預算에 依하여 經理하여 야 한다.

但 準則없이 規約 및 規程을 創定한 時는 里委員會의 承認을 얻어야 한다.

第256 条 各園體 任員의 選任은 그 園體 規約에 依한다.

第267 条 里內의 青年 及 班長 以及 里委員의 傳達에 依하여 人數의 前衛部隊의 責任 및 義務를 遵行히며 里役向于 to 朝고 老年은 繼續人物을 養成하여야 한다.

第7章 違約者 及 僅務 應納者 處分

第278 条 里民으로서 里의 各園의 1에 違當한 者에게는 班長 及 里委員会底下에 諾議 또는 諾書한다.

但 呼出에 拒絕 또는 誤議와 諾書에 不應한 者에게는 配給品 削減을 中止한다.

1. 不正한 行為로서 里名을 汚損한 者
2. 人道の 正義에 無缺이 且是 且是 私利私慾에 醉한 者
3. 人権を 無視하여 裁縫한 噂者
4. 禮儀에 違背하여 外衣を 着せ지 않고 户外에 出圀한 者
5. 住民の 認識なく 飼料栽培場에서 乗는 乗은 給養한 者
6. 食事에 違反あり 給食費를 取扱한 者
7. 招待者에 雑事에 參加 또는 偏遠한 者
8. 特別한 事故に よる 各種 税金 또는 各種雜費를 依領하여 里名을 汚損하여 洞費を 多数 청하 者
9. 基本規約 實施를 妨害하여 鄉土를 義務치 않은 者

第288 条 里の 各園の 1에 違當한 者에게는 違約書로 치어 1回에 1日 貨金에 判決 時産穀物의 判決한다.

但 指定日子を 違過한 時に是 強制로 徴収한다.

1. 特別한 事故에 結合会에 参加 또는 使用한 者
2. 特別한 事故에 割りけ 아니한 者 又는 家族中에 肉片者를 不出せん 者
3. 射手 又는 騒擾에 射手를 放牧 또는 存在한 者
4. 蠲栄기 放牧하여 観光客에 過剰한 者
5. 共同井戸에 汚水を 泄入せ 아니한 者 又は 泄入을 放濁한 者 大類 生海苔生菜類魚類 洗浄した 者

第299 条 里의 各園의 1에 違當한 者에 對하여는 그 物品은 保管本庫에 收納하고 違約書로 1回에 1日 貨金의 倍値後に 時給穀物을 判決한다.

但 指定日子에 收納가 있는 時에 強制로 徴収한다.

1. 里の 區域内에 水面에서 觀覧者 同様 採取 聲告前에 採取한 者
2. 将島 宋大將軍廟의 風成林 預備の 風成林 預備の 風成林에서 盗伐 折枝 削皮 放火 海藻枯木堆積
3. 老朽而 放棄한 者

第300 条 里의 區域內에 觀覧者 또는 染病者 任意으로 採取한 者

第311 条 物産本庫에 收納한 者 又는 聲告前에 態度を 任意으로 採取한 者

第322 条 里民 또는 老幼児 里民 行為는 総は 戶主의 行為로 看做하여 餘談한다.

但 不應한 時에 各種 配給品 削減을 中止한다.

第333 条 借家人 또는 借家人의 行為는 貸家人 又는 貸家人의 行為로 看做하여 其義務を 即時 遵行계
Regulations of Changjwa-ri

§ 1 General Rules

Art. 1 As to our village, we expect to rule it by means of self-government of the inhabitants under the guidance and superintendence by the government and [other] public offices of our country; we have the aim jointly to establish firm measures prodigious for the economic stability of the inhabitants, to do away with all the former bad habits in society, and to preserve the fine customs and beautiful manners characteristic [of our native place, thus] contributing to the loyal service to the country and the prosperity of the village.

Art. 2 The term “our village” designates Changjwa-ri, and by the term “inhabitants” we mean people who have their residences within the boundaries of our village.

Art. 3 The inhabitants enjoy the freedom of religious belief and of conscience and they have the right to, and the duty of, labour.

Art. 4 The inhabitants look for an improvement of the position of the village and submit entirely to the guidance by the government and [other] public offices.

Yet, in case of guidance which runs counter to democratic development, they are not bound by this provision.

§ 2 The Rights and Duties of the Inhabitants

Art. 5 The inhabitants have the right to elect the officers recorded below, and they have the duty to take charge of their posts during the period for which they are elected to the offices.

[There are] the offices and the elections of the village head, of the heads of the corporations, and of other representatives.

Art. 6 The inhabitants hope to loyally serve the country by means of democratic development, and they have the duties recorded below.

1) Utmost faithfulness and strong effort for the sake of the unity and defense of the national
territory.

2) Co-operation in the foundation and operation of democratic institutions,

3) Utmost effort in educating the children and co-operation in disciplining the youth,

4) Making [the idea of] the national holidays a concern of the family,

5) Raising the spirit of a democratic nation as well as thorough understanding of the idea of a nation,

6) Payment of all kinds of taxes as well as of miscellaneous fees raised by the government and [other] public offices, according to everybody's individual assignment.

7) Co-operation in the maintenance of peace and order and in police matters,

8) Co-operation in the performance of the rites in memory of soldiers who have died at the front, and the consolation of bereaved families,

9) Extending help to those in military service and to other draftees,

10) Co-operation in the fulfilment of the responsibilities and duties towards the country.

Art. 7 In order to care for the economic stability of the inhabitants, we devise improvements of the social ceremonies and we care for the further increase in productivity, as recorded below.

1) As to the participants in congratulatory banquets, [the participation of those] not belonging to the family is restricted to invited people.

2) As to wedding ceremonies, we make them solemn and frugal in accordance with the original meaning of marriage, and we avoid all expenses which are out of proportion.

3) At funerals we entirely abandon feasting with wine and food and offer gruel [instead],

4) As to mourning houses, we forbid the entrance of all except those busy with the preparation of the funeral ceremonies as well as condolers,

5) As to participants in the ceremony of announcing the parting, we abandon [the use of] mourning incense as well as [the habit of] conversation, thus expressing the idea of mourning,

6) To the bearers of the bier and the undertakers we provide extra wine and food.

7) As to family sacrifices, we perform them as seasonal sacrifices at the family shrines year by year.

8) Protection of woodlands and prevention of damage to agricultural products,

9) Joint efforts towards the increase of rice yields as well as of [other] agricultural products,

10) Joint efforts towards other kinds of utilization and towards the increase in vegetable yields,

11) Prevention of gambling as well as strong action towards frugality,

12) Joint efforts towards the increase in green manure as well as in high-quality compost.

13) We take strong action towards cattle rearing and swine feeding and prevent the breeding of rabbits and sheep as far as possible,

14) Prevention of the secret planting of seaweed and joint efforts towards the accumulation of all kinds of wealth.

Art. 8 In order to care for the refinement of our native place, we carry into effect the items recorded below.

1) Repair, enlargement, and preservation of the roads,

2) Preservation of naturally bizarre rocks at the seaside and in the mountains,

3) Protection of the sacred forests around the shrine of General Song on General's Island, of the Archery Arbour, as well as of the sacred forests of the Plum Altar,
1) Exaltment of historical monuments as well as praise of the fine achievements and good deeds of our forefathers.

Art. 9 In order to preserve the fine customs and good manners and to change bad habits for the better, we practice the items recorded below.

1) We organize an association for help in wedding ceremonies and an association for contributions towards funeral expenses, and we have the necessary things provided for [mutual] help.

2) We organize an association for bier-bearers and an association for [other] burial ceremonies and place them at [the inhabitants'] disposal for the burial.

3) We have the youth conduct a meeting in respect of the old once a year.

4) We have men and women alike go out of the houses [only] after having them put on outer garments up and below.

5) We respect the superiors and care for the inferiors and, striving for affectionate relations among the people, we handle [the question of] seats, in accordance with the foregoing, in such a way that we seat the old persons in the places of honour.

6) Accumulation of common aid funds and mutual help in neighbourhood efforts.

Art. 10 In order to care for health and hygiene, we jointly urge [the inhabitants] that each private home be constantly kept clean and that the intrusion of filthy water into the common well be prevented.

Art. 11 The inhabitants have the duty to bear the village expenses, the school equipment expenses, and all other miscellaneous fees.

§ 3 Village Assemblies

Art. 12 Of village assemblies, we have two kinds, viz. the general assembly of the inhabitants and the village committee.

The ordinary general assembly of the inhabitants is held on the fifteenth day of the first month of each year of the lunar calendar, the extraordinary general assemblies are convened by the village head, when the village head and the heads of the corporations in our village think them to be necessary, or when there is a request from the side of the government and [other] public offices.

As to the number of participants, there is, under normal circumstances, one person from each household. In the meeting of the men, the men take part, in the meeting of the women, the women take part.

The assemblies meet upon oral announcement.

Art. 13 The village committee is convened by the village head, when the heads of the corporations within the village think it to be necessary. Three days beforehand, the village head must enter the agenda and make them known by issuing a circular.

The general assembly of the inhabitants elects a chairman.

The chairman has the right to give a vote on the maintenance of order at the meeting place, on the permission to speak, on the suspension of the right to speak, on the order of exclusion, and on voting; and if it occurs that there is an equal number of ayes and noes, he has the right of casting a vote.

Art. 14 A decision in the general assembly of the inhabitants and in the village committee is taken by [the votes of] more than half of the participants.
Art. 15 The village head and the heads of the corporations present bills to the general assembly of the inhabitants upon the decision of the village committee. The inhabitants present petitions after having obtained the consent of five or more people.

When the general assembly of the inhabitants is convoked because of matters indicated by the government and [other] public offices or because of urgent matters, [the standing orders] are not subject to these provisions.

Art. 16 The village head and the heads of the corporations attend the village assemblies, set forth their opinions, and answer questions, and upon request of the village assemblies, they have to attend and render account for [their administration].

Art. 17 The village committee is composed of those publicly elected at the assembly of the neighbourhood heads as well as of the village head. When the financial burdens are laid upon the inhabitants, it has the right of consent and dissent and decides upon the following matters:
1) Estimate of revenue and expenditure and settlement of accounts of the village head, estimate of revenue and expenditure as well as settlement of accounts concerning the expenses of the corporations withing the village,
2) Distribution of the miscellaneous fees raised by the government and [other] public offices from among the inhabitants as well as distribution of the expenses of the county forest co-operative,
3) Loss and gain of village property as well as ways of administration together with ways of disposal,
4) Creation as well as abolition of regulations,
5) Distribution of equipment costs of Ch'ŏnghae School and of costs in connection with disciplining the youth,
6) Establishment of plans as well as of association contracts entailing financial burdens for the inhabitants,
7) Estimated expenditure and disbursement beyond the estimate,
8) Praise of those of good behaviour and of the meritorious and industrious ones,
9) Treatment of violators of the regulations as well as reduction of the allowances to those negligent of their duties,
10) Other matters deemed to be necessary.

§ 4 The Board

Art. 18 In order to deal with the village affairs, our village installs the following board: one village head, six village deputies, several neighbourhood heads, one village clerk, and one forest ranger.

[In general] the above mentioned board holds honorary posts, but we pay a certain amount of annual remuneration to the village head, the village clerk, and the forest ranger.

Yet, this depends on the decisions of the village assemblies.

Art. 19 The village head is elected by the general assembly of the inhabitants, the village deputies are elected by the assembly of the neighbourhood heads. In general, the elections are carried out by anonymous suffrage. The person who gains the majority of the votes is elected.

When there is an equality of votes the oldest person is elected. The neighbourhood heads are commissioned by the village head on recommendation of the members of the neighbourhoods;
the village clerk is commissioned by the village head on recommendation of the village committee; the forest ranger is commissioned by the head of the forest association on recommendation of the village committee.

Art. 20 Upon the instructions of the authorities the village head manages the village affairs and represents our village. Depending on the decisions of the village committee, he attends to the village expenditure and raises the miscellaneous fees.

The village deputies constitute the village committee and decide on all matters of Art. 18.

The neighbourhood heads represent the members of the neighbourhoods and assist the village head.

Upon instruction of the village head the village clerk handles the village affairs.

Upon instruction of the head of the forest association the forest ranger guards the forests.

Art. 21 The village head's term of office is two years.

The term of office of a village head who has taken office under a by-election is limited by the remaining term of office of the previous office holder.

Yet, re-election is possible.

§ 5 Finances

Art. 22 The financial calculations are based on [the estimates for] successive years. To the village committee the village head submits the estimate of revenue and expenditure of the village as well as the balance sheets, and the heads of the corporations submit their estimates of revenue and expenditure, the yearly ones and those of the running costs, as well as the balance sheets, and [both] have to await the village committee's decision.

Art. 23 As to the disbursement of reserve funds meant to be appropriated for the expenditure beyond the estimate or exceeding the estimate, the village head and the heads of the corporations have to obtain the approval of the village committee beforehand.

Without the decision of the village committee, the village head cannot lay financial burdens upon the inhabitants.

§ 6 The Corporations Within the Village

Art. 24 The corporations within the village establish the regulations of their corporations, and they have to handle their affairs and to account for their expenditures along the lines of their estimates.

Yet, when they establish regulations and rules without [observing] the usual standards, they have to obtain the approval of the village committee.

Art. 25 The elections to office of the corporation deputies are dependent on the regulations of the corporations.

Art. 26 Upon request of the village head and the village committee, the youth of the village and the neighbourhood heads have, at any time, to fulfill their responsibilities and duties as an advance-guard and, striving for an improvement of the position of the village, [the neighbourhood heads] have to educate the personalities who are to succeed the old ones.

§ 7 The Handling of Violators of the Regulations and of Those Negligent of their Duties

Art. 27 As to those who as inhabitants fall under one of the items recorded below, the neighbourhood heads and the village deputies in joint deliberation discuss [their faults] and reprimand [the violators].
For those who reject the summons or do not respond to discussions and reprimands, we suspend the supply quotas.
1) Those who have defiled the name of the village by undecent behaviour,
2) Those who have been careless about humanism and righteousness and are intoxicated by their immediate private profits and private desires.
3) Those who have disregarded human rights and disturbed human relations,
4) Those who by neglect of propriety have gone out of the house without having put on outer garments,
5) Those who have raised rabbits and sheep, although being devoid of feed and cultivating grounds of which (the right to raise rabbits and sheep) has been confirmed by the inhabitants,
6) Those who without any function went into houses where there was a wedding or houses where people were in mourning and obtained wine and food,
7) Those who without invitation have joined, or stayed close to, banqueting parties,
8) Those who without any particular reason have been remiss in the payment of the various kinds of taxes and miscellaneous fees and have (thereby) defiled the name of the village and enlarged its expenses,
9) Those who have impeded the execution of these regulations and have not protected our native place.

Art. 28 Those who come under one of the items recorded below, we regard as violators of the regulations, and from them we collect agricultural products of the season worth the pay of one day.

Yet, when the designated day has gone by, we shall collect them by force.
1) Those who without (having been hindered by any particular) incident did not take part in the usual meetings or came late,
2) Those who without (having been hindered by any particular) incident did not take part in the commune labour or did not apply their vigour in the families,
3) Those who let cattle and sheep graze freely near the Archery Arbour or the Plum Altar, or who tied them up at (those places).
4) Those who let filthy water penetrate into the common well or who wrung their laundry (there) or washed things like clothes, seaweed, and fresh vegetables (at that place),
5) Those who by having let cattle graze caused damage to the crops.

Art. 29 From those who come under one of the items below, we confiscate their commodities without compensation, and as regulation violation fine we once collect grain worth twice the sum of a one day pay.

Yet, when they do not pay at the designated date, we collect (it) by force.
1) Those who have gathered seaweed in the waters of the village territory, before the announcement of joint gathering was issued,
2) Those who in the sacred forests around the shrine of General Song on General's Island, the Plum Altar, or the Archery Arbour have illegally felled trees, broken off branches, peeled off bark, set fire, stored beams used in seaweed culture, and piled up fertilizers or (other) things,
3) Those who illegally felled trees in village-owned forests, privately owned forests, and jointly owned forests, or those who before announcement arbitrarily collected camellia fruit.
Art. 30 From those who in the province-owned forests within the territory of our village without permission felled young trees which they used for [purposes] other than [making] agricultural tools, we confiscate the goods without compensation.

Yet, when [somebody] does not respond [to our quest] in time, we file a charge against him with the authorities concerned.

Art. 31 As to those who have stolen other people's farm produce, domestic animals, clothes, raw cloth, seaweed, bamboo, and other things, it goes without saying that we indemnify the owner for the loss incurred, and we cut close relations [with those people], suspend the assignment of all kinds of supplied goods, suspend the assignment of lots to grow seaweed, refuse [them the right] to collect forest products, and banish them from the village.

Art. 32 As to the family conduct of the employees and the old and young ones, we altogether regard it as the conduct of the household heads and deal with [them accordingly].

Yet, when [somebody] does not respond [to our quest], we suspend the assignment of all kinds of supplies.

Art. 33 As to the conduct of lessees of houses or rooms, we regard it as the conduct of the lessors of houses or rooms and we have [the lessors] forthwith perform their duties.

Yet when [somebody] does not respond [to our quest], we suspend the assignment of all kinds of supplies, and from the landlord or the lessor of a room, we by force collect grains or other things worth the amount of money which has been imposed [on the violator] and which he failed to pay.

Art. 34 To those who as officials of our village have not been diligent in the fulfilments of their duties, we only grant an allowance reduced by ten to fifty percent.

Yet, the percentage of the reduction in allowance will be decided upon by the village committee.

Amendment

Art. 35 As to the initial officials who have carried these regulations into effect, we confirm them as officials elected according to these regulations.

We take an oath to forthwith carry these regulations into effect, and jointly seal them. Convenanters are the household heads.

On the thirtieth day of the seventh month of the lunar calendar, in the year 4285 after Tan'gun's accession to the throne [September 18th, 1952]

Covenanters:

Village head:

Kim Chonggūn

Village deputies:

Hwang Tongsŏp
Mun Ch'ŏlchu
Mun Ch'angju
Kim Namch'ŏl
Hwang Chonghŭi
Kim Sŏngp'yo

[and the names of 127 other persons]
리의 決議書과 金鼓物目録 그리고 祭祝文 등 각종 書式 등등을 原文과 함께 英譯하여 설
었다. 이것들은 마치 西洋法制에 있어서 Formulae에 대한 研究처럼 한국法制史 연구에도
 중요한 자료라고 생각된다. 이런 중요한 자료를 발견하여 學界에 소개한 아케마이어博士
에게 감사하고, 앞으로도 계속하여 한국法制와法制에 관한 연구업적을 내어주기를 기대하는
바이다.