The Status System in the Early Chosŏn Period

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I. Introduction

Korean scholars have still accepted the idea that the status system of Chosŏn dynasty was very strict and rigid. This idea was created by Koreans under the Japanese rule. Under the Japanese rule, Korean intellectuals had the tendency to ascribe the penetration of foreign powers to Korea and the final colonization of Korea by Japan to yangban, the ruling class, and the underdeveloped society of Korea at the end of the dynasty. This attitude involved their self-reflection on the history of Korea, but it was meant to evade their own responsibilities for the history of their country. They did not have any vision or will to cope with the grim realities of their colonized country, so that they tried merely to find out the “good” excuse to defend their own incompetencies. As a result, they were interested in picking out the pre-modernity of the Chosŏn society rather than in considering the historical development accomplished in the period of Chosŏn. Explaining the strict and rigid status system as the symbol of “the backwardness of the Chosŏn society”, they preferred to claim that the class of yangban was detrimental to the development of the society of Chosŏn because of its feudalistic character.

Soon after the 1945 Liberation, Korea was involved in the cold war, and met the problem of how to deal with its colonized culture. Before the problem was solved, unfortunately, the western civilization began to be introduced to Koreans who were at a loss how to build up their own cultural

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identity. In such a cultural crisis, the Koreans adored the western civilization uncritically, and tended to see anything non-western, past and present at once, as inferior. Whenever they found it hard to overcome the backwardness of Korean society, they called the past into account to make the society of Chosŏn as a scapegoat.

In 1960's, a movement was launched vigorously to illustrate the Korean history positively and comprehensively. Along with this movement, the unsparring efforts to bring to light the independent ability of Koreans for modernization in the later Chosŏn was being made. But these efforts were focused simply on the collapse of the old society and the rising of the modern society rather than on any new interpretation of the structure and historical stage of the Chosŏn society.

The tendency to explain the Korean history in terms of the frame of the western history was also one of the important reasons why the period of Chosŏn was not properly appreciated. More than anything else, therefore, scholars of the Korean history should solve the question of how to analyze the society of Chosŏn objectively and systematically in order to illustrate the place of the present society of Korea comprehensively in its history. A thorough examination of the Chosŏn status system, is prerequisite to solving the question, because Koreans' distorted view on the period of Chosŏn was deeply concerned with their understanding of the status system of Chosŏn.

Examining the research history of the Chosŏn status system, we cannot but notice that there are not a few methodological problems. For example, the categorical differences between the stratification or class and the status are ignored. That is, while the existence of 'yangban', 'ch'ŏnom' and 'sangin' as the stratifications are accepted as the different kinds of status, the differentiation within the achieved status is established as the standard of such a classification.

Unlike the stratification which exists in modern society and existed in premodern society as well, the categorical characteristic of the status peculiar to the premodern society, lies in the fact that a hereditary group placed in the legislatively unequal relationships. Therefore in all respects the standard of the status classification must be confined within the legislative differentiations—in most cases the differentiations of right or duty—inherted with the pedigree. Even if most scholars were conscious of such a categorical characteristic of status, they did not apply the strict classification standard to their practical studies because they were possessed with some fixed idea on the Chosŏn status system. They wanted to take advantage of all the materials which they thought as valuable in order to emphasize markedly.
differences in status. They did not care if what the materials represent is legislative or realistic, ascribed or achieved.

Of course, there were scholars who tried to establish the standard of the status classification strictly. Kim Sŏk-hyŏng and Han Young-woo are the representative scholars. Kim said that we must distinguish the status as the legislative norm, which is to be accepted as the legislative representation of the class, from the status as the so-called common idea of society, which is used somewhat ambiguously. He regards ch’ŏnim or sangun as ‘a status as the common idea.’ But his theory has a fatal defect in that he established yangban as one of the early Chosŏn legislative statuses in company with ‘yangin’ and ‘nobi’ or ‘ch’ŏnim’. As he is excessively screwed down by the proposition that the status is the legislative representation of the class, he failed to present any legislative and logical justification to treat yangban and yangin in the same category.

Professor Han denied the generalized quadripartite status system, and for the first time suggested the dichotomous status system which was composed of ‘yang’ and ‘ch’ŏn. He gave academia a great shock. By denying the equality of the yangban = the ruling status, he gave a warning to the methodological fallacy to most scholars who took a priori the fact as a matter of course.

But it is to be regretted that Professor Han did not discuss directly the methodological problems to be found in the existing studies on the status system despite his insistence on the yang-ch’ŏn system. He left out the concrete discussions on the methodological problems, building up his own inclusive hypothesis about the aspect of Chosŏn society. As a result, he failed to elucidate his intention of presenting the methodological problems contained in the hypothesis.

His insistence also seems to have some methodological problems. He classified the status consistently with the standard of legislation. But his acceptance of both ascribed status and achieved status as the standards of the status classification resulted in the complication of two categorically different standards. The academic response to the yang-ch’ŏn system theory is, on the whole, divided into two groups. One denies the existence of the

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1 Kim Sŏk-hyŏng(1957), Chosŏn Pongkŏn Sidae Nongmin-ŭi Kyegûp Kusŏng (Tokyo, 1960), p 4

yang-ch’ōn system itself, and the other admits its existence, but regard it as something meaningless in reality. The former failed to recognize definitely the categorical differences between status and stratification, while the latter which won broad support emphasized the separation between legislation and reality, since the legal sanction to the commoner’s (p’yōngnim’s) right had no meaning in his real life. But as for me, this argument seems to be more or less an hasty conclusion. Of course, there is a great gap between legislation and reality. However the legislation is not only a historical product but also a part of the realities.

As the yang-ch’ōn system theory is still hypothetical, we have to make more precise analysis on the status system of the early Chosŏn more than anything else. In this paper I reduced to about one-third the contents of the second chapter and the third chapter of my original paper, “The Study on the Status System in the early Chosŏn dynasty”, which dealt with the basic frame of the early Chosŏn status system. Because of the limitation of quantity, I cannot explain all of the details. But I made every possible effort to present my thoughts on the matter in this paper.

II. Basic Status: Yangin and Ch’ōnin

1. The range of yangin and ch’ōnin

1) The range of ch’ōnin

In case that ch’ōnim or its abbreviation ch’ōn is contrasted with yangin or yang in the materials of the early Chosŏn, it designates ‘nobi’ without exception. The independently described ch’ōn or ch’ōnim also designates nobi undoubtedly in the strict legislative context.3

Then, did the ch’ōn or ch’ōnim of the early Chosŏn include only nobi? The mugyŏk (shamans), sadang (a kind of gypsy-like troop), kwangdak (clowns), ch’anggi (so-called kisaengs as singing girls) and paekchŏng (butchers) were exemplified as ch’ōnims or ch’ōnimins of the early Chosŏn along with the nobi. But in the early Chosŏn they were the kinds of occupation groups like kongsangim (artisans and traders). They were not the third status opposed to yang or ch’ōn, still less an independent status group opposed to the nobi within the same category of the ch’ōnim.

They were composed of not only ch’ōnim but also yangin. That is, from the viewpoint of the status, they belonged to either of the two.

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3 For example, in the problem of marriage between ‘yang’ and ‘ch’ōn’ which was often discussed in the early Chosŏn, the ch’ōn means the nobi. And also the ‘ch’ōn’ in Kyŏngguk taejŏn means the nobi without exception.
A clear evidence of this assertion is that there were both yang and ch’ŏn within mugyŏk grasped by the government, and that sajang (the predecessor of sadang) comprised the various groups, such as hyangni, ilsoo, chŏngbyŏng, sŏnkun, and the publicly or privately subordinated lowborn, etc. Among the ‘private’ ch’anggis, there were both yang and ch’ŏn. Of course, the ‘public’ ch’anggies were the preformers of official servants (kwanbŏ, the official female nobi), but they could not be treated as an independant status group.

Only in case of kwangdae, we are afraid to examine its concrete status line owing to the lack of the related materials.

The paekch’ŏng were the successors of chacim or hwach’ŏks, who were regarded as foreign race ‘Tatar’ after the Koryŏ dynasty. When the government of Chosŏn retitled chacim or hwach’ŏk as paekch’ŏng in 1423 (the fifth year of Sejong’s reign) as a part of the assimilation policy, it expressed clearly that the status of paekch’ŏng was yangin.

As briefly examined above, the composition of ch’ŏnnī in the early Chosŏn was extremely simple. We can confirm nothing but nobi as its component.

2) The range of yangin

Yang or yangin is the group as contrasted with ch’ŏn or ch’ŏnnī. Therefore, there is no doubt that yang or yangin was non-nobi. The question is whether all of the non-nobi were yangs (yangins) or a part of the non-nobi were yangs. Hitherto the yangin was regarded usually as the group contrasted with the yangban. Just recently, professor Han established the subsistence of ‘yangin in a broad sense’ by pointing out the case where officers or sajok (literati as noble families) were called yangin. As a result, the fact that yangin comprised all of the non-Ch’ŏnins proved to be clear.

Then where was the lowest boundary line of the yangin category? we cannot make sure if all the non-nobis were under the application of the law.

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4 Chosŏnwaango sillok (hereafter referred to as Sillok) (ed. by the National History Compilation Committee) IV-675 upper-a
5 Lee Nŭng-hwa(1927), “Yŏsadang P’ae,” Chosŏn Haeŏhwasa
6 Sillok, VIII-367 lower-a
7 A material classified yunyŏ who belonged to the private ch’anggs into yang and ch’ŏn of Sillok, VIII-680 lower-a
9 Sillok II-559 upper-a
'jong bu wi yang' (in case of yangin the status of his offspring is decided according to that of his father's) which was practised after the 14th year of T'aejong's reign (1414) or not. But judging from the fact that the very law was applied to the populace with hereditary mean-works, such as yömgan (salt-producer) and mokja (herder), including yǒkni (station attendant) —they were the lowest of the non-nobi statuses—, we can guess easily that the yang comprised all of the non-nobis. That is why the so-called gan or ch'ŏk went by the alias of 'sin yang yŏk ch'ŏn' whose meaning is 'the yang status with menial services', and why chaem or hwach'ŏk who had been regarded as a heretic from the former dynasty period, was estimated originally as yangin.

As the ch'ŏmn in the early Chosŏn dynasty consisted of only the nobi and all of the non-nobi were regarded as the yang, thus, we had better understand that 'yang and ch'ŏn' or 'yangin and ch'ŏmn (nobi)' comprised all the people. Therefore the candidates for the prize or oldman's official post in the regulations of the early Chosŏn could be distinguished between yang and ch'ŏn.

Only in the prize regulation, the candidates were sometimes chosen according to the trichotomy system of original post, non-post, and ch'ŏmn instead of the dual system with yang and ch'ŏn. But that was no more than the technical problem and there was no difference in substance between the two systems. The government rewarded generally the yangin with a government post and the ch'ŏmn with an article. As the yangin consisted of the persons of both original post and non-post, the latter system came from only one of the detail classification methods.

Now we should examine the suitability of the opinion by which in the early Chosŏn the word 'yangin' was used for entitling the 'non-ch'ŏmn in general' (the yangin in a broad sense) and the p'yŏng防汛 or the commoners (the yangin in a narrow sense) at once. The man who expressed this opinion for the first time was professor Yi Sŏng-mu and professor Han Young-woo agreed to it.

12 Sillok III-10 upper-a, VI-588 upper-a
13 Sillok IV-208 upper-a
14 Sillok VIII-111 upper-a Kyongguk taejon (ed by Chosŏn Ch'ŏngdokbu), p. 476
15 Yi Sŏng-mu (1980), Chosŏn Ch'ŏgi Yangban Yon'gu, pp. 391-393, and "Chosŏn Ch'ŏgi Sibun-sa Yon'gu-ŭi Chackŏm'to," Yŏksa hakbo No. 102, pp. 215-216
16 Han Young-woo, "Chosŏn Ch'ŏgi Sahoc Kyech'ŭng Yon'gu-e tachan Chacron." Only, prof. Han suggested the new facts adding to his own opinion about the 'yangin in
In short, I think that the early Chosŏn the title yangin named all the non-nobi in legal terms. There is no doubt that ‘yang’ or ‘yangin’ did not always designate all of the non-nobi. At the same time it is not difficult to find out the concrete cases in which the persons designated as yangins belonged to the commoners (the p’yŏngmun) But these facts cannot be the evidence that the yangin in a narrow sense was equal to the commoner, and they cannot mean that the usage of ‘yangin’ in the early Chosŏn was ambiguous. Until now, the opinion that ‘the yangin in a narrow sense was the commoner’ was almost based on the fact that like the commoner the yangin was often different from the nobi and the civil-military official or the artisan-traders as well

The p’yŏngmun (commoner) was the term which designated the non-extraordinary ‘common person’ The range of this commoner was not always fixed, but changed according to each speaker’s subjective point of view While the range of the ‘p’yŏngmun’ as a socially accepted idea could not but be ambiguous, the ‘yangin’ was the legislative term whose range was compelled to be distinct. Therefore the former could not be replaced with the latter at random.

Then, why was the yangin (as the legislative term of comprising the non-nobi) of the historical materials arranged in company with the civil-military official or the artisan-trader (not nobi) which deserved to be included within the yangin? I think it was because of the convenience of explaining. It seems that the general title of ‘yangin’ was used as the easiest method when they tried to arrange in row the specially-treated person of yangins and others in the law. For example, in the same context we can understand the following fact, recommending the enactment for grouping the colors of clothes in 1456 (the second year of Sejo’s reign), Yang Sŏng-ji who held the rank of a ‘chuckchehak’ in the Hall of Worteus (Chiphyŏnŏn) distinguished the yangin of the whole country from the Dangsangkwans (the

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17 Sangmun, p’yŏngmun, sangmin, and p’yŏngmin were all synonyms. They were coined words of the same kind which consisted of ‘sang or p’yŏng’ and ‘in or min’. While the former means ‘common’, the latter means ‘person’. They all mean commoners literally. Hŏ Jo, whose position was Ch’ansŏngsa explained that ‘sangmun’ was a person of commonness in 1430 (Sillok III-259 upper-a). Only in the early Chosŏn, speaking of the order of frequency in use, p’yŏngmun was the first, sangin was the second, and p’yŏngin was the third. Sangmun was hardly used. Hereafter unifying them into one word, we will use the word ‘p’yŏngmin’ or ‘commoner’.
high-ranking courtier allowed to get on the floor of Royal palace), the above the sixth rank, Ryup’umwŏn (the officials above the ninth rank), Sŏngjungkwan (the officials of attending the king), the sons of the government officials, all kinds of soldiers, the yisŏ (petty clerks), the public or private lowborns, and the artisans. In this case, it was natural that all of the above unexhibited non-nobi were included among the yangin.

It is very dangerous to place all the different groups in contrast with each other only because they were arranged in a row. Even today, it is by no means an infrequent thing to see that the overlapping relation groups such as the citizen, the student, and the merchant are alluded at the same time. This is absurd theoretically. But we must understand it is a phenomenon which results from enumerating some subsidiary groups to be emphasized (student, merchant) in company with the population (citizen).

When we try to mention expressly the specified persons among the yangin and to lump others under one name as the ‘yangin’, consequently it is natural for the yangin to designate the most common and numerous p’yoŋgmins of the same yangin. This came to result in the theory that yangin is the same as p’yoŋgmun. Furthermore the members of yangin in a narrow sense who are contrasted with those of the yangin in a broad sense, were identified.

In addition, the word ‘yang’ or ‘yangin’ was often used when it was not easy to find out any appropriate way for recognizing someone’s identity or when it was not necessary to express his concrete identity apart from recognizing him as yangin or nobi. Among the yangin, in case of the person of government official family who was a specially interesting object of the administrator, the writers of the materials revealed the rank and name of his predecessor. In case of the rest, they supplied the more concrete information with recognition of the yangin status by specifying the kind of his physical service—for example, hyangin or sailor so-and-so.

In general, they were recorded as yangin so-and-so only in case that someone as yangin did not hold the fixed physical duty and was not engaged in the special occupation. In many cases the male yangin was recorded with both his name and his physical duty, while the female yangin was recorded mostly as ‘yangnyŏ (nyŏ means the female) so-and-so. Because most male yangins were charged with physical duties while the

18 Sillok VII-122 lower-b

19 Professor Han accepted the theory ‘yangin = p’yoŋgmun’, and at the same time he excluded those who belonged to the military organization as the main components of the yangin group from the ‘yangin in a narrow sense’. Such an insistence of prof Han’s resulted from those usages of the words.
female yangins were not charged with such physical duties

Consequently, all the people in the early Chosŏn were distinguished between yang and ch’ŏn of the dual grouping categories according to their status the nobi or the non-nobi. For that reason, the composition of the early Chosŏn yangin could not but be of variety from the descendant of the distinguished clan to the station workers or the reservist as the following example

"Today the so-called yang is not composed of one ranking. Even in case of the non-distinguished clan, there is the difference 'between the high and the low' or 'between the inside and the outside.' Even if we disregard such a difference, there is a difference 'between the hereditary p’yŏngmin and the non-ch’ŏn who are not in fact different from the ch’ŏn. Nevertheless, we call even station attendants or reservists 'yang' in all."\(^{20}\)

2. The difference in rights or duties between the yangin and the ch’ŏnin

1) The difference in rights

The yangin have often been understood as the free people (yeomanry), while the ch’ŏnin = the nobi have often been understood as the unfree people. Because unlike the yangin the nobi was subordinated bodily to his owner. It is needless to say that the bargain, inheritance, and donation of the nobi or the prohibition of shifting his residence derived from the social and official recognition of possessing the nobi like a property.

On the other hand, in the period of Chosŏn, not only the possession and inheritance of the nobi as the subject of the property right like the farm or house, was recognized officially, but also their bodies and lives were to some extent under the protection of the state. From the standpoint of this historical fact, we have noticed from early on that the nobi were not simply the living property, and that they could not belong to the category of the slavery in the context of the economic history.

But the protection of the nobi's body and life under the public power was limited in that only the random private or capital punishment by the owner was restricted or prohibited. Still more, we can hardly say that such a regulation was observed thoroughly.\(^{21}\) There are not so many provisions on the penalty unequal treatment between yang and ch’ŏn in the Kyŏngguk taejon (the National Code). But this does not mean that there were not any great inequalities between the two.

In my opinion, it resulted from the fact that in the process of enacting the

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20 Slovak III-558 upper-a
21 See Kim Sŏk-hyŏng, *op. cit.,* pp 51-55
penal laws the early Chosŏn government quoted most articles of the Ta Ming Lu adding to the legislation peculiar to Chosŏn selectively. It is a good example that the nobi who abused their masters must be punished according to the regulations of the Kyŏngguk taejon more severely by one grade than the others regardless the official position of the nobi concerned.

As far as the rights were concerned, the most symbolic difference was the rights to enter into government service. In fact, there were not a few yangins who had no right to government service or had only the restricted right to the service. But we must notice the fact that the general yangins were introduced as rightful persons to enter into government service. We can guess easily as the following, the provision that the government rewarded yangin with the government post and chŏnmin with the articles in the above examined regulation came from the very equality of the yangin to the holder of government service rights and the equality of the chŏnmin to the non-holder of government service rights. There were rare occasions when the government bestowed the government post to the nobi who had performed meritorious deeds or had remarkable talents or had followed the national policy faithfully, but the government had raised the nobi to the status of yangin before such bestowals. This fact also represents the symbolic idea that only the yangin could enjoy the right to enter into government service.

2) The difference in duties

There was no difference between the yangin and the chŏnmin in that both the yangin and the chŏnmin must bear the physical duties. And we cannot say that a yangin's duty was not always lighter than a chŏnmin's duty. But there was a basic difference in kinds of physical duties between the yangin and nobi.

First, between the yangin and the chŏnmin was the different standard in imposing the physical duties upon the female. In case of the former, only the male were destined to be the objects of the physical duties, while the latter were enforced to discharge their own duties regardless the sexual difference.

And then, there was a clear difference between the yang and chŏn in the nature of the imposed physical duties. Above all, the yangin was regarded

22 Kyŏngguk taejon, p 469
23 Ibid, p 480
24 Sillok VIII-151 lower-b
25 Sillok V-94 lower-b
26 Sillok VII-259 upper-b
as the population for military services, while upon the nobi the military services were not imposed. This was an established principle. We can recognize such a principle easily from the writing “Both the soldiers and their aids will be assigned with the yangmin (the same meaning of yangin)”27. And furthermore we can suggest one good example for which the naming of the nobi attached to the special troop was changed into “〇〇 no”.28 The reason was that “It is difficult to assign the ch’ónku to the army.” The nobi was not only exempted from the military services but also they was prohibited from becoming a soldier. We can indicate as rare exceptions only the recruiting of public or private ch’ón in wartimes and the troops like Changyongdae and Mangangdae which were founded specially in the period of Sejo’s reign. Even in Changyongdae and Mangangdae, which were to be supplied by the skilled public or private ch’óns who passed the prescribed test, the military attachment of the ch’ónmin was prohibited after Sejo’s death.29

As we have seen, between the yangin and ch’ónmin there were clear differences in the light of both their rights and their duties. Their legislative positions were to be inherited according to their blood lines. Now we have no doubt that the yangin and the ch’ónmin were the dually composed basic statuses.

III. The Status Composition of the Yangin

1. The unequal relationships in rights or duties concerning the yangin

1) The unequal relationships in rights—the favored treatment and the unfavored treatment in entering into the government service

Except some disqualified persons, there was no restriction to the common yangin’s choosing the kind of occupation or applying for the examination in order to become an official in the early Chosón. And we cannot find out any restriction to their promotion after the appointment to the government post. Exceptionally, some government offices were offered only the persons with the special family line, and there were a few entrance examinations for service which were applied to the specified persons. The favored treatments of entering into government services are found out only in these cases. In the early Chosón we can introduce the royal kinsfolk and

27 Sillok VII-84 lower-a
28 Sillok II-141 lower-b
29 Sillok VIII-473 lower-b
descendants of meritorious retainers as those who were assured of the special
government positions owing to their lineage.

The descendants of the king from the first generation to the fourth genera-
tion could obtain the government position of Chongch‘imbu (the Depart-
ment of royal family) owing to their blood line. In this point, we can say
that they were favored. But they, who took posts in Chongch‘imbu, had no
function or political power apart from receiving stipends, though they
were honored. They had to follow the principle that the royal family must
not undertake any political functions. Therefore they had no opportunity
to launch into the other government positions regardless of their own hopes
or abilities. In this point, we can say that they were given unfavored
treatment. After the fourth generation, the royal descendants could enter
into the other government services too, but they could not enter into the
government posts of Chongch‘imbu instead. In short, it is difficult to see
than as either favored group or unfavored group.

The descendants of meritorious retainers were granted the privilege to
advance into the civil services via the special appointment or noksa (central
clerks whose positions were low) without the state examination (kwagö). After
being recruited to the troops such as Ch‘ungünwi and Ch‘ungsunwi,
they could wait for an opportunity to obtain the real government position
by raising their court ranks. Therefore we can say that they were the
‘clearly’ favored group.

We can hardly find out any group whose members were born favored
with entering into government services except the descendants of meri-
torious retainers in the early Chosön. On the other hand, there were a lot of
unfairly treated persons who entered into government services. There were
not a few holders of the yangin status who were restricted in the right of
centering into government services. And the reasons for such restrictions
were very various. Some were related with the problem of status, some
not. The restriction of the civic right caused by the crime of the person
concerned is an ordinary phenomenon of the nowaday society. Such a
restriction is not related with his social status. But in the premodern society
the involvement system was put in operation extensively, and even the
innocent person’s right was often restricted owing to their kin’s crime.
Needless to say, in many cases yangins who slid down to nobics because

31 See Han Young-woo, above treatise “Chosön Ch’ogi-ŭi Sangkŭp Sŏri ‘Sŏngjung-
kwan’
taehayŏ,” Sahak yŏn’gu No. 19
of their own crimes, were under the chastisement of 'descendant imprisonment' although they maintained the status of yangmin. And besides the rights of the descendants to enter into the government services were restricted because of their ancestor's punishment. The range of charge and involvement was laid down according to the circumstances, and there were not a few occasions when they were reinstated. In case the descendants from corrupt officials or from remarried women, the details of the restriction of their entering into the government services and the range of their involvement were expressly provided in the statute.

The descendants of corrupt officials were prohibited from being appointed to the main East line services (civil services) during the two generations. The descendants of the remarried women were prohibited from being appointed to both the East line services and West line services (military services) during two generations, and it was not until the third generation that they could be appointed to the other services with the exception of the main East line services. Moreover, the former during one generation and the latter during two generations were disqualified respectively from applying for the national service examination.

Considering that owing to the more regulations established by the ruling class the innocent descendants were restrained from entering the government services, we must notice that the bastards had something in common with the descendants of remarried women. The bastards were more ill-treated than the descendants of remarried women. As is commonly known, the bastards were limited in the promotion of government services according to both their mother's status and father's rank. None of them were qualified to apply for the state examination except the appointment to 'technical services'. Still more, such a restriction could not be cancelled as generations passed.

Some yangmins in the early Chosön were disqualified for entrance into government services from the day of birth. They inherited physical duties which had been despised socially after the Koryŏ dynasty. Some of them such as station workers and chinchŏk (ferry residents) were related with the social punishments. But some others such as the salt-producers were not so.

Now we must notice the hyangnu (local functionaries) as the last example.

33 Kyŏngkuk taejŏn p 34
34 Ibid p 208
35 These kinds of groups will be noted as the inherent mean jobbers. On their origins, see Yoo Seung-won(1979), "Chosŏn Ch'ogyŏ-ŭi Yŏkm-ŭi Sinbunjŏk Chiwoo" and "Chosŏn Ch'ogyŏ-ŭi Yŏmgan" Han'guk hakbo No 17
Generally, the socio-economical position of the hyangni may have been higher than the p'yōngmin (the commoners). But we can say that they were lower than the p'yōngmin with respect to the legislative position. Because in the point of entering into government services they were under a few restrictions which were not found out in case of the p'yōngmin. That is, with respect to the miscellaneous examination (chapkwa), one of the state examinations, only one of their three sons was qualified for the application. And another restriction was that they could apply for the military examination (mukwa) after they passed the primary examination of 'Mugyōng chilsŏ' (Seven books about military arts). Therefore, the hyangni can be included in the unfavored groups.

2) The unequal relationships in duties

When we examine the inherently unequal relationship in physical duties concerning the yanggan group, the first focus of our argument is on whether the burden or the exception of the physical duties was decided upon according to the blood line or not, and the second is on whether the details of physical duties were differentiated according to their blood lines or not.

As is commonly known, the physical duties were not imposed upon the officials, the successful applicants of the state examination, and the students of State school. Along with them, it seems that upon the persons who were engaged in the non-agricultural occupations the physical duties were not imposed. Shamans (mugyŏk) and Buddhist priests were exempted from physical duties. I think that this principle was applied correspondingly to the artisans and traders. The point that the physical duties were not imposed upon them, we can suppose, resulted from the acquired condition of the persons concerned, namely the peculiarities of their occupations.

Above all, we can illustrate by example the royal families to the fourth generation of the king as the persons who were exempted from the physical duties in the early Chosŏn. As they were destined to enter into the Chong-ch'ınbu, they were exempted automatically from the physical duties.

We regarded the yangban of the Chosŏn as the privileged class who were exempted from physical duty before. But as the studies on the military system of the early Chosŏn made great progress, we came to recognize the

36 Kyŏngguk taeŏn p 165
37 Song Jun-ho(1970), Yicho Saengwŏn Chmsas-i Yön'gu, the National Assembly Library, p 31 And see Sillok XIII-30 upper-a However we cannot recognize the origin of restricting the hyangni to such a regulation
38 On this problem, see the next chapter
fact that even the yangban must undergo military service in principle as far as they were not officials or successful applicants of the state examination or students of State school.

But about the problem of the military services of the sons of officials we must examine the historical materials more carefully. We cannot find out the substantive enactment that they were exempted from the military service. Nevertheless the various materials suggest to us that they were not included in recruits for the objects the military service. For example, the national statistics of physical duty-bearers in 1393 (the second year of Taejo’s reign) totaled the officials’ sons apart from the bearers of military service 39 ‘Sejong Sillok Chhrj’ (a geography book written in the period of Sejong’s reign) recorded only the totalization of the military service bearers of Hansongyang (the name of Seoul city of those days), which were crowded with the officials’ houses. And also in a statistics in 1477 (the eighth year of Sŏngjong’s reign), the first record about the totalization of them military service bearers of Hansongyang, its members of the military service bearers appear to be exceptionally small.40

With respect to the exemption of the incumbent officials from the physical duties, we can guess that the statemen thought it unnecessary or unjust to impose another duty like military service to the officials who were placing themselves at the state service.41 If our guess is not wrong, it is not impossible either to justify theoretically the exemption of their sons. In case of soldier houses, one of the male grown-up bore the real military service as chŏnggun (conscript soldiers or soldiers in active service), and others were assigned to pongjok (aiders) on the pretext that they should help chŏnggun perform military duties. Therefore we suppose that the government could assign the sons of the officials who were carrying out the important functions of the state to Pongjok. In fact, the officials’ sons were exempted from military services. However, as the official’s service to the state was ended at his retirement, the officials were disqualified to be exempted from military services. The government of the early Chosŏn chose the way to impose the military services upon the retired officials instead of their sons. Therefore we can guess that the sons of the retired officials were not under the military services.

39 Sillok, I-44 upper-a
40 Sillok, IX-466 upper-a
41 On this point, professor Min Hyŏn-gu said as follows “It is sure that among the yangban, the ruling class of those days’ society the incumbent officials need not bear another national duty. I think that their affairs themselves were regarded as the physical duties” (Chosŏn Chʼogi-in Kumsa Chedo-wa Chŏngeh’ti, 1983, p 58)
Next, let us examine the problem of the assignment of physical duties. In the early Chosŏn, the yanggin was well recognized as the bearer of military service. For example, the increase of the yanggin was regarded as that of the military strength, and the decrease of the yanggin was regarded as that of the military strength. However, the military service was not the exclusive physical duty of the yanggin. Among the yanggin's physical duties there were miscellaneous physical duties (we call them miscellaneous duties or chap-saekyŏk in all hereafter). Theoretically the relationship between the military service and the miscellaneous duty—both were the yanggin's physical duties—we suppose, corresponded to the relationship between the common duty and the special duty. Because in all respects the military service was the duty peculiar to the yanggin, and because it was the first duty of the yanggin as the public. After selecting the miscellaneous duty-bearers out of the whole physical duty-bearers the government must impose the military services upon the rest. But in fact the physical duties were not assigned by such a way.

The yanggins of the special blood lines were assigned to the special military services and the hereditary miscellaneous duties in the first place according to their ingredients. Some of royal families were attached to Chokch’im-wi (the Royal family troop). The descendants between the official and the lowborn concubine were attached to the reservist troop, or Poch’ungkun. That is, they all were assigned to the special military services. With reference to the hereditary bearers of miscellaneous duties, there were hereditary humble labors such as hyanggim, yakbu (herbalist), and kwankun (the inn servicemen) etc.

Soldiers of the number allotted to each province should be recruited from the rest of the yanggins. The early Chosŏn government advocated firmly the principle of universal conscription system as the following words indicate. "Where the body is, there is a duty." But the physical duties were not imposed indiscriminately upon all of the grown-up yanggins except the exempts. The government itself adopted the flat sum system in connection with the mobilization of manpowers. It was in military service that the flat sum system was carried out most thoroughly. The uninherited miscellaneous duties were imposed upon the persons who were selected among the exempts from military services. In this way the government decided to

42 Sillok VII-713 lower-b
43 Sillok VIII-652 upper-b
44 On the miscellaneous duties, see Yoo Seung-won(1986), “Chosŏn Ch’ogyg Yanggin-ŭ Chapsaengnyŏk,” Chundan hakbo No. 62
45 On the flat sum system, see ibid
assign physical duties to the yangin at its convenience. But we could not find the evidence that physical duties but the special military services and inherently humble duties were assigned according to the blood lines.

2. Status groups within the yangin and the status uniformity of the yangin

In the preceding part, I have inquired into the special groups within the yangin whose privileges concerning their rights and duties were granted or restricted according to their lineage. From this inquiry, I have come to the conclusion that the descendants of meritorious retainers and those of government officials were obviously given privileged treatment, whereas the descendants of corrupt officials and the remarried women, illegitimates, and hereditary mean jobbers suffered a low treatment. I have also demonstrated that local petty functionaries belonged to those who suffered a low treatment. On the other hand, I have found it hard to decide on whether the kindred of the royal family were given privileged treatment or a low treatment. Then, the question lies in whether each of these groups should be regarded as a different status group or not.

The groups are classified into two: one is a group whose members’ status was restricted for a limited period of time, and the other is a group whose members’ status inherited from generation to generation. The kindred of royal family, descendants from meritorious retainers from corrupt officials, from government officials, and from remarried women belonged to the former. The “primogenitor” who created privileges or low treatments for his lineage did not have the same position that his descendants.

46 We may question whether the illegitimates should be regarded as a hereditary group (a group whose status was transmitted from generation to generation). For it was not precisely provided in the regulations concerning their status that they should be discriminated against forever from generation to generation. Besides, the regulations themselves were often revised in Choson (See Lee Sang-baek (1954) “Sŏ-ŭl Kūmgo Sinal” Tongbanghak-chu 1, and Song Jun-ho(1976), “Choson Sidae-ui kwagwa Yanghan nut Yangin Munkwa-wa Saengwon Chumsat-rul Chungsumuro”, Yŏksa hakbo 69, pp. 109-124.) But the regulations were not concerned with the idea that the illegitimates’ discrimination should be removed after a certain number of generations passed like descendants of distinguished and privileged families, and descendants of women who remarried. That is the reason that in The Annotated Kyŏnguk taejong, which was published in the reign of King Myŏngjong, “sons” of the illegitimates was expounded as “posterity” therefore I think it is proper that we should classify them as a hereditary group. There were not without an illegitimate who attained eminence and acquired fame, and sometimes some measures were taken for alleviating the illegitimates, discrimination. But the illegitimates’ discrimination itself was never abolished.
obtained by virtue of their lineage. His descendants were entitled to their positions, but their positions were not hereditary ones. So these groups may not well be regarded as status groups. On the other hand, the hereditary mean jobbers, and local petty functionaries (hyangmni) belonged to the group whose members' status was transmitted from generation to generation. In this case the predecessors and their descendants were engaged in the same jobs. It is this group only that should be considered as a status group. It is necessary, therefore, to distinguish between the two groups, namely, between the group whose members' positions were hereditary and the group whose members' positions were ascriptive (not hereditary).

Here I will examine the case of the descendants of meritorious retainers to illustrate the characteristic difference between the two groups mentioned above. The descendants of meritorious retainers were granted privileges according to their predecessors' distinguished services regardless of their personal achievements. In this sense, their privileges may well be seen as ascribed to their families. But the privileges ascribed to their families should be considered as different from succession. Transmission by heredity secured one succession to the position that one's predecessors had. On the other hand, the title of one's family qualified one's descendants to enter civil services, but not to get the positions to which they advanced for themselves after they had entered into government office. Furthermore, the title of one's family did not guarantee one's entrance into government office without passing the qualifying examination specially provided for descendants of meritorious retainers.

Transmission by heredity was totally concerned with one's family line or blood, while privileges of one's family rested on one's progenitor's particular merits or achievements. In other words, special favors which descendants from meritorious retainers received were concerned with the high positions which their forefathers achieved for themselves, but the privileges which their forefathers in high position enjoyed were restricted by law not only in their range but also in the number of relatives of a certain number of generations. Therefore, social favors which descendants from meritorious retainers enjoyed by virtue of their ancestors' high positions were not concerned with the positions to which they rose in each generation.

47 Unlike descendants of corrupt officials and descendants of women who remarried, the illegitimates' social status remained the same. As far as the illegitimates' status was concerned, the first generation's status was the same as all the later generations.'

48 For convenience's sake, I will call the group whose status was not hereditary but involved in the family prestige or punishment as the "involvement group"
scendants from meritorious retainers were given the social status on account of their forefathers’ prestige, but the social favors which their forefathers enjoyed were not transmitted from generation to generation. It is thus clear that descendants from meritorious retainers should not be seen as an independent status group. It is the same case with descendants of government officials.

Then, we should consider as definite status groups within the yangin sons by secondary wives, hereditary mean jobbers, and local petty functionaries. It means that we should answer the question of whether the rest of the yangin belonged to the same kind of a status group. Here it is noteworthy that we should take into closer consideration the relation between their rights and duties to answer the question. For the same status group was involved in the same relation between rights and duties.

First of all, we should answer the question of whether the people whose status as yangin was not questionable, especially, p’yŏngmin (commoners), were ensured the right to enter government service. Some historians have argued that we should not jump up to the conclusion that the Government of Chosŏn or the ruling class of Chosŏn ensured the p’yŏngmin the right to enter civil services, because any express provision cannot be found out against the p’yŏngmin’s entrance into government office. It is hard to know what proportion of the p’yŏngmin entered into government office. But we can make easy access to records which show that their right to government office was undoubtedly ensured. “Sadaebu come from farmers, whereas artisans and traders were excluded from the sadacbu,” according to Sillok (I-162 upper-a) Sillok (III-259 upper-a) also writes, “Why should p’yŏngmin not enter into government office?”

Now I am going to examine more concrete examples of the commoners’ right to government office. In the fourteenth year of King T’aegjong’s reign, the people whose dwellings were located on the side of Han River made a request to the government as follows. “We originally belonged to yangin, but simply because we have lived on the waterside we carry commodities by ships as soochamgan (ferryman) We have been mixed up with those who have lived long enough not to be identified either as yangin or as ch’ŏnmin nor to be distinguished from descendants of sons by secondary wives of low birth who were enrolled in the naval forces of Sajaegam, with the result that we fear our descendants will be banned from admittance into government office. We thus entreat you to let the sailors of Sajaegam do the humble labors so that we may engage in yangin’s services.”

49 Sillok II-45 upper-b
should keep it in mind that they wanted to transfer to other jobs because their positions stood in the way to their descendants' entrance into government office. Interestingly enough, they were not worried about their own right but about their descendants' entrance into civil services. Their positions did not get in the way to their own entrance into government office. Admitting their claim, King T'aegong ordered them to be called "sailors" so that they might be distinguished from the "navy men" of Sajegam. They could thus identify themselves as commoners whose descendants' entrance into government office was ensured.

The memorial which Cha Soon, assistant post at Kwangjŏng post-station in Kongju, Ch'ungch'ŏng province presented to the king is another example.

Posts at Kwangjŏng post-station contrived to recruit their assistants. After they had 45 man and woman posts go up into the mountains, they told the town people that men and women ran away from the town. They told the town people the lie to ask for the town people's help. They picked us (30 commoners) up from the town people, and called us "assistant posts". Then, the people who went up into the mountains returned home. We are now working as assistant posts at the station, that is as humble workers at the station who are banned from entering into government office. We, are all grieved at present position which will prevent us from entering into civil services.

The king received the memorial, and ordered the Ministry of military affairs to examine it. The Ministry discussed the matter and decided to propose to the king that those assistant posts be allowed to return to their original jobs unless they volunteered to work as horsekeepers at the station. The king accepted the proposal.

As this case clearly indicates, the commoners (p'yŏngmin) had the right to government office. Those assistant posts feared that they might be deprived of their status as commoners and so of their right to government office because they were working as assistant posts, who were regarded as one of the most representative humble workers. As they had the right to government office, the king approved their petition and allowed them to return to their regular jobs unless they volunteered for the humble services at the post station. They might have preferred easier jobs, but it is noteworthy that they called their right to government office into question to justify their claim. The government admitted that their claim was right, accepting their right to government office. Here we can clearly see that the common yangin and the government authorities were in full recognition of the yangins' right to civil services.

50 Sillok VIII-9 upper-a
Since those who were engaged in menial services were banned from civil services, any yangin properly revolted against the government authorities that recruited him to menial services. It followed that the government had to distinguish between those who were born to hereditary humble services and those whose status was mistaken. And so the government saw to it that those who were engaged in hereditary humble services were distinguished from those who were recruited to temporary humble services by way of giving the latter a new title and a new registration. Cowherds, posts and assitant posts, and inn workers were the good examples. As the case of hereditary inn servicemen shows, the government made it sure that even the yangin who were forbidden to transfer to their original jobs preserved their right to go in for the state exam.

As we have seen in the several examples above, in the early Chosön, the common yangin knew their right to government office, and the government saw to it that their right was not encroached on. Here we might well question some scholars’ argument that the government gave them the right to take the qualifying examination of state as part of its deceptive policy to appease the yangin who were recruited to humble services.

Prof. Choe Yong-ho has once discussed the case of Kim Ûi-chông, a navy man, who passed the civil service examination of state first on the list in the 32nd year of King Sejong's reign but was deprived of the first place in the palace examination (the final examination taken in presence of the king). Prof. Choe presented this case as one of the examples that the commoners (p’yøngmin) had the right to apply for the civil service examination of state, whereas Prof. Lee Sông-mu explained about the case as an example that success in the civil service examination of state was affected by the prestige of illustrious families. As we have examined the documents concerning the case, we can see that Kim Ûi-chông was placed at a disadvantage in the qualifying examination of state by Kwon Nam’s family prestige rather than by his capacity. Interestingly enough, sadaebu saw the case as very unjust. Sadaebu argued that the prestige of one’s family should not influence upon success in the examination of state. A historiographer mentioned in Sillok that the rumour was widely spread that Kim Ûi-chông

51 Yoo Seung-won, “Chosön Ch’og-i-û Yŏkni-û Simbunjok Chw’al,” pp 134-142
52 Taegon songrok, ed., Chosön Ch’ongdokbu, p 95
54 Yi Sông-mu, op. cit., p 63
was robbed of the first place in the state examination with all his excellent answers because of his humble lineage and because he had no renown. He also wrote that although the king tried to do justice to both Kim Ŭi-ch’ŏng and Kwon Nam, it was feared that replacement of Kim by Kwon would be an evil practice which might be followed in the course of time. This shows that people agreed in principle that the commoners’ (p’yŏngmins’) right to government office and application for the state examination should be ensured. Actually, the commoners, who were in full recognition of their right, did not hesitate to claim it and used to exercise it.

Here is another case of Kim Kwan in the reign of King T’aegjong (Sillok I-430 upper-b)

The examiners of the examination for the degree of saengwŏn (classics licentiate examination), one of whom was Pyŏn Kye-ryang, chose 100 applicants such as Yun Su. When the examination began in the first day, Kim Kwan knelt down to the king and said, “I, your subject, came from Sŏn-chu, your Majesty. Just now, the examiner forbade me to take the examination because my grandfather was in humble station.” The king, who felt compassion upon him, called for the director of Sŏngkyunkwan and ordered him to allow him to take the examination since his grandfather could not be identified either as yangin or as ch’ŏmin. Kim Kwan was allowed to take the examination but failed.

Anyone that was not identified either as yangin or as ch’ŏmin was not invested with the right to government office. It followed that such a person could not participate in the State examination. But King T’aechong allowed Kim Kwan to take the examination so that he might display his political liberality. The crucial point is that such a person as Kim Kwan whose status was not identifiable dared to attempt to take the examination of state, and that when he proved to be disqualified for the examination, he implored the king on his knees to allow him to take the examination.

It has generally been thought that the commoners (p’yŏngmin) did not have the opportunity for government office in the Chosŏn dynasty. As I have tried to demonstrate above, however, it was not the case. At least in the early Chosŏn, the way to government office was open to the commoners. Here we have a few examples of the fact. Conscript soldiers (chŏng-byŏng) and sailors or navy men who carried out their military duties were able to move up to the third ranks, although these advanced positions were mere sinecures. Furthermore, it was a social system that they were allowed to take the military examination of state while they were in the military.

55 Kyŏnggwuk taeŏn, p 408, p 421
service, so that they could enter into the officers' career. It is also noteworthy that in the early Chosŏn a number of institutions for teaching various subjects including confucianism flourished not only in the capital but also in the provinces, and that the commoners were granted scholarship by the state. In the early Chosŏn, thus, we can see that the commoners were not charged with heavy duties without being invested with their rights. As far as the law was concerned, the commoners were invested with the right to government office in compensation for their duties. Soldiers and navy men were given sinecures because their military duties were taken into consideration. In the reign of King Sejong, the government enlisted the paek-chŏng (butchers and the outcasts) for the military service as a means of assimilating them with commoners, on the one hand, and provided them with their right to government office, on the other. This indicates that their right atoned for their duties.

Now let us consider the rights and duties of those who were engaged in other works than farming. In the early Chosŏn, the rulers seemed to have a firm belief that military services were equal to farming. This was obviously concerned with the fact that the greater part of the yangin were farmers. But it was not the only reason that military services were regarded as equal to farming. For many of those who were not engaged in farming were seldom enlisted for a military service. They were likewise seldom employed for miscellaneous labor services. Bonzes were sometimes mobilized for temporary construction labor services, but not recruited for physical labor services at all. Shamans were exempted from any physical labor service. In my opinion, this was not because few shamans were qualified to perform physical labor services but because they deserved exemption from the services. Artisans and traders were given the similar treatment. They were also exempted from physical services. Some scholars have suggested that artisans and traders had to perform their physical services for government institutions for a certain period of time but it was not the case with artisans and traders in the capital. It has been proved that the artisans who belonged to the yangin volunteered for the services to central government institutions. It seems that the early Chosŏn neither employed the policy of

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56 Ibid, p 377
57 Sillok VII-114 lower-b
58 Sillok IV-484 upper-b "In our country the military and the people are one body, so that soldiers come from farmers"
60 See Yoo Seung-won, "Chosŏn Ch'ŏng Kyŏngkongjang-ŭn Kwanjuk" Kim ch'ŏl-jaun
assigning physical services to artisans and traders nor put into effect the law that they must not be mobilized for the services. *Sillok* says about the rights of artisans and traders as follows: "Literati (sa) come from farmers, but artisans and traders cannot take part in farming" It also says about the matter "Among four classes, of literati, farmers, artisans, and traders, the doors to government office were open to the first two, but not to the latter two whose occupations were seen as humble ones."

But it was only when an apprentice was going to be appointed as official above the ninth rank that protestations were presented against artisans' and traders' right to government office. So it cannot be asserted that either an artisan or a trader was banned from appointment to the position above the ninth rank when he was not working as an apprentice.

I doubt that one's occupation was checked up or brought into question when one applied for an examination of state or for admittance into a government school. Besides, it seems unreasonable that an artisan's or a trader's right to government office was restricted simply because his father's and grandfather's occupation was humble. No definite regulations were found against artisans' and traders' right to government office. This is not due to shortage of historical records related to the matter. Actually, neither their rights nor their duties were stipulated in any definite terms. Since they were not invested with their rights in any definite terms, they were not assigned their duties corresponding to their rights. Since they were not charged with their regular physical services provided by law unlike the other yangin, it seems that it was problematic for them to be invested with their rights corresponding to their regular services. In like manner, since the government did not invest them with their rights stipulated in definite terms, it seems to have found it hard to charge them with physical services.

Artisans and traders differed from the other yangin in that their rights and duties were not stipulated in any definite terms. But they were not hereditary status groups but mere occupation groups that were involved in the same kinds of occupations. Anyone of the yangin was free to engage in manual labor or commerce, because no regulations existed against his transferring to manual labor or commerce. In the traditional confucian society of Chosŏn, farmers did not leave their farms to become artisans or traders unless they suffered from maladministration of the government. When farmers left their farms to change their occupations, a critical situation arose in which the decrease of the number of those who could be put to physical

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* Paksa * Hwakap Kin'yŏm Sahak Nond'ŏng

61 *Sillok* I-162 upper-a

62 *Sillok* VIII-662 lower-b
service was brought about. On the other hand, it seems that the government tried to encourage artisans and traders to change their business into farming. It is unreasonable to assume that artisans' and traders' occupations were forced to be transmitted legally from generation to generation under such circumstances. The fact that artisan's apprentices in the capital were recruited by volunteers proves that hereditary transmission of artisans' and traders' occupations was not prescribed by the law. Interestingly enough, it was laid down in the statute that the descendants of porcelain makers at the Institute of Ceramics (Saongwón) could not change their business which they inherited from their fathers and grandfathers. Thus indicates that the artisans except porcelain makers were allowed to change their jobs as they pleased.

In the early Chosón, thus, any other status group is hard to be found within the yangin than illegitimates, hereditary mean jobbers, and local petty functionaries. The yangin's different positions were not concerned with their birth but with their personal achievements that they obtained through competition. So the yangin should be seen as one and the same status group of whom the status uniformity was characteristic. But the status uniformity of the yangin was not absolute in the early Chosón. Various causes were destructive of the status uniformity. More than anything else, the existence of the large involvement groups had destructive influence, direct or indirect, upon the status uniformity of the yangin. The arbitrary exercise of public power was also detrimental to the status uniformity. Some of the people who were in the military service were sometimes selected arbitrarily and transferred to miscellaneous duties. They were not awarded sinecures despite the fact that they were personnel in the military service who were called up as the state demanded. Further, a law was introduced to compel them permanently to engage in miscellaneous labor services.

The government thus did wrong to them, violating the principle of social equity. The principle of the yangin's general services was not always observed by the government authorities. For instance, only a part of the eligible persons for labor services were mobilized in accordance with the system of the fixed amount of labor.

Apart from these exceptions, the status uniformity of the yangin was remarkably well observed. The yangin enjoyed their exclusive rights to a variety of positions from which the others were banned. It has been argued that special privileges of the ruling class were primarily detrimental to the status uniformity of the yangin. But the principle of general services was

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63 Taejón husongrok, ed., Chosón Ch'ongdokbu, p. 237
applied to the ruling class. Government officials, successful applicants for
the state examination, students of the state school, and so forth were ex-
empted from physical services, but it is worthwhile to keep in mind that
such positions were open to all the yangin as far as they were not disqual-
ified for government office. Besides, the sadaebu who failed to obtain the
positions were not exempted from physical services. Even government offi-
cials who left their offices were enlisted for military services. This attests to
the general services. Royal families were exempted from a wide range of
physical services, but they were forbidden to find their way to any govern-
ment office except to the Department of royal family. They were freed
from the restriction after four generations passed, but they had to serve the
military duties to obtain their freedom from the restriction.

In the early Chosŏn, the thorough observation of the general service
obligations was irrelevant to discriminative treatment of the persons who
were placed in different positions. The system of the fixed amount of labor
service, which was incompatible with the system of the general service
obligations, could not but be put into practice because it was practically
impossible to call up for all the eligible persons. The government did not
exempt the ruling class from the service obligations nor select from the
commoners to recruit for the services in accordance with the system of the
fixed amount of service. Actually, there was a rule that the members of a
large family who were wealthier as well as kept a lot of workers should be
called up, while “conscript soldiers” should be picked up from those who
were wealthier than aiders. This rule, which was prerequisite to the sys-

tem of the fixed amount of service, followed the idea of the general service
obligations.

Some people had to be recruited to miscellaneous duties, which were paid
less than military services according to the governments need demanded.
And some of them were sometimes called up for menial services. In this
case, however, they were distinguished from those who were subjected to
hereditary menial services. This reveals that the government had a regard
for the yangin’s right to government office in its negative way. In any case,
the problems with the status uniformity of the yangin in the early Chosŏn
should be seen as deeply involved in the customs and conventions inherited
from the previous kingdom.

64 Sillok VII-653 lower-b
65 Min Hyŏn-ku, op. cit., pp. 70-81
sahak 3
IV. Grading of Status and Justification of the Grading

In the early Chosón, all the people were compelled to be entertained the firm belief that they were the subjects of the crown. According to the belief, all the people were supposed to be equal as sons and daughters of the king, so that the officials were nothing but the persons whom the king picked up from the people. That was the reason why p’yŏngmn (commoners) called themselves as the subjects of the crown\(^{67}\) who had the right to government office. At that time, the right to government office meant a kind of civil rights because the right was concerned with the people’s basic qualifications to participate in state administration as government officials.

In the course of time, however, some people came to be disqualified as the subjects of the king. Criminals were first disqualified. The nobi were criminals who were disqualified to be subjects of the king.\(^{68}\) They were not allowed to call themselves as the subjects of the crown,\(^{69}\) nor were they allowed to memorialize to their lords despite the Confucian idea of freedom of speech.\(^{70}\) So it was proper that they were deprived of the right to government office. The yangin who had their civil rights and the ch’ŏnmin who lost theirs were recruited to different physical services respectively. The nobi were obliged to be engaged in physical services as the means to pay for their crimes. That was why man nobi and woman nobi at once had to engage in physical services. In contrast, the yangin rendered physical services to the state to perform their duties as citizens. So it was only the male yangin who were liable for physical services as citizens.

The yangin were regarded primarily as the persons liable for military services because the defence of the state was their duty which should be considered first. The yangin’s military duties were the justifiable services for the state, namely, for the people’s interests and well-being. Thus, the yangin performed their military duties as the means to get square with their

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\(^{67}\) *Sillok* VIII-9 upper-a

\(^{68}\) The idea that a nobi was a criminal had a long history. As it was pointed out by Kim Sŏk-hyŏng, the fact the regulations concerning the nobi were written in the code of criminal law was concerned with that idea. It goes without saying that all the nobis were not criminals. The greater part of the private nobi had nothing to do with the crimes in fact, and also all the public nobis were not criminals (or their descendants). So it is hardly justifiable to discriminate against the nobis who did not commit crimes. Here we can see the limits of the ruling class in that they kept their nobies as the means to preserve their dominant positions. The idea that the ruling class had the right to keep their nobies because of their crimes was therefore, ideological in the long run.

\(^{69}\) *Sillok* V-94 lower-b

\(^{70}\) *Sillok* IV-358 upper-b
civil rights, that is, with their right to government office. The sirescures bestowed upon those who served their military duties were indicative of the correlation between their rights and duties, namely, between their right to government office and their military service obligations. The nobi were disqualified for the defence of the state, banned from military services because they were deprived of their civil rights on account of their crimes. To put it otherwise, the nobis were not invested with their civil rights since they did not have qualifications for citizenship. Their physical services meant the punitive measure for their crimes. Even those who did not violate the positive laws but committed an offence against the moral duties in which the ruling class believed were given discriminative treatment. In the Confucian society where one's moral obligations were regarded highly, anyone who committed an offence against moral duties deserved punishment. That was the reason that illegitimates, and descendants of women who remarried, received discriminative treatment.

The government began with excluding from the king's "civilizing measure" those persons who lacked the most in qualifications as the subjects of the crown. The nobi were the first objects of exclusion from the king's civilizing measure. The nobi were not wholly excluded from the king's civilizing measure, but were discriminated from the yangin. A number of persons who were deprived of their rights to government office by their crimes like the nobi were engaged in hereditary mental services. But the government let them belong to the yangin still in order to prevent the decrease of those persons who might be excluded from the king's civilizing measure. They were allowed to remain yangin to be won over to the king's side as the subjects of the crown, on the one hand, and were discriminated from the intact subjects of the crown, on the other. Those who were never alienated from the king's civilizing measure, namely the intact yangin had the same rights and duties in accordance with the status uniformity of the yangin. Only those of the yangin who received discriminative treatment owing to their faults formed independant groups engaged in particular occupations, whereas the rest of the yangin were favored with the status uniformity.

Several independant groups existed within the yangin, but their number was much less than the number of the other yangin who were favored with the status uniformity. So it can be said that the status system of the early Choson was quite different from the pyramidal status system which was put-in general practice in the pre-modern society. It may well say that the basic status of the yangin was not concerned with the social stratum but comprised the whole people, among whom some particular groups of people were restricted in their rights due to their defects.
V. Conclusion

The status system of the early Chosŏn was characteristic of the division of the people in yangin and ch’ŏnin, and of discriminating the nobi who were treated as ch’ŏnin from the non-nobi, all of whom were treated as yangin. As far as the yangin were concerned, the status system of the early Chosŏn was characterized by its uniformity. From this analysis of the status system in the early Chosŏn, the following two elements could be inferred in connection with the basic contradictions inherent in the society of Chosŏn.

First, the formal inequality was inherent in society as the strict discrimination of the yangin from the ch’ŏnin indicates. In the society where the nobi who comprised a remarkable portion of the whole population suffered from bad treatment and hardships from generation to generation simply because of their blood, even the other people (yangin) were hard to receive fair and equal treatment. For instance, sons of concubines and their descendants, and descendants of those who were subjected to hereditary menial services were imposed upon hard labors. The descendants of corrupt officials and the descendants of women who remarried were punished for kinship with their ancestors. These were the representative examples of the formal inequality inherent in the society of Chosŏn. These examples clearly show that the society of Chosŏn was constructed upon the status system.

Secondly, the status uniformity of the yangin, which meant their formal equality, was in conflict with their actual equality. The commoners or p’yŏngmin found it hard to compete for success with high government officials. The society was under-developed for the commoners’ education, who were poverty-stricken for attendance to school. What made it worse for the commoners, the privileges of the descendants of the meritorious retainers, the spiritual favors with which the government provided officials’ families impeded the commoners’ advance in the society. The social stratum was gradually solidified by numerous reasons which cannot be elucidated. The stratum of sadaebu established their firm foothold of power by identifying the ch’ŏnin with the nobi, taking advantage of their dominant position over the commoners’, while they guaranteed the commoners’ advances in the society in formal equal terms.

Here we have to take notice of the role of the sadaebu in the end of Koryŏ-dynasty and in the early Chosŏn, who established the yang-ch’ŏn system with the division of the people in yang and ch’ŏn. Such a division of the people in yang and ch’ŏn expanded the range of formal equality in the society, on the one hand, and led the people to experience the conflict.
between formal equality and actual equality, on the other. We also have to consider the fact that the society of Chosŏn made progress into the stage where competition was dominant over heredity. The status system which rested in the relation between the yangin’s right to government office and their general service obligations meant their formal equality but did not mean their actual equality nor their active advances in the society. But if we think that the system was of little importance on that account, we will have to come to the conclusion that civil revolutions in the western countries was of no significance. For the civil revolutions did not bring about the citizens’ actual equality but their formal equality. So what we have discussed in this paper leads us to reinterpret and revalue the society of the early Chosŏn in a new perspective.

(Chapter I to chapter III section 1 translated by Hong Soon-kwon, chapter III section 2 to the end translated by Hong Ki-chang).
## GLOSSARY

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