Wrongful Deaths: Selected Inquest Records from Nineteenth-Century Korea

compiled and translated by Sun Joo Kim and Jungwon Kim
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Wrongful Deaths: Selected Inquest Records from Nineteenth-Century Korea is a new and immensely useful translation of inquest records—mostly from the nineteenth century—by Sun Joo Kim of Harvard University, whose particular expertise is in the social history of nineteenth century Korea, and her former student Jungwon Kim of Columbia University, who has been pursuing work on inquest records since her dissertation. The translators provide annotated translations of eight inquest records (*kŏman* 檢案). The texts themselves cover an interesting range of dates, including one from the late eighteenth century, four from the nineteenth century but before the Kanghwa Treaty of 1876 which opened Joseon first to Japanese and then to European capital, and two from the period following the Sino-Japanese war of 1894-1895, during which Korea pursued a series of modernizing reforms in the context of growing imperialist pressure.

The subject matter of these inquests is immensely informative of the social context of late Joseon Korea, and reveals well the jealousies, lusts, economic conflicts, and desperate attempts at survival of villagers in late Joseon. Of course, as inquest records, they reveal these social pathologies

only when they have become so severe that they result in either suicide or murder, and so the reader can reasonably suspect that such conflicts were otherwise quite common, if perhaps generally on a less extravagant scale. The first inquest record translated in this collection records the investigation of a man who was stabbed to death and then burned in his house by the murderer. The murderer, as the investigators determined, was an angry husband whose wife had either been raped by the murder victim or had committed adultery with him. Several other cases also involve adultery, either supposed or real. The fourth case concerns a suicide, this time of a widow, Madame Chang, who was accused by another widow, Ms. Eun, of adultery and killing an illegitimate child, while the seventh case concerns the murder of a tanner by the adulterous lover of the tanner's wife. Two cases involve conflict concerning burial grounds, with the second case recording the murder of a woman, Ms. Pak, who was beaten to death by the retinue of a local magnate when she tried to remove bones illegally buried by the magnate in the grave of her late husband, and the ninth case involving the owners of a violated tomb who tortured two of the offending parties to death. Other cases involve economic and status conflicts, such as the third case, which concerns the suicide of Yi Pong-dol, who drowned himself out of desperation when a local *yangban* (gentry) man, with whom he came into conflict over a fish farm, smashed his sauce jars; the fifth case, which concerns a wet-nurse who, insulted by the man whose baby she was nursing, strangled the baby with a towel; and the sixth case, which concerns a man who beat a peddler's wife for receiving a stolen rice-cake, causing her to both miscarry and die.

The translators ably describe in the introduction the limits of these texts as historical sources. For one, inquest records were edited texts. During the Joseon period, the original investigation transcripts were rewritten to fit standard formats for the records, and were corrected to remove vulgarity or fictitious stories. As the translators inform us, these records do not "represent transparent real lives or absolute truth" (9). Still, enough of the voices of ordinary people do shine through these texts that

we may obtain new insights into their lives and thoughts.

Less emphasized by the translators is the insight that these records also give concerning the prejudices of the investigators, but for this reviewer, at least, this was a most interesting aspect of these texts. For instance, in the first case, involving the investigation into a murder by an angry husband, Hong Chin-o of the lover or rapist of his wife, the investigating officials pushed the husband to declare the relationship between his wife and the murdered man to be not a rape but an adulterous relationship—as a result, the wife was also punished by beating before being returned to her husband. In his first confession Hong Chin-o merely said that his wife had complained of harassment by Yang. It was only after several interrogations by the officials who clearly considered that to be insufficient motive for the murder that he confessed to his wife's adultery and even declared the regret that he had not killed his wife, as well. Interestingly, moreover, the role of the wife in confessing her adulterous connection was held against her. This may be seen in the wording of the inquest's conclusion to the case, "When Mr. Yang was frequently coming and going across the yard, there were many suspicious behaviors. Mr. Hong as husband became resentful and jealous. When the husband unexpectedly returned that night, the thickheaded wife said something strange. Having had prior suspicions that were now newly fanned, Mr. Hong ran straight to Yang's house, searched and got hold of a knife, and stabbed Yang again and again. … Ms. Kim, having committed adultery, dared to tell her husband words not to be spoken in order to hide traces of her own filthy act" (44). Were the words that are not to be spoken the assertion that she had been raped or committed adultery? If so, then it would seem that whatever the interrogators thought about adultery, they would very much have preferred her to keep quiet about the matter. This gives an interesting insight into the supposed emphasis placed by Joseon officials on female chastity. As is well known, female chastity was not the norm but an ideal, yet this inquest record might almost suggest that it was not so much an ideal but a poorly maintained fantasy that was barely

believed even by its official advocates.

A great merit of the translation, as it stands, is that the translators do not overload their translation with excessive commentary, although what commentary they do provide is generally excellent. Nevertheless, the translators, in their introduction, clearly reveal an intention to use this translation to comment on debates concerning social change in nineteenth-century Korea. A good example of this is the third case from 1843, which concerns the suicide of a slave, Yi Pong-dol, a man of servile origin who drowned himself after a quarrel with a prominent local *yangban* man called Sin P'il-ho. The context of the quarrel was Sin P'il-ho's act of placing a fishnet in a fish farm built by Yi Pong-dol. Yi Pong-dol removed this trap, and when Sin P'il-ho criticized him for his act, Yi Pong-dol responded angrily and rudely to Sin, shouting, "A yangban catches fish; a commoner should not?" (58). Out of revenge for this insult, Sin P'il-ho went to Yi Pong-dol's house and destroyed all the vital jars of preserves and sauces which Yi Pong-dol would have needed to survive the winter. This violence resulted in Yi Pong-dol becoming dejected and committing suicide by drowning himself in a pond.

The translators interpret this account as revealing the persistence of distinctions of social status during the nineteenth century, although they also point out that these distinctions clearly had become blurred. The response of the Joseon court officials, the translators argue, reveals a concern to limit the "blurring of social status lines … because they believed that status distinctions were the foundation of society and that laxity in such matters meant institutional instability" (55). Ultimately, the inquest did not hold Sin P'il-ho responsible for the murder, since the inquest officials considered Yi Pong-dol's rude response to Sin P'il-ho to represent an extreme violation of propriety, one which would certainly merit a scolding. In this sense, they seem to have accepted Sin P'il-ho's self-defense that, "Pong-dol's wife is a hereditary slave of my household. Pong-dol himself is also the son of a slave owned by my relatives, so the matter was related to propriety" (59). They did, however, punish Sin P'il-

ho for what might be termed conduct unbecoming a *yangban*. "As a man of well-established yangban family" Sin was expected to embody proper conduct, but instead of simply scolding Yi Pong-dol, he acted injudiciously by destroying the sauces and not acting immediately to prevent Yi Pong-dol from committing suicide. As a result, the magistrate had Sin P'il-ho subjected to one round of beating (probably around 30 strokes), although another relative of Yi Pong-dol who was also judged to have not done enough to prevent the suicide was subjected to 40 strokes.

Surely, the translators are right to see an attempt to preserve the system of social status in the magistrate's decision to broadly take the side of the *yangban* Sin P'il-ho on the subject of Yi Pong-dol's violation of propriety. The reviewer finds it most notable that Sin P'il-ho's action of fishing in another's usufruct (theft, one would imagine), was not criticized or even investigated as part of the inquest. Yet, it is key that the magistrates were policing not just Yi Pong-dol for rude language and actions against Sin P'il-ho, but also Sin P'il-ho for acting in a manner that showed little of what would be expected of a *yangban*. Additionally, if the magistrates were concerned about maintaining social distinctions, the inquest records reveal that they were fighting an uphill battle. Even the people recording the inquest, presumably responding to local village culture, did not maintain these distinctions in the proper manner. Thus, the magistrate was forced to criticize them for using the title *choi*, properly used for commoner women, for someone otherwise recorded as a female slave. The magistrate also criticized the officials for recording the surnames of private slaves.

The fourth case, which concerns the suicide of Madame Chang, provides an interesting example of the rhetorical use to which the language of social status could be put. Ms. Eun, a widow, accused another widow who lived nearby called Madame Chang of losing her chastity. Ms. Eun made this point graphically by hanging up animal bones and declaring them to be from the illegitimate child of Madame Chang. This humiliation caused Madame Chang to commit suicide. Ms. Eun was

briefly bound as a result, but was able to escape to a neighboring village. Notably, Madame Chang's own relatives did not seek revenge until Ms. Eun foolishly returned to claim her property. Ultimately, the magistrate had Ms. Eun sentenced to one round of beating and imprisonment.

In the commentary, the translators expend some effort in establishing Ms. Eun's precise position in the status hierarchy. Their reasons are that, in contrast to Madame Chang, who is given the *yangban* title "*ssi*" (氏), Ms. Eun is given the title "*nyŏ*" (女) which just means "woman" without specific status implications. The translators state twice in the notes that they assume that she may have been the daughter of a *yangban* concubine (no. 3 of 233, and no. 10 of 234). The second of the two notes annotates a statement in the inquest that "Although she carried the title of a yangban, her conduct and personal character did not befit those of a [yangban] lady" (雖有班名不齒婦女).[1] Perhaps the officials in charge did not think that she should be categorized as a yangban lady because she was the child of a concubine, but the translators provide no clear evidence for this. Indeed in the introduction the translators state that *nyŏ* was merely a title that "carries somewhat derogatory implications, though not all of the time" and even point out that it could also be used with reference to local *yangban* (*hyangban* 鄕班) women (xiv). The inquest itself is not at all concerned with ancestry, but with morality and deportment. In fact, the investigating officials seem to have exactly the same objections to Ms. Eun as they had to Sin P'il-ho above—she was *yangban* in status, but not in conduct. Madame Chang, no doubt because of her very act of suicide, was understood by the investigating officials as the very model of chastity, and thus appropriately a *yangban* lady (*punyŏ*), while Ms. Eun, whose guilt was determined by Madame Chang's very act of suicide, was marked in the inquest as a *yangban* woman who

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[1] For the original text, see *Geoman-ch'o* (檢案抄) (Seoul: Gungnip jungang doseogwan [National Library of Korea] Collection), vol. Gon (坤): 94.

had failed to fulfill the moral characteristics of her status group and so was rhetorically removed from those ranks. If she was, in fact, the daughter of a concubine, then it is interesting that the investigating officials were not interested in pursuing this matter.

That, however, is a quibble. The translation is well-written and accurate, and the commentary is informative without being heavy-handed. It would be immensely useful as a textbook in a class on the social history of the Joseon dynasty, or legal history, or indeed in a more general class on East Asian history or comparative history. So rich is the collection, and so lively are the cases recorded within, that the reviewer can imagine using it both in introductory courses and in advanced classes. For that matter, scholars interested in the legal or social history of the Joseon period, or who wish to better understand the changes that occurred in nineteenth century Joseon will find this translation immensely useful.