New Public Values and Norms in Late Nineteenth Century Korea: Reformist Intellectuals’ Visions of a Post-Confucian Society

Choong-Yeol KIM
University of Cambridge

ABSTRACT

This paper will explore the historical context of the Korean reformist intellectuals’ adoption of new public values and norms in the late 19th century. Most students of Korean political thought of the time argue that the reformists’ reception of the new values and norms was caused by external factors, that is, the coming of the West and the subsequent destabilization of the traditional East Asian international order. However, they have failed to find the mechanism connecting the changes in the international environment and the reformists’ adoption of new values and norms. This study looks for the mechanism in the change in the reformists’ way of viewing the world. The reformists supported modern values and norms, like man’s innate rights, increased liberty and equality for the common people, and the rule of law, not because they are normatively right or superb, but because they understood Western wealth and power as the result of the adoption of these values and norms. That is to say, they assessed the world on the basis of empirical observations. This factual view of the world led them to construct new conceptions of human beings and government. Through the new ideas of values and norms, human beings, and government, they intended to establish a new society. This indicates that, at least in the value system of the reformists, there was a paradigm shift in that era. However, this shift was not entirely the result of Western influences at the time because sirhak scholars in Chosŏn’s Confucian tradition had already developed this perspective of the world in the 18th century. In this respect, there is continuity between the sirhak scholars and the reformists.

Keywords: values, norms, decentering of Confucianism, empirical view of the world, paradigm shift, rights, liberty, rule of law

Koreans encountered a two-fold crisis in the three decades following 1866. Firstly, they had to overcome unprecedented challenges from the outside world, which was possible only by catching up with the Western countries’ material and technical advances. Building “wealth and power” became a new national goal, although it was not systematically implemented by the Chosŏn government. Secondly, in the midst of handling those challenges, traditional Confucian values and norms, which frequently appeared in the way that government officials dealt with outside challenges, turned out to be incompatible with the rapidly changing conditions of contemporary Korea. From the early 1880s, as the government pushed national reform, Confucianism increasingly lost its position as the foundation supporting public institutions and
culture, though it still greatly influenced the private and cultural domains of society. Building new values and norms for the public life of the people became another historical task for Koreans to deal with. Indeed, newspapers, memorials to the king, and books written by reformist intellectuals addressed this as one of the most urgent tasks of the time and suggested their own solutions.

Academic discussions on the rise of new values and norms have mainly focused on their relationship to traditional Chosŏn ones. The first-generation of scholars tackling this problem, who published their main works in the 1970s and 1980s, were largely interested in showing the modern nature of the reformists’ ideas. They assessed the reformists as pioneers of a transition toward modernity from the conservatism that was deep-seated in both the royal court and society (Yi Kwangnin 1970, 1989; Kang Chae-o 1984; Shin Yongha 1987). This approach has been criticized since the 1990s by a number of second-generation scholars who emphasized the complexity of the interactions between Confucian and new or modern values and norms. They highlighted traditional elements that remained within the reformists’ way of thinking, stressing those aspects that were continuous with Confucian ideas (Kim Hyŏn-ch’ŏl 1999; Chang Insŏng 2002; Ch’ŏng Yong-hwa 2004). This new approach reflects a recent academic trend in interpreting the modern history of East Asian countries, which looks at this history in terms of an internal or non-Western perspective, in accordance with the views of Benjamin Schwartz and Paul Cohen (Schwartz 1972; Cohen 1984). It also adheres to the general rule in history that historical development is always path-dependent.

However, excessive emphasis on the continuity with Confucian ideas seems to reverse the commonly admitted view that Korea changed tremendously in the century following 1876, more than in any other period of its history. As most students of Korean political ideas of the late 19th century accept, in the wake of that period Confucian political ideas were marginalized, as new or modern ideas adopted by the reformist intellectuals replaced traditional ones and afterwards furnished the groundwork for the principal public institutions of Korea. This paper aims to re-consider the reformist intellectuals’ political ideas in terms of new values and norms for the public life of the people. Specifically, this paper will analyze in detail enlightenment newspapers such as the Hansŏng sunbo (Hansŏng Ten-day Newspaper, 1883-1884), the Hansŏng chubo (Hansŏng Weekly Newspaper, 1885-1886) and the Tongnip sinmun (The Independent, 1896-1899), Pak Yŏnghyo’s famous memorial to King Kojong of 1888,1 and Yu Kilchun’s well-known book Sŏyu kyŏnmun (Knowledge of the West, 1895), and see whether they are more continuous or discontinuous with traditional Confucian ideas. Above all, it will draw attention to the historical context

1 Chŏn Pong-dŏk argues that Pak Yŏnghyo’s 1888 memorial exists in five sources, but in fact all these come from two original versions: one in Nihon gaikō bunsho (Japanese diplomatic documents) vol. 21, Tokyo: 1949) and the other in Asea hakpo (vol. 1, Seoul: 1965). I have mainly referred to Kim Kap-ch’ŏn’s translation which is based on these two original versions, and crosschecked it with Chŏn Pong-dŏk’s corrected original version. Whenever page numbers for Pak’s memorial are provided, they are referring to Kim Kap-ch’ŏn’s translation. For Chŏn’s explanation of the sources of Pak’s memorial, see Chŏn Pong-dŏk 1981, 119-87.
in which the reformists ardently supported new values and norms and explain why they did so by examining changes in their view of the world.

**New Public Values as Liberalism?**
The adoption of new public values by Korean reformists was a reaction to Western intrusions into Korea and Korea's consequent need to adapt itself to advanced Western material and technical standards. Indeed, most students of the history of Korean political thought of the late 19th century have agreed with this view. Going one step further, some scholars like Kim Chusŏng, Chŏng Yonghwa, and Yi Nami, without adequately considering the Korean intellectual tradition, have argued that the political ideas of the Korean reformists were based on liberalism (Kim 2000; Chŏng 2000; Yi 2000). Though interesting, given the historical context of the time, in which Chosŏn was in need of strong governmental authority and had to mobilize its population to catch up with the West, this interpretation appears to have some problems.

While in their readings of the new values in the reformist intellectuals’ works these three scholars have defined liberalism in their own ways, their definitions are essentially the same. All identify liberalism with “individual liberty” and “limits on state's authority.” So their analyses mainly focus on these two points, although Yi Nami extends the meaning of liberalism by incorporating the concept of independence as a key value, interpreting such concepts in the Tongnip sinmun like education, law, progress, and enlightenment as methods to achieve liberalism. These scholars saw the reformists’ ideas as liberal not only because the reformists employed those liberal values, but also because the works of modern Western political thought, such as John Stuart Mill’s *On Liberty*, had been translated into Japanese, and the Korean reformists who had mostly studied or stayed for years in Japan and the US were assumed to accept the values set out in those texts. But their analyses have failed to fully recognize the context of the passages in which the reformists discussed liberal values.

While “liberty” or “freedom” was one of the key concepts in the works of the reformists, another important and more frequently used concept was “rights.” The inalienable rights of the individual can be said to be the basis of liberalism. As the most popular political theory in the Anglo-American intellectual arena in the 19th century, those concepts of “rights” and “liberty” must have influenced reformist intellectuals. For instance, Pak Yŏnghyo’s definition of “rights” came from the *United States Declaration of Independence* (1776): “t’ong’ŭi (universally

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2 Western works translated into Japanese in the 19th century were not limited only to those of liberal thinkers. Rather, a variety of Western writings on ideology were translated in Meiji Japan. See Maruyama Masao and Katō Shōichi 2000.

3 The original passage in “The Declaration of Independence” is: “WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.” *The Declaration of Independence and The Constitution of the United States* (New York: Bantam Books, 1998), 53. Pak took this passage from Fukuzawa Yukichi. Indeed, in the 1880s most Korean reformist intellectuals learnt about the West through Fukuzawa.
accepted principles) refers to humans’ desire to preserve their lives, to seek liberty, and to pursue happiness.\textsuperscript{3} Here, \textit{t'ong'ūi} is the translation of “rights” as taken from Fukuzawa Yukichi’s (1835-1901) book \textit{Seiyō jijō} (The Situation of the West (1870)).\textsuperscript{4} Yu Kilchun’s division of the right of freedom into several entities like freedom of body, of property, of business, of assembly, of religion, and of speech represents the sophisticated concept of freedom developed in the 19\textsuperscript{th} century. But it remains doubtful whether the reformists fully accepted liberal-ism in their own thought and intended to reform Korea according to it. Besides the categories of liberty and rights, these intellectuals showed no preference for core liberal values like \textit{the primacy of individuality, minimal role of government, and recognition of differences or tolerance}. Their writings focused consistently on “the nation,” “the people,” or “human beings,” not on the individual. Furthermore, there is hardly any evidence to indicate their adoption of liberalism as a political tenet, beyond their employment of the concepts of liberty and rights. Yu Kilchun, for example, firmly held that liberty should be restrained by \textit{t'ong'ūi} as public morality.\textsuperscript{5}

The reformists’ emphasis on restricting the king’s power and offering more liberty to the people also needs more careful consideration. Kim Chusŏng has asserted that Pak Yonghyo’s arguments for limits on the king’s authority and the expansion of the people’s freedom are “a typical logic and strategy of liberalism” (Kim 2000, 43). Yet, in the context of the passage in question, Pak hoped that by providing more freedom to the people Chosŏn could “expect wealth and power and compete with foreign countries” (Pak 1990, 279). Pak argued for the limits of the king’s power not on the grounds of liberal ideals, but through his awareness of the historical situation of the time. His argument rested on the fact that though politics were not dictated by a king and the people generally had more freedom than Koreans in Western countries, those nations were wealthier and more powerful than Korea. Discussing political systems in the world, Yu Kilchun also argued that constitutional monarchy or democracy is better than tyrannical monarchy because the “countries on both continents of Europe and America are a hundred times as wealthy and powerful as countries in Asia” (Yu 1971, 168). He attributed the gap to

\textsuperscript{4} Pak Yonghyo and Yu Kilchun also understood the concept of \textit{t'ong'ūi} literally, so their use of it was complex. When they cited Fukuzawa’s passages, they used the term as meaning “rights.” Yet because they also understood the word literally, that is, as “universally accepted principles,” they used the term as an independent concept in the case of Pak, and as a counterbalancing concept of liberty in the case of Yu. For the origin of the word \textit{t'ong'ūi} as the translation of rights, see Ch'ŏn Pongdŏk 1981, 213-22, Kim Sokkûn 2000, 91-94, Ch'ong Yonghwa 2004, 333-38.

\textsuperscript{5} Liberalism is a broad and therefore often unclear concept so that many or most of the political ideas presented by modern European thinkers, except some opponents like Nietzsche, can be subsumed under that category. Generally speaking, liberalism was a response to two historical events in modern Europe. First, it was a result of religious wars in the 16\textsuperscript{th} century, which gave birth to the value of tolerance towards different beliefs, ideas, and opinions. Secondly, it was occasioned by the development of the capitalist economy, which strengthened \textit{individuality} and the \textit{limited role of government}. An important point in relation to this paper is that the values of “liberty” or “freedom” should be distinguished from liberal-ism, which is a more systematic worldview including political, socio-cultural, and economic ideas, theories, or programs. For a concise conceptual and historical explanation of liberalism, see John Dunn 1993, 29-56. For discussions advocating political liberalism on a philosophical basis, see John Rawls 1993 and Charles Larmore 1996, 121-51.
“the difference in the institutions and norms of governments.” His preference for constitutional monarchy and democracy over tyrannical monarchy arose from his awareness of Western wealth and power rather than his liberal ideals.

Moreover, the concept of liberalism as defined by Kim Chusŏng, Chŏng Yonghwa, and Yi Namihardly encompasses the variety of values in the reformists’ works. Along with rights, liberty, and limited government, there are values less centrally related to liberalism’s emphasis on individual liberty, like equality among those of different social status, rule of law, people’s sovereignty, division of power, and people’s self-rule in local government, which are more the values of the Enlightenment than those of liberalism. The reformists tried to introduce all good and useful public values in the light of the reality of late 19th century Korea in which not all the good and useful values were necessarily liberal. Recognizing the limits of the liberal interpretation of the reformists, Kim Chusŏng and Chŏng Yonghwa acknowledged that the reformists’ understanding of liberalism was incomplete, while Chŏng positively reinterpreted it as Yu Kilchun’s intention to adopt liberalism selectively because of the conditions in late 19th century Korea.⁶

It is therefore hard to see the reformists’ newly accepted public values as a firm embrace of liberalism as a political tenet, though some of their concepts are based on liberal values. If the reformists’ adoption of the new values was not caused by their inclination toward liberalism, then it is important to search for a more precise understanding of the historical cause for why the reformists ardently supported Western values. I have noted that their adoption of liberal values was closely linked to their recognition of the large gap in wealth and power between Korea and the West. Yet, significantly, the change in Korean reformists’ political ideas was not limited to public values but reached to their understanding of human beings and government, as the historical sources illustrate. Thus the historical context that led to such a massive change must be connected to a fundamental transformation in how they understood the world, as will be shown by the sources examined in the following section.

The Tension between a Factual and an Ethical View of the World in Chosŏn Korea

Maruyama Masao (1914-1996) aptly pointed out that in Zhu Xi philosophy the understanding of the natural world is continuous with that of the human world. “Principle” (li) in the law of nature is also a principle in humans’ original nature, because human beings, situated between heaven and earth, receive the principle of the cosmos as their original nature (Maruyama 1974, 19-31). This way of combining the natural and the human world into a continuous system led Confucians to the

⁶ Yi Nami stretched the concept of liberalism too far and, on this basis, regarded even Tongnip sinmun editors’ preference for social stability and their opposition to commoners’ participation in politics as immanent in liberalism itself. Her interpretation, however, is not very persuasive and not supported by the historical context of the cases she illustrates. In the mid-1890s, Korea was in great disorder so that, irrespective of the conservative government’s or the reformists’ worldviews, social stability was urgently demanded. In addition, the editors’ prioritization of social order is better explained in terms of their privileged social status and elitism, rather than of their liberal commitment. Yi Nami 2000, 131-88.
idea that abiding by the cosmic principles is morally right. Zhu Xi’s idea of nature or cosmos is therefore organized to obtain the ultimate source of morality in the human world.

This intensely ethical view of the world in Neo-Confucianism drove Confucians in Chosön to subordinate the practical goals of the state, or political necessity, to ethical ideals. Indeed, Confucian political ideas in Chosön were in tension between a necessity-based understanding of politics and an ethics-based understanding of politics. While the former was related to the essential elements sustaining a political community, such as national security, people’s economic sustenance, and the resolution of domestic conflicts, the latter was connected to the ideal of an ethically well-ordered society, ascribing the matter of politics to the cultivation of virtue by the ruling class, which enjoyed hegemony throughout most of the Zhu Xi-influenced Chosön era. The scholars focusing on political necessity were more interested in pragmatic subjects and studied Confucianism for the benefit of the ruled; those emphasizing ethical ideals were keen on philosophical discourses on virtue and stressed ethical cultivation of the ruling elites as a precondition for governing. In addition, while the former tended to see the natural world as it is, looking at things and affairs factually and objectively, the latter were inclined to see both the natural and human worlds through their ethical worldview.

The history of Confucian political thought in Chosön was, indeed, the development of tension between these two political ideas. Through a brief exploration of this history, we can see that Confucian political thought in the 15th century was balanced with the practical study of statecraft and philosophical ethics. Confucian scholars in this era were interested in pragmatic studies in such areas as the military and agriculture, apart from Neo-Confucianism itself. From the late 15th century, as the knowledge of Neo-Confucianism deepened, the balance gradually shifted toward philosophical ethics and the academies came to be dominated by ethical and philosophical preoccupations. The famous philosophical discussions over the structure of the human mind and heart as the fundamental ground of ethical behavior arose in this era. This interest in philosophical ethics continued into the 17th century, but from this time, specifically after the two invasions by Toyotomi Hideyoshi’s Japan and Manchu’s Qing, there emerged a more pragmatic academic orientation among a number of scholars. That pragmatism developed further and led to the so-called sirhak academic trend in the 18th century, which opposed excessive concentration on philosophical ethics and instead showed interest in the concrete life of the people, looking at the world in terms of a factual and objective perspective in contrast to the traditional ethical perspective. In the first half of the 19th century, however, this practical academic trend did not develop further, as the Chosön court suppressed Western studies, which had encouraged sirhak after their adoption by scholars in the late 18th century. Yet orthodox sirhak after their adoption by scholars in the late 18th century. Yet orthodox Neo-Confucianism faced fundamental challenges since the 1860s as the West put increasing pressure on Chosön in response to the court’s persecution of Christians and Chosön was subsequently forced to open up its ports by Japan and to reform the state in accordance with the tide of the changing
A point here in need of discussion is the effects of the Western challenge to Confucianism in Chosŏn. In the face of urgent political necessity, the ethics-based understanding of politics could no longer maintain its central position in the political realm and largely retreated into the private and cultural domain in the 1880s and 1890s. On the other hand, the necessity-based understanding of politics, in the face of the national crisis, emerged as the key concern of the ruling elites of Chosŏn. As the ethical view of the world retreated to the cultural domain, the factual and objective view of the world became the central perspective for understanding it, particularly among reformist intellectuals. In traditional Chosŏn, the factual or objective way of understanding the world was not distinct from the ethical or normative because of the latter’s centrality in the Confucians’ way of thinking. Yet, throughout the five-hundred-year history of Chosŏn, the factual-objective and the ethical perspective competed with each other in both academic and political dimensions. The emergence of sirhak scholars and subsequent competition with orthodox Neo-Confucianism in the late 18th century was a representative case. The sirhak scholars developed the factual or objective view of the world and saw the natural world as it is, concentrating on the practical needs of the state instead of their predecessors’ preoccupation with philosophical discourses on ethics. However, the sirhak scholars did not fully separate the time-honored ethical view of the world from their factual or objective view of it. Due to their deep-seated Confucian cultural background, scholars held the two different perspectives in harmony within their own worldview. Yet, in the mid-19th century the separation between the two views widened as a result of the radical changes taking place in the East Asian world as the Western impact destabilized the traditional order of that region. Now, within the reformist intellectuals’ works the Confucian ethical view of the world became marginal; in contrast, the factual or objective view of the world occupied the central position in their worldview.

Interestingly, the reformist intellectuals’ reception of the new values and their new conception of human beings and government in the 1880s and 1890s were deeply related to their adoption of the factual or objective perspective of the world.

**New Paradigm of Value Systems**

I would like to first explore how the worldview changed for the reformist intellectuals in the 1880s by looking into their writings. The understanding of the world characteristic of the Hansŏng sunbo and the Sŏyu kyŏnmun constitutes a representative case, as it was one of modern geography as a field of natural sciences. The editors of the Hansŏng sunbo and Yu Kilchun began their writings with scientific information about the earth as a planet and about the natural world, an approach drastically different from Confucian cosmology. In the Sŏyu kyŏnmun, for example, Yu first explains the earth in relation to the scientific knowledge of the solar system, and then examines both the natural and human world on the globe, concretely describing its continents, countries, human races, mountains, oceans, and rivers. They must have deliberately prioritized this knowledge for the purpose
of enlightening the people about this new perspective on the world. The reformists’ factual perspective of the world went further to encompass a shift in their view of the meaning of civilization. Countries on the globe were compared to each other on the basis of a variety of statistical data indicating their standard of material civilization. For example, in the Hansŏng sunbo nations were mainly assessed upon their wealth and power by means of statistical data, such as the amount of tax revenue, expenditure on the military, value of trade and commerce, the size of their population, army, and navy, the length of railroad tracks, and the amount of arable land. In this objectified world, China was no longer seen as occupying a central position as Korean Confucian scholars had traditionally believed.

This factual view of the world also led the reformist intellectuals to grasp the relations among nations of their time more realistically. When the traditional China-centered international system in East Asia—with its characteristic integration of “difference of power among nations” and “individual country’s autonomy” into a hierarchically ethicalized international system—collapsed, the East Asian world was incorporated into the global international political order, divided by nations’ factual difference in strength, although the normative idea of equality among sovereign states was supported by international law. The reformists’ factual point of view of the world order is clearly revealed in the Hansŏng chubo. An article on diplomacy in the May 24, 1886 issue of the paper stated that: “International treaties and laws are nothing other than a means for wealthy and powerful countries to rationalize their wrongdoings and rebuke others and for those countries to benefit themselves.” In most of the articles on international politics in the paper, the editors focused on reality rather than normativity.7 Pak Yonghyo also expressed a practical view of international politics in his memorial to King Kojong, placing the current international political environment as the first among the eight articles on national reform: “There are international laws, balance of power, and public opinion [as theoretical means for protecting weaker countries from stronger countries]; but if a country does not have sufficient power to sustain itself, it will be divided; its territory will be seized; and it will not be able to maintain national sovereignty. International laws and public opinion are by their nature not to be trusted in” (Pak 1990, 254).8

An important point here is that the most commonly-mentioned public values by the reformist intellectuals, like “rights,” “liberty,” and “equality,” were stimulated or mediated by factual and objective understanding of the world. The

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7 The issues of August 23, 1886 and October 4, 1886 of the paper also contain similar ideas.

8 Yu Kilchun’s approach to the international political order in Soyu kyonmun is more theoretical. He aimed at clarifying the rights of individual states on the basis of modern international laws. In this regard, he redefined traditional China-Chosŏn hierarchical relations as those of sugongguk (suzerain state) and chuŏnggongguk (tributary state). Given that he admitted the two countries’ relations had been based on their real difference of power, he is realistic; but his view is not simply passive because he made an effort to interpret Chosŏn Korea’s current international position as an “independent state” entitled to conclude diplomatic treaties with foreign countries, though still a tributary to China. Chŏng Yonghwa provides an ample background explanation of Yu’s view of international relations and argues that Yu had a realist and prudent point of view of contemporary international relations. See Chŏng Yonghwa 2004, 152-231.
new public values were drawn from the reformists’ search for the factual reasons of the Western countries’ wealth and power. The key values were the ones that the wealthier and stronger Western countries adopted. So the reformists championed these values with the intention of catching up with the West, not because they espoused liberal ideals on their own merit.\(^9\) For example, in the November 10, 1883 issue of the *Hansǒng sunbo*, the editors wrote:

> In European countries, as long as a person’s act does not harm society, he can pursue what he wants without any restriction by the authorities and without being vilified by others. This is called the rights of freedom. By preserving these rights, on a large scale nations are wealthy and powerful and on a small scale a person can keep his rights. In contrast, in countries on other continents, although a person’s act does not harm society, the authorities prohibit it or neighbors vilify him. For instance, it is just like how lower-class people or slaves cannot ride a horse on a main street, though they have a horse, and cannot build a big house, though they have enough money.

Pak Yǒnghyo also insisted that in order to achieve wealth and power liberty must be given to the people: “If all subjects have the right to liberty and a king’s power is limited, then both the subjects and the state will flourish forever. Yet, if subjects do not have the rights to liberty and a king’s power is unlimited, then, though the state may be very powerful for a time, this state of affairs will not last and it will decline” (Pak 1990, 287). Therefore, “if a country really wants to become wealthy and powerful, it will have to limit the king’s power and provide legitimate liberty to its people and let them bear duties for their country” (Pak 1990, 279-80).\(^10\)

Moreover, this factual understanding of the world made the reformists adopt the idea that “all people under heaven were born with equal rights.” Contrary to the general perception in Chosŏn, where men were taken for granted by nature to be different in being wise or foolish and privileged or low-born, the factual point of view of the world led the reformists to assume man’s inborn equality. For example, the February 7, 1884 issue of the *Hansǒng sunbo* reads:

> The unshakable foundation of Western countries’ ruling institutions is that the sovereignty of the state lies in the people and all power comes from the people. This is due fundamentally to the fact that all people are equal. When we look around heaven and the earth, the reason why there is sunshine is because the sun exists, and the reason why there are rainy and

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\(^9\) According to Benjamin Schwartz, a modern intellectual of China, Yen Fu (Yan Fu in pinyin), also understood the Western values like freedom, equality, and democracy as immediate “means to wealth and power.” On the other hand, Yen Fu developed his own thought on social and political idealism mainly on the basis of Herbert Spencer’s evolutionism, where he saw one of the key factors of historical development, as shown in the case of the West, as the liberation of “the individual’s energy of faculty.” As far as the Korean reformist intellectuals of the late 19th century are concerned, they did not seem to develop systematic ideas on the nature of the modern West’s power and of its thought and social formations, although they understood the different values and political systems of the West. See Schwartz 1964.

\(^10\) Yu Kilchun also argued this same point. See Yu 1971, 148-49.
windsy days and all things on the earth flourish is because there are wind and rain. There is no difference between the privileged and the low-born in that when they are cold they need clothes and when they are hungry they seek meals. A king and his retainers do not have longer hands and feet and more ears and eyes than the common class of people. From this, we think that a country's laws should come from all classes of people, not from a single person.\footnote{In order to avoid blame for this radical idea within the editorial, the editor made it clear that the news clip was a translation of an article from a Western newspaper. But the point is that this radical idea was published for a Korean audience.}

Pak Yonghyo also defended the same idea: “Heaven produced all people so that all people are the same and have inalienable tong’ui (rights). Tong’ui indicates man’s desire to preserve their lives, seek liberty, and pursue happiness” (Pak 1990, 288). In line with this, he claimed that the government must not discriminate against people according to their social status, and must not assess the value of people based upon their family origins, and he advised King Kojong to give to women and wives rights equal to those granted to men and husbands (Pak 1990, 289-90). This indicates that the factual view of the world led to a new concept of humanity, which can be termed “man with innate rights.” The word “equal rights” (tongdungjigwôn) was a pivotal concept in reformist works. It was commonly used by them to re-constitute their conception of human beings.\footnote{“Rights” was the most commonly used term among words connected to values in the Tongnip sinmun. According to Kim Tong‘aek, jwolli, meaning “rights,” was used 471 times throughout the whole period of its publication (April 1896-December 1899), while chayu, meaning “liberty” or “freedom”, was used 75 times in the same period. See Kim Tong‘aek 2006, 189-225.}

This recognition of “human beings’ innate rights” was, furthermore, extended to re-conceptualize the government. A government was reinterpreted as an organization existing in order to protect its people’s rights. Pak Yonghyo understood a government in this sense: “the original intention that people established a government was to stabilize their tong’ui (rights).” According to him, people can “overturn and establish a new government,” “if a government dislikes what people like and likes what people dislike” (Pak 1990, 288). Yu Kilchun also understood a government in the same context: “the original intention of establishing a government is for the sake of people” and “an important function and a fundamental task of a government is to build and preserve people’s security and well-being” (Yu 1971, 160). This new conception of a government was inherited by the editors of the Tongnip sinmun. The core political idea of this paper is interpreted as a shift of political legitimacy from the traditional kingship to the common people. The people were now seen as the “chuin (owner) of the state” and the government officials were regarded as “employed” (koyong). (Tongnip sinmun November 16, 1898, May 6, 1899 [hereafter TS].) The editors also claimed that “from the people’s point of view, if a government does not perform tasks for the sake of the people, forcing the government to perform tasks for the sake of the people is the duty of the people” (TS January 11, 1898). This new conception of government
had a deontological sense in the context of late 19th century Korea. The reformists were mostly critical of the current government of Korea and actively participated in political action to produce national reforms.

So far, I have discussed how the change in the worldview affected the reformists’ adoption of new public values and, then, their reception of the new idea of human beings and government. Even though their new perception of the world did not give rise directly to the ideas of the innate rights of man and people’s government, the former must have encouraged the Korean reformists to establish the latter. It was this change in the perception of the world that stimulated the reformists to accept modern political ideas as an alternative to the old Confucian ones. A series of changes at the time in worldview, in public values, in the understanding of human beings and government can be classified, in this regard, as a shift of paradigm. The Confucian paradigm of value systems was superseded by the modern paradigm.13 This way of viewing the transition suggests an alternative perspective to the recent view of “continuity” between traditional and modern values.

The continuity perspective has recently been argued by a number of scholars, but most seriously by Chŏng Yonghwa and Kim Hyŏnch’ŏl (Chŏng 2004; Kim 2000).14 Chŏng has developed a positive interpretation of Yu Kilchun’s use of the term “t’ong’ugi” or “universally accepted principles” which Yu used as a counterbalancing concept of liberty, as Yu’s judicious acceptance of the Western concept on the basis of his own Confucian values. It is understandable to see Yu’s emphasis on the limits of liberty in terms of his Confucian pre-understanding. But Yu as a modern intellectual never championed Confucian values as the basis for the modern reform of the state in his book. Thus, the characterization of Yu’s thought becomes a matter of where to put the focus. While the commonly accepted idea of Yu as “a moderate reformist” emphasizes his discontinuity with tradition, Chŏng’s interpretation of Yu as “an intellectual who accepted modernity on the basis of tradition” stresses his continuity with Confucian traditions. The key point, then, is to clarify the source of Yu’s “moderateness.” Chŏng attributed this mainly to Yu’s Confucian way of thinking. Yet other evidence shows that Yu’s moderateness stemmed from his prudent, realistic, or perhaps even elitist understanding of the situation of Korea in the 1880s. For example, explaining several political systems in the world, he insisted that it was too early to provide all Korean people with the rights to participate in politics: “In a country whose people lack in knowledge, the rights to political participation should not be given. If ignorant people imitate other countries’ great political systems without being educated first, a massive disturbance will take place. Therefore, the authorities should discuss the matter

13 The term “shift of paradigm” was first used by Yi Wŏnt’aek. He used the term to explain the radical change in Koreans’ way of thinking in the late 19th century, but he did not suggest how this paradigm shift in thinking was evidenced. Yi Wŏnt’aek 2008, 60-83.

14 The continuity perspective has mainly been taken when scholars interpret Yu Kilchun’s political ideas. See Chang Insŏng 1999, 58-102; Yi Chong’ŭn 2004, 27-50; Kim Pongjin 2009, 65-104; Pak Ch’ungsŏk 2010, 477-525.
of government system only after educating its people and providing them with the knowledge of how to participate in state affairs” (Yu 1971, 172). Likewise, Yu's preference of constitutional monarchy over democracy as the best political system and his criticism of the radical reformists can be ascribed to his prudent or realist view of Korea at the time. Thus, Yu's character as a moderate reformist comes, above all, from his realist view of Korea's situation, and this may be a reason why he cannot be viewed as a thinker in the Confucian tradition. Furthermore, if the continuity with the Confucian tradition is stressed, Yu's self-conscious efforts to redefine the old hierarchical international relations between Ming and Qing China and Chosŏn in terms of normal relations between equal sovereign states would be hard to explain. Although Yu believed that the traditions of the king's authority and the monarchy should be preserved, he cast doubt on many other Confucian traditions. Given this, it is reasonable to emphasize his conservative approach to national reform rather than his continuity with Confucian tradition.

Kim Hyŏnch'ŏl adopted the same perspective in interpreting Pak Yonghyo's 1888 memorial. He focused on the fact that Pak cited many passages from classical Confucian texts to support his argument. For example, Pak quoted the famous passage in the Shujing (Book of Documents)—“people are the foundation of the state and only when the foundation is firm will the state be stable”—in order to define the role of government as “the protector of the people and the preserver of the state.” Given his Confucian education when he was young, his citations of Confucian classics are not surprising, and as Kim emphasizes, the complex existence of both traditional and modern thought within him is evident. However, as far as values for the fundamental basis of public institutions and culture are concerned, he did not support the traditional ideas of humanity and society. Rather, he sharply criticized the Confucian view of them, defending modern values like people's liberty, abolition of the traditional social status system, people's natural rights, limits to the king's power, and the separation of powers. Likewise, Pak did not urge the king to cultivate his ethical virtue (susin) as the precondition of righteous governing, as traditional Chosŏn Confucians commonly attributed the misrule of the state to its lack. On the contrary, the passages he cited were practical precepts related to political necessity, as found in texts like the Mencius and Shujing, and military texts by Sun Wu (孫武, c. 544-496 BC) and Wu Qi (吳起, 440-381 BC). His advice to King Kojong on national affairs was all on practical issues, such as tightening law and discipline, creating economic development, enhancing people's health, increasing the military power, expanding people's education, art and culture, and making governing upright. As Kim points out, Confucian thought survived even after the shift of paradigm, but the traditional ideas that survived in the public space were those that conformed to the new paradigm of the world.

Ultimately, the outlook on both the natural and human world, human

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15 Choong has explained that Yu Kilchun judged national affairs upon their real contexts and situations, as Yu himself used the expression “sise wa ch'oji” (temporal situations and given conditions). However, Choong did not give adequate weight to this.
beings, and a government in the reformists' works was largely discontinuous from the Confucian viewpoint. Although Confucianism still had great influence in the private and cultural sphere, in politics there existed a sharp disjuncture between Confucian and modern values from the perspective of the reformists. This radical change in the paradigm of value systems was not much different from the change in public norms at the time.

Law as Public Norm
The decentering of the Confucian paradigm in the political arena signaled the virtual collapse of the old public norms in Chosŏn Korea, which combined “ye” (ritual propriety) as a moral norm informed by Confucian ethics, and “law” mainly as administrative and penal codes. Specifically, as ye lost its authority as a public norm in accordance with the unsettling of the Confucian social system, re-establishing public norms supported by new public values became an urgent historical task. Most publications written by the reformist intellectuals reinterpreted law as a system of rights and defended it as a new public norm.

The true condition of traditional public norms is disclosed in a speech by a high official, Chŏng Pomjo (1833-1898), in a dialogue with King Kojong about national problems in 1892. In the dialogue, Chŏng said:

As far as the current situation is concerned, the people's destitution is growing worse day by day, and the recent drought has only added to these difficulties. Reports from local provinces are nothing but startling … Now, the ways to care for the poor people and the measures to help them relies on local magistrates, yet will they do their best in soothing the people and will they treat Your Majesty's worries about the subjects with deference? In recent years, law and discipline became loose and shame collapsed, so that there has never before been local magistrates who were so corrupt or made such harsh extractions as those today. Extorting money from the people is regarded as competency and exacting with draconian methods is thought talented; when one does not do so, he is simply regarded as a gentle but useless man. It is deeply lamentable to say this to your Majesty (Kojong Sillok 29/06#/25; italics added).

In his speech, Chŏng mentioned two points in relation to public norms. Firstly, he emphasized that the two resources of social regulation in Chosŏn were in crisis, that is, on the one hand, “law and discipline became loose” and, on the other, “shame” or moral virtue “collapsed.” Secondly, he revealed that local

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16 For the historical development of Korea's legal tradition and customs with an emphasis on the formation of civil codes under the Japanese colonial authorities, see Marie Seong-Hak Kim 2012. Specifically, for the legal tradition in the Chosŏn dynasty, see chapters 1 and 2.

17 Ye is a comprehensive concept which covers the areas of values, way of behaving, rites, and even institutions and customs. It is a norm based on hierarchical social status and encompasses various levels of relations between individuals, families, and states. Ye is regarded as a primal norm ahead of law in Confucian Chosŏn. For a brief explanation of ye, see Yi Wŏn'aek 2008, 67.

18 Because the ideal of an ethical community had maintained intellectual hegemony through orthodox Neo-Confucianism, law did not develop much in Chosŏn except as administrative and criminal legal codes. Although law was a significant means to regulate society, especially the common people, it was
magistrates became corrupt and lost the integrity required to rule. Chōng's speech described the real picture of local (mis)governance in Chosŏn in the early 1890s, which eventually led to the Tonghak peasant rebellion in 1894. The message of the dialogue was that the traditional social norms in Chosŏn virtually disintegrated in the 1890s.

Yi Wŏntaek has already sought to explain the decline of the old system of norms and the emergence of a new one in this period in terms of the transition from the system of Kyŏngkuk taejŏn (Great Code of Administration) to the Taehanguk kukche (Great Korea's Constitution), characterizing it as a change from rule by ye to rule by law (Yi 2008, 60-83). His stress on “change” between the two systems, however, is unconvincing. Two legal codes within the Kyŏngkuk taejŏn system, that is, the Kukcho orye ûi (Code of the State's Five Ye) as a code of ye and Daminglü (The Great Ming Code) as a code of criminal law, changed into Taehan yejŏn (Great Korea's Codes of Ye (1898)) and Hyŏngpoṁ taejŏn (Great Code of Criminal Law (1905)), but without much difference in their contents, as he admits. The most striking change in law in the reign of King Kojong was the establishment of a modern court system in 1895, and the enactment of the Taehanguk kukche in 1899, which clearly stipulated the absolute power of the monarch. Of great significance, however, is the fact that the two came from very different intellectual backgrounds. While the former was a progressive measure taken by the reformers, the latter was a reactionary measure taken by King Kojong and the conservatives just after the

conventionally regarded as a subordinate to morality. For example, following the tradition of Confucian view of law, Yi Hwang argued in his memorial to young King Sonjo that governing people by teaching morality is a central method and governing them by law is a subordinate method. As teachers of morality to the people, the ruling class of Chosŏn was required to cultivate moral virtue.

Law in Chosŏn was continuously augmented throughout the whole period of the dynasty and had some rationality as positive law. Chŏng Kungsik argues that Daminglü (The Great Ming Code), the key penal code in Chosŏn, had the principle of nulla poena sine lege, though less so than modern Western law (Chŏng Kungsik 2008, 110-38). Yet, since the ideal of rule by ethical teaching was strong, punishment was understood as a means to achieve the ideal of no crime and punishment. Thus, punishment was largely harsh in order to enlighten people so that they would commit no crimes (Chŏn Pongdŏk 1981, 52-54). This conventional conception of law lasted even into the late 1890s, so that, for instance, when a former government official, Kim Hongnyuk, attempted to commit regicide in 1898 by putting opium in King Kojong's coffee, conservative officials insisted on the restoration of old draconian punishments. A memorial presented by conservatives represents the traditional conception of punishment: “The intention of sages in establishing laws was not made because they dislike saving people's lives or they like killing, but to warn people by punishing one [harshly as an example] in order to make punishment disappear” (TS October 5, 1898). For a general introduction on law in Chosŏn, see Chŏn Pongdŏk 1981, 11-54. For law as criminal code in Chosŏn, see Cho Jiman 1999. For the role of morality in legal cases, see Yi Chŏngmun 2010, 227-52. The Tonghak peasant rebellion reflected the domestic crisis of Chosŏn in the mid-1890s. It was in the continuum of a series of peasant uprisings which were taking place after the late 1880s. The rebellion was triggered by a local magistrate's illegal acts in Cholla province and soon developed as a massive peasant uprising as the peasants were associated with the organization of an indigenous religious sect Tonghak (Eastern Learning), which was prevalent in the southern provinces at the time. The peasants defeated the government army and drove the court to accept their demands. On the other hand, however, the rebellion provided a motive for neighbor countries' direct intervention in the domestic politics of Chosŏn and then the Sino-Japanese war. For the understanding of Tonghak thoughts and the peasant rebellion, see Shin Pongyong 2006.

According to Pak Pyŏngho, Hyŏngpoṁ taejŏn was established with reference to existing bodies of law, such as the Taejŏn hoet'ong (Great Codes Collected) and Daminglu (The Great Ming Code). The new body of law created after 1894 maintained traditional laws. Pak Pyŏngho 1987, 429.
collapse of the reformists' mass street demonstrations in 1898. Yi did not recognize that what he called the Taehanguk kukche system was continuous with the Kyôngguk taejôn system and what was really a break with the latter was the reformists' ideas of law and their recasting of legal institutions in the kabo reforms.21

Among the works by the reformist intellectuals, Pak Yonghyo's memorial and Yu Kilchun's Sôyu kyônmun explicitly depicted law as the new public norm. Distinctive to both was their recognition of the two main roles of law in society. Pak's understanding of law, at first glance, seems limited to its traditional concept as a means to maintain public order. Yet, it was obviously modern in that his proposals for the reform of the legal system were based on a modern understanding of it as a system protecting people's lives, liberty, and property. He emphatically stressed the idea of "equality before the law," which was contrary to the traditional discrimination in legal applications according to offenders' social status.22 This modern conception is clearly illustrated in his proposal to establish a modern legal system by specifying twelve points like establishing legal courts, repealing egregious punishments, and introducing the principle of nulla poena sine lege (no penalty without a law). His suggestions in the memorial became real institutions through legislation when he took charge of the Ministry of the Interior in 1895.

Yu Kilchun's discussion of law was more systematic as he well understood the two main roles of law in society.23 He wrote that "the fundamental intention of law was to respect a person's rights and preserve them" and "if there were no law, rights would hardly exist" (Yu 1971, 138-39). In several parts of his work, he repeated the same argument. Furthermore, his insistence on law as a system of rights was balanced with the concept of law as "a magnificent tool maintaining public order" (Yu 1971, 282). Law can limit a person's rights in order to "maintain a public end, which is to make the public live well together" (Yu 1971, 138). In this regard, he compared law to an army commander and rights to a private soldier, stating that only when each person observes their duties can law and rights be arranged properly (Yu 1971, 139).

21 To use a modern term, both the Kyôngguk taejôn and Taehankuk kuche functioned as a constitution, but the two are starkly different. The former does not mention the king's prerogatives, while the latter stipulates the king's absolute rights in eight out of its nine articles. These differences reflect the different contexts of the Chosôn king's authority. When the Kyôngguk taejôn was established in early Chosôn, the king's power was strong, but when the Taehanguk kuche was promulgated, the king's traditional authority was being seriously challenged. King Kojong intended to clarify his unlimited power as king in the form of a constitution.

22 According to the criminal law section of Taejôn hoetong, the yangban class could not be imprisoned without the king's approval and in a legal hearing yangban were allowed to submit their reply in writing instead of presenting themselves. Yangban were judged at Üigumbu, a central government office treating legal cases, instead of a local magistrate's office. Chôn Pongdok 1981, 49.

23 There are a number of studies that analyze Yu's reformist thought in Sôyu kyônmun, but studies that focus on his legal ideas are rare. Exceptionally, Chôn Pongdok highlighted Yu's legal ideas in the Sôyu kyônmun on jurisprudential terms and concluded that his legal ideas were conservative and still largely limited by traditional Chosôn's legal conceptions. Considering whether Yu's thought continued or broke with traditional legal terms, Chôn emphasized continuity. See Chôn, 1981, 227-52. For more recent studies that focus on Yu Kilchun's reform thought, see Yu Yongik 1992; Kim Pongnyol 1998; Chang Insông 1999; Chông Yonghwa 2004; Kim Pongjin 2009.
A peculiarity of Yu, in contrast to Pak, is his moderate standpoint on legal policy. While Pak demanded a radical reform in the legal system, Yu believed that a country could develop satisfactory laws simply by revising existing laws instead of creating new ones (Yu 1971, 287-91). He wrote that “only when it is befitting of a country’s customs and institutions can law become public principle” (Yu 1971, 291). In this context, he admitted the king’s rights and role in legal administration, stating that “the king has the right to legislate,” as was thought traditionally (Yu 1971, 283). However, he made it a proviso that the king must “take care of the rights of the people and protect and guide them” (Yu 1971, 283-84). He also championed the Confucian understanding of rule by prioritizing governing people by teaching morality over governing them by law (Yu 1971, 284-85). This seemingly contradictory viewpoint on law appears to have come from his very moderate and prudent perspective on the reality of contemporary Korea.

In sum, Pak and Yu’s understanding of law was based on a very modern view, although they still maintained morality as a means of social regulation. They had a far more sophisticated understanding of law, which included a new meaning of law as a method for protecting people’s innate rights. The rediscovered law, which was fit for new public values, gained force by being institutionalized in the kabo reforms, but competition between the old and the new notion of law persisted. The Taehankuk kükçe (1899) was the result of a mixture of the traditional concepts of government with a modern, constitutional form.

Law in the Tongnip sinmun

Law, as presented in the Tongnip sinmun, is different from Pak and Yu’s theoretical understanding of it in that the paper shows the real context in which law had become the only possible public norm in Korea at the time. As the frequent use of the word pŏmnyul (law) in the Tongnip sinmun indicates, Korea desperately needed the rule of law, not only because social disorder was prevalent, but also because traditional social norms had virtually collapsed and public culture was increasingly on the decline. The editors thought that the “rule of law” was the only available option for restoring social stability and rebuilding public culture.

The domestic situation of Chosŏn concerning public order in the mid-1890s is clearly revealed in the editorial of the third issue of the paper:

The people of Chosŏn do not seem to clearly know the difference between loyal subjects and rebels. So, today, we would like to discuss loyal subjects and rebels. We think that a loyal subject is none other than a person who obeys the law and a rebel one who does

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24 According to Kim Tongtaek’s survey, the word pŏmnyul was used 821 times in the paper; Kim Tongtaek 2006, 223.

25 Systematic research on the concept of law in the Tongnip sinmun has been conducted by Chŏn Pongdŏk. He interpreted law as being mentioned in this paper in the modern sense, analyzing it on jurisprudential terms. Yet why the word was mentioned so frequently should be understood in terms of its social context, not its jurisprudential significance. See Chŏn Pongdŏk 1981, 264-309. For other studies which address the legal ideas of the paper, see Shin Yongha 1976, 311-16, 341-47; Ch’oe Chonggo 1981, 299-325; Kim Minhwan 1988, 160-71; Kim Hongu 2007, 753-856.
This editorial carries the simple message that, by observing law, people can protect their lives and become faithful subjects. Yet it implicitly confirms the reality of Korea at the time in which social order was seriously shaken after a series of political incidents from 1894 onwards. In April 1896 the country was still in turmoil in the wake of the Tonghak peasant rebellion, the Sino-Japanese War in Korea, the pro-Japanese reformist government's radical reforms, the murder of Queen Min, and King Kojong's escape to the Russian legation. In the midst of these incidents, peasant rebels swept across the southern provinces, bandits haunted the countryside, and righteous armies raised their banners against the Japanese and the pro-Japanese government. The statements quoted above exhorting people to observe laws were raised in an effort to stabilize the chaotic situation of the time. Under such circumstances, invoking law as a constraining norm to secure social order was inevitable, leading to the high frequency of references to law in the Tongnip sinmun.

But a closer reading of the Tongnip sinmun makes it clear that the emphasis on law was intended not merely to preserve social stability but also to establish new mores for society. In the wake of the dramatic events following 1894, the public culture of Chosŏn was in serious disrepair. In many editorials, the paper disclosed the corrupt realities of the public space and argued for the “rule of law” as a public value to correct them. One of the commonly mentioned problems the paper revealed was the ruling class' loss of morality and rampant corruption. Ever since the traditional system of norms was critically destabilized, local magistrates and lower officials lost a sense of public spirit and pursued private interests by extorting money from people, making rich commoners poor. On the other hand, positions in local government often became the object of trading.26

The collapse of the government officials’ public spirit engendered a sharp decline of social mores as seen in the following editorial:

Let us talk about the current situation in Korea … Imagine a person who manages a farm. If he works hard and harvests sufficient crops, he can sell his surplus products to markets and with the profit he can buy oxen for farming and build a tile-roofed house instead of his former grass-roofed house. In this case, it is reasonable for the government to protect his property, and, because he pays more tax than others, the law should allow him to flourish all

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26 Two editorials of the paper that vividly present the current situation of Chosŏn can be found in TS August 15, 1896, December 8, 1896.
the more. But in Korea this person can easily lose all his property, because the government officials extract money from him by threatening him with groundless accusations of crime, or by naming him as a member of the Tonghak (Eastern learning) or ǔibyon (righteous army), or by blackmailing him for impiety to his parents or for family discord. In addition, members of the gentry (yangban) borrow money from him and do not repay it. If he demands that they repay the loan, they [falsely] accuse him [of some crime] at a local magistrate's office and, in the end, reduce him to poverty. Everybody would like to have a fortune, but who would like to make one in this situation? Some rich people, after witnessing these illegal acts, are afraid of their being placed in the same situation. Thus they try to avoid them by irregular methods … Specifically, they form a connection with a central government official in return for a bribe so that he will save them if they suffer from that kind of local officials’ illegal acts. They might buy an official position that does not require any real work or a real position by paying 200 won for chusa (a clerkship) or 2000 won for a won (官, a chief of a town), where they can earn up to 800 won a year. At times, they also have to give presents to government officials. Thinking about these situations, we can understand how miserable they are. But it is really distressing that even though Koreans suffer from these illegalities, they do not even bear any strong resentment (TS April 19, 1898).

This deterioration of public culture was also seen to be linked with the traditional culture of ch’inch’in (親親, treat as close those who are close), social relations based upon kinship.27 Such relationships had formed the legitimate basis of Confucian society, but by the 1890s it was regarded by the editors of the paper as a serious social ill distorting the whole public order of society. The deep-rooted social bias that favored those connected by kinship was seen as one of the fatal maladies of society:

Once the two characters, sajŏng (private connections), disappear, all of the affairs of Chosŏn will prosper. So, we hope that those who love Chosŏn, regardless of whether they are authorities or the common people, will think about things in the interest of the public and act accordingly … If the government and the people cooperate and deal with things in a fair and honest way, then we believe that in a few years Chosŏn will be treated as a dignified country among countries in East Asia and that the state will become wealthy and the people will be comfortable (TS May 28, 1896).

In the September 1, 1896 issue, the paper repeated the same idea that if the government officials work only on the basis of kongpyŏng (fairness), eliminating sajŏng, then, all people of Chosŏn will trust them. As the traditional norm

27 Ch’inch’in and chonjon (尊尊) reflect two basic principles of Confucian social order. While ch’inch’in regulates private relations between people, chonjon meaning “treat respectfully those who deserve respect,” regulates public relations in society. The two principles, that is, the close/remote and the high/low, functioned as a basic structure of all human relations in traditional Korea. For example, the relation of father and son is close but hierarchically divided, so the father is high and son is low. This relationship is applied beyond a familial boundary and reaches all human relations in public domains. When these two principles collide, generally ch’inch’in was regarded as more important than chonjon. For the concepts of ch’inch’in and chonjon and their Confucian foundation, see Yi Ponggyu 1993, 805-49.
which relied on individuals' ethical virtue became discredited, and the culture and customs based on familial kinship gradually came to be seen as distorting the public order, new public norms were needed to regulate a person's external behavior by clearly stipulating wrongdoings and their punishments in legal codes instead of relying on internal moral conscience. The new public norms were also expected to embody new public values like “justice” and “fairness,” and the one that satisfied these conditions was the modern concept of law. Law administered through fair procedures was assumed to exist “for judging legal cases only with the two characters kongp'yŏng, regardless of whether litigants are high or low, prestigious or humble, rich or poor, powerful or powerless” (TS July 14, 1896).

Thus, the concept of law expressed in the paper was a public value representing justice and fairness, which were seen as necessary for a new society. According to the paper, it is only with the rule of law that the government and the people can communicate and build trust in each other and, in the end, maintain national integrity against the incursions of foreign countries (TS March 1, 1897). Law in the Tongnip sinmun, therefore, was a major building block for a new public culture and a stable country.

The Tongnip sinmun editors' vision of the rule of law, however, came into conflict with the conservative government officials' traditional notion of law as penal codes and a system of punishments. The conflict between the reformists and the conservative officials took place over the punishment of those who attempted to murder King Kojong.28 The conservative officials saw the attempt at regicide as the result of inadequate punishments for felonies within the new legal system.29 They sought to revive old draconian punishments, like noryuk and yŏnjwa,30 and execute the accused without a trial, but the Tongnip sinmun and the Independence Club insisted that even those rebels must be treated according to the due process of law.

This incident basically marked a confrontation between two visions of regulating society in that transitional time, that is, the conservatives' traditional combination of the ruling class’ virtue and exemplary use of law for crimes versus the reformists’ vision of society regulated by the principle of the rule of law. The following dialogue between the conservative secretary of justice and the representatives of the Independence Club, depicted in the Tongnip sinmun, illustrates this situation well:

28 Kim Hongnyuk, a pro-Russian official favored by King Kojong for a time and later rejected because of his abuse of power, attempted regicide in September 1898. For the controversy over the Kim Hongnyuk incident between the Independence Club and conservative officials, see Tongnip sinmun, September 11, 14, 16, 17, 26, 27, 28, 30, 1898 and October 1, 4, 6, 7, 8, 10, 11, 12, 14 of the same year.

29 The secretary of Justice Shin Kisŏn's remark represents the traditional approach in handling this kind of incident: “Does not whoever turns his face to the North [i.e., subjects] in our royal court want to eat the rebel's flesh and rest his head on the rebel's leather [i.e., his flayed skin]?” As far as our public mores are concerned, if a rebel is just executed by decapitation, it is not enough to appease the people's public anger … This kind of incident has occurred because rebels are not executed severely” (TS July 28, 1898).

30 Noryuk refers to executing a rebel’s wife or son along with the rebel, and yŏnjwa means punishing a person for his father, son, brother, uncle, or nephew’s serious offence.
Mr. Shin Kisŏn [the Secretary of Justice] replied: “Is whether the laws are enforced more fairly or not really an issue related to our national affairs?” Representatives of the Independence Club said: “How can whether or not laws are enforced fairly not be connected to our national affairs? Can anything and any affair in the world exist beyond the boundary of law? How can you speak like that as a justice minister?” Mr. Shin said: “Cultivating virtue is more important.” The representatives retorted: “Once laws are enforced fairly, will not virtue arise from that?” Mr. Shin looked embarrassed and did not reply (TS October 1898, 4).

Although this incident resulted in the victory of the Club, the confusion and disorder over norms for the public space continued, partly because conservatives still occupied the key posts of the government at the time.

Concluding Remarks

This paper has discussed the historical context of Korean reformist intellectuals’ adoption of new public values and norms in the late 19th century and emphasized the aspects of disjuncture of those values and norms with traditional ones. Specifically, contrary to previous studies that have seen the reformists’ adoption of new values only as the result of external factors, it has highlighted an internal factor by focusing on the change in the worldview of the reformists, which functioned as a medium between the changes in the world in which they lived and their attempts to adopt Western values. While the conservative Confucians still held an ethical view of the world and wanted to maintain the traditional system, the reformists took a more factual or objective view of the world and thereby could respond more promptly to the changing world. The reason why they adopted modern values was not that they were inclined to liberal ideals, but that they thought that Western strength and prosperity came from the public values of the West. They could come to this conclusion because they saw the contemporary international political situation in terms of facts rather than from a moralistic point of view.

It is important to emphasize that an empirical view of the world had already been developed by the sirhak scholars in the 18th century, not newly adopted in the wake of the Western impact. Benjamin Schwartz once underscored that traditional Chinese civilization had within it resources to lead it to modernity (Schwartz 1972, 82). Likewise, Chosŏn Confucianism provided the resources for the reformist intellectuals to employ as they turned to modernity. As noted above, Confucian political ideas furnished not only resources for an ethical ideal of society but also for the practical maintenance of a political community. And the latter was closely linked with the perspective of looking at the facts of the world in an empirical manner. The sirhak scholars adopted a view in understanding their times that proceeded from verifiable facts. In this regard, it is reasonable to say that the reformists inherited a tradition of Confucian political ideas. Yet it is also important to recognize that continuity was not found in the dimension of substantial values. Rather it could be detected in the undercurrents of Confucian ideas located in the deepest layers of people’s thinking. Therefore undue emphasis on continuity between Confucian political ideas and modern ones might obscure the true picture.
of the relationship between the two thought systems.31

GLOSSARY

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<td>Tongnip sinmun</td>
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31 Introducing a number of advocates and critics of Confucianism since the colonial period in Korea, John Duncan has argued that Confucianism is still strong in Korean society. Given the character of Confucianism as a “comprehensive doctrine”—a term borrowed from John Rawls—it is natural that Confucianism is still influential in the private and cultural domains of Korean society. However, I think that the Confucian influence in the cultural area should be distinguished from its influence in the political or public area of society. In the latter sphere, Confucianism virtually lost its influence as the basic and desirable principles supporting public institutions and was replaced by new or modern public values and norms, as discussed in this paper. This replacement was begun by the reformist intellectuals of the 1880s and 1890s. See John B. Duncan 2002, 431-62.
wôn 圓 (a denomination of the late Chosŏn currencies)

Yi Hwang 李滉

yŏnjwa 綾坐

yangban 两班

Yu Kilchun 俞吉濬

Yen Fu 嚴復

REFERENCES

Primary Sources


Kojong Sillok (高宗實錄, Annals of King Kojong).


Secondary Sources


New Public Values and Norms in Late Nineteenth Century Korea: Reformist Intellectuals' Visions of a Post-Confucian Society


Choong-Yeol KIM


