

## FROM JEALOUSY TO VIOLENCE: MARRIAGE, FAMILY, AND CONFUCIAN PATRIARCHY IN FIFTEENTH-CENTURY KOREA

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During the Koryŏ (918–1392) to Chosŏn (1392–1910) transition, constructing a patrilineal society was one of the state's primary goals. From the early Chosŏn, the state implemented the Confucian style of marriage and allowed men to have one legitimate wife from the same social status and take lower status women as concubines. As women of different status came to live in the same household, the new marriage practice generated tensions between wives and concubines. The concubinage system was already an intrinsic part of the social fabric in Korean history, but the meaning of conjugal relations shifted during the Chosŏn period and the tension between women of different status became more visible. By using marriage as a site, the aim of this article is to examine how the state intervened in intimate domains such as emotions, sexuality, and familial virtue and how the state emphasized and regulated gendered emotions such as jealousy to embrace Confucian patriarchal values in the domestic space. By examining wives' jealousy that often led to brutal violence against concubines, this article unveils the cultural meaning of jealousy between partners in the context of Confucian patriarchal and hierarchical society. Furthermore, it demonstrates the power dynamics in conjugal relations and the vulnerability of concubines and how the Confucian style of marriage manifested tensions among Confucian ideals, the law, and social practice.

Keywords: marriage, Confucian patriarchy, jealousy, wife, and concubine

In the fifth month of 1474 during Sŏngjong's reign (r. 1469–94), Sin Chach'i had an affair with Tori, a female slave of Chach'i's household. Chach'i's wife, Madam

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Yi, became jealous of Tori and together with her mother committed violence against her. They cut her hair, beat her up, and tortured with a red-hot iron rod on her face, chest, and genital area. After inflicting severe pain on her body, they brutally left her alone in a mountain valley outside of the East Gate of Seoul (Hŭng'inmun).<sup>1</sup>

The Office of Inspector-General (Sahŏnbu) initially examined Madam Yi's case, but it was soon transferred to the State Tribunal (Üigumbu) as it related to a moral crime that dealt with slave issue. After conducting a thorough investigation, the state banished Chach'i to Annüm and Madam Yi and her mother to Sannüm in Kyöngsang province.<sup>2</sup> However, Chöng Kwan, an official from the Office of Censor-General (Saganwön), suggested that Chach'i and Madam Yi were located too close to each other and that this diminished the effect of the punishment. Madam Yi and her mother were thus relocated to Chinch'ön county in Ch'ungch'öng province.<sup>3</sup> In addition to banishment, the state penalized Madam Yi by forcing a divorce and Chach'i being demoted to a lower rank by three degrees.<sup>4</sup> While punishing the offenders of the crime, the state compensated the victim and her family by manumitting all of them.<sup>5</sup>

During the Chosön dynasty (1392–1910), it was common for a female slave to be not only sexually available for her male master but also to become his concubine according to his will. In such a case, it often created tensions in the family primarily because of the wife's jealousy toward the female slave. When this tension occurred, wives were often punished for being jealous and committing violence against concubines whereas husbands were responsible for breaking the family's harmony. Although it was husbands who aroused their wives' jealousy, the state demanded the patriarch to repress his wife's feelings to maintain harmony in the family.

Jealousy was one of the seven reasons a husband could divorce his wife during the Chosön. Those seven grounds were disobedience toward one's parents-in-law, failure to produce a son, adultery, jealousy, grave illness, talkativeness, and theft. However, a man could not divorce his wife under three conditions: if she had no family to return to, if she had mourned for a full three-year mourning period for her parents-in-law, and if the family had gained fortune after the marriage.

<sup>1</sup> *Söngjong sillok* 48: 6b [1474.10.10].

<sup>2</sup> *Söngjong sillok* 49: 1a [1474.11.1]. The punishment for killing a slave was a beating of sixty strokes and one year of banishment. However, elite women were exempted from public beatings and instead made to pay fines.

<sup>3</sup> *Söngjong sillok* 49: 7a [1474.11.13] and 8b [1474.11.18].

<sup>4</sup> *Söngjong sillok* 49: 1a [1474.11.1] and [1474.11.2]. He regained his official rank in 1476 after two years of banishment. Please also refer to *Söngjong sillok* 68: 12b [1476.6.17].

<sup>5</sup> *Söngjong sillok* 49: 1a [1474.11.1] and [1474.11.2].

When examining the term jealousy or 嫉妬 (K: *chilt'u*), we notice that both Chinese characters contain 女 which means female.<sup>6</sup> The Chinese characters clearly show that jealousy was socially associated with women when this sentiment was also inbred in men's nature. Jealousy could mean different emotions such as anger, fear, concern, anxiety, and feeling an envious resentment of someone's achievements or possessions. Jealousy could also refer to showing a resentful suspicion that one's partner was attracted to or involved with someone else. Jealousy in this article will focus on the sentiment for one's partner in a marriage relationship. More specifically, it refers to sexual jealousy in a marriage relationship, which is a feeling triggered by one's partner's display of sexual interest in another person.

Although it used to be a controversial idea that emotions have a history, there seems to be an emerging consensus that emotions do have a history and vary across time and space. For example, some classicists claim that partners did not feel romantic jealousy in ancient Greece because a love-based marriage did not exist at that time. Instead, love was found in friend relationships during this period. Scholars have shown that the emotion of love between married partners only became more evident with the rise of modernity in the nineteenth and twentieth centuries in the West. Recent studies have shown that emotions have both biological and cultural factors that shape the meaning of feelings by assigning values to them and giving them names.<sup>7</sup>

Similarly, during the Chosŏn, the state regarded women's jealousy as evil and regulated jealousy as one of the seven grounds for divorce. However, jealous women today are no longer socially stigmatized, and the feeling of jealousy is perceived as gender neutral in the twenty-first century as far as divorce is concerned. Unlike today, jealousy in premodern Korea was a gendered sentiment in that punishments were applied differently to women and men for crimes stemmed from jealousy. For example, in the *Great Ming Code* that was used as the basis of penal laws in the Chosŏn, a man was not punished for killing his wife and her adulterer at the place of adultery. However, a woman in the same situation was sentenced to death by slicing and punished by strangulation even if she did not know of her lover's killing of her husband.<sup>8</sup> As is evident in the legal codes, jealousy was recognized as a gendered sentiment, and it was intimately intertwined

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<sup>6</sup> Although the term *chilt'u* was used during the Chosŏn period, it is more common to see *t'u* 妬 than *chilt'u* when used in the context of a marriage relationship or jealousy toward the opposite sex. The term *t'u* was used to express jealousy for both women and men.

<sup>7</sup> Susan J. Matt and Peter N. Stearns, *Doing Emotions History* (Illinois: University of Illinois Press, 2014), 1–3.

<sup>8</sup> Jiang Yonglin, trans., *The Great Ming Code* (Seattle: University of Washington Press, 2005), 171.

with the hierarchical relationship. As women were expected to show fidelity toward husbands, their feeling of jealousy was thought to be disobedient and going against husbands' authority. The hierarchical relationship between husband and wife was embedded in the legal codes to regulate women's jealousy.

Unlike women, men's jealousy was not punishable, but men were responsible for suppressing their wives' jealousy and maintaining harmony in the family. The Confucian patriarchy and the institution of marriage show that it was men who created tensions between wives and concubines, but it was women who were punished for expressing jealousy. Although concubinary unions were justified, the state held the patriarch responsible for the fine relationship between elite and non-elite women in the family.

By exploring emotions such as jealousy that led to violent crimes, it is possible to uncover the most fundamental assumptions about marriage, Confucian patriarchy, and the culture that people in the Chosŏn period lived in.<sup>9</sup> Madam Yi's case raises several important issues in understanding the institution of marriage. To what extent did the state intervene in intimate domains such as emotions, sexuality, and familial virtue? How did the state emphasize and regulate gendered emotions such as fidelity and jealousy to embrace the Confucian patriarchal values in domestic space? What tensions were manifested in implementing Confucian gender norms, law, and marriage practice? By addressing these questions, the aim of this article is to demonstrate the pattern of jealous emotion expressed in marriage life in the fifteenth century and unveil the cultural meaning of jealousy between partners in the context of Confucian patriarchal and hierarchical society.

### **MARRIAGE, THE REGULATION OF WOMEN, AND STATUS DIFFERENCES**

When Neo-Confucianism was adopted as Chosŏn's sole ideology in 1392, one of the primary goals of the state was to restructure society according to the patrilineal lineage system and institutionalize the Confucian marriage system. However, due to the long process of "Confucianizing" the society, it was only in

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<sup>9</sup> For the relationship between law and emotions in the Chosŏn, see Jisoo M. Kim, *The Emotions of Justice: Gender, Status, and Legal Performance in Chosŏn Korea* (Seattle: University of Washington Press, 2015) and "Law and Emotion: Tension between Filiality and Fidelity in a Property Dispute of Early Chosŏn Korea," *Tongbang hakchi* 162 (June 2013): 203–39. For emotions related to honor and female suicide, see Jungwon Kim, "Chaste Suicide, Emotions, and Politics of Honour in Nineteenth-Century Korea," in Carolyn Strange eds., *Honour, Violence, and Emotions in History* (New York: Bloomsbury, 2014), 163–82.

the seventeenth century that this Confucian style of wedding became commonly practiced.<sup>10</sup> In her seminal study on the Confucianization of Chosŏn society, Martina Deuchler states that the wedding rite was where the people most persistently resisted adapting to the Confucian style.<sup>11</sup> The fundamental reason for this was due to the transfer that took place in the couple's residence after marriage. In the pre-Confucian marriage system of Korea, a bridegroom moved into a bride's house until their children were born but often stayed longer and even raised the children in the wife's natal home.<sup>12</sup> This uxorilocal custom allowed Koryŏ women to enjoy many privileges after marriage, but they gradually came to lose these privileges as the practice shifted to virilocal in the succeeding dynasty.

As the marriage system of Koryŏ gradually shifted to agnation and virilocal marriage with the founding of the new Chosŏn dynasty, women in the early Chosŏn faced numerous challenges in the course of their lives. For example, women were relocated to their husbands' residence upon marriage and lived with their in-law family; men were allowed to marry one legitimate wife but take concubines from lower statuses;<sup>13</sup> daughters were no longer treated as equal members of their birth family as they left their natal home; daughters no longer received an equal share of inheritance because of the newly instituted primogeniture system; and the Confucian patrilineality excluded daughters from ritual heirship. It was the elite families who were initially affected by the new marriage system and confronted changes in their lives. Although these changes were first imposed on the elite families, the state expected such practices to eventually trickle down to the lower strata, thereby Confucianizing the entire society.<sup>14</sup>

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<sup>10</sup> For the process and result of the Confucianization of Korean society, see Martina Deuchler, *The Confucian Transformation of Korea* (Cambridge, Mass.: Council on East Asian Studies and Harvard University Press, 1992); JaHyun Kim Haboush, "The Confucianization of Korean Society" in Gilbert Rozman, ed., *The East Asian Region: Confucian Heritage and Its Modern Adaptation* (Princeton, N.J.: Princeton University Press, 1991), 84–110; and Mark Peterson, *Korean Adoption and Inheritance: Case Studies in the Creation of a Classic Confucian Society* (Ithaca: Cornell University Press, 1996).

<sup>11</sup> Deuchler, *The Confucian Transformation of Korea*, 244.

<sup>12</sup> *Koryŏsa* 96:10 and 109:15b–16, and Yi Kyu-bo, *Tongguk Yi Sanggukch'ip* 37:14; all cited in Deuchler, *The Confucian Transformation of Korea*, 66.

<sup>13</sup> The rationale for having one legitimate wife in a Confucian patrilineal society was that it was only an elite wife who could give birth to male offspring to succeed the family line.

<sup>14</sup> Previous studies on the Confucianization of Chosŏn society were primarily focused on examining elite families. Recent studies have used a variety of different sources and have shown that non-elite people were not affected by the Confucianization as much as elite families were. In fact, Moon Suk-cha's study shows that even some elite families continued to distribute an equal share of property to daughters even in the late Chosŏn. For studies that have questioned the Confucianization theory, see Jungwon Kim, "Negotiating Virtue and the Lives of Women in Late

When examining the legal codes of the Chosŏn, one can easily detect how the central focus of the state was on regulating married women of elite status. During the Chosŏn, the government relied on the *Administrative Great Code* (*Kyŏngguk taejŏn*), a comprehensive volume of legal codes compiled in 1485, and the *Continuation of the Great Code* (*Sok taejŏn*), compiled in 1746. In these two *Great Codes*, there are six representative provisions that regulated women's conduct based on the doctrine of separation of the inner and outer spheres: prohibition of women from visiting Buddhist temples,<sup>15</sup> mandatory usage of palanquin for elite women,<sup>16</sup> prohibition of joyful travel such as going out to play in the mountain or rivers or watching street events,<sup>17</sup> required reporting of elite women's immoral behavior such as having married thrice (total of three husbands),<sup>18</sup> capital punishment for elite women committing adultery,<sup>19</sup> and prohibition of remarried women's sons from taking the civil service examination.<sup>20</sup>

These six provisions were stipulated primarily to prevent elite women from violating public morals and being sexually promiscuous. More specifically, these codes aimed to control women's sexuality and inhibit them from mixing with men of lower status. For example, the prohibition against visiting temples was to prevent women's mingling with monks and committing adultery with them. The mandatory use of a closed palanquin was to veil elite women so that their physical bodies would not be exposed to lower-status men; in the same vein, the prohibition against joyful travel and watching street events was invented to prevent the exposure of women's bodies to such men. The reporting of women's immoral behavior by marrying thrice and the prohibition of remarried women's sons from taking the civil service examination were both legislated in order to indirectly control their chastity; the sentence of capital punishment for committing adultery was similarly to regulate their sexuality.

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Chosŏn Korea," Ph.D. diss., Harvard University, 2007; Mun Suk-cha, *Chosŏn sidae chaesan sangsok kwa kajok* [Inheritance and family in the Chosŏn period] (Seoul: Kyŏngin munhwasa, 2005); Chŏng Chi-yŏng, *Chilsŏ ūi kuch'uk kwa kyunyŏl: Chosŏn bugi hojŏk kwa yŏsŏng tŭl* [Constructing order and rupture: family register and women in late Chosŏn] (Seoul: Sŏgang University Press, 2015); Kim, *The Emotions of Justice*, *ibid.*

<sup>15</sup> *Kyŏngguk taejŏn* [Administrative great code], trans. Pŏpchech'ŏ (Seoul: Ilchisa, 1978), 465.

<sup>16</sup> *Ibid.*, 465. Non-elite women were prohibited from using a palanquin.

<sup>17</sup> *Ibid.*, 465.

<sup>18</sup> *Ibid.*, 466.

<sup>19</sup> *Sok taejŏn* [Continuation of the great code] (Seoul: Pŏpchech'ŏ, 1965), 309. In the *Kyŏngguk taejŏn*, the provision on consensual illicit sex is absent because the state applied the *Great Ming Code* until the *Sok taejŏn* was compiled. However, as Confucianization took place, the state applied capital punishment to *yangban* women; this was ultimately codified in the *Sok taejŏn* during the early eighteenth century.

<sup>20</sup> *Kyŏngguk taejŏn*, 198–99.

During Sejong's reign (r. 1418–50), an official from the Office of Censor General reported to the king that although all elite women were required to ride in a palanquin when going outside, they continuously walked around with ignorant men without knowing their shame. He criticized them for not behaving differently from women of lower statuses.<sup>21</sup> This shows that the state ruled women's conduct according to status differences and restricted elite women from encountering non-elite men to prevent physical contact between them.

It is conspicuous in the provision against adultery that the state showed more control over the sexual behavior of elite women than of non-elite women. A sub-statute of the *Sok taejŏn* stipulates the following: "If a wife of an aristocrat willfully gratifies her lust and thereby disrupts public morals, then she shall be sentenced to death by hanging along with the adulterer. Such a woman does not have self-esteem and cannot be differentiated from a commoner or lowborn if she goes out in the streets and entrusts her body to another man. Thereby, she cannot be regarded as an aristocrat."<sup>22</sup> This sub-statute shows that the Chosŏn government continued to impose chastity ideology primarily on elite women even in the eighteenth century when the society had seemed to have become Confucianized.

During the tenth year of King Sŏngjong's reign (r. 1469–94), Sŏngjong and his officials discussed a commoner adulteress named Chunggŭm, who initially received a sentence of capital punishment.<sup>23</sup> However, Hong Kwidal suggested to Sŏngjong stating, "the adulterer and Chunggŭm both come from the same social status. Commoners do not live by the doctrine of inner and outer spheres. Therefore, her case cannot be compared to that of an elite woman. Although she should be sentenced to death according to legal precedent, her case is pardonable."<sup>24</sup> Because commoner women were not obligated to abide by the doctrine of inner and outer spheres, Sŏngjong reconsidered Chunggŭm's punishment.<sup>25</sup> This case shows that the state's demands on elite and non-elite women were

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<sup>21</sup> *Sejong sillok* 123: 4a [1449.1. 22]. Also cited in Chŏng Chi-yŏng, "Kyubang yŏsŏng ūi oech'ul kwa nori" [Kyubang women's outing and play], in Kim Kyŏng-mi, et al., eds., *Han'guk ūi kyubang munhwa* [The *kyubang* culture of Korea] (Seoul: Pagjŏng, 2005), 136. In this article, Chŏng discusses how women crossed the boundary of the inner quarters for pleasure despite the state's efforts to restrict their activity in the outer space.

<sup>22</sup> *Sok taejŏn*, 309.

<sup>23</sup> The law was not yet stipulated in the legal code, but during Sŏngjong's reign elite women began to be executed for the crime of adultery. Previously, they were exiled.

<sup>24</sup> *Sŏngjong sillok* 108: 3a [1479.9.5], and Chang Pyŏng-in, *Chosŏn chŏn'gi boninje wa sŏngch'abyŏl* [The marriage system and gender discrimination in the early Chosŏn dynasty] (Seoul: Ilchisa, 1999), 296–97.

<sup>25</sup> *Sŏngjong sillok* 108: 3a [1479.9.5].

different and alludes to the connection between residing in the inner quarters and preserving chastity. While it was necessary for elite women to abide by Confucian gender ethics, the same set of ethics was loosely applied to non-elite women. However, the state made an effort to propagate the chastity ideology to all social statuses by rewarding women with chastity gates when they preserved their chastity as widows. If non-elite women preserved their chastity, they would be commended as praiseworthy. Nevertheless, non-elite women were not legally bound by Confucian gender ethics as elite women were throughout the dynasty.

Under the provision regarding adultery in the *Continuation of the Great Code*, elite women were the only female group that received capital punishment for committing adultery. The indigenous legal codes even by the late Chosŏn do not include punishment of commoner or lowborn women.<sup>26</sup> Instead, the state applied the *Great Ming Code's* adultery provision, in which commoner women were to be degraded to the status of public slaves and slave women were to be exiled. According to Chang Pyŏng-in, the state did not intervene actively in punishing non-elite women even in the late Chosŏn dynasty. She suggests there are traces of occasions when the state attempted to regulate commoner women's adultery, but she has not come across a single case where slave women were exiled for committing adultery.<sup>27</sup> This is in congruence with the perception that slave women were sexually available to their masters regardless of their will. The Chosŏn state's regulation of non-elite women's sexuality was conducted rather passively even in the latter half of the dynasty, when the state had begun to impose harsher punishments on elite women's immoral behavior.

When the Chosŏn state was established, Confucian legislators used diverse paths to moralize the society. One of them was to propagate Neo-Confucian values to people of all statuses by translating the *Illustrated Guide to the Three Bonds* (*Samgang haengsilto*) into vernacular Korean. The state ordered the heads of official households, elders, and teachers in the central and local regions to teach the text's moral values to women and children. The king rewarded anyone excelling in moral values.<sup>28</sup> Another method was to give prizes to those who exemplified loyalty, filial piety, or chastity. Although the state made it mandatory for elite women to be chaste and abide by moral values, this practice remained "voluntary" for non-elite women, who were therefore rewarded if they followed the Confucian path.<sup>29</sup>

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<sup>26</sup> Women of all statuses, however, were perceived as victims of the crime of rape, and criminals were punished for raping women regardless of the women's status. *Sok taejŏn*, 309.

<sup>27</sup> Chang Pyŏng-in, *Chosŏn chŏn'gi honinje wa sŏngch'abyŏl*, 230–32.

<sup>28</sup> *Kyŏngguk taejŏn*, 280.

<sup>29</sup> Some non-elite women embodied chastity ideology according to their own will to emulate elite women.



The aforementioned six provisions in the *Great Codes* suggest that the Confucian gender system in the Chosŏn was constructed according to status differences and that it legislated differences between women and men and elite and non-elite women. Conversely, the state utilized women's bodies as a mechanism to make such distinctions. Not only did the state control elite women's moral behavior, but it also attempted to maintain the purity of upper-strata blood through elite women's bodies. The Neo-Confucian legislators clearly had disdain for mixing aristocratic blood with that of the lower statuses. Children's status was defined by their mother's status, but there was one exception where their status followed their father's: if a father was a slave and a mother was a commoner, then their children would be recognized as slaves. However, beginning in the middle of the seventeenth century, during King Hyŏnjong's reign (r. 1659–74), the state commanded that a child would be of commoner status if the mother was a commoner and the father was a slave. This practice, which had been commonly happening already for almost a century, was finally codified in the *Continuation of the Great Code* during King Yŏngjo's reign (r. 1724–76).<sup>30</sup>

Although the lower strata of the society are still understudied, recent studies show a more diverse picture of non-elite people and how they were relatively unbounded by the state's Neo-Confucian ideology compared to the elites.<sup>31</sup> For example, in the *Komunsŏ* is Pak Ŭihwŏn's property document drafted in the seventeenth century showing that he married five times during his lifetime. Before settling down with his fifth wife, he was abandoned by all of his ex-wives: his first wife, Ŭnhwa, managed to live with him for a few years but eventually eloped with her lover; his second wife, Chindae, left him after having an affair with his slave; his third wife, Mongji, ran away with her lover, Hong Kwich'ŏn; his fourth wife, Kajilgŭm, had affairs with several men and separated from him as a result.<sup>32</sup> Pak's

<sup>30</sup> *Sok taejŏn*, 301.

<sup>31</sup> Jisoo M. Kim, *The Emotions of Justice*; Jungwon Kim, "You Must Avenge on My Behalf?: Widow Chastity and Honour in Nineteenth-Century Korea," *Gender and History* 26, no. 1 (2014): 128–46; Han'guk komunsŏ hakhoe [Association of Korea's historical documents], ed., *Chosŏn sidae saenghwal* [History of life in the Chosŏn], vols. 1 and 2 (Seoul: Yŏksapip'yŏngsa, 2006), 183–332 and 91–132, respectively; Kim Kyŏng-suk, "Chosŏn hugi yosŏng ũi chŏngso hwaldong" [Women's petitioning activity in the late Chosŏn], *Han'guk munhwa* 36 (Dec. 2005): 89–123; Chang Pyŏng-in, "Chosŏn sidae sŏngbŏmjoe e taehan kukka kyuje ũi pyŏnhwa" [The change in the state's regulations on sex crime in the Chosŏn period], *Yŏksa pip'yŏng* 56 (Aug. 2001): 228–50; Kim Sŏng-gyŏng, "Chosŏn hugi yosŏng ũi sŏng, kamsi wa ch'ŏbŏl" [Female sexuality, surveillance, and punishment in the late Chosŏn], *Yŏksa yŏn'gu* 8 (Dec. 2000): 57–100; and Chŏng Chi-yŏng, "Chosŏn sidae ũi oeramdoen yŏja tongnyŏ: wiban kwa kyosŏp ũi hŭnjŏk tŭl" [Impertinent single women in the Chosŏn period: traces of violations and negotiations], *P'eminiſm yŏn'gu* 16 no. 2 (2016): 317–50.

<sup>32</sup> Han'guk komunsŏ hakhoe, *Chosŏn sidae saenghwal*, vol. 2, 91–101.

document shows that his marriage relationships easily came to an end and that he did not even have a proper wedding ceremony for each marriage.

Üihwön's case reveals how commoner women easily left their husband for another man in the seventeenth century. An elite woman would have been punished in the same situation. His case suggests that women of the lower strata were relatively free from sexual control compared to women of the upper strata and were less bounded by the marriage relationship. It is possible that Neo-Confucianism had an impact on all levels of the society, but the degree to which it did seems to have been different, especially for the lower statuses than for the elites even in the late Chosŏn.

The different regulation of marriage between elite and non-elite reflects the state's aim to maintain the purity of aristocratic blood by keeping elite women's bodies in the inner quarters when they attempted to cross the boundary for pleasure. The state intended to confine elite women to the inner quarters, and the primary purpose was to regulate their sexual desire and prevent them from mixing with men of lower status. While elite women were bound by chastity ideology but enjoyed full legal protection, non-elite women of commoner and slave statuses enjoyed limited legal standing but greater sexual freedom in forming and dissolving partnerships as shown in Üihwön's case.

### TENSION BETWEEN WIVES AND CONCUBINES

As the state implemented the Confucian style of marriage in the Chosŏn, men were allowed to have one legitimate wife from the same social status and take lower status women as concubines. Since elite women were enforced to represent idealized notions of womanhood and domesticity, they invested in elite codes of honor and morality under the state's full legal protection. When elite men wanted to dissolve a marriage, they needed permission from the state. While it was mandatory to perform a wedding ceremony for elite women, it happened at men's discretion for concubines of lower status.

Previous studies have translated the term "*ch'öp* 妾" as "secondary wives," but this study uses the word concubines to underline the following aspects.<sup>33</sup> First, it was not mandatory for men to officially engage in conjugal relations to take

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<sup>33</sup> During the Chosŏn, there were various terms to refer to concubines. For example, *ch'üksil* 側室 and *hüich'öp* 姬妾 were used for royal concubines. Terms like *ch'öp* 妾 and *sosil* 小室 were used more widely for common people. The term concubine here is different from mistress or courtesan in that it implies more than being a sexual partner and could be treated as "little wife" who either lived together or outside of household.

concubines. For example, when officials were posted to other regions, their wives remained home without following their husbands to take care of the parents-in-law in their absence. Thus, it was common for elite men to live with concubines for a few years, and they either left them behind or took them with them when they returned home.<sup>34</sup> Unlike legitimate wives, the situation of concubines very much depended on the circumstances under which the men had selected them and their roles varied accordingly. In other words, not all concubines were married or played the role of “wife” in the household.

Second, unlike legitimate wives, concubines were not always visible in the family register. This means that men were not obligated to register concubines in their household records. While we find that they were relatively more visible in the earlier part of the Chosŏn in the household register, they became less noticeable in the later period. For example, an elite man named Kim Sangsun left records of his two wives but not of his concubines in the seventeenth century.<sup>35</sup> However, we know that he had concubines because there are records of their children.<sup>36</sup> While concubines were regarded as family members and men prided themselves on having them, they were made invisible in official records and men were reluctant to share their existence in the register. This makes concubines’ position precarious and their responsibility as “wives” questionable.<sup>37</sup>

Third, although the term “secondary” refers to women’s lower status, it should be noted that concubines were not treated less favorably than legitimate wives when it came to emotional involvement. This was one of the main reasons that stirred wives’ jealousy, leading elite women to commit brutal violence. Although wives certainly preceded in legal standing and logistic involvement, men often maintained a closer relationship with concubines as sexual partners. The social connotation of “*ch’ŏp*” alluded to women who were sexually and socially subservient to men but of whom wifely duty was less expected. The very fact that the position of concubines varied under diverse circumstances made these women

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<sup>34</sup> For the discussion of officials’ lovers, see Yi Sŏng-im, “16 segi yangban kwallyo ūi oejŏng” [Love affairs of yangban bureaucrats in sixteenth-century Chosŏn], *Komunsŏ yŏn’gu* 23 (2003): 21–59.

<sup>35</sup> Having two wives here does not mean they existed simultaneously. After the death of his first wife, Kim remarried and had another wife.

<sup>36</sup> Kim Tuhŏn, “Chosŏn hugi chung’in ūi sŏryu mit ch’ŏp e taehan ch’abyŏl: Ubong Kim, Hanyang Ryu, and Chŏng’ŭp Yi chungsim ūro” [Discrimination against *chung’in* families’ secondary children and concubines in late Chosŏn: focusing on Ubong Kim, Hanyang Ryu, and Chŏng’ŭp Yi], *Chosŏn sidae sahakbo* 13 (2001): 33–66; cited in Chŏng Chi-yŏng, “Chosŏn hugi ch’ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye” [Concubines and family order in late Chosŏn: Patriarchy and women’s hierarchy], *Saboena yŏksa* 65 (2004): 14.

<sup>37</sup> Chŏng, “Chosŏn hugi ch’ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye,” 13–16.

vulnerable and differentiated them from elite women. In other words, “*ch’ŏp*” not only married, lived together with men in their household, and gave birth to children, but also they were simply treated as sexual partners men could easily take or abandon without any legal consequences.<sup>38</sup>

The homicide case analyzed in the following shows the tension between a wife and a concubine due to the existing hierarchical relationship and discrimination against a female slave.<sup>39</sup> In the sixth month of 1440 during the reign of Sejong, a dead body was found in the street near Hongjewŏn, which was an inn where Chinese emissaries lodged before entering the main gates of Seoul. This dead body was reported to the Board of Punishments (Hyŏngjo) and the State Tribunal (Ūigumbu) and Capital Magistracy (Hansŏngbu) all participated in investigating the murder case of the dead body. In the initial investigation, many innocent people were arrested, interrogated, and tortured as it was difficult even to identify who the victim was.

Yi Maenggyun (1371–1440), who was a high-ranking official during Sejong’s reign, confessed to the king regarding the murder case that the dead person was his concubine of slave status. According to him, his jealous wife, Madam Yi, killed the concubine and ordered her slaves to bury the body. However, Maenggyun later found out that the slaves had thrown away her body near Hongjewŏn without burying it. As the investigation progressed, Maenggyun became afraid and decided to confess his wife’s crime to the king.

According to Maenggyun, his jealous wife ordered her slaves to beat her up and cut her hair. When she died due to the severe beating, it was Maenggyun who ordered the slaves to bury the body. However, he later found out that they had left her body in the street near Hongjewŏn without burying it. It was only when the Board of Punishments was investigating the murder case that he realized that his slaves had lied to him.<sup>40</sup> After listening to Maenggyun, Sejong ordered the fourth inspector of the Office of Inspector-General, Chŏng Hyogang, to reinvestigate the concubine’s death. Hyogang later reported to the king that Madam Yi committed violence against the concubine because she was jealous of her close relationship with Maenggyun. The king then ordered the interrogation of both

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<sup>38</sup> Concubines during the Chosŏn were from commoners, slaves, and female entertainers. This article limited its analysis to slave concubines as they were relatively more vulnerable and often became victims in the family due to their lowborn status. The examination of concubines more broadly to include commoner women will be reserved for future study.

<sup>39</sup> Chŏng Chi-yŏng claims that the rigid hierarchy between wife and concubine was the key to sustaining the family order. Chŏng, “Chosŏn hugi ch’ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye,” 34.

<sup>40</sup> *Sejong sillok* 89: 25b [1440.6.10].

Maenggyun and Madam Yi.<sup>41</sup>

After interrogating the offenders, Hyogang came to the conclusion that both of them were responsible for the concubine's death and therefore should be punished. Based on the report of the murder case, Sejong sentenced Maenggyun to be relieved from his official duties and similarly the removal of Madam Yi's honorary title, which she had been awarded based on her husband's official rank. However, the Office of Inspector-General argued that the punishment for killing the concubine should be harsher than simply the removal of the honorary title that did not mean much for women in their inner quarters. They suggested that Madam Yi should be forced to divorce based on the seven grounds. However, Sejong thought that depriving Madam Yi of her honorary title was adequate punishment for an old woman who was almost seventy years old.<sup>42</sup>

Kwön Hyōng, an official from the Office of Inspector-General, similarly claimed to the king that the couple should be divorced for their crime. But the king rejected this and stated that removing the honorary title from Madam Yi was an appropriate punishment.<sup>43</sup> Song Ch'wi, the fourth inspector of the Office of Inspector-General, made another request to the king stating that Maenggyun initially attempted to hide the crime and so merely taking away the honorary title from Madam Yi who lacked official duties was too weak as a punishment. However, Sejong rejected this opinion again, stating that it was natural for a husband to protect his wife. For Sejong, removing the honorary title was an appropriate punishment for Madam Yi, and he had no intention of dissolving the marriage.<sup>44</sup>

In order to support their claim, the Office of Inspector-General wrote a memorial to the king. They stated:

Madam Yi, a wife of the former councilor Yi Maenggyun, is almost seventy years old. As an elderly woman, she should be respectful, cautious, and rule her household without any trouble or damage to her family's reputation. Instead of performing her wifely duty, she continued to show jealousy at her age. In the end, she committed violence against the patriarch's concubine: cut her hair, beat her up, and confined her in a room without giving her a sip of water and starved her to death. Everyone in this country knows about her intentional killing of the concubine. Although deprived of her honorary title, she continues to stay in her inner quarters. How could she repent of her evil mind to become a new person? She violated two

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<sup>41</sup> *Sejongillok* 89: 26b [1440.6.12].

<sup>42</sup> *Sejongillok* 89: 29b [1440.6.17].

<sup>43</sup> *Sejongillok* 89: 32a [1440.6.18].

<sup>44</sup> *Sejongillok* 89: 32a [1440.6.18].

grounds for getting a divorce and also gained the title of a murderer. Since the state failed to right this wrong, not only is Madam Yi not being punished for her crime but also other elite women will not be afraid to commit similar crimes. According to the *Book of Documents*, those who commit adultery, break moral principles, and disrupt custom should not be forgiven. We bow and plead to the king to punish Madam Yi for her crime according to the law and divorce her. By doing so, it will restore custom and let the virtuous people rejoice.<sup>45</sup>

The kernel of this memorial was to persuade the king to divorce Madam Yi from her husband for the crime of jealousy and violence. However, the king continued to dismiss this demand.<sup>46</sup> According to Sejong, although Madam Yi showed jealousy and was childless, the couple accumulated wealth after marriage and she spent three years of mourning for her parents-in-law that were the two exceptions that husbands could not abandon their wives. Instead of dissolving the marriage, Sejong banished Maenggyun to Ubong county of Hwanghae province in addition to relieving him from his official duties.<sup>47</sup>

When the memorial failed to persuade the king, Kwŏn Hyŏng appealed one last time arguing that merely taking away the honorary title from Madam Yi was inappropriate. Since the king continued to reject the termination of the marriage, Hyŏng argued for the banishment of Madam Yi to a distant region to set the right precedent through this punishment. However, the king replied stating that Maenggyun was responsible for his wife's bad behavior and that he had already banished him. He reaffirmed his position that he would not sentence any additional punishment for Madam Yi.<sup>48</sup>

After being banished in Hwanghae province for two years, the Office of Inspector-General ordered the release of Maenggyun in the eighth month of 1440.<sup>49</sup> However, he died soon after he was released in that same year. Two years after Maenggyun's death in 1442, the king suggested giving back the honorary title to Madam Yi. However, an official from the Office of Inspector-General, Chŏng Yihan, argued that it was an inappropriate decision. Based on the inquest report of the concubine's death, it was evident that Madam Yi had battered the concubine and starved her to death. When Maenggyun was alive, she was extremely jealous of the concubine because he was very close to her. He further reported that, being a warm-hearted man, Maenggyun was unable to end his

<sup>45</sup> *Sejongillok* 89: 33a [1440.6.20].

<sup>46</sup> *Sejongillok* 89: 33a [1440.6.20].

<sup>47</sup> *Sejongillok* 89: 32b [1440.6.19] and [1440.6.20].

<sup>48</sup> *Sejongillok* 89: 33a [1440.6.20].

<sup>49</sup> *Sejongillok* 90: 31a [1440.8.21].

relationship with the concubine to appease his wife. Although Maenggyun was guilty of arousing his wife's jealousy, Madam Yi was the one who had committed murder and was responsible for the crime. And yet the king was lenient with her punishment. In such a circumstance, Yihaan claimed that giving back the honorary title so soon to Madam Yi would truly set a bad precedent for people who should be afraid of the law. Despite Yihaan's persuasive argument, the king ordered further discussion to be held on the issue of returning the honorary title to Madam Yi.<sup>50</sup> It is unknown whether Madam Yi regained her honorary title.<sup>51</sup>

The kind of tension reflected in Maenggyun's family between women of different status was common throughout the Chosŏn period. The law protected elite women's position as the only wife in the family whereas concubines were only protected to a limited degree and were easily targeted for abuse, especially if they were slaves. However, elite women were emotionally more vulnerable than non-elite women because their husbands were sexually attracted to concubines. The existence of concubines was simply despicable for elite women as it hurt their pride, but they had to acknowledge the concubinary unions to embody virtuous womanhood. However, the meaning of concubines for elite men was entirely different from the meaning of concubines for their wives in that they manifested their pride, wealth, and power.

One of the reasons for the endorsement of the concubinage system in the Chosŏn seems to have been to fulfill men's sexual desire. This was especially the case when compared to China, because a concubine's son was not able to enjoy the right to continue the family line, to receive an equal share of inheritance, or to take the civil service examination. In order to maintain the concubinage system in the Confucian patriarchal society, men demanded wives to be submissive, but at the same time they made concubines be submissive to wives to preserve hierarchy and family order.<sup>52</sup> Although displaying jealousy was banned for both wives and

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<sup>50</sup> *Sejong sillok* 98: 3b [1442.10.21].

<sup>51</sup> This case shows that there was a fundamental divergence of attitude toward the punishment of Madam Yi between Sejong and his officials. It is crucial to understand why Sejong was adamant in refusing to dissolve the marriage and arguing that depriving Madam Yi of her honorary title was the right punishment. While officials claimed that such a punishment was too light for the crime Madam Yi had committed, Sejong attached significant meaning to it, arguing that she had been appropriately penalized. It is worth further investigating the implication of an honorary title for elite women and what it meant for elite families during the Chosŏn. I would like to thank Kim Ho for raising this point.

<sup>52</sup> Chŏng Chi-yŏng claims that men's strategy to preserve the family's harmony was to suppress wives' jealousy but simultaneously recognize women's hierarchy and acknowledge elite women's privileged position. See Chŏng, "Chosŏn hugi ch'ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye," 34.

concubines, it was wives who more easily expressed jealousy toward concubines than vice versa. This was primarily because of concubines' weaker and more vulnerable position in the family.

One salient difference we find in the late Chosŏn is that elite women made efforts to embody the ideal of a virtuous wife as the society Confucianized and even encouraged husbands to take concubines, especially when they were childless.<sup>53</sup> Since being childless was also one of the seven grounds for divorce, it was expected from legitimate wives to accept concubines to sustain the family. While elite women had to suppress their jealous emotions to comply with these Confucian gender norms, they were guaranteed a superior position that was never easy to be challenged. For example, during Sukchong's reign (r. 1674–1720), the Right State Councilor, Yun Chiwan, used the metaphor of sovereign–official relationship (*kun-ju*) to explain the wife–concubine relationship (*ch'ŏ-ch'ŏp*).<sup>54</sup> His message was clear in conveying the hierarchy between the two women. The Confucian patriarchal family structure assured elite women's privilege and their superior position, but in return demanded them to suppress the most natural human feeling of jealous emotions.

While elite women were legally protected in their marriage except for the seven grounds for divorce, they underwent a painful emotional experience of insecurity and anxiety over the loss of their husbands to concubines as seen in Madam Yi's case. Such emotional insecurity or sentiment of jealousy enmeshed with hatred and abhorrence led elite women to commit brutal violence against non-elite women. While the state demanded that elite women embody chastity ideology, the Chosŏn bureaucrats treated non-elite women as objects of sexual desire, and this was justified via the marriage-concubinage continuum.

During the Chosŏn, gender and social hierarchies were conspicuous in the family structure. The state justified the marriage-concubinage continuum by applying a double standard gender policy. On the one hand, the state endorsed men's sexuality and their sexual desire. On the other hand, the state loosely controlled non-elite women's sexuality whereas they rigorously suppressed elite

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<sup>53</sup> Although it is not possible to generalize the fifteenth century based on the two cases analyzed in this article, it is not difficult to find similar cases throughout the reign of Sejong based on the research conducted for this study. The tension between wives and concubines continued to exist throughout the Chosŏn period, but various discourses related to the representation of virtuous women were generated as the society Confucianized and moved toward the later period of the dynasty. For the discussion of concubines in the late Chosŏn, see Chŏng, "Chosŏn hugi ch'ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye."

<sup>54</sup> *Sukchong sillok* 26: 66b [1694.yun5.27]. Also cited in Chŏng, "Chosŏn hugi ch'ŏp kwa kajok chilsŏ: kabujangje wa yŏsŏng ūi wigye," 18.



women's sexuality and forced them to serve one husband for life. This was to appease men's sexual desire, but concurrently sustain patrilineal society. Concubinage was a popular domestic arrangement that perpetuated Confucian patriarchy and reinforced gender norms of patriarchal values to both elite and non-elite women. Although the Confucian marriage came to an end with the demise of the Chosŏn, the practice of men taking illegitimate concubines continued to exist as late as the latter half of the twentieth century.

## CONCLUSION

Various terms exist in Korean for jealousy such as *chilt'u*, *sisae*, *sigi*, and *t'ugi*. These terms are gendered in that they are strongly associated with women even in today's Korean society. It suggests how the feeling of jealousy was historically complex and gendered, and how the negative connotation of jealous women was socially constructed and attempted to silence female subjects when it came to upholding men's sexual desire. The term *t'u* or jealousy was used for both women and men during the Chosŏn period. But the feeling of jealousy was gendered in that it was only women's jealousy that was considered as evil and only women who were punished for being jealous. Unlike women's jealousy that was negatively conceived, men's jealousy was justified under the rationale that women were submissive and they had to follow their husbands' will.

Regardless of the state's recognition of concubines, many elite women refused to remain as passive agents and exercised their power by mistreating them. As shown in the cases analyzed, elite women aimed at harming the concubines' body, especially where it represented female beauty such as face, hair, and breasts. Although concubines were vulnerable subjects in the family, the law protected their right to life, and the state punished husbands and wives for severely abusing concubines or causing their death. Jealousy was an intimate emotion between partners in a marriage relationship, but the state intervened to suppress elite women's feelings in the domestic space not only to uphold the Confucian gender norms but also prevent them from being abusive. By applying the seven grounds for divorce, Neo-Confucian bureaucrats attempted to coercively dissolve the marriage of jealous women as shown in the cases analyzed. In such cases, it was not the husbands who requested divorce, but the state that utilized it to punish women. Through marriage practice, elite women had to straddle a line between representing the virtuous wife and the evil-minded wife. Since the moral opprobrium was directed at women's jealousy to protect licentious husbands, the marriage-concubinage continuum in the Chosŏn manifested the tensions among

Confucian ideals, the law, and social practice.

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