

THE *GREAT MING CODE* AND THE REPRESSION OF CATHOLICS IN CHOSŎN KOREA¹

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Many works have been written on the early Korean Catholic Church, but little has been said concerning the legal angle of the repression conducted by the Chosŏn state. Each anti-Christian campaign had a legal basis and was officially implemented in the frame of the legal system supported by the *Great Ming Code*, which was the penal code in use during the Chosŏn dynasty. The present study thus suggests that legal history may provide a suitable framework for the analysis of the anti-Christian campaigns of the nineteenth century and complement existing literature. I begin with investigating which laws were referred to during Catholic-related judicial cases and, then, I propose a few elements in order to explain why the government put such an emphasis on immediate decapitation, which was the gravest legal punishment. I also analyze how government officials enforced and misused the penal code to reach their objectives, and I conclude that laws, in the end, constituted an ideal means to justify the repression of Catholicism.

Key words: *Great Ming Code*, Catholicism, late Chosŏn dynasty, repression, death penalty, apostasy, martyrdom

INTRODUCTION

On the tenth of the sixth month, 1839, the Board of Punishments submitted a memorial to the State Council requesting the execution of a Catholic man named Yi Kwangyŏl 李光烈 as well as six women who had “wallowed in the perverse teaching” (*ch’imnik sabak* 沉溺邪學) and finally confessed their crime. The memorialist justified the sentence by quoting two of the severest laws of the *Great*

¹ I would like to thank Professor Kenneth Wells and the two anonymous reviewers for their insightful comments and suggestions. All remaining flaws are my sole responsibility.

Ming Code (*Da Ming lü* 大明律): “Making Magical Inscriptions and Magical Incantations” and “the Ten Abominations.” Both laws advocated the gravest legal punishment, which was immediate decapitation, thus leaving no hope for royal leniency. The State Council approved the recommendations of the Board and submitted them for royal decision. In the name of the young King Hōnjong (r. 1834–1849), the Dowager Queen immediately ratified the sentence, which was carried out on the same day outside the Minor West Gate (Sōsomun 西小門) of Seoul.²

Such references to codified laws abound in Korean administrative literature of the nineteenth century. Every anti-Christian campaign had a legal basis and was officially implemented in the frame of the legal system supported by the *Great Ming Code*, which was the penal code in use during the Chosŏn dynasty (1392–1897).³ At times, the Chosŏn government also introduced penal laws based on (or going beyond) those in the *Great Ming Code* in order to fit Korean realities. However, it has to be recognized that this legal aspect of the repression against Christian converts has been somehow neglected by historians.⁴ Many Church historians and hagiographers have presented the history of the Korean Church as a long succession of anti-Christian campaigns, in the same vein as in Edo Japan and Nguyen Vietnam. Such views have resulted in the half-hagiographic and half-historic idea that the Church was continuously and arbitrarily persecuted by the state and the so-called “gentiles”, thus leading to thousands of executions.⁵ More objective historians have rather tried to explain this response to Catholicism through an analysis of governmental measures and anti-Christian discourse expressed by literati.

This article is intended to complement existing historiography through a preliminary study of the Chosŏn anti-Christian campaigns and other judicial cases

² *Sūngjōngwŏn ilgi* (hereafter *SJW*) 2368:38a [1839 (Hōnjong 5).6.10 kapsul]. Johann Yi Kwangyŏl and the six women were all canonized by the papacy in 1984.

³ All quotations from the *Great Ming Code* in this paper are reproduced from the English translation of Jiang Yonglin (*The Great Ming Code: Da Ming lü*, Seattle: University of Washington Press, 2005).

⁴ A unique in-depth study regarding this topic has been produced by Wŏn Chaeyŏn in a book entitled *Chosŏn wangjo ūi pŏp kwa kŭrisūdogyo: Tong-Sōyang ūi sangho insik kwa munhwa ch’ungdol* (Seoul: Handŭl, 2003).

⁵ I intentionally avoid using the term “persecution” in this article, since I focus on government officials who thought they were repressing (and not persecuting) an evil sect threatening the state. Furthermore, scholars working on Christianity in Ming-Qing China and Edo Japan have recently been more and more cautious with the use of the term “persecution,” due to its strong connotations. For these reasons, I will rather refer to the term “repression,” and will use the term “campaign” when dealing with what existing literature usually presents as the “great persecutions” of 1801, 1839, 1846 and 1866–1871.

as seen through the angle of legal history. More precisely, I will try to demonstrate to what extent the legal issue can contribute to enlightening our knowledge of the repression of Catholicism in the late Chosŏn period, and I will explore how the legal discourse offers an interesting parallel and complement to the anti-Christian discourse incorporated in both governmental edicts and unofficial literature. This point may also explain, at least partially, why the efforts to destroy the mission presence and force believers to recant were increasingly disproportionate to the actual threat posed by this community.

Understanding which laws were used against Catholics and why these precise laws were used instead of others appears as a necessary first step in this study. Existing literature has generally considered that the crime of confessing Christian faith, and what this crime implied (plotting rebellion against the state and undermining the ethical foundations of the society) was sufficient to explain why Catholic converts and foreign missionaries had been executed. The *Great Ming Code* actually fully justifies such a severe punishment, even though Catholics had not necessarily committed the crimes they were charged with. Chinese law has always made it clear that what was punishable was the intent to commit a crime, not merely its commission. Of course, unintentional misdeeds had to be pardoned, and cases in which criminal intent could not be clearly established dismissed. However, judgments were not always handed down with such circumspection, particularly when the crime was violent and/or constituted a threat to the dynastic and social order.⁶ The degree of governmental hostility, at precise moments in history, and the (supposed) severity of the crime thus constituted two central and interwoven elements to explain why Chosŏn Catholics and their shepherds were so severely punished. This point thereby opens the way to related questions about which Christians were executed, when they were executed and on what basis they were executed. Then, to what extent can we understand the rationale behind the implementation of penal laws against Christianity? Stated differently, does legal history represent a reliable approach to analyze anti-Christianity in late Chosŏn Korea?

Although it is beyond the scope of this article to provide a comprehensive analysis of the legal system implemented against Christianity in the late Chosŏn period, I hope to offer preliminary answers to these aforementioned questions and demonstrate that Christianity faced an extremely severe but never total repression, just as recent research has shown regarding the fate of this religion in Japan and Vietnam in the same period.⁷

⁶ Timothy Brook, Jérôme Bourgon and Gregory Blue, *Death by a Thousand Cuts* (Cambridge, MA: Harvard University Press, 2008), 35–36.

⁷ See, for instance, the work of Jacob Ramsay, *Mandarins and Martyrs: The Church and the Nguyen*

THE CHOSŎN STATE AND THE IMPLEMENTATION OF LAW

During the Chosŏn dynasty, Chinese law and legal concepts played a central role in the implementation of law. The *Great Ming Code* thus became the basis of Chosŏn criminal law, and despite supplementary Korean legislation, nearly two-thirds of routine Chosŏn criminal cases were treated as violations of the Ming statutes as late as the mid-nineteenth century.⁸

The body of the *Great Ming Code* consists of seven chapters (*lü* 律), 30 sections and 460 articles. The first chapter lists general principles that are applied to all crimes and it is followed by six other chapters arranged in accordance with the six major categories of government functions (Personnel, Revenue, Rites, Military Affairs, Justice and Public Works). Each punishment of a violation of the *Great Ming Code*, at least in theory, was carefully regulated according to the principle that it should correspond precisely to the severity of the crime it punished. To this end, there was a set of Five Punishments (*wuxing* 五刑), in order from lighter to heavier. The two lightest of the Five Punishments were two different kinds of floggings. Flogging by a light stick (*chi* 笞) entailed ten to fifty strokes, while flogging by a heavy stick (*zhang* 杖) entailed sixty to one hundred strokes. The next two punishments were the penalties of two different kinds of banishment. The lighter was the sentence of *tu* 徒 or penal servitude away from one's native place, in five durations between one and three years. The heavier was *liu* 流 or banishment, at three distances between 2,000 and 3,000 *li*, depending on the severity of the crime being punished. The death penalty appeared as the fifth punishment. The death penalty was however divided in two degrees: the lighter was strangulation (*jiao* 絞)—it permitted the victim “to preserve his corpse whole”—and the heavier, decapitation (*zhan* 斬). Decapitation was a heavier punishment, because the separation of the head from the body was an infringement on the moral duty towards one's parents to preserve one's body intact. In addition, losing one's head also made one's future rebirth more problematical. For each death penalty, the most serious crimes were sentenced to “immediate execution” while other crimes were subject to a stage of review, the annual autumn assizes. In addition to these regular methods, the severest and extra-legal penalty, known as the slow death by slicing (*lingchi* 凌遲), was used to deal with the most heinous crimes.⁹

Dynasty in Early Nineteenth-Century Vietnam, (Stanford: Stanford University Press, 2008).

⁸ William Shaw, *Legal Norms in a Confucian State* (Berkeley: University of California, Institute of East Asian studies, 1981, 3–10), 29.

⁹ For a detailed presentation see Brook et al., *Death by a Thousand Cuts*, 35–67.

The *Great Ming Code* underwent a number of revisions from 1367 to its final promulgation in 1397. What we may call the “Korean version” of this code was entitled the *Great Ming Code Directly Explicated* (*Tae Myŏngnyul chikhae* 大明律直解). Based on the 1389 version of the *Great Ming Code*, it was promulgated in 1395 and contained commentaries in *idu* 吏讀 (“clerk readings”), thus providing necessary adaptations to the Korean situation.¹⁰ Two others commentaries of the *Great Ming Code*, namely the *Commentaries and Explanations on the Great Ming Code* (*Da Ming lü jiangjie* / *Tae Myŏngnyul kanghae* 大明律講解) and the *Great Ming Code with Substatutes* (*Da Ming lü fuli* / *Tae Myŏngnyul purye* 大明律附例), also came into use in Chosŏn in the fifteenth and sixteenth centuries.

The *Great Ming Code*, however, never remained the only law in use in Chosŏn. Just as in China the penal code underwent steady amplification and amendment as selected case decisions became added in the form of substatutes, so too in Chosŏn case decisions and other government pronouncements became the basis for considerable supplementary legislation, beginning with the *Great Code of Administration* (*Kyŏngguk taejŏn* 經國大典), in 1469. This administrative handbook underwent a number of revisions in the eighteenth and nineteenth centuries, and this new legislation was occasionally compiled and published for more convenient reference and for the use of officials. The *Amended Great Code* (*Sok taejŏn* 續大典) was thus promulgated in 1746. It was followed by the *Comprehensive Great Code* (*Taejŏn t'ongp'yŏn* 大典通編) in 1785, the *Updated Great Code* (*Taejŏn hoet'ong* 大典會通) in 1865 and, finally, the *Regulations of the Six Codes* (*Yukchŏn chorye* 六典條例) in 1867. As for the difference with the *Great Ming Code*, these Chosŏn law codes were rather administrative codes (*chŏn* 典), which were aimed at administering the country. The section on penal matters (*Hyŏngjŏn* 刑典) in each of these codes systematically began with the statement that the *Great Ming Code* was the fundamental criminal law of the dynasty.

It is needless to say that the fate of Catholicism in Chosŏn Korea became closely linked with this legal apparatus soon after Catholicism appeared on the peninsula in 1784. But curiously, Catholicism was not explicitly mentioned either in the *Comprehensive Great Code* or in the *Updated Great Code*, even though these two works devoted much attention to the regulation of religious activities, such as Buddhism and Shamanism, and to the prohibition of illegal contacts with foreigners (especially Chinese and Japanese) in border areas. At first glance the absence of an explicit article related to the suppression of heresy in these handbooks is striking, considering that Catholicism is usually presented by

¹⁰ The *Great Ming Code Directly Explicated* differed only slightly from the final version used in Ming China: although there are many literary differences between the two versions, the major changes appear in not more than four articles.

modern historians as a central issue of the late Chosŏn period. The context in which these two handbooks were compiled may provide an explanation. Admittedly Buddhism and Shamanism were considered as heterodox elements in the Chosŏn society, but they were not repressed, except in particular circumstances. In other words, unlike Ming-Qing China, Chosŏn Korea never really developed a strong and systematic legislation dedicated to the repression of heretical sects before the late eighteenth century. Furthermore, the *Comprehensive Great Code* and the *Updated Great Code* were both compiled at precise moments when Catholicism enjoyed tacit tolerance in the peninsula. The *Comprehensive Great Code* was compiled in 1785, in the early stage of the Korean Church. King Chŏngjo (r. 1776–1800) and many officials assumed that the popularity of this new religion was a temporary phenomenon and that it would eventually fade on its own. As for the *Updated Great Code*, it was compiled in 1865, almost twenty years after the last significant anti-Christian campaign (1846). As regent of King Kojong from 1863, the Taewŏn'gun had also been very lenient towards Catholicism before the campaign of 1866.

Catholicism, however, is not missing in other legal documents. For example, it appears in the *Records of the Board of Punishments* (*Ch'ugwanji* 秋官志, 1781, supplemented in 1791) and in the aforementioned *Regulations of the Six Codes*. It is also frequently quoted in memorials, royal edicts and judgments with references to laws of the *Great Ming Code*. It is thus possible to provide an overview of the state action as seen from the angle of legal history on the basis of these documents.

PENAL LAWS AND CATHOLICISM

Explicit references to the *Great Ming Code* in Catholic-related judicial cases appeared for the first time during the well-known Chinsan incident (珍山事件), in 1791. This incident involved two young *yangban* (兩班, aristocratic officials) converts to Catholicism, Yun Chich'ung 尹持忠 and Kwŏn Sangyŏn 權尙然, who were eventually executed by immediate decapitation since they had refused to make an ancestral tablet for Yun's mother—deceased early in spring—and had also burned all the ancestral tablets in their possession. As this case has been studied through different aspects by numerous scholars, I will only focus on the legal perspective here.¹¹

With factional struggle as a background, the Chinsan incident transformed the academic controversy against Catholicism into political suppression. It also marked a turning point in the state policy towards Catholicism, especially in terms

¹¹ The only legal analysis of the Chinsan incident has been produced by Wŏn Chaeyŏn, *Chosŏn wangjo ūi pŏp kwa kŭrisŭdogyo*, 157–200. I largely draw on his work in the following pages.

of legislation. From that moment, two laws (or articles) were regularly mentioned in anti-Christian cases. The most frequent one was Article 279, entitled “Making Magical Inscriptions and Magical Incantations” (*Zao yaosbu yaoyan* / *Cho yosŏ yoŏn* 造妖書妖言) while the other was Article 278, “Plotting Treason” (*Moupan* / *Moban* 謀叛). In addition to their content, both laws also had a particular political significance. They were all placed in the same section, entitled “Violence and Robbery” (*Daozei* / *Tojŏk* 盜賊), in the chapter on *Penal Affairs* (*Xinglü* / *Hyŏngnyul* 刑律), just after the Article “Plotting Rebellion and Great Sedition” (*Moufan dani* / *Moban taeyŏk* 謀反大逆), which advocated the sentencing to death by slicing, without distinction between principal offenders and followers. “Plotting Treason” was also one of the “Ten Abominations” (*Shi’e* / *Sibak* 十惡) which were the most heinous crimes in the *Great Ming Code*.¹² Of course, these two articles 278 and 279 all advocated severe penalties for criminals, especially immediate decapitation. It is true, nevertheless, that some other laws were sometimes mentioned, and this was precisely the case in 1791.

The Chinsan incident: a strange precedent

As soon as news of Yun and Kwŏn’s arrest reached Seoul, the anti-Christian party represented by Hong Nagan 洪樂安 (1752–?), a Southerner (*Namin* 南人) and Temporary Recorder of the Royal Secretariat (*Sungjŏngwŏn ka-chusŏ* 承政院假注書, a senior seventh-rank position), advocated the use of two laws against the Catholic criminals. The first law was Article 181, entitled “Prohibiting Sorcery and Heretical Arts” (*Jinzhi shiwu xieshu* / *Kŏmji samu sasul* 禁止師巫邪術). Even though this article resembles Article 279 since both laws prohibited sectarian activities, it was however placed in the chapter on ritual regulations (*Lilü* / *Yeryul* 禮律) and had less political significance. Lighter penalties were thus advocated for criminals: the principal offenders were to be sentenced by strangulation and the principal followers punished by life banishment. The second law presented by Hong Nagan was Article 299, entitled “Uncovering Graves” (*Fazhong* / *Palch’ong* 發塚), which was placed in the aforementioned section “Violence and Robbery” (盜賊).¹³ At first glance, this seems like a strange kind of logic, since neither Yun nor Kwŏn had uncovered any graves, but only destroyed ancestral tablets. Even more so because Article 104, entitled “Discarding or Destroying Things Such as Utensils or Crops” (*Qihui qiwu jiase deng* / *Kihwe kimul kasaek tŭng* 棄毀器物稼穡等, in the Chapter on Revenue) explicitly mentions that people “destroying ancestral tablets

¹² On the “Ten Abominations,” see Jiang Yonglin, *The Mandate of Heaven and The Great Ming Code* (Seattle: University of Washington Press, 2011), 58–67.

¹³ *ŠJW* 1696:41a–41b [1791 (Chŏngjo 15).11.8 kimyo].

shall be punished by ninety strokes with the heavy stick” (毀人神主者，杖九十). It also should be added that the *Records of the Board of Punishments* also records several judicial cases of people destroying their own ancestor tablets during family quarrels. Such offenders in eighteenth century Chosŏn were usually sent into life banishment, but not executed.¹⁴

In order to avoid such “light” penalties and precedents, Hong Nagan reported in his memorial to King Chŏngjo that Yun and Kwŏn were *yangban* who had destroyed the tablet of their own ancestors. Moreover, according to Hong, the article “Uncovering Graves” had the following commentary: “People destroying their ancestral tablets should be punished by analogy to the article entitled *Destroying Dead Bodies*” (發塚條曰，毀父祖神主者，比毀屍律), so that Yun and Kwŏn had to be beheaded immediately.¹⁵ Under pressure from government officials, the king accepted Hong’s memorial, and the two converts were sentenced to immediate decapitation.¹⁶ He also decided that Yun and Kwŏn’s crime went

¹⁴ *Ch’ungwanji*, *kwŏn* 9, *Koryulpu* 考律部, *Chappŏm* 雜犯, 24a–b (*Shinju chakpyŏn* 神主作變). This point precisely underlines the fact that the Chinsan incident should not be considered just an unprecedented cultural clash between Confucianism and Christianity. Destroying ancestral tablets was not a new turn when Catholicism was introduced in the peninsula. Such acts were not only the result of these aforementioned family quarrels but also the consequence of a resistance to rituals in Chosŏn society, a topic already studied by Donald Baker (“Rituals and Resistance in Chosŏn Korea,” *Sungkyun Journal of East Asian Studies* vol. 7 No 2 (October 2007): 6–13.). Furthermore, incidents dealing with the destruction of ancestral tablets occurred periodically in the marginalized and less Confucianized provinces of the eastern and northern parts of the peninsula. Although not linked with Christianity, some of these events have been mistakenly taken as supposed evidence of the presence of Christian converts in these areas. For instance, many historians have mentioned in their works the destruction of ancestral tablets in Kangwŏn province in 1758 and ventured the hypothesis that Catholicism may have spread secretly in this area before its so-called “official birth” of 1784. See, for instance, Yi Nŭnghwa, *Chosŏn kidokkyo kŏp oegyosa* (Keijō: Chosŏn kidokkyo ch’angmunsa, 1928), 52. By way of comparison, the absence or the act of destroying ancestral tablets was not a new turn, either, in China when Catholicism was introduced in the sixteenth century. Such destruction was a very common phenomenon in Chinese popular religious sects. After pirate raids on the coast and the Ming–Qing transition, many families reduced to poverty were also not able to reconstruct their ancestral hall before the mid-eighteenth century. On this topic, see Eugenio Menegon, *Ancestors, Virgins, and Friars: Christianity as a Local Religion in Late Imperial China* (Cambridge, MA: Harvard University Press, 2009), 192–201.

¹⁵ *SJW* 1696:41a–41b [1791 (Chŏngjo 15).11.8 kimyo]; *Chŏngjo sillok* 33:56b–57b [1791 (Chŏngjo 15).11.8 kimyo]. See also *Ch’ungwanji* 秋官志, *kwŏn* 9, *Changgŭmbu* 掌禁部, *Pŏpkŭm* 法禁, 26a (*Kŭm sabak* 禁邪學). There is actually no article entitled *Destroying Dead Bodies* (*Huishi* / *Hwesi* 毀屍) in the Ming Code. According to Wŏn Chaeyŏn, the aforementioned commentary appears in the *Great Ming Code with Substatutes* (*Da Ming lü fùlì* 大明律附例). However, I have not been able to find any trace of it and confirm Wŏn’s assertion.

¹⁶ According to the *Great Ming Code* (Art. 25, *erzui jufa yi zhong lun* 二罪俱發以重論), when two crimes were simultaneously discovered, the criminals had to be punished on the basis of the

against Confucian morality, literally the “Three Bonds and Five Virtues” (*samgang osang* 三綱五常), which posited the superiority of the ruler, fathers, and husbands over ministers, sons and wives, as well as virtues of benevolence, righteousness, propriety, wisdom, and fidelity. In the *Great Ming Code* and in the Chosŏn law codes, the most heinous crimes were all related to the “Three Bonds and Five Virtues” since they represented the fundamental principle of the cosmic order¹⁷. The king thus based his final judgment on the following statement in the newly compiled *Comprehensive Great Code*:

For those liable with a crime linked to the [three] bonds and [five] virtues: after the case is concluded and the criminals executed, their wives, sons and daughters shall be enslaved. Their houses shall be destroyed [and replaced by] a pond, the district [where the criminals lived] shall be dropped in rank, and the county magistrate shall be relieved of his duties.¹⁸
綱常罪人, 結案正法後, 妻子女爲奴, 破家瀦澤, 降其邑號, 罷其守令。

In consequence, Yun and Kwŏn were not the only victims of their crime. Their houses were destroyed and all their properties were confiscated by the government. As for the members of their families, some of them were sent into banishment while others were enslaved into families of officials. Even Chinsan was reduced from the status of great county (*kun* 郡) to that of small county (*hyŏn* 縣) for five years. Shin Sawŏn 申史源 (1732–1799), the Chinsan magistrate under whose jurisdiction the case occurred, was also dismissed from his post but confined to the district in which he had served.¹⁹

The Chinsan incident was soon added to the *Records of the Board of Punishments*, a handbook completed in 1781 and supplemented with additional details in 1791. Containing texts of numerous laws, special enactments, procedural guidelines and edicts referring to several hundred cases, the *Records* gathered documents kept on file in the board for use as legal precedents, and it is noteworthy that the Chinsan incident appeared as a quite lengthy judicial case, in comparison to others, thus giving evidence of the importance ascribed to this case.²⁰ This explains, at least partially, why most of the governmental anti-Christian texts written after 1791 emphasized the fact that Catholicism went against Confucian morality and rejected ancestor worship. Nevertheless, the legal impact of the *Records of the Board*

punishment for the most serious crime. For this reason, Yun and Kwŏn were decapitated and not strangled, since decapitation was a heavier death penalty from a Confucian standpoint.

¹⁷ Jiang, *The Mandate of Heaven*, 59.

¹⁸ *Taejŏn t'ongp'yŏn*, kwŏn 5, 5a (*Hyŏngjŏn* 刑典, *Ch'udan* 推斷).

¹⁹ *Chŏngjo sillok* 33:57a–57b [1791 (Chŏngjo 15).11.8 kimyo].

²⁰ *Ch'ugwanji*, kwŏn 9, *Changgŭmbu* 掌禁部, *Pŏpkŭm* 法禁, 24b–30b (*Kŭm sahak* 禁邪學).

of *Punishments* has to be put in perspective, since this book more often resembled case abstracts than concrete legislation.²¹ Indeed, as further legal literature of the nineteenth century will show, the article “Uncovering Graves” did not become a strict legal precedent since this law was not used anymore in Catholic-related judicial cases, even when Catholics were convicted of similar or identical crimes. After 1791, those specifically charged with a refusal to participate in family ancestor worship (*p'yeje* 廢祭) were usually sentenced to decapitation on the basis of another law, the article “Making Magical Inscriptions and Magical Incantations”.²² In 1868, the failed attempt of Father Stanislas Féron and the Prussian merchant Ernst Oppert to rifle the tomb of the Namyŏn'gun 南延君 (1788–1836, the Taewŏn'gun's father) located near the west coast, in the jurisdiction of Haemi county 海美縣, and to take the coffin into their custody, was no exception. Approximately one hundred believers were officially put to death, more as a consequence of the state crisis and the supposed foreign threat than as the result of the macabre excavation led by two Europeans.²³

The progressive emergence of an anti-Christian legislation

The Edict on the Punishment of Heresy (*T'osa pan'gyomun* 討邪頒教文) which ended the first major campaign of 1801 set forth the anti-Christian policy of the Chosŏn government until the opening of the country to Western powers.²⁴ In the same vein as the edict that launched this campaign of 1801, it advocated the use of harsh punishments: Catholics had to be treated as traitors and put to death, so that they would have no descendants. This measure naturally led to numerous executions, but it also illustrated the connection between fear and punishment that was central to Chosŏn dynasty rule. By showing a preference for the force of moral example, and not for abstract and unconditional rules and regulations, the state hoped that the fear of punishment would prevent people from becoming Catholic and frighten Catholics into apostasy.²⁵

Although not clearly mentioned in this edict, laws of the *Great Ming Code* still

²¹ Shaw, *Legal Norms in a Confucian State*, 33.

²² See, for instance, the case of Yi Kiyŏn 李箕延 in 1801, presented in *SJW* 1845:5a [1801 (Sunjo 1).12.17 kimi] and *Ilsongnok* (hereafter *ISN*) 1801 (Sunjo 1).12.17 kimi. See also the case of Pak Okkwi 朴玉貴 in 1811, in *ISN* 1811 (Sunjo 11).4.7 kabin; *ISN* 1811 (Sunjo 11).5.23 kyŏngja; *ISN* 1811 (Sunjo 11).11.3 muin; *ISN* 1811 (Sunjo 11).12.15 kimi; *ISN* 1811 (Sunjo 11).12.20 kapcha.

²³ Wŏn Chaeyŏn, *Chosŏn wangjo ūi pŏp kwa kŭrisŭdogyo*, 203–229.

²⁴ *Sunjo sillok* 3:64b–67a [1801 (Sunjo 1).12.22 kapcha].

²⁵ Franklin Rausch, “Wicked Officials and Virtuous Martyrs: An Analysis of the Martyr Biographies in Alexius Hwang Sayŏng's *Silk Letter*,” *Kyohoesa yŏn'gu*, No. 32, June 2009, 9. See also Shaw, *Legal Norms in a Confucian State*, 117–126.

played a central role until the late nineteenth century and served likewise as a basis for the progressive emergence of specific Chosŏn legal measures against Catholicism. After the Chinsan incident, the most frequent law officials referred to in Catholic affairs was Article 279, “Making Magical Inscriptions and Magical Incantations” (造妖書妖言). It reads as follows:

In all cases of making magical inscriptions or magical incantations or of propagating and using [them] to confuse people, the offenders shall all be punished by decapitation. [...] For those who privately possess magical inscriptions but do not turn them over to the government, they shall be punished by 100 strokes of beating with the heavy stick and penal servitude for three years.²⁶

凡造讖，緯，妖書，妖言，及傳用惑衆者，皆斬。 [...] 若私有妖書，隱藏不送官者，杖一百，徒三年。

Recourse to this law was justified for several reasons. In China, it remained the principal legal means of dealing with heresy from the Tang dynasty to the end of the sixteenth century.²⁷ The situation evolved in the seventeenth century toward a more lenient law, the aforementioned Article 181 (“Prohibiting Sorcery and Heretical Arts”), but its application was not followed in the Korean peninsula, due to the Chosŏn court’s antipathy toward the Qing dynasty (1644–1911), newly established by the “barbarian” Manchus. For Chosŏn officials and their kings, it was inappropriate to refer to the new penal code, the *Great Qing Code* (*Da Qing lǐlǐ* 大清律例), as well as to supplementary Manchu legislation. The *Great Ming Code* thus remained the basis of Chosŏn criminal law until the nineteenth century, and it explains why the Chosŏn government inherited the law on “Making Magical Inscriptions and Magical Incantations” when dealing with religious groups such as Catholicism which supposedly threatened the state.

The degree of heterodoxy implied by this law also certainly played a role in its adoption. From a Confucian standpoint, a first degree of deviation from orthodox thinking appeared in the term *idan* (chi. *yiduan* 異端) which could be simply translated as “heterodoxy.” It referred to unusual interpretations of the Classics, as well as strange and alien principles condemned by the authorities but seldom persecuted. Then, when heterodoxy moved beyond rejecting orthodox rituals and ethical precepts, it reached a stronger degree reflected by the term *sa* (chi. *xie* 邪), which could be translated, according to the context, as “perverse”, “evil” or

²⁶ Jiang, *The Great Ming Code*, 155.

²⁷ Barend Ter Haar, *The White Lotus Teachings in Chinese Religious History* (Honolulu: University of Hawai’i Press, 1999), 129.

“heretical.” Such groups could not be tolerated by the state, and this explains why Catholicism was commonly called “perverse teaching” (*sabak* 邪學) by its opponents. Another degree of heterodoxy was finally represented by the term *yo* (chi. *yao* 妖), generally translated as “magical”, “wizardly” or “demonic.” More political than religious, *yo* referred to those rebellious people or groups that definitely could not be moved by the morally transformative influence (*kyohwa* 教化) of the ruler and had to be eradicated, due to the threat they represented.²⁸

The Chosŏn government was also clearly aware that Catholicism had been transmitted through Christian books imported from China. This is the reason why the first anti-Christian measure taken in 1785, and in the following years, consisted of burning Christian books—usually designated as “magical books” (*yoŏ* 妖書) or “heretical books” (*sasŏ* 邪書)—and forbidding new importation of such books from Beijing.²⁹ This was not, however, a measure taken *ex nihilo*, since burning books—along with Article 279—was the traditional means to suppress religious heterodoxy in China, at least since the Tang dynasty when the well-known statesman Han Yu 韓愈 (768–824) called for the burning of all Buddhist works and compelling all Buddhist monks to renounce their faith and return to the lay state.³⁰ The Chosŏn state explicitly drew on Han Yu’s thought, especially in the late eighteenth century.³¹ King Chŏngjo wanted to use the power of persuasion, because he had some fondness for the Southerners faction and even their Catholic members. He also assumed that the popularity of Christianity was a temporary phenomenon and that it would eventually fade on its own. He thus acted against Catholics only when under pressure from officials or when Catholics became involved in public incidents, and he asserted that heretical followers of Western Learning should not be killed but educated and enlightened.³²

²⁸ Donald Baker, “A Different Thread: Orthodoxy, Heterodoxy, and Catholicism in a Confucian World,” *Culture and State in Late Chosŏn Korea*, Cambridge (MA: Harvard University Press, 1999), 230; Ter Haar, *The White Lotus Teachings*, 129–130, 172, 221.

²⁹ The first legal text to advocate the imperative necessity of burning Catholic books can be found in the *Records of the Board of Punishments*. It deals with the first anti-Christian incident, in 1785, involving Kim Pŏmu 金範禹 (?–1786). See *Ch’ugwanji*, *kwŏn* 9, *Changgŭmbu* 掌禁部, *Pŏpkŭm* 法禁, 24a–b (*Kŭm sabak* 禁邪學). Numerous references can also be found in the *Veritable Records* of the dynasty (*Sillok* 實錄), other administrative sources and recent scholarly works. Forbidding the introduction of Christian books from Beijing was even reiterated during the anti-Christian campaign of 1839. See *Hŏnjong sillok* 6:14a [1839 (Hŏnjong 5).7.25].

³⁰ This famous text is known as *Yuandao* 原道 (On the foundation of the Way). The original passage reads: “We must laicize these people (i.e., turn monks into real human beings), burn their books and turn their temples into cottages” (人其人, 火其書, 廬其居).

³¹ See, for instance, *Chŏngjo sillok* 26:6a–6b [1788 (Chŏngjo 12).8.3 imjin]; *Chŏngjo sillok* 33:42a–43b [1791 (Chŏngjo 15).10.20 shinyu]; *Chŏngjo sillok* 33:46b–48a [1791 (Chŏngjo 15).10.24 ūlch’uk].

³² Jung Tai-sik, “Religion and Politics: Persecution of Catholics in the Late Choson Dynasty

After Chŏngjo's death, Christian books remained a central issue since they constituted a significant element in the perpetuation of the "perverse teaching" in the absence of foreign missionaries. As Catholics did not pose a real threat to the state, since they tended to be cautious and to practice their faith secretly, the most valid charge against them was the keeping of heretical books at home and the recitation of "magical" prayers or incantations. Overzealous officials thereby used to frame their judgments in reference to Article 279, thus providing the same political significance and the same punishment as in Chinsan.

Article 279 even tended to become the norm in the late 1830s. In 1836 the Dowager Queen promulgated an edict declaring that all cases associated with heresy or heterodoxy should be henceforth settled according to this article. This edict, as well as subsequent legal and administrative texts in the 1830s, tended to reinforce the idea of fear which already figured prominently in the edicts of 1801. It originated from a proposal made by Hong Sŏkchu 洪奭周 (1774–1842), the Second State Councilor (Chwaŭijŏng 左議政) and one of the central figures of the history of Confucian ideas in the nineteenth century.³³ According to Hong, the prohibition of magical incantations had always been rigorously implemented in the kingdom (*yoŏn chi kŭm, charae chi ŏm* 妖言之禁, 自來至嚴), but many commoners were still divulging "magical and licentious discourses" (*yot'an puyŏng chi sŏl* 妖誕不經之說) among the populace without any knowledge of the repressive laws, thus leading to "inauspicious teachings" (*hyungŏn* 凶言) and causing agitation in numerous localities. It was thus necessary to issue a new edict in the capital and the provinces which would forbid such activities. If lawbreakers were to be discovered after the edict's promulgation, they would be punished according to the law.³⁴

Compiled in 1837, the *Conspectus of Laws and Precedents* (*Yulhye yoram* 律例要覽) also provided an interesting adaptation of this law to the Korean situation, since it only gathered criminal cases dealing with offenses for which the applicable penalty was less than death. In this manual for local magistrates, the judgment of each case was not discussed or rationalized, but simply indicated by brief formal citation of the applicable statutes, and the cases provided some evidence for the vitality of administrative discipline and the general adherence to law of the

Korea" (Ph.D. diss., The Graduate Faculty of Political and Social Science of the New School for Social Research (New York), May 2001), 188–191.

³³ Interestingly, Hong Sŏkchu had close ties with Yi Mansu 李晩秀 (1752–1820), an early and well-known opponent of Christianity. Both men had previously requested the Dowager Queen to repress Catholicism. See, for example, *SJW* 1833:90a–91a [1801 (Sunjo 1).2.12 muo].

³⁴ *SJW* ch'aek 2329:54b–55a [1836 (Hŏnjong 2).4.20 imshin]; *Hŏnjong sillok* 3:5a–5b [1836 (Hŏnjong 20.4.20 imshin)]; *ISN* 1836 (Hŏnjong 2).4.20 imshin. This law is also mentioned in the *Chŭngbo munhŏn pigo*, *kwŏn* 85 (*Yego* 禮考), 14a.

judicial authorities. The Catholic issue was discussed in an article entitled “Followers of the perverse teaching” (*Sabak sujong* 邪學隨從). The use of Article 279 was once again emphasized, but the *Conspectus* differed slightly from the original article since it mentioned that “Those who have deceived less than two persons shall be punished by 100 strokes of beating with the heavy stick and life banishment to 3,000 *li* away (惑不及二人者杖一百流三千里)”.³⁵ This passage shows a necessary adaptation to the Korean situation, reflecting both the impossibility of executing every Catholic convert and the necessity to put forward the fear of punishment. On the basis of the edict and the *Conspectus*, the law on “Magical Inscriptions and Magical Incantations” thus remained in use during the following decades to deal with the Catholic issue. It was referred to not only during the campaign of 1839, but also in the early days of 1866, and even some time in 1868.³⁶

It would be incorrect, however, to consider this aforementioned law as the only one in use during the nineteenth century. Catholicism had been condemned since the beginning for moral perversion and accused of undermining the ethical foundations of the society. From a Confucian standpoint, such behavior necessarily opened the way to breaking the law and, potentially, to rebellion. In 1801, the intercepted Silk Letter of Hwang Sayŏng 黃嗣永 (1775–1801) provided manifest evidence of such views, since it proved—at least for opponents of Christianity—that the real threat to the state was religious and linked to the potential invasion of the peninsula by foreign powers, with the help of local “traitors”.³⁷ For this reason, Article 278, “Plotting Treason” (*Moupan* / *Moban* 謀叛), was also implemented periodically, especially during major anti-Christian campaigns and for the leaders of the Church. During the first campaign of 1801, even Article 277, “Plotting Rebellion and Great Sedition” (*Moufan dani* / *Moban taeyŏk* 謀反大逆) was specifically referred to when the Silk Letter was discovered on its way to Beijing. Charged with the crime of “great sedition and depravity” (*taeyŏk pudojoe* 大逆不道罪), Hwang Sayŏng was immediately sentenced to death by

³⁵ *Yulhye yoram*, Article 108. The *Conspectus* is also known under the title *Yulhye Pyŏllam* 律例便覽, even though minor details differ in these two books. For a presentation of the *Conspectus*, see Cho Chiman, *Chosŏn sidae ūi hyŏngsabŏp: Tae Myŏngnyul kwa kukchŏn* (Seoul: Kyŏngin munhwasa, 2007), 339–347.

³⁶ This law is most frequently mentioned in the *Sŭngjŏngwŏn ilgi* for the years 1839, 1846 and 1866. A useful, but now outdated French translation of these texts is available in *Documents relatifs aux martyrs de Corée de 1839 et 1846* and in *Documents relatifs aux martyrs de Corée de 1866* (Hong Kong: Imprimerie de Nazareth, 1925).

³⁷ The Silk Letter asked the Bishop of Beijing to send several hundred ships and fifty to sixty thousand soldiers to Chosŏn in order to intimidate the government so that it would not prohibit Catholicism.

slicing, and executed on the fifth of the eleventh month, 1801. As for those Christians who “had connived at the rebellion,” they were decapitated according to the law.³⁸ The letter of Hwang justified the anti-Christian policy of the Dowager Queen and her descent group, since both major sedition and depravity were considered to be two of the Ten Abominations, which were the most serious crimes contained in the *Great Ming Code*. It was on this basis that the anti-Christian discourse would develop throughout the nineteenth century and, as precedent, would encourage the use of the most severe laws against Catholics.

The growing presence of Western powers in East Asia in the middle of the nineteenth century and their apparent link with Christianity tended to reinforce the idea—and the stereotype—that Catholic converts and missionaries were plotting against the state. Acting as leaders of this supposedly dangerous sect, French missionaries were systematically decapitated after short trials in 1839 and 1866. As for the Chosŏn converts who had communicated with the Westerners and introduced them into the peninsula, they were also beheaded in 1839, 1846 and 1866, according to Article 278.³⁹

The state crisis, 1866–1871

It is beyond the scope of this paper to provide a comprehensive analysis of the great anti-Christian campaign which led to thousands of executions into 1871. As it has been studied by numerous scholars, I will once again focus only on the legal aspect.

Of course, Catholic believers continued to be sentenced according to the *Great Ming Code*, except under particular circumstances. But laws of this Chinese penal code and other legal precedents also led to the enforcement of the first law—a decree law (*yulhyŏng* 律令)—ever issued specifically against Catholicism in a Korean administrative code. It appeared in the *Regulations of the Six Codes*, in the Chapter on *Penal affairs* (*Hyŏngjŏn* 刑典), in mid-1867:

Those who conceal foreigners and communicate with them have been corrupted by the perverse learning. They shall be punished by immediate decapitation, and their wives and sons shall be enslaved. (In all cases of people practicing the heretical learning, the immediate [sentence] is only

³⁸ *Sunjo sillok* 3:46b–47a [1801 (Sunjo 1).10.23 pyŏngin]; *Sunjo sillok* 3:52a–52b [1801 (Sunjo 1).11.5 muin]. On the implementation of this law during the Chosŏn dynasty, see Cho Chiman, *Chosŏn sidae ūi hyŏngsabŏp*, 278–289.

³⁹ See, for example, the case of the four Christian believers who proposed to the Taewŏn’gun an alliance with France to counter the supposed Russian threat in the northeast part of the peninsula, in *SJW* 2698:42a–43a [1866 (Kojong 3).1.20 kyŏngjin].

applied to the body [of the criminal]. Those who have kept such books at home shall turn them over to the government, which will burn them. If dissimulated books are discovered, the offenders will be severely punished [i.e. executed].⁴⁰

異國人潛匿相通，染習邪學，不待時斬，妻子為奴婢。（凡習邪學，不待時只誅其身。其書家藏者，告官燒之。發現於匿置者，施以重辟）。

If this law clearly drew on Article 278, it also differed in its commentary, presented in parentheses. While the *Regulations of the Six Codes* mentions that “the immediate [sentence] is only applied to the body [of the criminal]”, Article 278 conversely indicates that “The properties [of the criminals] shall all be confiscated by the government” (財産併入官), a measure that was generally reserved for the most heinous crimes, such as plotting rebellion. The more relevant explanation of this difference lies certainly in the venality of justice. The “confiscation” of material assets by government officials was after all legal in certain judicial cases, especially when articles 277 and 278 were invoked. However, it inevitably turned to corruption in the troubled context of the nineteenth century. Christian believers obviously constituted a perfect target, and missionary sources make it clear that anti-Christian campaigns were generally an opportunity for local officials and their staff to extort families’ wealth. During the campaign of 1839, the Dowager Queen even complained that police officers were more zealous to extort Christians than to arrest them.⁴¹ Extortions were thus nothing new in the mid-1860s, but they seemed to have repeatedly occurred and on a much larger scale in 1866, before and after the failed invasion of rear-admiral Pierre-Gustave Roze.⁴² Moreover, since the early nineteenth century both central and local government had severe fiscal problems. To remedy this it was important to improve procedures at county offices so as to eliminate the corruption of local clerks and to make sure that a larger share of the generated profit was sent to the capital.⁴³ In this context, we have all reason to think that Seoul hoped, through

⁴⁰ *Yukchŏn chorye, kwŏn 9 (Hyŏngjŏn), yulhyŏng*. Although the preface was composed in the twelfth month of 1865, the *Regulations of the Six Codes* were only printed and promulgated in the fifth month of 1867, a few months after the first stages of the anti-Christian campaign. See *Kojong sillok* 2:59a [1865 (Kojong 2).12.21 imja]; *Kojong sillok* 4:25b [1867 (Kojong 4).5.16 mujin].

⁴¹ *Hŏnjong sillok* 6:9b–10a [1839 (Hŏnjong 5).5.25 kimi]. Note that extortion from Catholics was also a common phenomenon in Qing China and Nguyen Vietnam when Catholicism was prohibited. See for instance, Menegon, *Ancestors, Virgins and Friars*, 143–146, and Ramsay, *Mandarins and Martyrs*, 69–70, 86–88, 105–106.

⁴² Many documents dealing with these extortions have been conserved and studied by Wŏn Chaeyŏn, *Chosŏn wangjo ūi pŏp kwa kŏrisŭdogyo*, 229–278.

⁴³ Anders Karlsson, “Central Power, Local Society, and Rural Unrest in Nineteenth-Century

this new law, to prevent greedy local officials from taking advantage of the disorderly political situation and mistreating the populace.

Anti-Christian measures reached a peak in 1868, soon after the failure of Father Féron and Oppert to excavate the coffin of the Namyŏn'gun, with the promulgation of an edict authorizing officials to "execute the criminals first and inform the king afterwards" (*sŏnch'am bugye* 先斬後啓). Just as in China, this exceptional measure was restricted to periods of wars or emergency. In the Korean case, recourse to *sŏnch'am bugye* against Catholics had already been proposed to the court in 1791 and in 1866, but its implementation only began in the eighth month of 1868, and stopped in 1871, after the failed American attack on Kanghwa Island, thus leading to the execution of approximately one hundred converts. The number of deaths, however, seems to have been underestimated in Chosŏn official sources, since missionary documents reveal that the central government had not been notified of the execution of many believers.

It remains difficult to assert the precise number of converts who died during those years. According to French missionary sources, the "public rumor" (*rumeur publique*) circulated in 1871 that 8,000 Christians had been executed since 1866. In the last years of the nineteenth century, a scholar named Huang Hyŏn 黃珣 (1855–1910) asserted the number of 20,000 executions in his memoirs, the *Mae-ch'ŏn yarok* 梅泉野錄. However, the *Journal of the Martyrs* (*Ch'imyŏng ilgi* 致命日記), composed under the guidance of Bishop Gustave Mutel in 1891–1895 to preserve memory of the persecutions, only mentions 877 executions.⁴⁴ Beyond such differences, these sources—at least the Christian documents—share one trait in common: they indicate that the vast majority of martyrs were decapitated, while just a small number of converts were strangled or died in jail during trials.

DECODING EXECUTIONS

Many scholars have examined the Chosŏn anti-Christian discourse and political context in order to explain why officials expended so much of their energy trying to suppress the foreign religion. Here I will not provide a new analysis of all the causes that led to the repression *per se*, but I will rather explore why the government put such an emphasis on immediate decapitation, the most severe legal punishment in the *Great Ming Code*. To this end, I will place opposition to Christianity in the political, legal and regional contexts of the nineteenth century, and propose a few possible and complementary answers without pretending to be exhaustive.

Korea," *Sungkyun Journal of East Asian Studies*, Vol. 6 No. 2 (2006): 211–213.

⁴⁴ Wŏn Chaeyŏn, *Chosŏn wangjo ūi pŏp kwa kŭrisŭdogyo*, 203–226.

Factional struggles and Catholicism

Some recent research has gone beyond the traditional idea of a simple cultural incompatibility between the West and Chosŏn by showing that Catholicism served as a perfect scapegoat in the context of factional and descent group struggles during the late Chosŏn dynasty. The execution of Crown Prince Sado by his father, King Yŏngjo (r. 1724–1776), in 1762, spawned a dispute which was to dominate the politics of the following decades. Those officials who resented the prince's execution and coalesced around his son, the future King Chŏngjo, came to be called the party of expediency (*sip'a* 時派) while those who supported Yŏngjo's act were called the party of principle (*pyŏkp'a* 僻派). This dispute soon split the ranks of the dominant Patriarch's faction (*Noron* 老論) and the others of the four factions as well. The introduction of Catholicism further complicated the political picture, since several members of the Southerners converted to this religion in the last years of the eighteenth century, while the others stood as anti-Catholic or remained neutral⁴⁵. It gave rise to unease and uncertainty about factional lines and loyalties, and to some degree paved the way for in-law or consort family politics. The suppression of Catholics thereby came from their getting into an imbroglio over the more general controversy of orthodoxy-heterodoxy that was being used as a mechanism for power struggles during the last centuries of the Chosŏn dynasty.

It thus came as no surprise that the great anti-Christian campaigns of 1801, 1839 and 1866 occurred while a faction or a descent group was expelling (or trying to expel) another and grasping political power. In 1800 the party of principle jumped at the opportunity created by Chŏngjo's death and Sunjo's accession to the throne to expel the party of expediency and grasp power with the help of Dowager Queen Kim. This was a typical political revenge since the party of principle had been partially excluded from political power during Chŏngjo's reign to the benefit of the Southerners among whom were the first Korean Catholic converts. Scapegoating Catholicism as heresy and suppressing its followers thereby was a justifiable cause as well as an ideal pretext to expel the Southerners.⁴⁶ As for 1839, the campaign arose mainly as a result of struggles between two descent groups. Pushed out of power by the Andong Kim descent group in 1837, the P'ungyang Cho descent group criticized and condemned their opponents' lenient policy toward Catholicism, and attempted to drive them out by

⁴⁵ James B. Palais, *Politics and Policy in Traditional Korea* (Cambridge, MA: Harvard University Press, 1997), 48.

⁴⁶ Choi Jai-Keun, *The Origin of the Roman Catholic Church in Korea: An Examination of Popular and Governmental Responses to Catholic Missions in the Late Chosŏn Dynasty*, (Norwalk: The Hermit Kingdom Press, 2006), 118–199; Jung, "Religion and Politics," 220–263.

launching an anti-Christian campaign even more severe than in 1801.⁴⁷ Recent studies have also shown the chief cause of the campaign of 1866 was actually the involvement of French missionaries in political struggles between the same descent groups. Once again in a position of weakness vis-à-vis the Kims, the Chos tried to use Bishop Siméon-François Berneux to bring about an alliance with France and England against Russia. Through this alliance, the Chos hoped to strengthen their own political position. In response, the Kims, formerly favorably disposed towards Catholicism, soon changed in to the chief proponent of the campaign.⁴⁸

Whatever the case, it was necessary for officials to glorify the dynasty and the state, and, conversely, to present Catholicism as one of the worst forms of heresy, so that eliminating believers would become rational and justify the fact that one faction or descent group stayed in power. Stated differently, they had to maintain that the real threat to Chosŏn was religious: Catholicism undermined the ethical foundations of society and entertained thoughts of rebellion through collusion with foreign powers. Thought control was therefore paramount, a position that became the hallmark of the isolationist policy led by one of the foremost neo-Confucian scholars of the time, Yi Hangno 李恒老 (1792–1868).

Decapitation in Chosŏn legal culture

The Ming legal order was a normative legal order that laid down Confucian ideals and fundamental moral pillars such as filial piety, loyalty, humaneness and righteousness to which all members of society were supposed to conform. The entire *Great Ming Code* was thus designed to give penal sanction to violations of these idealized Confucian norms. The Chosŏn government was also persuaded that the process of ongoing enrichment of law and legal mechanisms, stabilized by the bedrock of Ming criminal law, was an appropriate device for maintaining social order and solving administrative problems, and that a well-functioning legal system was considered a vital aspect of government. The Chosŏn legislation thus underwent steady amplification and reached a peak in terms of quantity during the eighteenth century.⁴⁹

Beginning in the early seventeenth century, the death penalty, and particularly immediate decapitation, came to play a significant role in this framework. It was primarily the consequence of a destructive series of invasions which created social

⁴⁷ Choi, *The Origin of the Roman Catholic Church in Korea*, 169–188; Jung, “Religion and Politics,” 286–319.

⁴⁸ Seo Jongtae, “Sŏyang sŏn’gyosa wa pyŏngin pakhae,” *Sŏng Tori wa Son’gol* (Seoul, Kippŭn soshik), 117–153, 321–352.

⁴⁹ Shaw, *Legal Norms in a Confucian State*, 9–11.

disorder in the peninsula. During the so-called Imjin war (1592–1598), the unprepared Chosŏn troops were unable to defend their positions against the Japanese invaders, so that the court fled ahead of the enemy advance, abandoning the defense of the capital, and made its way to Ŭiju on the Chinese frontier. As a result, the central government lost control of the situation in many parts of the country. The reward bestowed by the authorities for those who brought the heads of Japanese soldiers led some evil-minded and poor people to murder other Koreans. Many groups of robbers disguised as Japanese soldiers also came to attack and plunder villages. The government thus made recurrent use of the death penalty by decapitation to restore social order after 1598.⁵⁰

Hardly had Chosŏn recovered from the Japanese invasions when it faced a new threat to the north. The rise of Manchu power in the early seventeenth century temporarily damaged the governmental efforts to improve the control over the situation. It led to growing feelings of insecurity and uncontrolled migrations, especially from the Northern provinces and the capital. Again, the Chosŏn state responded with the implementation of decapitation. This was not the mere result of a growing number of crimes, but rather a government decision to apply decapitation to a large number of crimes that were not originally to receive the death penalty. In doing so, the state hoped that the fear of punishment would prevent social unrest.⁵¹

For the next three and a half centuries the Chosŏn state served as a tributary of the Qing dynasty and occasionally sent embassies to Japan. A highly regulated trade was also conducted on the Chinese frontier, in Beijing, and in the Japanese House (*waegwan* 倭館) located in Pusan. But the Chosŏn government saw first aid to the shipwrecked as the only legitimate point of contact with foreigners. Thus, illegal activities and unauthorized trade with Chinese and Japanese in border areas and during diplomatic exchanges became a particular object of concern for the authorities, and this gave birth to a wide range of new capital offenses.⁵² Since the presence of Korean intruders on the Chinese territory also periodically escalated into serious diplomatic issues between Beijing and Seoul, the Chosŏn authorities were even more willing to apply the death penalty to prevent further violations of the law. Two collections of royal edicts from 1543 to 1743, namely the *Collected*

⁵⁰ Andeshi Kāruson [Anders Karlsson], “Senkin no ko wa ichi ni shisezu: 17–18 seiki Chōsen jidai ni okeru shikei to kyōshu,” *Higashi Ajia no shikei*, edited by Tomiya Itaru, (Kyoto: Kyōto daigaku gakujutsu shuppankai, 2009), 109–120.

⁵¹ Kāruson, “Senkin no ko wa ichi ni shisezu,” 109–120.

⁵² Such cases may have served as a kind of precedent for the Catholic issue, since Korean Catholics of the late eighteenth and nineteenth century were regularly accused of having illegal contacts with Western missionaries in Beijing and, later, with French missionaries of the Missions étrangères de Paris working clandestinely in Chosŏn.

Edicts (*Sugyo chimnok* 受教輯錄) and the *Newly Supplemented Collected Edicts* (*Shinbo sugyo chimnok* 新補受教輯錄), provided a first legal basis to this recurrent use of decapitation.⁵³ Then, the *Amended Great Code* (*Sok taejŏn*) promulgated in 1746 by King Yŏngjo (1724–1776) reinforced this tendency, as summarized in the following table.⁵⁴

Code Punishments	Number of crimes mentioned in the <i>Great Ming Code</i> (1389)	Crimes added in the <i>Great Code of Administration</i> (1469)	Crimes added in the <i>Amended Great Code</i> (1746)	Total number of crimes
Simple execution (<i>ilhyul</i> 一律)	0	0	27	27
Execution with exposure of the decapitated head (<i>byosbi</i> 梟示)	0	0	12	12
Strangulation after review (<i>kyodaesi</i> 絞待時)	90	5	9	104
Immediate strangulation (<i>kyobudaesi</i> 絞不待時)	18	0	3	21
Decapitation after review (<i>ch'amdaesi</i> 斬待時)	103	5	10	118
Immediate decapitation (<i>ch'ambudaesi</i> 斬不待時)	34	0	34	68
Slicing (<i>nŭngji chŏsa</i> 陵遲處死)	15	0	0	15
Total number of crimes	260	10	95	365

In the second half of the eighteenth century, these 365 capital offenses

⁵³ The *Sugyo chimnok* is a compilation of royal edicts from 1543 to 1698, and the *Shinbo sugyo chimnok* covers the following fifty years, from 1698 to 1743.

⁵⁴ This table is reproduced from Shim Cheu, *Chosŏn hugi kukka kwŏllyŏk kwa pŏmjŏe t'ongje*, P'aju: T'aehaksa, 2009, 62. A complete list of these offenses can be found in the *Chŭngbo munbŏn pigo*, *kwŏn* 139 (*Hyŏnggo* 刑考), 1a-11b. Traditionally not considered as categories of capital punishments *per se*, “Simple execution” (*ilhyul*) and “Execution with exposure of the decapitated head” (*byosbi*) were added to the *Amended Great Code*. The term *ilhyul* actually refers to crimes punishable by strangulation or decapitation that could be reduced to a lower degree in particular cases.

constituted around 18% of the 2,038 offenses that were punishable under the Chosŏn legal system.⁵⁵ Mass executions even started in the nineteenth century in order to repress popular unrest, sectarian activity, and (supposed) foreign threats, but they were restricted to particular events that occurred at precise moments and under particular circumstances.⁵⁶ This was precisely the case during the major anti-Christian campaigns. In 1812, around 2,000 rebels were also decapitated on the same day and in the same place to put an end to the Hong Kyŏngnae 洪景來 rebellion. The Tonghak 東學 believers, for instance, were also harshly repressed in the second half of the century.

It would be inaccurate, however, to conclude that Chosŏn kings and officials became more and more tyrannical, especially in the eighteenth century. The epitome of the Confucian ruler, Yŏngjo attached great importance to immediate decapitation but, at the same time, he decided, as an exemplary king, to abrogate some inhumane tortures, such as kneecap pressure (*apsŭrhyŏng* 壓膝刑) in 1725, the leg screw torture (*chŏndo churoejihyŏng* 剪刀周牢之刑) in 1732, branding with a branding iron (*nag'yŏng* 烙刑) in 1733, tattooing (*chajahyŏng* 刺字刑) in 1740 and, finally, excessive flogging with the heavy stick (*nanjang* 亂杖) in 1770.⁵⁷ The *Official Rules for the Protection of Criminals* (*Hŭmbyul chŏnch'ik* 欽恤典則), published by royal order in 1777 finally established the principles of applications of the remaining instruments of punishment. Missionary sources, however, make it clear that some illegal tortures, such as the aforementioned kneecap pressure and leg screw, were still applied in the nineteenth century to Catholics who refused to apostatize. Such abuses occurred not only at the local level in the provinces, but also in Seoul, at the Agency for the Arrest of Thieves (P'odoch'ŏng 捕盜廳), which was the police bureau under the direct jurisdiction of the Board of Military Affairs, and at the State Tribunal (Ŭigŭmbu 義禁府), an ad hoc court of justice convened only on royal orders for important affairs such as rebellion, treason, and other political offenses.⁵⁸ Nevertheless the records of the Royal

⁵⁵ By way of comparison, in the late nineteenth century, the Qing dynasty had a total of 3,897 offenses that were punishable under the Qing Code, of which 813 (around 21%) were capital offenses. See Brook et al., *Death by a Thousand Cuts*, 54.

⁵⁶ Kāruson, "Senkin no ko wa ichi ni shisezu," 110–116.

⁵⁷ *Chŭngbo munhŏn pigo, kvŏn* 139 (*Hyŏnggo* 刑考), 26a. See also Kāruson, "Senkin no ko wa ichi ni shisezu," 117–118.

⁵⁸ The illegal tortures endured by Columba Kang Wansuk 姜完淑 (1761–1801), a pillar of the early Korean Church, are presented, for instance, in Gari Ledyard, "Kollumba Kang Wansuk, an early Catholic Activist and Martyr," *Christianity in Korea*, edited by Robert E. Buswell and Timothy S. Lee (Honolulu: University of Hawai'i Press, 2007), 57. More generally, references to illegal tortures during every anti-Christian campaign can be found in the well-known work of Charles Dallet, *Histoire de l'Église de Corée*, Paris: Librairie Victor Palmé, 1874.

Secretariat (Sŭngjŏngwŏn 承政院) and the State Tribunal generally remained unclear about these abuses, since the recorders only mentioned that Christians were “interrogated under torture” (*hyŏngmun* 刑問) or “interrogated (under torture) with a heavy stick” (*sinjang* 訊杖).⁵⁹

Chosŏn literati and their views of Catholicism in East Asia

The Chosŏn government emphasis on immediate decapitation should also be understood in the light of the circulation of ideas and knowledge in East Asia, and in Koreans’ worldviews during the late Chosŏn dynasty. Chosŏn literati had obviously nothing but an inaccurate and stereotyped view of the events happening in their neighboring countries. However, the way they perceived the development of Christianity in China, as well as the implementation of anti-Christian laws by the Sino-Manchu government, suggests the existence of unexpected regional dynamics or, stated differently, the existence of an unsuspected regional background to the suppression of Catholicism in the Chosŏn.⁶⁰

Christianity in China became a focus of interest among Chosŏn literati during the eighteenth century, and it is interesting to note that its situation was closely linked with a gradually growing interest toward China in general. The situation of Christianity in the Qing Empire was actually quite unique: it had been officially banned in 1724, but missionaries with scientific or artistic talents remained legally at the service of the Emperor in Beijing where they were confined in four churches and were forbidden, at least theoretically, to have any contact with local people. As a result, the case of Beijing was very uncommon and not representative of the Catholic presence in China, but as the Chinese capital was the only window Chosŏn envoys had on the Qing Empire, it played a significant role in their perceptions of Christianity in China.

The emergence of one extreme “nationalistic” view among literati that placed Chosŏn in the center of civilization, as the sole successor of Confucian civilization (*chunghwa* 中華) after the demise of Ming China in 1644, also played a central role in the different attitudes Chosŏn literati expressed towards Catholicism. Those who fully accepted the idea of Chosŏn as the new center of civilization inevitably rejected the Catholicism that the barbarian Qing China

⁵⁹ The records of the State tribunal (*Ch’uan kŭp kugan* 推案及鞫案) were compiled in the late nineteenth century in 331 volumes. The cases concerning Catholicism have recently been selected and reproduced in *Chosŏn bugi ch’ŏnjugyo shinja chaep’an kirok*, edited by Sŏ Chong’ae and Han Kŏn (Seoul: Kukhak charyowon, 2004).

⁶⁰ An insight into two chapters of my forthcoming dissertation, this section is also developed in a forthcoming article. For this reason, I just provide a brief presentation of my ideas in this article, and I invite the reader to refer to my dissertation for further details.

seemed to have accepted. On the contrary, acceptance of Catholicism only occurred among a few Namin scholars who rejected both ideas that Qing China or Chosŏn Korea could be the sole center of the world. As for the members of the Northern Learning School (Pukhak 北學), who began to reject the Chosŏn-centered worldview in the eighteenth century, they were accustomed to visiting Beijing churches and to encountering missionaries. Even if they accepted Western science, however, they refused to adhere to the Christian faith, which they considered heterodox, and they were also proud to proclaim to Chinese colleagues that their country had not been deluded by evil doctrines. In brief, these literati had the erroneous assumption that Catholicism was flourishing everywhere in the Qing empire. In the eyes of Chosŏn opponents to Christianity, it meant that the barbarian Qing China had accepted Catholicism, considered as something even more barbarian and heretical than the Manchu manners. It thus came as no surprise that the Chinese anti-Christian campaigns of the eighteenth century were never mentioned in any Chosŏn administrative documents. To be sure, Chosŏn literati were not interested in a precise investigation of the Qing government policy towards Catholicism. Moreover, acknowledging the prohibition of Catholicism by the Qing would not have fit with their view of China, whatever it was.

Shifts in Chosŏn views of China occurred in the early nineteenth century. The death of King Chŏngjo in 1800 resulted in the beginning of the so-called in-law government and in the strengthening of the anti-Christian policy while the Northern Learning School now had a more significant influence on the Chosŏn perceptions of China. Chosŏn emissaries back from Beijing thus began to report the anti-Christian incidents they saw, as well as the campaigns that had occurred in the eighteenth century. This led the Chosŏn government to recognize that the Manchu dynasty also tried to expel Christianity, although without success. When emissaries returning from Beijing in 1812 reported that the Qing rulers had just added a new statute (*li* 例) to Article 181 (“Prohibiting Sorcery and Heretical Arts”) in order to suppress Catholicism, this was not taken seriously in Seoul. In this law (never used in Chosŏn against Catholics), principal offenders were sentenced to the “lightest” form of death penalty strangulation, while principal followers were punished to life banishment.⁶¹ Moreover, through Korean eyes, this law was not strictly implemented in the barbarian Sino-Manchu state, since news of missionaries or converts executed by the state never reached Seoul. It was only in the 1830s that Chosŏn envoys were informed that Chinese converts were

⁶¹ In China, Article 279 (usually used in Korea against Catholics) had fallen into disuse since the early seventeenth century while Article 181 was generally taken to be the appropriate legal means for dealing with religious groups. See Ter Haar, *The White Lotus Teachings*, 129–130, 172, 221.

periodically sentenced to life banishment.⁶²

Under these circumstances, Chosŏn literati could not but consider the Chinese anti-Christian policy as being too lenient and inappropriate. This position is clearly reflected, for instance, in the discourse of Yi Kyugyŏng 李圭景 (1788–?) in the late 1840s. For Yi, the number of Catholics in China had never ceased to grow since the seventeenth century, due to the official permission for missionaries to settle in Beijing and Macao. As a grievous consequence of this tolerant attitude, many sectarians of the White Lotus and other prohibited groups had even borrowed the Catholic label to avoid governmental suppression. Yi then continued by praising the highly effective anti-Christian policy led by the Japanese “island barbarians” (*toi* 島夷) in the seventeenth century: since it was considered in the archipelago as a “religion of bandits” (*pigyo* 匪教), Catholicism had been “totally prohibited” (*ilchŏl kŏmdan* 一切禁斷) by the Edo government, and all the converts had been executed by “dismemberment or decapitation” (*ch’aek chi ch’am chi* 磔之斬之). By presenting these measures as a model to follow in the Chosŏn kingdom, he came to justify the rationality and the severity of the past Korean anti-Christian campaigns.⁶³

USE AND ABUSE OF THE *GREAT MING CODE*

Fear and apostasy

The government had the responsibility to educate its subjects and to protect them from immoral ideas and the books that disseminated them. Under the influence of factional struggles, this general policy was transformed in the determination to eradicate the roots of Christianity. Officials, however, faced an unprecedented problem when they became aware of Catholics’ willingness to die for their faith, at least since the Chinsan incident. The proscription edicts of 1801 and 1839 (*ch’ŏksa yunŭm* 斥邪綸音) likewise confirmed the fearlessness of believers in the face of persecutions and tortures, as well as their joy at dying as martyrs for Jesus Christ.⁶⁴ In these circumstances, how could the government manage to suppress Christianity without realizing the dreams of candidates to martyrdom?

Since Edo Japan and Qing China faced the same “martyrdom problem”, they constitute an appropriate point of comparison. After having executed numbers of

⁶² ISN 1812 (Sunjo 12).4.8 kyŏngsul; ISN 1813 (Sunjo 13).3.28 ŭlmi; ISN 1830 (Sunjo 30).3.21 kiyu.

⁶³ Yi Kyugyŏng, *Oju yŏnmun changjŏn san’go*, *kwŏn* 53, *Ch’ŏk sagyo pyŏnjŏngsŏl* 斥邪教辨證說 (vol. 2, 701–712).

⁶⁴ SJW 1696:29b–32a [1791 (Chŏngjo 15).11.6 chŏngch’uk]; *Hŏnjong sillok* 6:16b–19a [1839 (Hŏnjong 5).10.18 kyŏngjin]. See also Rausch, “Wicked Officials and Virtuous Martyrs,” 18–19.

converts in the early seventeenth century, Japanese authorities realized that martyrdom was exactly what Christians expected, and they thus radically changed their policy in the late 1620s. In order to destroy the impression that the Christian religion was insuperable, they now wanted apostates, since apostates better than martyrs attested to the impotence of religion, especially when these apostates have been apostles of the faith and priests. This end the authorities pursued by ruthlessly sophisticated means, and their policy proved to be quite effective, since most of the missionaries sent to Japan in the 1640s apostatized, while the others finally died in prison. This policy brought a quick end to the Japan mission and to missionary activities in Japan in the 1640s. With the exception of Father Giovanni Battista Sidotti in 1708, no missionary stepped on Japanese soil before the mid-nineteenth century.⁶⁵

Another interesting parallel could also be made with Qing China. Since the official ban imposed on Catholicism, the Manchu government avoided executing Chinese Christians and Western missionaries precisely because it could mobilize local converts into building a cult of martyrs and encouraging veneration for those local Christians who had suffered with them and were either dead or alive. Beheaded in 1746, Bishop Pedro Sanz was the only exception to this policy. The emperor, albeit with some hesitation, decided on his execution after the zealous governor of Fujian province had sent a strongly worded memorial advocating the threat he represented to the state. In order to avoid the construction of a Christian memory in the provinces, and in order to put an end to the first anti-Christian campaign, Qianlong unsuccessfully ordered the destruction of the remains of Sanz's body, and he ordered in 1747 the secret execution in jail of four other Spanish Dominican missionaries in Fujian province and, the next year, the secret execution of two Portuguese Jesuits in the Jiangnan area.⁶⁶ After that, until the early nineteenth century, all Western missionaries arrested in China were only expelled to Macao while Chinese converts were sent into temporary or life-long banishment.

Nineteenth century officials in Seoul were only partially unaware of these policies implemented in Japan and China, since they just had an inaccurate view of the Chinese and Japanese situations. Their response to the quest for martyrdom, however, showed similar points. What the Chosŏn government resolved to follow was a policy we may call "rationality defense", with its association of executions and apostasy.⁶⁷ In order to stay in power, a number of

⁶⁵ George Elison, *Deus Destroyed: The Image of Christianity in Early Modern Japan* (Cambridge, MA: Harvard University Press, 1973), 187.

⁶⁶ Menegon, *Ancestors, Virgins and Friars*, 134–135, 139.

⁶⁷ I borrow the concept "rationality defense" from the comments of Kenneth Wells on the first

times factions considered it rational to eliminate thousands of people. Their members were able to mount different types of legal arguments to prevent their opponents from gaining influence, thus providing a justification for executions. In terms of legal reasoning, inflicting punishments was also a tool of instruction, providing a moral example to the populace.⁶⁸ This is why the idea of fear (*ch'ŏk* 惕) figured prominently in Chosŏn administrative documents, and finally served to effectively destroy the Catholic Church: in advocating harsh punishments against heretics, the government knew that the fear of punishment was sufficient to prevent people from becoming Catholic and to frighten believers into apostasy.⁶⁹

In practice, the state's use of fear seems to have met with some success and facilitated the implementation of the law, so that not all converts were decapitated. This corresponds to a key point of the *Great Ming Code*, since each punishment, at least in theory, had to be carefully regulated according to the principle that it should correspond precisely to the severity of the crime it punished. The campaign of 1801 is a case in point. A collection of official texts entitled *The Meaning of Punishments against the Perverse Teaching* (*Sabak Chingŭi* 邪學懲義) indeed provides an interesting prosopographical study of converts' different punishments according to their implication in the Church and their (non-) willingness to recant. In this book, the thirty-seven principal converts who systematically refused to apostatize were therefore executed, while sixty-seven other followers were sent into exile. Interestingly, the first anti-Christian incident of 1785—which led to the exile to Tanyang 丹陽 of Kim Pŏmu 金範禹 (?–1786)—was taken as a precedent and reproduced extensively from the *Records of the Board of Punishments*.⁷⁰ Such an emphasis on banishment is perhaps not surprising, given that banishment to a remote and inhospitable place was precisely one of the most common forms of punishment during the Chosŏn dynasty, and many officials at some point in their careers spent time in exile. The *Meaning of Punishments* also records a long list of minor offenders who recanted (*hoe'o* 悔悟) before or after the implementation of torture, and were finally released. As simple followers of the foreign teaching, their “crime” was not serious enough to face execution or banishment.⁷¹ In other words, the suppression policy of 1801 was obviously severe, but not inflexibly so.

version of this paper.

⁶⁸ Shaw, *Legal Norms in a Confucian State*, 116–118.

⁶⁹ The intercepted Silk Letter of Hwang Sayŏng in 1801 precisely describes that fear led to the apostasy of the first converts, such as Peter Yi Sŭnghun 李承薰. See Rausch, “Wicked Officials and Virtuous Martyrs,” 9–10.

⁷⁰ This precedent was followed by the list of books burnt in 1801. See *Sabak Chingŭi*, 378–386.

⁷¹ The *Meaning of Punishments* does not record all cases of Christians interrogated in 1801. There is, for instance, the case of Chŏng Yagyong 丁若鏞 (1762–1836), who was sent into exile even though he had previously apostatized in 1797 and, once again, in 1799.

Abuse of the Code and arbitrary executions

In the sections above, I have pointed out that the Chosŏn legal system was taken seriously by administrators throughout the dynasty, adhered to scrupulously, and refined carefully when conditions changed. However, the state's use of fear against converts who refused to apostatize inevitably led to abuse of the legal system, meaning that arbitrary executions and illegal tortures became common features during major anti-Christian campaigns. Such events are reminiscent, to a certain extent, of factional struggles from the fifteenth century onwards. During the Chosŏn period there were several "calamities of the scholars", executions and exile for "insulters of the sages", as well as deadly controversies such as the rites controversies. The *Great Ming Code* was usually appealed to and due process followed. But factional struggles were after all power struggles. In order to expel their opponents, scholars and officials did not hesitate to manipulate Classic studies and laws in the name of orthodoxy.

To be sure, something similar can be seen in the nineteenth-century anti-Catholic campaigns. Catholicism-related cases too generally followed the general scheme and procedure of judicial cases. Each capital case was tried first at the small county level and then automatically reexamined at successive administrative levels, starting with the great county and continuing upward to the province and the central government. In Seoul the Board of Punishments reviewed the cases and reported them to the State Council for additional review before submitting them for royal decision. The criminals convicted of the gravest crimes were to be executed immediately (*pudaesi* 不待時) while the others usually saw their case reviewed during the tenth month annually with three separate hearings (*sambok* 三覆). Whatever the case, the central government systematically reaffirmed that Christians were executed "according to the law" (*ũiryul* 依律).

The refusal of converts to apostatize, even after torture had been inflicted, however, complicated the suppression policy and compelled officials to modify and adapt the measures previously enforced. This ambiguity with which the central government had to deal in regard to the Catholic issue is highlighted by the campaign of 1839. On the fifth of the third month, 1839, the Dowager Queen and Yi Chiyŏn 李止淵 (1777–1841), the newly appointed Third State Councilor (*ũijŏng* 右議政), launched the campaign after the discovery of believers disseminated in Seoul and in the provinces. Considering that the suppression policy of 1801 had been too lenient, they decided to implement an "extermination policy" (*chinmyŏl chi chŏng* 殄滅之政) which consisted in "punishing so that

there would eventually be no more punishments” (辟以止辟之道).⁷² The Dowager Queen and Yi Chiyŏn nevertheless revised their views once the government faced cases of simple believers who expressed their willingness to apostatize. On the twenty-eighth of the same month, the Board of Punishments advocated leniency for those who sincerely decided to recant, meaning that apostates had first to be beaten according to the gravity of their crime, and then released.⁷³ This recommendation was followed, and the new policy met with a certain success. The great majority of the believers arrested in spring and summer apostatized, while just a small number of reluctant converts were executed. For the French missionaries, the first stages of this campaign had the effect of a slap on the face, since they were convinced that Chosŏn converts were all determined to be martyrs. It was now clear to the central government that executions had to be avoided, so that Christians would not receive the palm of martyrdom. This explains why the Seoul judicial authorities, such as the Board of Punishments, the State Tribunal, and the Agency for the Arrest of Thieves, kept Christians in custody for months and were so willing to apply all forms of illegal torture during interrogations.⁷⁴ The presence of apostates was also seen as an opportune means to infiltrate Catholic networks and denounce its leaders. A fervent convert named Kim Sunsŏng 金順性, son of a *yangban* and a concubine, seems to have been the most active and effective of these apostates during the 1839 campaign. After the denunciation of Bishop Laurent Imbert, the court awarded him the position of commander at the *Five Military Commands* (*Ōwjang* 五衛將, a senior third-rank position).⁷⁵

The situation evolved during the summer, soon after the discovery of three French missionaries and other lay leaders who had committed “unforgivable” crimes. The campaign reached its peak between the tenth and the twelfth month, when Cho Inyŏng 趙寅永 (1782–1850) was appointed as Third State Councilor in replacement of Yi Chiyŏn. This resulted in the renewal of executions which were not restricted to legal decapitation in the suburbs of Seoul, especially Sŏsomun, Tanggogae and Saenamt’ŏ, but also took the form of illegal and secret strangulation while in custody. According to some missionary sources, the government was afraid that these too recurrent decapitations may have infuriated the local population in Seoul. But strangulations in jail can hardly have been

⁷² *SJW* 2365:9b–10a [1839 (Hŏnjong 5).3.5 shinch’uk].

⁷³ *SJW* 2365:76b [1839 (Hŏnjong 5).3.28 kapcha].

⁷⁴ But mistreatment during trials also resulted in numerous deaths in custody. See, for instance, the Archives of the Missions étrangères de Paris (hereafter AMEP), vol. 1260, fol. 172–173; Dallet, *Histoire de l’Église de Corée*, vol. 2, 146; *SJW* 2369:100a [1839 (Hŏnjong 5).7.28 shinyu].

⁷⁵ AMEP, vol. 1260, fol. 182; Dallet, *Histoire de l’Église de Corée*, vol. 2, 131–222.

considered as a simple practical expedient. The combination of legal and illegal executions was rather a return to the “extermination policy” decided early in the third month and a highly ideological expedient to suppress once and for all the roots of Christianity.⁷⁶ In other words, this would suggest how determined and effective the campaign against Catholicism was.

CONCLUSION

The Chosŏn government was particularly concerned about protection of the fundamentals of its society and civilization. It was indeed one of the central responsibilities of the authorities to protect their subjects from immoral ideas and the books, rituals and incantations that disseminated them. This tendency was reinforced when Catholicism was introduced to Chosŏn in the late eighteenth century. King Chŏngjo first wanted to use the power of persuasion, but it was discovered to be a losing battle. The approach had to be changed: other parts of the orthodox tradition and other legal articles had to be appealed to and extended. The Chosŏn state thus chose for several reasons to stigmatize Catholicism as one of the worst forms of heresy. In doing so, opponents of Christianity relied on the severest laws of the *Great Ming Code* and the subsequent administrative codes compiled during the eighteenth and nineteenth centuries. Legal history thus represents, to a certain extent, a reliable approach to analyzing Korean Catholic history and to placing it within the general context of the nineteenth century. But one must not forget that the suppression policy of Catholicism had much more to do with politics than with law *per se*. Laws were used and misused amid factional and descent group struggles not only to justify the rationality of excessive anti-Christian measures, but also one group’s dominance over its political opponents. This point explains why the efforts to suppress Catholicism took the form of persecutions and were increasingly and willfully disproportionate to the threat posed by this religion. It also demonstrates that the Chosŏn anti-Christian policy was not the consequence of simple cultural differences, but the repercussion of a far more complex political and legal imbroglio in which Catholicism became a scapegoat.

The death penalty thus became a prominent element in the suppression of Catholicism, particularly during the major campaigns, and served as the basis for a rich hagiographical literature. But the analysis of the anti-Christian legal measures also tends to show that executions were not the unique legal means to deal with Catholicism. Executions served as moral examples, and the state hoped that the fear of punishment would prevent people from becoming Catholic and frighten

⁷⁶ Dallet, *Histoire de l’Église de Corée*, vol. 2, 197–200, 209, 228.

believers into apostasy. As a result, simple converts were generally sentenced to lighter punishments, such as floggings or banishment. Many of them were also released once they had apostatized, before or after the use of judicial torture.

The *Great Ming Code* and, more generally, the suppression policy of Catholicism, also faced certain limits. This article has focused on wide-scale anti-Christian campaigns which occurred in 1801, 1839, 1846 and 1866–1871. When considered from a long-term perspective, these prominent events however appear as particular cases: the repression remained localized in time, but also in space, since it focused on the more Confucianized areas, in the south of the peninsula, and did not occur on a nationwide scale, perhaps with the exception of the years 1866–1871. In other words, Catholics were not systematically persecuted by the authorities. The leniency of local authorities and the long periods of tacit tolerance between these major campaigns and incidents invite us to reconsider the history of the Korean Church apart from particular figures and salient events. This point calls into question the general implementation of law in rural areas and the relationship between central power and local society in a context of unrest in nineteenth-century Chosŏn, topics beyond the scope of this paper.

Submitted: 12 April, 2012

Sent for revision: 23 April, 2012

Accepted: 15 May, 2012

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Abbreviations:

- AMEP Archives of the Missions étrangères de Paris
- ISN *Ilsöngnok*. All footnote references are noted according to the date in the original folio edition.
- Sillok* *Chosön wangjo sillok*. All footnote references are noted according to the *sillok* (veritable record) of each king. The page reference is to the volume of the original folio edition, not to the 1955 edition, followed by the date.
- SJW* *Süngjōngwŏn ilgi*. All footnote references are noted according to the volume (*ch'aek*) and pages in the original folio edition, not to the 1971 edition, followed by the date.

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