

## Government by Benevolence



*The great treasure of the sage is called authority; the great virtue of heaven and earth is to grow things. How to maintain the authority is, then, by benevolence.*

— *Governance Code of Joseon*<sup>1</sup>



The country had a new capital, new palace, and a sacred ancestral shrine. Tales of divine dreams and mystic prophecies spread in support of Taejo's rise. But to undergird this divine myth-making, people also had need of food and security. When Taejo rose to power, there were formidable challenges of food shortages, illegal land acquisition by oppressive elites, erratic and incapable government bureaucrats, widespread banditry, and insecure borders. Amid the chaos, Yi Seong-gye was later said to always dream of "a country where people can eat rice without starving."<sup>2</sup> Now the dreamer had become king and the future of the Joseon Dynasty depended on Taejo's abilities to materialize his dream and legitimate the new political order by pragmatically addressing basic human needs and improving on late-Goryeo's disastrous socio-economic situation.

A decade earlier, the exiled Jeong Do-jeon had visited Yi Seong-gye in his Hamhung barracks, spreading the gospel of social reform. In the years after this visit, Yi Seong-gye constantly surrounded himself with Confucian theorists, ever intrigued with their rationalist social plans to craft a better world. The coming of King Taejo, therefore, was not simply a socially meaningless replacement of one loose faction of power-seeking politicians with another set of self-interested elites. Coming into power surrounded by high-minded Confucian reformers like Jeong Do-jeon and Cho Chun, Taejo set out from the start to craft his dynasty around the coherent

ideological framework of Confucian humanist rationality. Instead of a polity in which inherited wealth and palace favoritism defined the heights of power, or in which spiritual traditions of Buddhism, Taoism, and Confucianism all coexisted equally, King Taejo's reformers set out to transform the political and cultural context of Joseon into a world of Confucian orthodoxy.<sup>3</sup> "We desire to renew governance and moral transformation with them so that We might respond to heaven's heart," Jeong Do-jeon had once said in an earlier memorial to King Gongyang.<sup>4</sup> The winds of Taejo therefore heralded the rise of Confucianism as the driving ideological force and foundational "public reason"\* of Korean society.<sup>5</sup>

There were several aspects to this social and ideological reconstruction project. The scholar Jeong Do-jeon was elevated as "Prince of the Faith" with a special role to reconstruct society and government in alignment with his Confucian ideals. A vision emerged of a world built around a literary framework of expanding schools, a culture of books and writing, and a politics of edification led by virtuous scholars and officials who earned their position through rigorous exams.<sup>6</sup> The Confucian ritualization of both public and private life was relentlessly pursued, producing a method to disseminate and reproduce Confucianism in Joseon social life far beyond Taejo's time (indeed, Joseon's claim as Asia's most thoroughly Confucian polity could be accurately sustained for the next 500 years).

As Taejo's most powerful advisor, Jeong Do-jeon constantly denounced the magical thinking of the shamans, the

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\* "Public Reason" is the notion that the morality or rules that govern common life must be rationally justifiable or highly valued by those living under them. Jeong Do-jeon argued that rulers should not make decisions or claim authority based on magical thinking about "witchcraft and mysterious forces," but on a rational pursuit of goals and on moral righteousness. In this way, Jeong Do-jeon and the other scholars of Taejo's day presented Confucianism as what philosophers today described as "public reason": "a standard for assessing rules, laws, institutions, and the behavior of individual citizens and public officials." See *Stanford Encyclopedia of Philosophy*, "Public Reason": <https://plato.stanford.edu/entries/public-reason/>.

mysterious folklore and strange prophecies of common people, and the otherworldly spiritualism of the Buddhists. In this, Jeong Do-jeon agreed with the critique of fellow Confucian, Jeong Mong-ju.

But the teachings of Buddha are different. One must part with relatives, denounce the relationship between man and woman, sit alone inside a cave, wear clothing made of grass, eat roots, and revere the search for emptiness and Nirvana. How can this be called the way of everyday life?<sup>7</sup>

Instead of searching for empty Nirvana, Jeong Do-jeon urged that the King should be judged on his ability to rationally pursue social progress—to meet the daily needs of the people for food, shelter, and security—and to morally uplift the people through the edifying example of his own Confucian virtue.<sup>8</sup> King Taejo took up the challenge with sincerity. Eleven days after ascending to the throne King Taejo offered his first royal edict, promising many social reforms. Civil service exams would be required for men of talent and knowledge to enter into government service. Neither money nor personal connection would do, as he would admit only “loyal subjects, filial sons, men of principle, and virtuous women.”<sup>9</sup>

The new king ordered more provincial schools to be established. He proclaimed that welfare would be offered to widows, widowers, orphans, and poor people. He announced a reduction of state-forced corvée labor. There would be careful auditing of tax revenues and expenditures, and inspection of government granaries to prevent embezzlement. There would be more restraint in government travel expenditures and more support for sailors on warships. The cloth tax would be eliminated. Penal reform would advance balanced and fair punishments for crimes. The transport of Ming’s tribute tax by boat was abolished, so as to relieve the burden on coastal shipbuilding communities.<sup>10</sup>

Having announced a set of policy goals, King Taejo then instructed Jeong Do-jeon to begin putting flesh on things by drafting a broad new legal code. Jeong’s work—the *Joseon*

*Gyeonggukjeon*—would become the Governance Code of 1394: the Constitution of Joseon.<sup>11</sup> This document, the first legal document of Joseon, conveyed the ideological fervor of the moment. The document was not meant to be a detailed administrative code, guiding daily work, and it wasn't printed up for broad distribution. Rather, it was a general philosophical statement of core principles (*jurye*) of the ideal state—an educative tool to guide the aspirations of the King. Upon completion, Jeong Do-jeon urged King Taejo to keep the document close to his side so that he could frequently read and ponder the principles of good government. King Taejo placed the 1394 Code of Joseon inside a golden casket and kept it close in his reading room.<sup>12</sup>

The King had three foundational principles to reflect on in his nightly reading: First, and most importantly, the Code of Joseon asserted that the common people are the foundation of government, and the king must strive to love and understand them. Second, the Code asserted that Joseon would be a thoroughly Confucianized society of ritual propriety, guided by the philosopher-kings of Sungkyunkwan, so as to become the “Zhou of the East.”\* Finally, the 1394 Code articulated a theory of government by remonstrance: a government of balanced centers of power wherein educated advisors would always guide, check and remonstrate the king.

The principles began with the notions of *minbon* and *injeong*: “the people” as the foundation of state and the related necessity of a government by benevolence. This notion of the welfare of people being the foundation and purpose of political power was the animating spirit of Sambong’s social contract theory. Without benevolence towards the people, no state could be legitimate or stable, Sambong wrote. The people are like the water floating the ship of state. The boat is the king, but the water can become unruly and overturn the boat. “The foundation of the king who governs a country is to win the people’s heart...the regime which does not win public sentiment is bound to collapse. How can we win public

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\* The Zhou dynasty (1046–256 BCE) was the longest lasting Dynasty in Chinese history and was known for originating and developing the ideas of Confucianism.

sentiment? It can only be obtained by loving the people as true as the king's own self." The shepherd must lead his flock safely. The parent must feed his children well.<sup>13</sup>

Regarding the notion of benevolence to "the people" as the foundation of state, Taejo was committed, but was no revolutionary. Though King Taejo introduced reforms to improve most people's situation, he didn't advance a wholesale social revolution to overturn hierarchical Goryeo society. In Jeong Do-jeon's social code, in fact, four reputable classes of civil society were identified, with very little movement allowed between them: the literati (*sa*), the peasants (*nong*), the artisans (*gong*) and the merchants (*sang*). The code also identified a class of "unclean" professions (the *cheonmin*), which included butchers, shamans, jail-keepers, *kisaeng*, shoemakers, and enslaved persons (*nobi*). Most of the *cheonmin* were required to live in isolated places away from "clean" society and had no chance of social mobility.<sup>14</sup>

Reaffirming this social order, soon after the initial upheaval of his accession calmed down, King Taejo returned most of the enslaved servants (*nobi*) to the elite families who had resisted his rise and he continued to award enslaved persons to his Meritorious Retainers.<sup>15</sup> As another indicator of social continuity, most of the influential clans from Goryeo remained powerful and wealthy in the early Joseon era.<sup>16</sup> The social position of most commoners didn't change in the least.

Though King Taejo was not setting out to overturn the social order, he did pursue meaningful reforms to improve the situation of common people (including enslaved people). Most fundamentally, he pursued reforms to improve the food, housing situation, and physical safety of many. As Jeong Do-jeon argued, providing food and security to people was a requirement of "government by benevolence," and was also a strategy to reduce banditry and social unrest. "You have to have plenty of things to wear and eat to know shame and have manners," Jeong wrote. "If [people] are desperate from cold or hunger, they will have no time to reflect on their manners or to feel shame, and they become a bandit."<sup>17</sup>

Therefore, King Taejo pursued a host of reforms to improve agricultural production, reduce taxes, rationalize the criminal justice system, reduce corvée labor duties, and reduce

banditry.<sup>18</sup> He substantially expanded public schools as “the foundation for enlightening the people,” especially targeting areas like Tamna island where there were no schools at all and many people were illiterate.<sup>19</sup> To support his goal of enhanced national learnedness, Taejo established the Department of Books which began to develop a movable metal type, perhaps the earliest in the world.<sup>20</sup>

Some of Taejo’s most important projects focused on agricultural and land reform, so as to address persistent famine. Taejo sent public employees on pest control and forestry/river management projects throughout the provinces, helping to improve agricultural productivity.<sup>21</sup> He expanded state granaries so the government could provide better food relief during times of crisis. He also began regular audits of granaries, helping to control embezzlement by local magistrates. His officers began to keep better track of how much stored grain had been damaged by rain or rats and developed a system to keep old grain separate from new grain and to release the old grain first.<sup>22</sup>

To push more land into cultivation, Taejo sent surveyors across the provinces to investigate whether wealthy landowners were allowing large tracts of land to lie idle. Offenders were beaten with a paddle. He restricted corvée labor on state projects to non-farming seasons. “People should never be summoned or mobilized during the busy farming season for matters that are not urgent,” said his royal edict. “Let them devote themselves only to their farming, except when the matters are related to treason or the fight against the Japanese invaders or capturing thieves.”<sup>23</sup>

Local magistrates were ordered to do all they could to keep people working on their farms, and to provide support to those physically unable to work. Provincial governors were told “to inspect the farming situation occasionally, making idle people get back to their farming, providing those who have run out of provisions with grain from the righteous granaries, and providing those who are unable to cultivate their land due to illness with help from neighbors and relatives so that they may not miss the farming season.”<sup>24</sup> It was announced that widows, widowers, orphans, the old, and the sick were all exempted

from hard labor expectations and should be provided with state relief from the righteous granaries.<sup>25</sup>

Reforms were introduced to protect local lands from destruction and plunder by nobility or soldiers. "When the royal guards from various provinces travel back and forth to report to their duty stations, they recklessly pass through local districts, harassing the people and causing damage to their crops," a Privy Council memorial remarked in 1393. "From this day forward, they should be prohibited from entering the districts and required to camp in open fields."<sup>26</sup>

The king followed this rule himself during one local visit, camping in the open. He learned that a local magistrate had been extorting local residents for money to entertain the King's entourage and so Taejo had the magistrate flogged.<sup>27</sup> During one hot springs trip while camping in the open, the King discovered that a few furrows of crops had been "grazed and damaged by the horses of his entourage." He ordered his attendants to pay the villagers for the damage and then proclaimed: "From now on, if anyone lets his animals run through crops in the field, I will not forgive him, even if he is my son or brother."<sup>28</sup> Violators of the new expectations were punished. When two military officials went on an outing and shot the goats and ducks of village residents, they were impeached by the Censorate.<sup>29</sup>

Toward the end of his reign, new rules were announced that "Government offices must not be allowed to seize without payment the fruit and bamboo cultivated by the common people, and each government office shall establish its own orchard to supply the necessary fruit."<sup>30</sup> Tax collectors were required to dramatically reduce their entourage of attendants and guards when they went out into the provinces, so as to reduce demands on local lands.

Improvements to criminal and military justice were introduced. King Taejo approved Privy Council proposals for more fair and humane treatment of soldiers and sailors. Soldiers were protected from excessive corvée labor, while sailors were allowed to fish and make salt while on duty so as to garner a bit of extra income. Towards the end of his reign, the inspection and punishment of military officers found to be corrupt or abusive was expanded.<sup>31</sup> Multiple memorials to the

king identified central or local jails filled with unjustly or ambiguously accused persons and Taejo often granted amnesties. He also worked to establish a principle that the death penalty could only be implemented upon approval from the King.<sup>32</sup>

To enforce this wide range of reforms, King Taejo worked to improve the power and oversight of his central bureaucracy. He created an expanded corps of royal envoys (*Kyeongchagwan*, *Pyongmyeong Sasin*, and *osa*): central state officers sent to the provinces to oversee local work and evaluate provincial magistrates. These royal envoys expanded the reach of Joseon central power, holding local officers accountable to state goals.<sup>33</sup> To guide their work, King Taejo's advisors developed a list of seven standards to be used for evaluating local magistrates.<sup>34</sup>

1. Agriculture and sericulture must be thriving.
2. Schools must be flourishing.
3. Civil suits must be resolved quickly.
4. "Wiliness and slyness must not exist."
5. Magistrates should submit to military orders
6. There should be an increase in the number of local households and families.
7. Corvée labor should be made equal.

Of course, none of these high-minded reforms were wholly fulfilled, even when "wiliness and slyness" was held to a minimum. But the improved direction of Joseon was clear. The spotty but meaningful results of land reform provide a case in point. Cho Chun and Jeong Do-jeon had ambitiously pursued land reform since 1391. The fundamental goal was to reclaim vast land rights from the *gwonmun sejok* (as materialized in their right to tax the harvest). Those taxation rights would then be returned to the state for distribution to more meritorious subjects of the up-and-coming ministerial and scholar-official class. As well, land reform would prohibit the *gwonmun sejok* from easily converting farmers into slaves when they couldn't pay their taxes, partly by reducing the number of land owners with taxation rights on each plot of land and partly by capping overall tax rates. This land reform



project could also help ensure farmers never lost the right to till plots of land, since most land would ostensibly belong to the state in the end, not to private parties.<sup>35</sup>

Some elements of this ambitious plan were achieved in early Joseon. A national land audit was completed and the number of “landowners” able to tax a single plot of land was meaningfully reduced. Tax rates were also reduced. While most provincial land ended up staying in the hands of wealthy elites in the end, almost all the lands in Gyeonggi-do (the capital city’s bordering province) were returned to state control and became available for state taxation or for distribution to new officials and merit subjects. With an increased level of state-taxed lands, public coffers began to fill, and officials could count on reasonable salaries without resorting to bribery or embezzlement.<sup>36</sup>

As for reforms to the slave law, these were also limited, but meaningful. When King Taejo came into power, the slavery situation was in complete disarray. The *gwonmun sejok* families had converted hundreds of thousands of people into slavery, claiming rights to the servitude whenever someone couldn’t pay their taxes or couldn’t pay back a usurious loan. But keeping track of these enslaved persons and enforcing rights to their labor had become a chaotic situation. For one thing, these enslaved persons were constantly running away and wandering the land. Also, enslaved persons were often gambled away or promised to another in commercial transactions, or won and lost in constant factional court struggles, and it was difficult to keep track of who had a “right” to which slaves. Invasions from the Red Turbans and Japanese pirates had burned so many records—and Jeong Do-jeon had famously burned others in the capital public square (see chapter 17)—that it became impossible to know for certain the real status of many people that elites claimed as slaves under Goryeo’s slave law, and litigious disputes were never-ending.<sup>37</sup>

Early in his new regime, King Taejo issued a royal decree, describing the chaotic situation in which people constantly sued each other over slave ownership (including enslaved persons suing for manumission), causing chaos in the courts. “Cunning people conspired to file lawsuits using every means

possible. The problem was so serious that fights broke out among parents and brothers, who killed on another and harmed good custom, and it made me feel very sorry.”<sup>38</sup>

Trying to make a fresh start, King Taejo announced a new slave law policy. Starting at the end of 1392, any slaves “who were originally people of good status” would be restored to their freedom and good status, but only if they had already served as slaves “for a long time.” Also, people of good status who had only just recently been reduced to slavery were freed. But any people who were in the middle of their period of slavery should continue their servitude. As for enslaved persons who were previously of low social status, these people would have to keep doing the base work of slaves, perhaps serving as palace runners or gate guards. However, they would not be considered permanently of base status and could be elevated out of slavery over time. For example, if any such person made an outstanding contribution to the nation, they or their children could be freed and permanently granted good status.<sup>39</sup>

Lawsuits to resolve all these matters were given a hard deadline so that the status of all enslaved persons could be settled for good by that deadline. Anyone who continued to bring lawsuits after this deadline had passed would be seriously punished. Such a person would receive one hundred stokes with a paddle, “and his documents concerning his slaves shall be confiscated and burned by authorities.”<sup>40</sup>

These reforms were hoped to offer a serious improvement in the situation for many enslaved persons, offering a chance to regain good status and to resolve the endless legal struggles over whether people should be considered enslaved or not. In fact, serious improvements for some people did occur, as many formerly enslaved persons recovered their good names. But partly because of ambiguity in the King’s proclamation (e.g., offering to free people who had been enslaved “for a long time”), legal conflicts continued throughout all of King Taejo’s reign and beyond.<sup>41</sup> Furthermore, the King’s edict to free a thin slice of Joseon’s slaves meeting unique conditions did nothing to emancipate most enslaved persons across the peninsula.

In the end, the matter of freeing enslaved persons simply was not a priority in King Taejo's regime. In January of 1393, excited with prospects of freedom, fifty enslaved persons once blocked the royal carriage as it was returning to a temporary royal palace. The people all prostrated, begged, "and appealed to the king to restore them to their original status as commoners." But King Taejo only ordered them all arrested and taken to the Capital Constabulary to be interrogated. Three leaders were identified and beaten with a heavy paddle.<sup>42</sup>

Taejo's lack of serious commitment to addressing the slavery issue led some of the most idealistic revolutionaries to question his heart. In the southern provinces one notable scholastic hermit lived in a cave on Palgongsan mountain. This old hermit constantly delivered withering critiques against the wealthy elites and unfair taxation while insisting on fundamental land and slavery reform. Though King Taejo reached out to this well-known hermit and offered him a house and government sinecure in the new regime, the hermit stayed in seclusion because the land and slavery questions weren't well-resolved. He ultimately died as a critic in his cave, a moving symbol of the limitations of the Taejo revolution.<sup>43</sup>

Though such episodes reveal how some radicals were discontent with the extent of King Taejo's reforms, in the final balance sheet, things were improving for many people in Joseon. The nation-wide economic situation stabilized, food security dramatically improved, labor requirements were reduced for tens of thousands, borders became more secure, and taxes were rationalized.<sup>44</sup> A growing commitment to the rule of law versus rule by personalistic fiat also came with the Joseon revolution. Taejo's halting efforts towards reform of the slave law were part of an overall expansion of the rule of law in Joseon. Late Goryeo was dominated by personalistic abuse of office and local applications of ad hoc law, a chaotic and corrupt situation constantly criticized by Taejo and his Confucian *sadaebu* as his new regime settled in. Early in Taejo's rule he called for written revisions to Joseon's criminal and administrative codes so as to rationalize punishments, appointments and dismissals, lawsuits, and ritual activities. His call for a predictable empire of written law in Joseon led to

Jeong Do-jeon's early drafting of the 1394 Governance Code of Joseon (*Joseon Gyeonggukjeon*, which provided a broad, constitutional framework for Joseon politics), which was followed later by such milestones as the *Gukjo Orye* in 1474 (The Five Rites of State) and the *Gyeongguk Daejeon* in 1485 (The Compiled National Code of Joseon).<sup>45</sup>

With King Taejo's wide-ranging reforms, people began to settle into the new regime and return to their old homes—once abandoned due to fear of Japanese pirates or *gwonmun sejok* tax collectors. More farmland opened up and villages filled with again with a settled population.<sup>46</sup> King Taejo's Inspector General and court scribes reported the pleasant results.

The sound of worries and lamentations began to disappear from villages, and the vagrant people who had abandoned their hometowns had the joy of settling down. Empty places turned into towns and villages, and barren lands with brush and grass became paddies and farm fields producing rice and millet... As a result, the regional population began to grow and the people in one village could hear the sound of crowing chickens and barking dogs in the next. The lands along the coast and on distant islands were all reclaimed, and the people lived in peace, eating and drinking every day, forgetting war.<sup>47</sup>