
NOTES & COMMENTS

The Great Ming Code and International Custom of Medieval East Asia: An Analysis of Korea's Policies regarding Japanese Crimes in the Fifteenth Century

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The primary purpose of this research is to analyze the formation of international custom of medieval East Asia under the system of the Great Ming Code. It focuses on Korea's policies regarding Japanese crimes in the fifteenth century. This study particularly investigates how the Great Ming Code affected the East Asian system of order. We find that Confucianism, which was the basis for the Great Ming Code, had a great influence on the formation of customs in East Asia in such areas as the establishment of patriarchal authority, filial piety, and the five punishments system. This study also investigates how etiquette, which served as a foundation for diplomatic regulations, affected Korea-Japan relations during the fifteenth century. It also analyzes Joseon (Korea)'s control policies against illegal acts committed by the Japanese, who tried to enter Joseon for economic gain, from the perspective of the Great Ming Code.

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1. Introduction

The Great Ming Code 大明律 was compiled by Zhu Yuanzhang 朱元璋 (1328-98), the founder of the Ming Dynasty (1368-1644) of China in order to establish a differentiated social discipline and order system as the basis of his reign. Zhu expected such a standardized legal system would eradicate corruption, which was rampant at that time.¹ Through four sets of revisions and corrections after its promulgation in 1364, the Great Ming Code established *SamgangOryun* 三綱五倫 (the three fundamental principles and five ethical norms) and the vertical order, the highest legal authority for the people to follow. The Great Ming Code not only regulated people's values and behaviors, but also established international customs for neighboring countries within the Chinese cultural zone by sharing Confucianism as a social ideology.²

The primary purpose of this research is to investigate the influence of the Great Ming Code on international customs in the fifteenth-century's East Asia. This paper will discuss specifically the relations between Korea (Joseon Dynasty) and Japan focusing on the then Korea's negative policies toward Japanese immigrants. The Joseon Dynasty often invoked the Great Ming Code as a basis for punishing illegal Japanese entry and crimes including smuggling, violence, and murder committed by the Japanese in Korean territory. The authors examine how the Great Ming Code affected these relationships between Korea and Japan. Such a study can be a ground for finding the traditional international custom existing the medieval East Asia.

This paper is composed of five parts including a short Introduction and

¹ J. COHEN, THE CRIMINAL PROCESS IN THE PEOPLE'S REPUBLIC OF CHINA 1949-1963, 185-6 (1968). See also YONGLIN JIANG, THE GREAT MING CODE/ DA MING LU (Yonglin Jiang trans.) xxxiii-xi (2005); Seongmu Lee, *The Compilation of Gyeonggukdaejeon* (Great Code of National Governance) and the Great Ming Code [經國大典의 編纂과 大明律], 125 J. KOREAN HISTORY [歷史學報] 96 (1990).

² For details, see the following papers: Byeongho Park, Ancient Society and Laws of Korea [韓國의 傳統社會와 法] (1998); Geungsik Jeong & Jiman Joh, *The Adoption and Application of the Great Ming Code during the Early Joseon Dynasty* [朝鮮前期 大明律의 受容과 變容], 96 JINDANHAKBO [진단학보] (2003); Gu-jin Kim, *The Compilation and Introduction of the Great Ming Code: The Compilation and Background of the Gyeonggukdaejeon* [대명률의 편찬과 전래-경국대전 편찬과 배경] 29 BAEKSAN JOURNAL [백산학보] (1984).

Conclusion. Part two will introduce the three ethical pillars of the Great Ming Code, which dominated the social system and international order of medieval East Asia. Part three will discuss the influence of the Great Ming Code on the relationship between Korea and Japan in the fifteenth century. Part four will investigate Joseon's policies regarding crimes committed by the Japanese.

2. Three Ethical Pillars of the Great Ming Code

The Great Ming Code consists of prohibitive clauses. It provided the legal basis in establishing appropriate penalties for criminality. It included clauses about ethics and punishment defining what things citizens should or should not do. The Code was mainly enacted by Confucian scholars.³ They believed the Confucianism as the highest value to follow so that disobeying Confucian values should be a wrongdoing.⁴ Accordingly, the Confucians reflected the ethical concepts of Confucianism in the Code, such as the father's absolute authority, filial duties toward elders, and the system of five mourning clothes. These dominated the ideas of the entire social system as well as the international order at that time. The Great Ming Code contains the following three ethical pillars as: patriarchal rights; filial duty; and the mourning clothes system.

First, the Code presents the patriarchal rights. Confucius said: "Country and family are one entity."⁵ In a Confucian society, fathers who lead their family are thus equivalent to the King who rules the country. As the King has life-or-death authority over his people,⁶ the father also has a similar authority over his children. As this concept was expanded to the concept of children's filial duty to their father and the people's loyalty to the King, it was expanded to the governing principles. Owing to the clauses guaranteeing patriarchal rights in the Great Ming Code, children and wife should respect the father and husband.⁷ A social order of respecting patriarchal rights could be maintained because of the punishments imposed on non-compliant acts.

³ TONGZU QU, CHINESE LAWS AND SOCIETY [中国法律与中国社会] 305-6 (1996).

⁴ JINFAN ZHANG, THE TRADITION AND MODERN PARAGON OF CHINESE LAWS [中国法律的传统与近代转型] 21-6 (1997).

⁵ Rules of Rites Lijii [禮記] SECTION 24 (MEANING OF SACRIFICES) [祭義] (Hyewon Publisher trans.) (1997).

⁶ Under absolute despotism, the King could issue capital punishment.

⁷ See Direct Exposition of the Great Ming Code, Patriarchal Violations of the Code while Processing His Child's Matrimony [大明律直解, 父母因禁嫁娶] 217 (1936). For details on the divorce under the Great Ming Code, see *id.* at 214.

Second, the Great Ming Code established the practices and observance of filial duties by legal clauses. The scope of filial duties expanded to include hiding parents' crimes and serving parents well. If a child reported a parent's crimes or if a wife or concubine reported a husband's misdemeanors, it was considered an immoral deed,⁸ so such acts were severely punished. In particular, the Great Ming Code considered filial duties the core of maintaining the blood-tie ethical order,⁹ so it considered impious acts one of the ten most serious crimes¹⁰ and punished them severely. As a result, the Great Ming Code contributed to expanding the concept of filial duties by systemizing legal regulations without limiting filial duties to the scope of ethics.

Third, the Five Punishments System is stipulated in the beginning part of the Great Ming Code. Due to the complexity of the system, each punishment was described in pictures to prevent any unfair application of the system. When imposing penalties, five kinds of punishment - *tae*, *zhang*, *tu*, *liu*, and *si* - were used. The level of punishment in the Great Ming Code varied depending on the relationship between an inflictor and a victim, so an interrelationship between the two was very important in determining penalty. If a person with a lower social status committed a crime against a person of a higher class, or a wife against her husband, or a low-ranking official against a high-ranking official, *e.g.*, the severity of punishment increased drastically. As such, Confucianism, which values hierarchy and differences in status—that is, an ethical order, such as the idea of men's predominance over women or the custom of respecting officials over the people - was reflected in the Great Ming Code. Such ideas were expanded to differentiating etiquette and even to international relations.

3. The Influence of the Great Ming Code on the Relationship between Korea and Japan

The core idea of the Great Ming Code is 'etiquette,' called *li* 禮 in Chinese.¹¹ Etiquette served as the basis for legal provisions and the standard for judging a penalty.

⁸ Direct Exposition of the Great Ming Code, Violating moral obligations and fidelity [大明律直解, 干名犯義] 497 (1936).

⁹ Hiding relatives' crimes was an act that violated national law, but it was necessary to maintain the blood-tie ethical order, so the Great Ming Code adopted the concept.

¹⁰ See Direct Exposition of the Great Ming Code, Ten Sinful Acts [大明律直解, 十惡] 23–7 (1936)

¹¹ Eric Y. J. Lee, *Concept of Law in Korea: A Historical and Comparative Perspective*, 21 ASIA PACIFIC L. REV. 84–6 (2013).

People who did not follow etiquette were punished. Depending on circumstances, different etiquette applied.¹²

The Ming and Joseon Dynasties commonly adopted Neo-Confucianism and the Great Ming Code as their ruling philosophy and tool, respectively. The book *Zhuzijiali* The Family Rituals of Zhuzi [朱子家禮] and the Great Ming Code served as the basic principles for maintaining a nation and society.¹³ They shared the same cognitive framework and system of order. This chapter investigates the relationship between Korea and Japan.

A. The Value of Confucianism under the Great Ming Code

Etiquette served as a standard for determining crime and its penalty. If superiors committed a crime against subordinates, they received no or a lighter punishment. Conversely, if subordinates committed the same crime against superiors, they received a heavier punishment. As such, etiquette was the basis for maintaining the value system of the Great Ming Code. Etiquette was equally applied to nations and to society, as well as to individuals.

The fifteenth-century international order of East Asia is referred to as the ‘tribute’ system, consisting of China as the center kingdom and neighboring States.¹⁴ There was etiquette for the Chinese emperor and other kings to abide by. These were applied to, e.g., clothing color¹⁵ and the size of the royal palace gates. This suggests that there was an order for everyone to follow. As Confucian etiquette was the standard for judging the level of civilization, a country was evaluated following Confucian etiquette.

The late fourteenth century was a tumultuous period in East Asia. New states were established in China and Korea and Japan was finally unified.

At that time, Korea (Joseon Dynasty) and Japan incorporated the Great Ming Code into their domestic order and ruling systems,¹⁶ which formed the Confucian cultural zone around China. Although the zone was a Sino-centric system, it also

¹² *Supra* note 5 § 27.

¹³ Jiang, *supra* note 1.

¹⁴ Woobong Ha, *Recognition of Self and Others Observed in International Relations during the Early Joseon Period* [조선전기 대외관계에 나타난 자아인식과 타자인식], 123 RESEARCH ON THE HISTORY OF KOREA [한국사연구] (2003). For details on the tribute system, see Tiewa Wang, *International Law in China*, RECUEIL DES COURS: COLLECTED COURSES OF THE HAGUE ACADEMY OF INTERNATIONAL LAW 219-25 (1990).

¹⁵ Gold color was considered that of emperor, so feudal lords could not use the gold color.

¹⁶ Seongcheol Son, *Research on Korean and Japanese Drifters during the Joseon Dynasty* [조선시대 한일 표류민 연구], RETURNING OF CAPTIVES AND DRIFTERS DURING THE EARLY JOSEON DYNASTY AND THE INTERNATIONAL ORDER IN EAST ASIA [조선전기 피로, 표류민 송환과 동아시아 국제질서] 11-2 (2001).

played a role in balancing the power between them. As a whole, this system would relieve the potentially tense relationship not only between China and its neighboring countries but also between neighboring countries.

As for Korea and Japan, etiquette and faith were the basic standards for their peaceful exchanges and communication. Violation frequently occurred, however, as the Japanese often invaded Korea, plundered crops, and even killed Korean people. The Joseon Dynasty repelled Japanese pirates with military force, but they were not eradicated. The Joseon government thought that pacifying Japanese pirates with etiquette would be an effective way of preventing their invasions. Accordingly, Joseon often dispatched “envoys for returning courtesies” (*Hoeryesa*)¹⁷ to remind Japan of the restoration of ethics.

During King Taejo’s reign (1392–8), Joseon sent *Hoeryesa* five times to Japan.¹⁸ Joseon also treated Japanese envoys differently depending on their grading. *E.g.*, Joseon called the first-class Japanese envoys *Byeolgeyeok*, expressing the utmost courtesy; the next class of envoys was *Geochusa* and *Jechusa*. [Emphasis added] The word ‘*chu*’ meant “head of pirates.”¹⁹ Although Joseon regarded the Japanese as barbarians who were not civilized and often invaded neighboring countries, it also tried to teach the Japanese etiquette as an international custom to lead them to abide by the contemporary world order.²⁰ In the early fifteenth century, the Korea-Japan diplomatic relationship was seemingly equal, but Joseon needed to teach Japan etiquette. Joseon considered itself superior to Japan in Neo-Confucianism.²¹

In the meantime, Japan sent envoys to Joseon on several occasions. Historical records show that Japan sent envoys forty-one times from the founding of Joseon (1392) to the end of the fifteenth century.²² Japan sent envoys to Korea to secure economic gains from the kings of Joseon and to advance its cultural needs, such as the acquisition of Buddhist Sutras and artifacts. Out of the forty-one occasions of envoys, Japan acquired Buddhist Sutras on twenty-one occasions and made requests related to Buddhism on twenty-eight occasions, including seven occasions on which

¹⁷ Seongcheol Son, INTERACTIONS BETWEEN JOSEON DELEGATIONS AND JAPAN [조선통신사 일본과 통하다] 70 (2006).

¹⁸ *Id.*

¹⁹ JIN-HEE LEE & JAE-EUN GANG, (Inhwan Kim & Dongmyeong Kim trans. into Korean), HISTORY OF KOREA-JAPAN EXCHANGE [한일교류사] 100 (1998).

²⁰ *Id.*

²¹ G. Henderson, *An Outline History of Korean Confucianism: Part II: The Schools of Yi Confucianism*, 18 J. ASIAN STUD. 259–76 (1959); J. Palais, *Confucianism and the Aristocratic/Bureaucratic Balance in Korea*, 44 HARV. J. ASIATIC STUD. 427–68 (1984).

²² *Supra* note 19, at 108.

they demanded funds to construct temples in Japan.²³ 78 percent of Japan's demands were related to Buddhism. This suggests that Japan had a strong desire to absorb Buddhism through Joseon.

At this time, trading between Korea and Japan was mainly public trade; it was carried out by diplomatic envoys. In reality, Joseon paid all the expenses for Japanese envoys including transportation. As some 5,000 Japanese envoys came to Joseon,²⁴ their expenses were enormous. Despite the economic burden, the Joseon government kept a trading relationship with Japan in the form of diplomatic envoys because Joseon strongly desired a stable diplomatic relation with Japan and a prohibition on Japan's invasion of Joseon by guaranteeing the Japanese people's economic gain.

B. A Contribution to Stabilizing the Korea-Japan Relation

The Great Ming Code was invoked as the general criminal law during the Joseon Dynasty for almost fifty years. Consequently, it was widely applied not only to the Japanese people who entered Joseon, but to the Japanese who returned to Japan after committing a crime against the Joseon people. The law was strictly applied to a wide range of crimes, including smugglers, murderers, and people who disturbed the trading system, so the Japanese became vigilant against the Great Ming Code.

During the fifteenth century, the Joseon government's core strategy in relation to Japan was to stabilize relations between the two countries. This was because Joseon needed to convert Japan into a peaceful trader by weakening Japan's frequent invasions. Accordingly, Joseon utilized various diplomatic measures such as dispatching envoys to Japan. However, Joseon's diplomatic efforts had limitations in stabilizing its relationship with Japan because it could not resolve the Japanese crimes committed in Joseon, such as smuggling and illegal trading, violence, and murder. As a result, Joseon needed a different method to control these crimes. The Great Ming Code was adopted as a means for controlling them. However, it could be applied only to the Japanese who committed a crime. In such a case, it would stir up resistance among the Japanese. Accordingly, Joseon needed to increase the effectiveness of the Great Ming Code by applying it to the Joseon people, as well. The public execution of a Joseon official in 1442 was an incident reflecting this policy.

²³ Munjong Han, *Joseon's Amicable Relationship with Japanese Emperor Envoys During the Early Joseon Period* [조선전기 일본국왕사의 조선통교], 21 J. HISTORY OF KOREA-JAPAN RELATIONS [한일관계사연구] 17-8 (2004). See also Murai Shōsuke, *In regard to a false envoy who requested Tripitaka Korean to the Joseon Dynasty, Japan's Pre-Modern Diplomatic Relations with Other Countries* [朝鮮に大藏經を求請した僞使について] 320-30 (1987).

²⁴ *Supra* note 19, at 103.

A Joseon official, Choi Wan, killed eleven Japanese people even though they had an entry permit called *Munin* in order to boost his reputation.²⁵ The Joseon government publicly decapitated Choi Wan in Naeyipo port where many Japanese frequented.²⁶ Choi Wan went too far, but his actions were not so egregious as to warrant capital punishment. The reason why the Joseon government publicly executed Choi Wan was to alarm the Japanese regarding possible punishments for their illegal acts.²⁷ The government also needed to declare its strong intent of executing the *Munin* System, which was a means to control the Japanese's illegal acts. In one instance, with regard to the Choi Wan incident, the Japanese government even made a request to reduce the level of punishment against Choi Wan as they thought that the punishment might harm a good-neighbor policy between Joseon and Japan. However, despite the Japanese government's request, the Joseon government went ahead with the capital punishment of Choi Wan to reveal its intent to implement the Great Ming Code on the Japanese and to keep its strict control policy over the Japanese.

Moreover, the Joseon government sentenced a Joseon person who battered and killed a government official, Lee Chun-bal to death at the *Waegwan* (a kind of Japanese consulate),²⁸ as well as a Japanese person who battered and killed a Joseon person.²⁹ This shows that the Joseon government sentenced murderers to death regardless of their nationality. Regarding the Japanese who escaped to Japan after having committed a crime in Joseon, the Joseon government prohibited the reentry of the runaway Japanese, and, in some cases, the government requested the Japanese government to bring them from Joseon.³⁰ Upon these requests, the Japanese government either sent the head of the criminal or returned the son of the criminal if the criminal was seriously ill.³¹ Under the cooperation between the two governments through the criminal extradition policy or the entry prohibition policy, Japanese criminals could rarely escape their punishments. The strict implementation of the Great Ming Code against criminals sent a clear message to the Japanese that not only Japanese but also Korean who committed illegal trade could be punished, and even if they escaped to Japan, they would be finally punished. This resulted in reducing the occurrence of crimes.

²⁵ Annals of King Sejong [世宗實錄], 24-10-6.

²⁶ *Id.* at 25-5-22.

²⁷ *Id.* at 25-4-21, 25-5-22, & 25-10-27.

²⁸ *Id.* at 11-3-23.

²⁹ *Id.* at 14-4-20.

³⁰ *Id.* at 21-9-30.

³¹ Annals of King Seongjong [成宗實錄], 12-5-14. *See also supra* note 25, at 25-10-27.

Japanese illegal entry to Joseon became active during King Sejong's reign (1418-50), but reduced after King Munjong acceded to the throne in 1450. The cases of battery and murder were reduced by strict punishments during King Sejong's reign, and the frequency of the crimes also drastically decreased after King Munjong's reign (Refer to Figure 3). In summary, Joseon's diplomatic policies toward Japan, such as dispatching envoys to Japan, could reduce Japanese invasions of Joseon, whereas the strict implementation of the Great Ming Code resulted in reducing the frequency of crimes, which contributed to stabilizing the Joseon-Japan relationship.

4. Joseon's Policies against Crimes Committed by the Japanese

The main objective of the Japanese who entered Korea was to maximize economic profits. Joseon's policy, however, was to limit Japanese entry to Joseon. As these policies could not satisfy the needs of the Japanese, they naturally tried to enter Joseon by any means possible.

A. Joseon's Dual Policies regarding Japan

The core Korean policies regarding Japan in the early fifteenth century were largely divided into two positions. They were the Control Policy and the Engagement Policy. The Control Policy was to limit Japanese invasions and illegal entry to Joseon through military actions and economic predominance, while the Engagement Policy was designed to provide a foundation of life for Japanese pirates if they surrendered to Joseon. The two policies aimed to control the Japanese, so violators of the policies were punished in accordance with the Great Ming Code.

The Control Policies prioritized restrictions. They aimed to restrict the other party's actions in order to minimize their influence. There were two ways to implement these policies. One was to control the other party directly by military force, while the other was to control it indirectly through diplomacy or issuance of documents.³²

The direct way (the military approach) was first adopted when the Koryo Dynasty mobilized some 100 warships to conquer Daemado (Tsushima) Island in

³² Jae-chun Yu, *The Incident of Choi Wan and the Joseon-Japan Relation during King Sejong's Reign* [世宗代 崔浣事件과 朝日關係의 推移] 10 J. HISTORY OF KOREA-JAPAN RELATIONS [한일관계사연구] 28-9 (1999).

1389. As Japanese pirates continued to invade Korea in the early period of Joseon, King Sejong ordered Admiral Lee Jongmu to conquer the island in 1419³³ in order to exterminate the root of the pirates by destroying their stronghold.³⁴

Table 1: The Dispatch of Joseon's Envoys to Japan in the early Joseon period³⁵

King	Frequency
Taejo	7
Jeongjong	2
Taejong	24
Sejong	15
Munjong	·
Danjong	2
Sejo	4
Yejong	·
Seongjong	6
Yeonsangun	1
Jungjong	2
Injong	·
Total	63

The indirect approach (the diplomatic approach) was applied when Joseon sent envoys to Japan³⁶ during the years from 1392 (King Taejo's reign) to 1450 (King Sejong's reign) to request Japan control the pirates. Joseon's envoys were aimed at controlling pirates, not simply establishing a diplomatic relationship with Japan (Table 1).

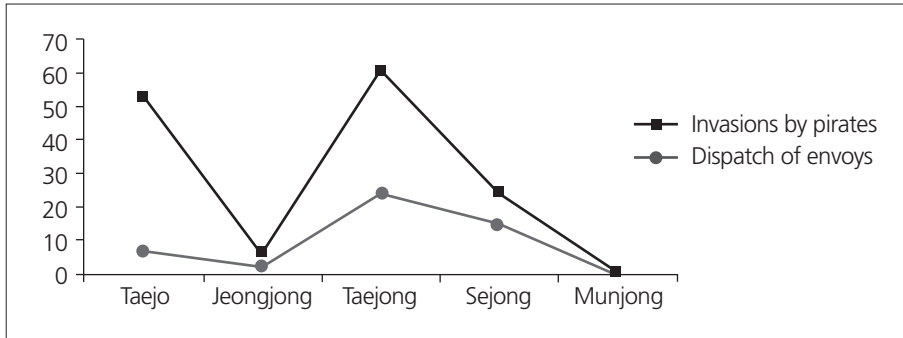
³³ Munjong Han, *Relations between Joseon and Japan in the Early Joseon Period and Tsushima* [조선전기 한일 관계와 對馬] 41 J. NORTHEAST ASIAN HISTORY [동북아역사논총] 68 (2013).

³⁴ *Supra* note 25, at 1-6-19.

³⁵ Woobong Ha, *External Relations of the Early Joseon Period: Relation with Japan* [조선초기의 대외관계: 일본과의 관계], 22 HISTORY OF KOREA [한국사] 399 (2013).

³⁶ King Jeongjong sent envoys to Japan two times and King Sejong sent envoys on fifteen times. However, King Munjong and King Yejong did not send envoys. Considering these statistics, the frequency of Japanese pirates' invasions may not correspond to Joseon's dispatch of envoys. *See id.* at 410.

Figure 1: Invasions by Japanese Pirates and the Frequency of the Dispatch of Joseon Envoys



Source: Compiled by the author based on the Annals of the Joseon Dynasty

Figure 1 shows the frequency of Japanese invasions of Joseon, as well as Joseon's diplomatic efforts. When Japanese invaded Joseon frequently, Joseon dispatched more envoys to the Japanese government and local clans in Japan to resolve the problem diplomatically. As shown in the above graph, which follows similar pattern during the period between King Taejo's reign and King Sejong's reign, Joseon's dispatch of envoys seems to be highly related to Japanese pirates' invasions of Joseon. Furthermore, another approach of Joseon to control Japan was the issuance of documents. This approach controlled Japanese entry to Joseon by issuing documents (visas) such as *Doseo*,³⁷ *Seogye*,³⁸ and *Munin*.³⁹

Joseon's Engagement Policies were applied to both Japanese pirates and civilians. Even though Japanese pirates plundered and pillaged villages along the coast of Korea, once they surrendered, Joseon gave them a home, land, and funds so that they could settle down in Joseon. These Japanese were called *Hangwei* (meaning surrendered pirates), *Tuhwawei* (surrendered and naturalized pirates), or

³⁷ The system of *Doseo* was first implemented in King Taejong's reign (1418). It was a legal seal stamped on entry certificates. In order to control Japanese's indiscriminate entry, Joseon gave the seals to the powerful regional clans of Daemado island so that the clan could issue *Doseo*. See Annals of King Taejong [太宗實錄], 16-3-9; *supra* note 25, at 1-11-29 & 2-1-23.

³⁸ *Seogye* was a kind of diplomatic document which functioned as a port entry certificate. Vessels were required to present *Seogye* to enter a Joseon port. See *supra* note 25, at 2-1-23 & 2-7-6.

³⁹ Joseon's control policy over the Japanese through documents was not effective because of the Japanese's forgery of documents and seals. In 1438, *Munin* was implemented to integrate several existing systems. See *id.* at 15-6-19, 17-9-9 & 20-9-2.

Hyanhrwawei (naturalized pirates).⁴⁰ Pursuant to the Clothing Bestowal Law,⁴¹ Joseon offered former pirates clothes for four seasons, *gat* (a traditional Korean hat), and even shoes. They were offered household goods, servants, and horses,⁴² as well as food and even crop seeds so that they could help themselves.⁴³ Joseon even funded Japanese civilians' marriages.

The most notable measures for the engagement policies were tax incentives and fair treatment in acquiring official positions in Joseon. First, the land tax was waived for naturalized Japanese for three years. The Official Position Offering System for naturalized Japanese was implemented in order to remove any discrimination against them.⁴⁴ The system was quite progressive at that time considering that the naturalized Japanese with official positions were even allowed to enter the royal palaces.⁴⁵ Afterward, the engagement policies were further expanded along with the opening of ports,⁴⁶ which contributed to stabilizing the relationship between Korea and Japan.

B. Types of Crimes committed by the Japanese

Japanese crimes committed in Korea in the fifteenth century were mainly related to livelihood. To survive, the Japanese illegally entered and overstayed in Joseon. As Joseon offered them many economic benefits, more Japanese entered. However, Japanese in Joseon were a major economic and social burden. As Joseon limited Japanese entry, Japanese crimes increased. Joseon applied the Great Ming Code when punishing the Japanese who committed crimes. In the fifteenth century, Japanese committed two kinds of crime. One was illegal entry to Joseon, which referred to entering Joseon without an entry document (visa), required by Joseon, while the other was smuggling, which referred to bringing goods to Joseon or trading prohibited goods in Joseon through an unofficial route. Illegal entry and smuggling were interconnected; both violated Joseon's laws.

⁴⁰ Seungcheol Son, *Dongpyeongwan Lodging and Waein in Seoul during the Early Joseon Period* [조선전기 서울의 東平館과 倭人], 56 LOCAL SEOUL [향토서울] 111 (1996).

⁴¹ This law refers to the system that offers clothes, *gat* (hat), and shoes to the Japanese for three years regardless of their official position. See *supra* 25, at 7-10-18, 12-10-25.

⁴² *Id.* at 7-10-18, 12-10-25 & 27-1-27.

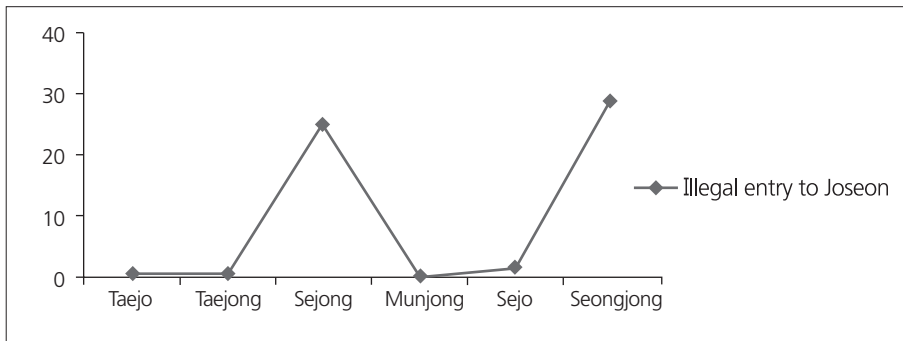
⁴³ *Id.* at 8-8-10.

⁴⁴ Annals of King Taejo [太祖實錄], 5-12-22.

⁴⁵ Annals of King Taejong [太宗實錄], 9-11-14.

⁴⁶ With the opening of Busanpo and Naeyipo ports in 1407, many Japanese came to Joseon to become naturalized Joseon citizens. After three ports (Busanpo, Naeyipo, Yeompo) were opened in 1426, the number of naturalized Japanese drastically increased. See Annals of King Taejong [太宗實錄] 7-7-27; *supra* note 25, at 18-3-29.

Figure 2: The Japanese's Illegal Entry to Joseon



Source: Compiled by the author based on the Annals of the Joseon Dynasty

The above graph presents the frequency of Japanese illegal entry to Joseon during the early Joseon Dynasty. The graph shows a drastic increase in the frequency of illegal entry after the accession year of King Sejong, when the Unitary Doseo Issuance System was implemented. During the early years of King Sejong's reign, only one case of illegal entry occurred every year. Right after implementing the *Munin* System in 1438, which premitted the Daemado province to issue entry documents, however, thirteen cases of illegal entry were reported in 1439-40. This shows that Joseon's control policies through entry documents resulted in increasing Japanese illegal entry. The change was attributable to the new policy, which allowed only the Daemado province to issue *Munin*. As a result, many Japanese who did not prepared for the new system attempted illegal entry to Joseon.⁴⁷

Joseon deported illegal entrants. In the case of the Japanese who entered Joseon illegally by counterfeiting the official seal, Joseon sent them back to Japan with a minimal supply of food, rather than punishing them in the beginning.⁴⁸ As the number of Japanese with forged entry documents increased, however, Joseon also deported them without a food supply.⁴⁹ When Japanese faked illness or forged *Munin*,⁵⁰ Joseon requested that the Japanese government punish them.⁵¹ In the end, Joseon deported all Japanese living in its territory illegally.⁵²

⁴⁷ *Supra* note 25, at 21-10-25, 21-11-15 & 21-11-22.

⁴⁸ *Id.* at 21-10-9.

⁴⁹ *Id.* at 21-11-15 & 21-11-22.

⁵⁰ *Id.* at 22-1-19.

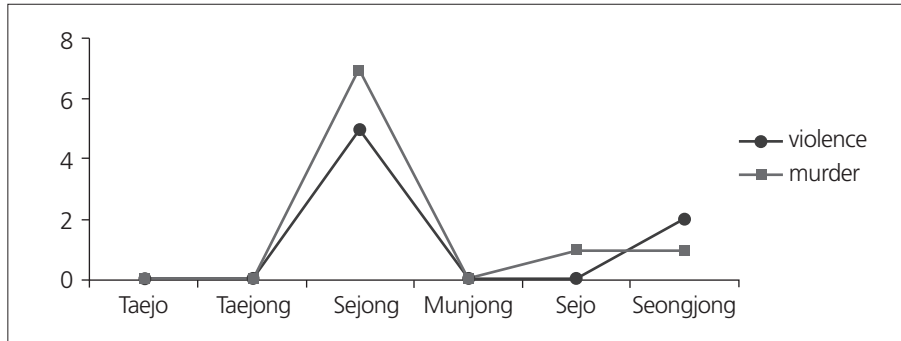
⁵¹ *Id.* at 22-2-29.

⁵² In 1436, the Joseon government deported all Japanese except sixty.

In the case of smuggling, Joseon gave them corporal punishment. The Japanese who smuggled Joseon's coins out of the country were punished with 100 *zhang* (beating with a large stick) according to the Great Ming Code⁵³ and confiscation of money.⁵⁴ 60 *zhang* and one year of imprisonment and forced labor were imposed if Joseon government officials smuggled gold into Joseon.⁵⁵ When slaves committed illegal acts, they were punished more severely because such crimes would dismantle the social class system. In the case of slaves who illegally traded silver, the Joseon government decapitated them. When the father of a silver craftsman engaged in illegal trading of silver, the government punished him⁵⁶ by referring to the Great Ming Code, stating: "If there is an accomplice in a family, only the head of a related household shall be punished."⁵⁷ However, King Sejong thought that punishing the father and waiving the son from punishment was unreasonable because the main culprit was the son. He finally imposed a lighter punishment on the father.⁵⁸ Even in punishing smugglers, Joseon considered the element of social class and the head of household as the main recipient of a punishment.

Illegal entry occurs along the border between two nations, while violence and murder are more likely to occur within a nation. Joseon implemented Engagement Policies to control violence and murder committed by the Japanese.

Figure 3: Cases of Violence and Murder committed by the Japanese



Source: Compiled by the author based on the Annals of the Joseon Dynasty

⁵³ *Supra* note 7, at 350 (Act of smuggling goods out of Joseon for private purposes [私出外境及違禁下海]).

⁵⁴ *Supra* note 25, at 13-4-9.

⁵⁵ *Id.* at 12-7-7.

⁵⁶ *Id.* at 21-12-7.

⁵⁷ *Supra* note 7, at 79-81. (Classify criminals into principal offenders and accessories to a crime [共犯罪分首從]).

⁵⁸ *Supra* note 25, at 21-12-7.

Violence and murders committed by the Japanese in Joseon were reported rarely until the very early fourteenth century (King Taejong's reign). As these incidents increased, however, Joseon opened two ports - Busanpo and Naeyipo - in 1407 and accommodated requirements from pirates. After these two ports opened, the number of Japanese who stayed in Joseon increased. As more Japanese entered Joseon, more violence and murders were committed by the Japanese.⁵⁹ Figure 3 aptly shows the prevailing condition at that time. Violence and murders committed by the Japanese reached their peak during King Sejong's reign.⁶⁰ Japanese committed violence against, *e.g.*, Joseon's reception officials or stabbed government officials at the *Waegwan* and exerted violence on them. The Japanese even stabbed,⁶¹ battered, and killed each other.⁶²

A murder case in the nineteenth year of King Sejong's reign, in which a Korean wife killed her Japanese husband, may have many implications. Because this murder case disturbed the principle of human morality under the Great Ming Code, a proper punishment would have been decapitation. Considering the circumstances, that the government forced her to marry a Japanese man as a punishment for misbehavior (she married a slave as a middle-class woman), the government did not impose a capital punishment on her. Even if she avoided it, she was severely punished for disturbing the principle of human ethics. Japanese were punished for stays in Joseon that exceeded the duration specified by the Joseon government. A long-term overstay was a crime committed by foreigners who entered Joseon lawfully. It was different from illegal entrants.

When Joseon had to supply a drastically increased amount of food for the Japanese staying for a long period,⁶³ it immediately returned Japanese who finished selling goods to Japan and collected taxes from the overstaying Japanese. Joseon also changed the ways of supplying food.⁶⁴ The government also calculated the

⁵⁹ The three violence cases in 1414 were committed by Japanese who were staying in Joseon legally. For details, see Hyounjin Moon, *The Types of Joseon People's Crimes Committed against the Japanese and the Types of Punishments during the Early Joseon Period* [조선초 倭人관련 朝鮮人犯罪 유형과 그 처벌실태], 21 HISTORY AND CULTURAL STUD. [歷史文化研究]14 (2004).

⁶⁰ Joseon's criminal laws against crimes committed by Japanese envoys was limitedly applied because of their Japanese nationality. Accordingly, in the early reign of King Sejong, Joseon deported Japanese criminals after simple proceeding. See *supra* note 25, at 6-2-14 & 10-8-13).

⁶¹ The Great Ming Code imposed a punishment of 80 *zhang* (beating with a long stick) and two years' imprisonment with forced labor on those who injured a person with knife. When the same crime was committed by Japanese, Joseon imposed a punishment of 80 *zhang* without two years' imprisonment and sent the criminal back to Japan. *Id.* at 6-2-14.

⁶² *Id.* at 14-4-20, 10-8-13 & 21-5-18.

⁶³ *Supra* note 33, at 72.

⁶⁴ *Supra* note 25, at 2-4-7.

days needed for the Japanese to return to Japan and provided them with food accordingly. *E.g.*, Joseon provided a five-day food supply for the Japanese returning to Daemado Island, a fifteen-day food supply to those returning to Ilgido Island, and a twenty-day food supply for those returning to Kyushu.⁶⁵

5. Conclusion

The authors have study examined the international customs between Korea and Japan during the fifteenth century under the Great Ming Code, which had great influence in East Asia at that time. The relationship between Korea and Japan was equal on the surface but was actually hierarchical. The Great Ming Code worked as an important normative ground in the formation and development of Korea-Japan relations during the fifteenth century. This research may be summarized as follows:

First, the differentiated order specified in the Great Ming Code led to the formation of etiquette, requiring children to obey their fathers and subordinates to respect their superiors. It had great influence on establishing international customs between States under the Confucian cultural zone.

Second, diplomatic etiquette affected the relationship between Korea and Japan in the fifteenth century. Such etiquette related to the naming of Japanese envoys and the establishment of policies regarding Japan.

Third, Joseon invoked the Great Ming Code to address the crimes committed by the Japanese in the Korean territory.

Fourth, crimes committed by the Japanese were investigated under Joseon's control and engagement policies, respectively. The crimes of violence, murder, and long-term illegal overstay were found to be closely related to Joseon's engagement policies toward Japan, while Japanese illegal trading was found to be highly affiliated with Joseon's control policies.

Fifth, the implementation period of the Joseon policies and the frequency of crimes committed by Japanese were inter-related. After opening Busanpo and Naeyipo ports in 1407 and three more ports in 1426, Japanese illegal entry, violence, murder, and long-term overstay increased. The frequency of Joseon's dispatch of envoys to Japan and the Japanese invasions of Joseon were closely related to Joseon's military stance towards the Japanese.

⁶⁵ *Id.* at 2-8-26.