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**ORPHAN CARE**  
**IN CHOSŎN KOREA**

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## Orphan Care in Chosŏn Korea

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Orphan care in modern-day South Korea is often associated with international adoption. This adoption started on a larger scale after the Korean War, and despite the economic development and rising living standards in South Korea since, many children have continuously been adopted to the West, especially to the USA and Northern Europe. A main contributing factor to this situation has been the relatively low level of domestic adoption in South Korea. This is often explained in terms of traditional culture and its family norms and values with their emphasis on blood ties. Often reference is made to the practice among yangban in traditional times to adopt within the family, preferably a nephew, when lacking male offspring.

Here two points need to be raised. Firstly, these traditional adoption practices among yangban had nothing to do with orphan care; this was a system to secure a successor for the family line when there was no male offspring, and these adoptions would be performed regardless of whether the adoptee's parents were alive or not, and also regardless of the age of the adoptee. So these practices seem to be of little relevance for the discussion of orphan care. Still, and this is the second point to be raised, in the process that has been dubbed the "yangbanization" of Korean society, that is, the way in which the norms and values of the yangban elite has been accepted by a much larger part of the population in the process of improved living standards, the emphasis on bloodties, which was of little concern for commoners in traditional times, has spread to a larger part of the population and influenced perceptions on adoption.

So if we want to understand orphan care and attitudes towards adoption in traditional Korea we need to look beyond these notions of "traditional" norms and values. As a first step towards this, this paper will discuss government policies relating to orphans in the Chosŏn dynasty to try to get a picture of the institutional framework that existed for orphan care and adoption.

Relief practices in Chosŏn Korea were specifically intended for times of famine and disaster. Children are a most vulnerable group in such times, and concerns for orphans, or rather abandoned children (*yugia* 遺棄兒) or vagrant begging children (*haenggŏra* 行乞兒), can be found from early on in the Chosŏn dynasty. Over the centuries that the dynasty lasted the system developed from being a framework for government-regulated and government-supported private aid to include more direct state care of such children.<sup>1</sup>

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<sup>1</sup> Kwak Hyomun, "Chosŏnjo chahyul chŏnch'ik ūi pokchi haengjŏngsajŏk ūiŭi" [The Significance of the Chosŏn Dynasty *Chahyul chŏnch'ik* from a Welfare Administration Historical Perspective], *Haengjŏng nonch'ong* Vol. 39,

Concerns for abandoned children can be found in the oldest extant law code, the *Kyōngguk taejōn* of 1471/85. In the law codes of the Chosōn dynasty legislation on relief measurers were found in the ritual code (*yejōn* 禮典) under the royal compassion (*hyehyul* 惠恤) section. The *Kyōngguk taejōn* stipulates that the municipal authorities of the capital or the county offices in the rural areas should give such children to those who wanted to raise them, and that the authorities should contribute with clothes and food. If the child passed ten years of age and still no one had claimed it and asked for its return, the people who had looked after it were allowed to have the child work for them.<sup>2</sup>

Late Chosōn agriculture was characterised by a more widespread use of paddy-fields. The increased use of wet-field agriculture on the one hand increased productivity, which sustained an increasing population and enabled a diversification of the economy, but on the other hand it also made agriculture more vulnerable to weather conditions, resulting in a higher frequency of crop failure and concomitant famines.<sup>3</sup> As a result of this the late seventeenth and early eighteenth centuries saw a more elaborate relief aid system being developed with an Office of Relief Work (*Chinhyulchōng* 賑恤廳) being permanently established.<sup>4</sup> As part of this the administration of orphan care also saw more detailed regulations.<sup>5</sup>

The new system, as later settled in the *Soktaejōn* law code of 1746, was as follows: People who rescued and looked after abandoned children in years of crop failure were to be allowed to adopt these children as their own or to make them their slaves. The latter was a right they had regardless of whether the children originally were commoners or slaves. The age limit of the children, and the time period the families would have to look after them before they would be allowed adopt them or take them as slaves, would be decided by provisional regulations for each year. In general the rule was that the child should not be over three years, but in times of repeated crop failures or a severe famine this might be stretched to eight, nine or even fifteen years. Whether the slave status should be perpetuated to also include future offspring, or whether it should be limited only to the person in question, or even just be given for a limited time period, should be decided according to the severity of the crop failure and the length of the period of care. The authorities would not recognize any cases that didn't follow these regulations, or when the children had been looked after less than sixty days, or when the help had been discontinued.<sup>6</sup>

Furthermore, two undated provisional regulations in *Sinbo sugyo chimnok* 新補受教輯錄 (a collection of royal edicts issued between 1698 and 1743) stipulates that children who were too

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No. 3 (2001). There were some efforts during the reign of King Sejong to provide official aid for such children, but they failed due to insufficient facilities. See Kim Mujin, "Chosōn sahoe ūi yugia suyang e kwanhayō" [A Study on the Care in Abandoned Children Chosōn Dynasty Society], *Kyemyōng sahak* 4 (1993), pp. 3-5.

<sup>2</sup> *Kyōngguk taejōn*, *yejōn*, *hyehyul*.

<sup>3</sup> Yi Hoch'ōl, *Nongōp kyōngjesa yōn'gu* [Economic History of Korean Agriculture], pp. 363-4, 371-2.

<sup>4</sup> For an overview of these developments see Mun Yongsik, *Chosōn hugi chinchōng kwa hwan'gok unyōng* [Relief Administration and Grain-Loan Management in Late Chosōn], Seoul: Kyōngin munhwasa, 2000.

<sup>5</sup> See *Sinbo sugyo chimnok* [New and Revised Royal Edict Collection], Seoul: Ch'ōngnyōnsa 2000, pp. 210-228.

<sup>6</sup> *Soktaejōn*, *yejōn*, *hyehyul*. *Sinbo sugyo chimnok* contains two specific provisional regulations. The first, concerning 1696, sets the age limit at twelve ("following the precedent of 1663") and provides for the children to be taken as slaves for good. The second, not dated, also sets the age limit at twelve and extends the slave status also to future offspring. *Sinbo sugyo chimnok*, pp. 210, 215.

old to be adopted or taken as slaves (in these two cases thirteen years or older) should be allowed to be taken as farmhands. The procedures for this should be the same as for younger children being enslaved, but the farmhand status should only apply to the person in question and should not be extended to offspring who should be returned to the original duties (*yŏk* 役) of the parent, if known.<sup>7</sup>

Both *Sinbo sugyo chimnok* and *Soktaejŏn* contains regulations that deal with any disputes over the children that might arise. First of all the procedure was very strict. Those who wanted to look after a child should make a request to the local authorities, detailing the age and features of the child. After a thorough investigation consulting village heads and neighbours, the local authorities would issue a preliminary document (*ipchi* 立旨) recognizing the take-over and report it to the Office of Relief Works that after its own investigation would issue a final official certificate (*iban* 立案). Only upon receiving the certificate would the take-over be fully authorized; a preliminary document only was not sufficient.

If the children originally had been private or public slaves the original master or institution could not later appear and reclaim the child. In other cases the parents could reclaim the child if they did so before three months had passed, and if they repaid double the amount of the cost incurred for looking after the child. In those cases where two slaves had married and the couple later raised an abandoned child, the masters of the two parent slaves might both claim the right to the child. If the matter could not be settled the child should not be turned into a slave but rather be given commoner status.<sup>8</sup>

Given the burden of slave labour, and the economic value of slaves in Chosŏn society, some corrupt practices existed that the state tried to curb by these regulations. Planning to have their children freed from the slave status, slave families might privately make an agreement of a take-over with a commoner family, falsely presenting the child as abandoned and disguising its family background. Such practices were strictly forbidden and to stop them a thorough investigation must be made before any documents were issued concerning children of unknown background. Furthermore, in a reverted scenario, powerful families might take children by force and turn them into slaves or farmhands claiming that they were abandoned. According to the regulations such cases should be treated according the rules on looting. Powerful families might also emerge and try to “reclaim” a child by force after someone else had looked after it, falsely stating that it originally was their slave. Such cases should also be severely punished. Finally a child saved and raised might escape to evade the slave or farmhand status, and such cases should be treated according to the rules on slaves that betrayed their master.<sup>9</sup>

Above we have seen how the system on orphan care as it developed up to the mid eighteenth century became more elaborate in terms of regulations. Still the regulations mainly dealt with government-supported private aid, though. It was in the late eighteenth century that the policies on orphan care were to reach their final stage of development, now with more clearly defined regulations on state involvement. In 1782 and 1783 the country was faced with

<sup>7</sup> *Sinbo sugyo chimnok*, pp. 211, 215.

<sup>8</sup> *Soktaejŏn*, yejŏn, hyehyul; *Sinbo sugyo chimnok*, pp. 211-213.

<sup>9</sup> *Soktaejŏn*, yejŏn, hyehyul; *Sinbo sugyo chimnok*, pp. 212-213, 215-216.

severe crop failures (put in reference to JESHO article), and in the latter year King Chǒngjo introduced a special *hyulchǒn*, the *Chahyulchǒnch'ik* 字恤典則, for abandoned and vagrant begging children, confirming and complementing the regulations described above.<sup>10</sup>

This new system was much more elaborate in the regulations concerning begging children, complementing previous regulations on children below the age of three. To begin with it was stipulated that this aid was to be given only in years of famine, to children between four and ten years old, and stop when the barley was harvested in June. They had to be without parents, relatives, a master, or someone on whom they could rely.

In the capital such children were going to be taken care of and given food by the Office for Relief Works, in an earthen house separately constructed on an empty spot outside the Office. The actual handing out of grain was to be performed by storehouse clerks (*kojigi* 庫直). If family, relatives or master came to collect a child that was under care, their circumstances should be thoroughly investigated before the child was released. And if it turned out that they in fact were living well and wasn't in need of help then the run-away child should be sternly scolded so as not to run away again.

As we have seen the above aid to vagrant begging children between four and ten was only to be given in times of crop failure. As for abandoned children three years or younger, however, this aid was to be given regardless of the food situation. This system thus became a permanent feature, a reflection of both the endemic problem of orphans in the period and the state's willingness to look after them. If an official spotted such an abandoned child they should report it and hand the child over to the Office for Relief Work. As for more secluded or remote places outside the capital, if officials heard rumours of the existence of such children they should investigate it and have them sent to the Office for Relief Work. This Office or the provincial authorities were to select women who could breast feed among vagrant begging women and allocate two abandoned children to each of them. In return, these women should receive one *toe* and four *hop* of rice, three *hop* of soysauce and three sheets of seaweed every day from the Office.<sup>11</sup> If a women not a vagrant beggar should approach the Office voluntarily offering to look after children, and if they were too poor to eat and thus not able to breast feed properly, then they should only be given one child to look after and one *toe* of rice, two *hop* of soy sauce, and two sheets of seaweed each day. If these begging or abandoned children and breast feeding women were without clothes the Office should prepare clothes for them and if anyone was sick the Office should ask the Hyeminsǒ 惠民署, the medical institution in the capital in charge of the care of the common people, to look after and treat them.

The above shows that the state now took more direct responsibility for such children; in the capital through the Office of Relief Work. But the aspect of private care still remained. If someone voluntarily wanted to take over the responsibility of begging or abandoned children in the care of the Office of Relief Work, either as their own child or as a slave, the Office should give its consent to this and issue an official document to the fact and they should make no distinction of whether the applicants were commoners or slaves. Problems might of course arise

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<sup>10</sup> *Chahyulchǒnch'ik*, Kyujanggak 古-5120 73; *Chǒngjo sillok* 07/11/05.

<sup>11</sup> The volume of a *hop* 合 was approximately 0.06 litres.

if the parents or relatives of the child would show up. The *Chahyulchŏnch'ik* stipulated that if they showed up before three months had passed they could have the child back if they paid back double the amount of grain the child had received while being in the care of the Office. Furthermore, if a child later ran away he would be treated according to the law dealing with slaves that betrayed their masters, and if parents would try to use force to get their child back, they should be punished in accordance with the law for those who distorted the law.

The situation in the countryside was of course slightly different due to the institutional differences. In the countryside it was the duty of heads of sub-counties or villages (*myŏlliim* 面理任) to report to the county magistrate if they came to know about an abandoned or vagrant begging child, after which the magistrate should investigate the situation. As for the aid given to begging children this could only be given in counties where general famine relief aid was given (*sŏlchinŭp* 設賑邑), but the aid given to abandoned children should be given regardless of whether famine relief was given or not in the county. As for the regulations concerning their care and the handing out of gruel, or the breast-feeding, that should follow the rules for the capital. The needed grain should be taken from the grain of the Ever-Normal and Relief Aid Offices (*sangjin'gok* 常賑穀) and the soy sauce and seaweed was the responsibility of the county offices. At the end of each month the magistrate should report the number of children and the amount of grain given to the provincial governor who in turn should report the provincial situation to the capital. A report should then be sent to the Office for Relief Work for consultation.<sup>12</sup>

The aid given to vagrant begging children stopped when it no longer was a year of crop failure. The aid given to abandoned children, however, as we have seen, was not limited by such considerations. Thus later the problem arose as to for how many years these abandoned children should be looked after and given food by the authorities if no one appeared either to reclaim them or to adopt them or take them as slaves or farmhands. In 1794 it was decided that the aid to these children should stop after they passed the age of seven.<sup>13</sup>

We can imagine the scenario that the child of a yangban family was abandoned and later enslaved. This would of course run counter to the moral sentiments of the dynasty, but there is no legislation in the law codes dealing with this. However, in *Mongmin simsŏ* 牧民心書, Chŏng Yagyong (Tasan, 1762-1836), the keen observer and sharp critic of late Chosŏn conditions, argued that magistrates should use official funds to free these children of their slave status, and refers to this practice during the Tang dynasty in China.<sup>14</sup>

Like many other aspects of Late Chosŏn relief measures as they came to be finalised in the late eighteenth century, these regulations on orphan care was carried over into the nineteenth century. Table 1 details the resources that could be allocated to each child according to the early nineteenth-century government handbook *Man'gi yoram* 萬機要覽.<sup>15</sup>

<sup>12</sup> The regulations of this *hyulchŏn* was later incorporated into the *Taejŏn t'ongp'yŏn* 大典通編 law code of 1785.

<sup>13</sup> *Chŏngjo sillok* 18/03/18; This regulation was later included in the *Taejŏn hoet'ong* law code of 1865.

<sup>14</sup> *Yŏkchu mongmin simsŏ* [Translated and Annotated *Mongmin simsŏ*], Seoul: Ch'angjak kwa pip'yŏngsa, 1985, vol. 6, p. 119.

<sup>15</sup> For a study on records of the actual situation in the eighteenth and nineteenth centuries see Pyŏn Chusŭng, "Chosŏn hugi yugia, haenggŏra taech'aek kwa kŭ hyokwa: Kŭmnyangch'aek ūl chungsim uro" [Late Chosŏn Policies on Abandoned and Vagrant Begging Children and their Effect: Centring on Food Provisions], *Han'guksa*

**Table 1. Financial aid to look after abandoned and vagrant children**

Type	Aid
<i>In the capital</i>	
Vagrant begging children, age 7-10 (per person and day)	7 <i>hop</i> of rice, 2 <i>hop</i> of soy sauce, 2 sheets of seaweed
Vagrant begging children, age 4-6 (per person and day)	5 <i>hop</i> of rice, 1 <i>hop</i> of soy sauce, 1 sheet of seaweed
Abandoned children (per person and day)*	1 <i>toe</i> of rice, 2 <i>hop</i> of soy sauce, 2 sheets of seaweed
<i>In the provinces</i>	
Abandoned children, per person and day	1 <i>toe</i> of rice (soy sauce and seaweed as provided by the government agency)

\* As seen above, according to *Chahyulchŏnch'ik*, this was the ration to be given to women who voluntarily offered to look after an abandoned child.

Source: *Man'gi yoram*

Above we have seen how the regulations for orphan care developed. What about the actual situation then? How did these regulations work in practice? Ch'oe Wŏn'gyu has analysed 138 cases entered in government records just after the *Chahyulchŏnch'ik* was issued.<sup>16</sup>

**Table 2. Solutions for 138 orphans taken care of 1783-84**

<i>under three</i>	boys	girls	total	percentage
adoption	22	7	29	20 (58)
breastfeeding	11	9	20	14.5 (40)
institution	1	0	1	0.7 (2)
<i>above four</i>				
adoption	12	3	15	10.9 (17)
enslavement	11	5	16	11.6 (18)
institution	53	4	57	41.3 (65)

Source: Ch'oe Wŏn'gyu 1988

We can see that the majority of children three years and younger were adopted by private families. It is thought that also the category “to breastfeed and foster” (*yuyang* 乳養) indicates adoption. As for the children above four the majority were looked after in the orphanage in the

*hakpo* 3/4 (1998).

<sup>16</sup> Ch'oe Wŏn'gyu, “Chosŏn hugi adong kuhyul e kwanhan il yŏn'gu: Chŏngjosi ‘Chahyul chŏnch'ik’ ūl chungsim ūro” [A Study on Late Chosŏn Child Relief: Centring on the *Chahyul chŏnch'ik* of the Reign of King Chŏngjo], *Han'guk sahoe pokchihak* 12 (1988).

capital, and there were roughly as many children adopted as those enslaved or taken as farmhands. The entries analysed by Ch'oe only deals with how these children initially were taken care of, and it seems plausible that the children in the orphanage later also were placed in private families.

Table 3 gives the social status of those who took care of the children.

**Table 3. Social status of “adoptive parents”**

yangban	chungin	commoners	ch'ŏnin
6	19	36	19

Source: Ch'oe Wŏn'gyu 1988

We can see that commoners constituted the majority, followed by chungin and people of base status. Yangban also took care of some children, although not to the same extent as the other status groups. Ch'oe does not provide a breakdown of the numbers into the status of those who adopted these children as their own, but these figures seem to indicate that the non-yangban status groups did not share the family norms and values of the yangban that stressed the importance of bloodties.

Above we have seen that the Chosŏn dynasty had clearly formulated regulations on how to deal with orphans in times of famine. The main policy was for the government to help these children to be raised in private families, either as adopted children or as slaves or farmhands, the latter only for children above the age of four, though. The laws regulating this became more elaborate in the late seventeenth and early eighteenth centuries as large-scale famines became a more frequent problem. Finally, in the late eighteenth century, during the reign of King Chŏngjo, the *Chahuyŏchŏnch'ik* gave a more active role to government agencies in orphan care, including the construction of an orphanage in the capital, and for children three years or younger this was no longer a system only put in action in times of famine. The above has shown that late Chosŏn had a functioning system to look after orphans, the remaining question of course being how many orphans that were caught up by this system, and it has also shown that a large percentage of these orphans were adopted into private families, clearly indicating that “traditional norms and values” did not work against adoption.