

Who Should Ascend the Throne? The Two Views of Korean Confucians, Yi Saek and Jeong Do-jeon*

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This paper examines the thoughts of two prominent Korean Confucians of the late Goryeo 高麗 period (918–1392), Yi Saek 李穡 (1328–1396) and Jeong Do-jeon 鄭道傳 (1342–1398). Although they were both renowned as followers of Zhu Xi's Neo-Confucianism, they held differing views on several important issues. One of these issues was the royal successions of King U 禡王 (32nd) and King Chang 昌王 (33rd). Yi Saek considered them to be legitimate rulers of Goryeo, while Jeong Do-jeon denied their legitimacy and accused those involved in their enthronements of treason. In order to conceptualize their differences, I first explain the distinction between the ownership conception and the service conception of political authority introduced by Joseph Chan. Based on this philosophical framework, I analyze and compare the thoughts of Yi Saek and Jeong Do-jeon. My conclusion is that they based political legitimacy on different grounds: for Yi Saek, legitimacy is based on the founder's achievements in setting up the cultural and political foundation of Goryeo, whereas for Jeong Do-jeon, it is based on the founding king himself, who established the dynasty in 918. Accordingly, I call their views the "founding service" conception and the "founder's ownership" conception of political authority, respectively. I hope this analysis and comparison of their differing conceptions of political authority can contribute to a better understanding of their political thoughts and the development of the concept of political legitimacy in Korean history.

Key words: Yi Saek; Jeong Do-jeon; royal succession; political authority; political legitimacy

1 Introduction

Yi Saek 李穡 (1328–1396) and Jeong Do-jeon 鄭道傳 (1342–1398) lived during one of the most turbulent periods of Korean history, that is, the dynastic change from Goryeo 高麗 (918–1392) to Joseon 朝鮮 (1392–1910).¹ Yi Saek came from a well-off family. His father, Yi Gok 李穀 (1298–1351), passed the civil service examination of the Yuan 元 dynasty (1271–1368) and received political appointments in both courts of Yuan and Goryeo. In his youth, like his father, Yi Saek studied at the Imperial Academy (Guozijian 國子監) of Yuan at Beijing and passed the civil service examination there. After returning to Goryeo, he served as the chancellor (大司成) of the Royal Academy of Confucian Studies (Seonggyungwan 成均館) and undertook the education of junior scholars, playing a major role in implanting Neo-Confucianism in the soil of the Korean peninsula. He was revered as a prominent Confucian (名儒), a great Confucian (大儒), and a leading Confucian (儒宗) among his contemporaries. He also served as a high official during the reigns of the last four kings of Goryeo.

Jeong Do-jeon, on the other hand, came from a rather obscure family, whose ancestors had served as a minor local official (*hyangni* 鄉吏) in their native village, Bongwha 奉化, in northern

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Gyeongsang province. It is his father, Jeong Un-gyeong 鄭云敬 (1305–1366), who first received a fairly respectable appointment in the central government of Goryeo. In 1362, at the age of 20, Jeong Do-jeon passed the civil service examination and studied with other junior scholars at the Royal Academy of Confucian Studies. Jeong himself became an ardent follower of Zhu Xi's teachings. He participated deeply in the politics in the latter part of Goryeo and later became a first-class meritorious subject (開國功臣) for the establishment of a new dynasty, Joseon, drawing up the blueprint for its political and social structure and turning this new dynasty into a veritable Neo-Confucian state.²

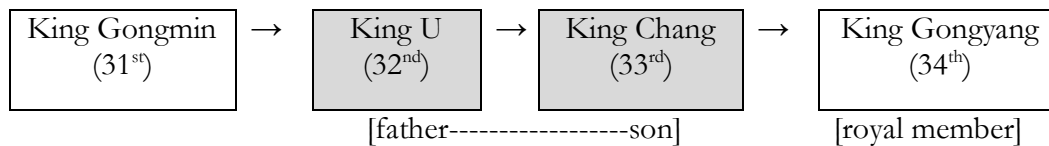
Interestingly, despite their similar intellectual backgrounds, they took completely different paths in their political careers. Jeong became one of the leading figures in the overthrow of Goryeo and the subsequent foundation of Joseon, whereas Yi remained loyal to Goryeo. In addition to their split in political trajectory, they had contrasting views on important political and social issues of the time, such as private land reform, diplomatic relation with Ming 明 China (1368–1644), and suppression of Buddhism.³ In general, Yi was considered to be politically conservative, inclined to moderate positions in policy-making, whereas Jeong was politically progressive, demanding radical changes in society. In his study of Confucian scholar-officials (*sadaebu* 士大夫) of the late Goryeo period, Do Hyeon-cheol categorizes them as representing the Old Policies faction (*gubeoppa* 舊法派) and the New Policies faction (*sinbeoppa* 新法派) respectively.⁴

According to Do, one way to comprehend their differences is to take into account their socio-economic backgrounds, their status and advancement in the central government, and more importantly, their understandings of Zhu Xi's Neo-Confucianism (Do 1999: 57).⁵ However, in this paper, instead of looking for the sources of their differences, I focus on a specific issue on which they parted company with each other. The issue under consideration is a political debate concerning the royal successions of King U 禔王 (32nd, r. 1374–1388) and King Chang 昌王 (33rd, r. 1388–1389). Jeong Do-jeon fiercely criticized the illegitimacy of King U and King Chang, whereas Yi Saek considered both of them as legitimate rulers of Goryeo. Why did they make such different claims about the successions of the two kings? What are their understandings of political legitimation?

In order to conceptualize their differing views, I first introduce Joseph Chan's distinction between the ownership conception and the service conception of political authority. Based on this basic framework, I analyze and compare Yi Saek and Jeong Do-jeon's views in a more discernable way. My conclusion is that they parted company with each other regarding the source of political authority: in Yi's view, political authority originates from the founder's achievement in setting up the cultural and political foundation of Goryeo, whereas in Jeong's view, political authority is rooted in the founder, Wang Geon 王建 (King Taejo 太祖, r. 918–943), who established the dynasty in 918. Accordingly, I call their views the "founding service" conception and the "founder's ownership" conception of political authority, respectively. I hope this analysis and comparison of their differing conceptions of political authority can contribute to a better understanding of their political thoughts and the development of the concept of political legitimacy in Korean history.

2 The Ascensions of King U and King Chang

Before proceeding to analyze and compare their conceptions of political authority, I give a brief summary of the political history that took place between the last four kings of Goryeo surrounding the royal successions.⁶



Upon the death of King Gongmin 恭愍王 (31st, r. 1351–1374), his son, Prince Gangnyeong 江寧大君, ascended to the throne at the age of ten and became King U 禔王 (32nd, r. 1374–1388). However, his reign ended before he turned twenty-five years old. In the thirteenth year of his reign (1387), Taizu 太祖 (r. 1368–1398), who founded the Ming dynasty and drove out Yuan to the north, installed the Cheollyeong Commandery (鐵嶺衛) with the intention of intervening in the internal affairs of Goryeo court and preventing the potential alliance between Goryeo and the Northern Yuan 北元 (1368–1635). However, King U was persuaded by Choe Yeong 崔瑩 (1316–1388), a leader of the pro-Yuan faction, to attack the Yodong 遼寧 region (Ch. Liaoning, a province located between Korea and China) against Ming. King U sent two military commanders, Jo Min-su 曹敏修 (?–1390) and Yi Seong-gye 李成桂 (1335–1408; he became the founder of Joseon dynasty), on the Yodong expedition. However, when they arrived at Wihwa Island 威化島 (an island in the Amnok River 鴨綠江, on the border between North Korea and China), they judged crossing the river to be impossible. Consequently, they disobeyed the royal command, retreated from Wihwa and returned to the capital Gaegyeong 開京. Taking the responsibility of the Yodong expedition, King U was forced to resign from the throne. He had to send an envoy to Ming Taizu with an official letter, apologizing for the improper action of a vassal state and asking for the acknowledgement of the enthronement of his son, King Chang 昌王 (33rd, r. 1388–1389).⁷

King Chang ascended to the throne at the age of 9. However, his reign was even shorter than his father's, unable to complete two full years. The incident that accelerated his dethronement was the charge against the conspiracy of the reinstatement of King U by members of the pro-Yuan faction. This was the occasion in which one of the most scandalous stories in Korean history came about: “King U does not belong to the Wang family” (禔王非王說). To put it another way, King U should not be surnamed as Wang, the surname of the founder of Goryeo dynasty. As the story goes, since his beloved wife, Princess Noguk 魯國公主 (?–1365), died during childbirth, King Gongmin was left without an heir. One day he visited the residence of Shin Don 辛旽 (?–1371), a Buddhist monk who was in control of the king's cabinet, and met Shin Don's concubine Banya 般若. Banya gave birth to a son afterwards, and this child was acknowledged to be King Gongmin's son and named Prince Gangnyeong. However, based on circumstantial evidence, the pro-Ming faction, including Yi Seong-gye and Jeong Do-jeon, suspected that King U was not the son of King Gongmin, but that of Shin Don. Accordingly, they considered King U's ascension to be illegitimate, and so was King Chang's. They charged that King U's ascension amounted to the stealing of the throne of the Wang family by the Shin family, and so their claim is: “To abolish the fake one and establish the authentic one (廢假立真).” As a result, King Chang was dethroned and the next king was selected among the royal members of the Wang family. This is King Gongyang 恭讓王 (34th, r. 1389–1392), the last king of Goryeo, the seventh-generation descendant of King Shinjong 神宗 (20th, r. 1197–1204).

As many historians seem to agree, there must have been a strong political motivation behind this malicious allegation by the pro-Ming faction: that is, to debate the legitimacy of King U, who ascended to the throne with the support of the pro-Yuan faction.⁸ This story was, after all, recorded by the hands of the scholar-officials who rose to power in opposition to the pro-Yuan faction and finally established a new dynasty over Goryeo. Furthermore, there is no way to verify who was in fact the biological father of King U. What is important to this paper is not the veracity of this scandal, but

to examine on what grounds Jeong Do-jeon delegitimized King U and King Chang and on what grounds Yi Saek believed that both were legitimate rulers of Goryeo. What are their conceptions of political authority? What makes royal succession legitimate for them? In order to give a philosophical framework for their differing views, I briefly sketch out two conceptions of political authority introduced by Joseph Chan, and then, based on this framework, I analyze and compare Yi and Jeong's views on royal succession.

3 *Dominium versus Imperium*

In his book *Confucian Perfectionism*, Joseph Chan defines political authority as “a legitimate right to rule at the highest level within a jurisdiction” (Chan 2014: 28).⁹ He then questions exactly in what way political authority is understood in early Confucianism. According to Chan, even though early Confucian thinkers did not articulate a systematic theory of political authority, we can reconstruct and develop their conception of political authority by probing and analyzing core political ideas found in early Confucian texts.¹⁰ As a first step of this project, he introduces two conceptions of political authority found in the Roman legal tradition: *dominium* (right to own) and *imperium* (right to rule).¹¹ To summarize:

- 1) On the dominium conception, political authority basically derives from a right to own and transfer resources within the jurisdiction of the dominus (owner), with resources including the people, land, and political authority itself.
- 2) On the imperium conception, political authority is simply a right to govern within a jurisdiction (here governing means no more than making and implementing laws and policies). (Chan 2014: 28–32)

For example, if a ruler has a dominium, he has a right to rule his state because it is his own state. He owns the land and people who live within his jurisdiction. He can also transfer his throne to another at his will because the throne is his possession. On the other hand, if a ruler has an imperium, he has a right to rule the state, but he has no entitlement to own the resources within his jurisdiction. He also has no right to pass on the throne to another at his will because the throne is not his private property.

If Confucians had to choose between these two options, which one did they side with? Chan argues that early Confucian thinkers do not endorse a dominium (hereafter ownership) conception of political authority. With a close analysis of the doctrine of *tianming* 天命 (Heaven's Mandate), the seminal and most influential political idea of Confucianism, and other relevant passages in the *Mencius* 孟子 and *Xunzi* 荀子, Chan has shown that the nature of political authority described in early Confucian writings points to an imperium conception (Chan 2012: 224). For early Confucians, a ruler has only a right to rule the world for the purpose of the protection and promotion of the well-being of the people.¹² He calls this Confucian conception of political authority the “service conception,” a term he borrows from the British legal and political philosopher Joseph Raz.¹³

So, political authority can be understood in two broad ways. One can have a right to rule the state because he owns the state, presumably as a hereditary right (ownership conception), or one can have a right to rule the state because he obtains the supports from the people owing to his virtue and corresponding service to the people (service conception). According to Chan, early Confucians followed the second model for political legitimation, although “in traditional China many critics as well as defenders of the traditional imperial system viewed the power of an emperor as his private property” (Chan 2014: 213).

Of course, the complexity of Chinese political history and thought cannot be fully dealt with this simple binary distinction of the ownership and service conceptions of political authority. This could be even more difficult if we apply this conceptual framework to the distinctive cultural and political context of Goryeo Korea. However, just as Chan successfully reconstructs the early Confucian conception of political authority inspired by the framework developed in the Roman tradition, I will show that Chan's framework helps us conceptualize the opposing views of Yi and Jeong on royal succession in a philosophically meaningful way.¹⁴

4 Jeong Do-jeon: The Founder's Ownership Conception

Let us start with Jeong Do-jeon's view on the successions of King U and King Chang. Jeong's view is most explicitly stated in his Letter to the State Council (上都堂書) and partially in his Memorial to King Gongyang (上恭讓王疏), both written in the third year of King Gongyang's reign (1391).¹⁵ The purpose of his letter to the State Council is to demand the execution of Yi Saek and U Hyeon-bo 禹玄寶 (1333–1400), who were accused of the enthronements of the fake kings, and his memorial to the king also touches on the same issue.¹⁶ The main theme throughout these two documents is the importance of rewards and punishments. Jeong points out that since rewards encourage good deeds and punishments deter crimes, their proper and impartial implementation is essential for maintaining the order of society. However, the king did not mete out sufficient punishments to the traitors; rather, he absolved them of high treason. Hence, Jeong urged King Gongyang to correct this wrong. He writes,

In my humble opinion, penal law is the way to prevent disorder. The ruler preserves stable order with penal law. If penal law is disrupted once, the apparatus of preventing disorder collapses first so that disaster strikes even before exerting any power, and the people's mind are yet to be at ease and disorder won't stop. (Memorial to King Gongyang)

Throughout his letter and memorial, Jeong places great weight on punishments. He admonishes that without the execution of the traitors like Yi Saek, the king cannot maintain social and political order, and disaster and chaos will break out. As it turned out, King Gongyang renounced his throne and brought an end to 500 years of the Goryeo dynasty.

Jeong goes on to argue that the heaviest crime in penal law is none other than the usurpation of the throne. Although he does not articulate the reason for this, we can easily conjecture that this is presumably because the throne has the highest value in the world. The throne is the most exalted position, provided with formidable power and wealth. However, there are other reasons as well. According to Jeong, the usurpation of the throne incites anger from the subjects and people (臣民). Their anger, however, would be more than the anger of injustice, the emotion that we tend to feel, for instance, when someone steals another person's property. The throne, i.e., rulership, is not just the valuable property of the third person, the king. The throne comes with a package, part of which includes the people within its jurisdiction, and accordingly, the people have substantial stake in it. Therefore, the anger of the people would be close to the anger of victimhood, the emotion that we tend to feel when someone steals our own property.

Furthermore, Jeong emphasizes that the usurpation of the throne is the target of denunciation even outside the jurisdiction. He recalls the story of Confucius: when a minister Chen Heng 陳恆 killed Duke Jian 簡公 of Qi 齊 and enthroned Duke Ping 平公 instead, Confucius went to the Lu 魯 court,

requesting to attack the wrongful usurper of the Qi (*Analects* 14.21). According to Jeong's explanation of this event,

The assassination of the ruler happened in the state of Qi and this seems to have nothing to do with the state of Lu. [And also] at that time, Confucius had already withdrawn from the post for the reason of his age, and he seems to have nothing to do with state affairs of Lu. [In addition,] he had already appealed to the ruler of Lu and he does not seem to need to report it to the Three Ministers. However, the sage was so broad-minded that he entered [the court] to appeal to the king and came out to report to the Three Ministers. This is because he was determined to punish the offender at any cost. The assassin and traitor are the ones that every single person wants to punish and they are the common evil of the world. Confucius stayed in Lu but he could not bear the thief in Qi, and how much more so for those [like me] staying in the same state with the thief can bear? Confucius was below the rank of minister but he could not bear the affairs of the neighboring state, and how much more so for those [like me] in the rank of meritorious subject can bear the thief of the royal family? (Letter to the State Council)

The wrongful seizure of the throne not only affects the people within the jurisdiction, but also relates to all people in the world because it breaks the constant moral norms that human beings should follow (天下之經). The Confucian constant norms, two of which are the relationships between the ruler and the ruled and between father and son, should not be violated because these are what make human beings human. Hence, the ruled should not disobey their ruler and the son should not disobey his father. As the term *gunbu* 君父 (ruler-father, or fatherly ruler) indicates, these two relationships usually overlap in kingship: that is, the ruler is a father and the son is his subject. The phrase “rebellious subjects and violent sons” (*luanchen zeizi* 亂臣賊子) is used by Mencius to refer to the usurpers. According to Mencius, the deep concern about usurpation was the very reason that Confucius composed the *Spring and Autumn Annals* (*Chunqiu* 春秋), a chronicle of the political events in his home state of Lu, to warn that usurpers are the common enemies of humanity (*Mencius* 3B9). Therefore, usurpers should be punished regardless of their familial backgrounds or social rank. What is more, Jeong adds: “According to the *Spring and Autumn Annals*, the law for punishing criminals [who usurp the throne] prescribes that even if their scheme has not yet manifested, it is better to seek out and punish their intentions” (Letter to the State Council). The wrongness of usurpation is so serious and appalling that one can be punished even for such sinister intention, even if the crime has not yet been committed.

In addition to the ruler, the ruled, and people in general, there is yet another group whose interests are greatly affected by royal usurpation: that is, the royal ancestors. In his letter to the State Council, Jeong spells out the task of ministers concerning treason as follows:

You [the minister] should investigate the crime fully, informing it to the king and the people and reporting it at the royal ancestral shrine, and punish each and every crime. Having done so, the spirits in the Heaven will be comforted, the anger of the subjects and people will be abated, and the constant norms of the world will be established. [Then], the responsibility of the minister is fulfilled. (Letter to the State Council)

Once the minister metes out adequate punishments to traitors, the constant norms between the ruler and the ruled will be reinstituted and the subjects and people will be satisfied. In addition, this will also console the spirits of Heaven. Who are the Heavenly spirits? Given that the minister reports at

the royal ancestral shrine, they must be the ancestors of the king, the Wang family. And, why are they comforted upon the execution of treason? This is because the rulership belongs to the Wang family. However, the ownership of the Goryeo dynasty does not seem to belong to each and every king who had once ruled the kingdom and hence was enshrined in the Great Temple (太廟). In Jeong's view, the ultimate ownership belongs to the very first king Taejo 太祖 (Wang Geon), who established Goryeo in 918 and finally unified the Later Three Kingdoms in 936.¹⁷ He clearly states, "The throne is Taejo's throne; altars of the earth and grain (referring to state) is also Taejo's altars" (Letter to the State Council). It is only Taejo, the founder, who can claim entitlement to the land, people, and the throne. That being the case, I call Jeong's view the "founder's ownership" conception of political authority.

The reason I call this the founder's ownership conception is because subsequent kings do not have the right to own the land and people, and they have no right to transfer their power to another as they wish. In other words, they have a right to rule Goryeo, but no right to own. It is in this light that Jeong challenged the legitimacy of King U and King Chang. Provided that the biological father of King U was Shin Don, no matter how much King Gongmin loved Prince Gangnyeong 江寧大君 (who later became King U) or considered him his own son, nor for any other reasons, he does not have the right to appoint Prince Gangnyeong as his successor. It seems that in Jeong's view, the appointment of the successor is not among the royal prerogatives of the subsequent kings because the throne ultimately belongs to the founding king.

The exact rule of royal succession of the Goryeo dynasty should be further studied, but broadly understood, the Goryeo rulership is transmitted in relation to the consanguinity to the founding king. Among the total 34 kings of Goryeo, a half of them transmitted their throne to their sons, and a third of them transmitted to their brothers. A particularly interesting case is the selection of the last king, King Gongyang. He was considered the strong candidate for succession because he was the closest descendant to the royal line. However, according to the *Essential History of Goryeo* (*Goryeosa jeolyo* 高麗史節要), some issues were raised concerning his qualification for governance. For example, Seong Seok-rin 成石璘 (1338–1423) claimed that the virtue of candidates, rather than the closeness to the lineage, should be considered in selecting the successor among the royal members. Despite the dispute, King Gongyang was selected in the end as the next king through drawing lots.¹⁸ This is to say, blood ties with the founding king are, at least, a sufficient condition for being a Goryeo king. Inversely, this implies that those who do not have blood relationship with the founding king are naturally excluded from kingship.

At any rate, Jeong's interest is not so much on the institution of the guiding principle of royal succession (affirmative) as on the prohibition of the arbitrary power of the king in appointing his successor (negative). He provides two historical examples to show why the king's prerogative to choose his own successor should be restricted. One is the story of King Kuai 嚳 of Yan 燕 (r. 320–314 BCE), who abdicated his throne to his minister Zi Zhi 子之.¹⁹ Mencius comments on this event, saying: "Zi Kuai was not entitled to give the state of Yan to someone else, nor was Zi Zhi entitled to receive Yan from Zi Kuai" (*Mencius* 2B8). Mencius's point is that the state and its rulership are not an object of transfer between individuals. Jeong elaborates on this, saying: "The sages and worthies considered that the land and people were received from the former kings (先君), and so the incumbent king (時君) cannot give them personally to another" (Letter to the State Council). The king should not transfer his power at his disposal because the throne is an inheritance from the forefathers.²⁰

The other case is King Hui 惠王 of Zhou 周 (r. 676–652 BCE), who tried to replace the Crown Prince Zheng 鄭, his eldest son by his primary wife, with another son, Dai 帶, by his beloved concubine. Jeong writes:

King Hui of Zhou tried to replace the Crown Prince because of love [toward his concubine and her son]. The Duke Huan of Qi came to Shouzhi in command of feudal lords and met the Crown Prince and corrected the position of the throne. Although at that time there were distinctions between sons by the primary wife and sons by the secondary wife, they (the Crown Prince Zheng and Dai) were King Hui's sons. Nevertheless, with the highness of the Son of Heaven, King Hui cannot give the throne to his beloved son in person. With the lower rank of the feudal lord, Duke Huan commanded [other] feudal lords and disobeyed the order of the Son of Heaven. [However,] the sages considered this righteous. I have never heard that the Crown Prince had disobeyed his father's order and Duke Huan had disobeyed the ruler's order [before]. This is truly the great righteousness of the whole world. How could King Gongmin personally give Taejo's throne and people to the traitor Shin Don's son? (Letter to the State Council)

Unlike the first case in which the ruler yielded the throne in favor of his minister, who did not have any blood ties with him, this is the case of the ruler who chose his heir apparent among his own sons. What is interesting is that Jeong problematizes the king's private and personal love toward one of his sons more than the different status between the primary and secondary sons prescribed in the Lineage Law (宗法). Thus understood, what is at stake for Jeong is that the king's personal interests or preference should not intrude on royal succession, even among the legitimate royal candidates. This is because the incumbent kings do not have an ownership right to the throne. The throne ultimately belongs to the founder. Therefore, in Jeong's view, the ascension of the illegitimate candidates like Kings U and Chang is much more senseless and outrageous than the case of King Hui.

Jeong further argues that the enthronements of Kings U and Chang are a more serious crime than the assassination of an individual king. Suppose that a new king who usurped the throne were a member of the royal family. However wrong it may be, it does not encroach on the original ownership of the founder because the usurper is a descendant of the founding king. His usurpation is just replacing one descendant with another descendant. What has been transferred in this case is a right to rule the state. However, as Jeong and his clique claimed, if King U did not belong to the Wang family, his ascension would be replacing the royal family of Wang with another family. In this case, what had been transferred was not only a right to rule, but also a right to own the state. Jeong explains this point by resorting to Hu Yin's 胡寅 (1098-1156) view in the *Narrow Views from Reading History* (*Zhidang dushi guanjian* 致堂讀史管見)²¹:

Didn't Hu Yin explain like this? "Assassinating the ruler and establishing a [new] one does not destroy the royal ancestral shrine. [However], moving the site of the royal ancestral shrine and changing the surname of the state destroys it. Isn't this more serious than assassination?" Now, joining a clique of a different surname [from that of the royal house] and destroying the royal shrine of the Wang family [referring to Yi Saek and U Hyeon-bo] conforms to what Hu Yin said about moving the site of the royal ancestral shrine and destroying the surname of the royal family. Their crime is much more serious than assassination. (Letter to the State Council)

The seriousness of King U's ascension came from its very impingement on the ownership of the founding king. Therefore, Jeong could not imagine a worse-case scenario of usurpation than those of Kings U and Chang. Through reviewing Jeong's allegation of the illegitimacy of the two kings, we understand that the ultimate source of political authority boils down to the founding king, Taejo of Goryeo. The founder has an ownership over his kingdom by virtue of initiating a new dynasty, and the ownership remained with the founder and did not transmit to his descendants. As a result, in

Jeong's founder's ownership conception, all subsequent rulers of Goryeo had only a right to rule the state for the sake of continuing the dynasty that they had inherited from the founder.

5 Yi Saek: The Founding Service Conception

To my knowledge, Yi Saek does not seem to have left a direct record of his view on the royal successions of King U and King Chang. We find, at best, scattered records of his remarks in his biography ("Yi Saek yeoljeon" 李穡列傳) in the *History of Goryeo* (*Goryeosa* 高麗史) and in other people's writings, such as the aforementioned Jeong's Letter to the State Council. Given that these documents were recorded by his political opponents, we cannot naively believe that they provide us with an objective description of Yi's view. In addition, we find only terse remarks attributed to him without any elaboration, and this makes it much more difficult to analyze and interpret his view than we have done for Jeong's view. Nevertheless, what is apparent is the fact that Yi did not question the legitimacy of the two kings. I believe that we can conjecture Yi's reasoning in connection with his views on other related issues.

We can begin by inspecting his remark on the ascension of King U, which is recorded in Jeong's letter:

Some said that Yi Saek stated, "Even if King U were Shin Don's son, King Gongmin called him his son and installed him as Prince Gangnyeong. In addition, he (King U) received the order from the Son of Heaven (Ming Taizu 太祖) and became the king. Since we have been his subjects, to remove him from the throne is a great wrong." (Letter to the State Council)

According to this report, surprisingly, Yi acknowledges the legitimacy of King U, even if he were not a biological son of King Gongmin. Here, we find three ways of justifying King U's legitimacy. The first, most substantial reason is the intention of King Gongmin: he considered King U to be his son and made him his royal heir. In other words, the incumbent ruler's appointment is the primary source of political legitimation. Second, King U had already received the official acknowledgement from Ming Taizu. Third, since King U's enthronement, the king had already formed the relationship with the ruled, and this inviolable relationship of the ruler-ruled repudiates the dethronement of King U.²² However, the second and third reasons are less substantial than the first one in the sense that they are *ex post facto*. The recognition by the Son of Heaven and the success of usurpation can justify any kingship. In any case, it is worth noting that King U's legitimacy concerns with the intention of the incumbent ruler, but not the bygone founder of the dynasty.

The aforementioned report on Yi is retrospective in nature, and so this does not tell us how deeply Yi was involved in the enthronement of King U. On the contrary, Yi appears to have been engaged in King Chang's enthronement one way or another. This put him on a charge of treason, as previously seen in Jeong's letter. According to Yi's biography:

After our Taejo (referring to Yi Seong-gye, the founder of Joseon) retreated the army [from Wihwa Island], he wanted to select a king among the royal members [of Wang]. [However], Jo Min-su planned to establish King Chang. Since Jo considered Yi Saek as a prominent Confucian of the time, he wanted to rely on his words and so asked him in private. Yi Saek also wanted to establish King Chang, and said, "We should establish the son of the previous king." Finally, King Chang ascended to the throne. (Yi Saek's Biography)

Once King U was removed from the throne, taking responsibility for the northern invasion, court officials were divided into two groups concerning the selection of royal successor: Yi Seong-gye supported the royal members of Wang, whereas Jo Min-su supported King U's son. Yi Saek seems to have joined the latter group. This was verified by his second son, Yi Jong-hak 李種學 (1361–1392), who allegedly told other people, “A group of subjects tried to establish a king among the royal members, but the fact that the Crown Prince [King Chang] was finally enthroned is due to my father's effort” (Yi Saek's Biography). Yi also defended himself with a rather lame excuse:

Jo Min-su asked me who should ascend the throne between royal members and King Chang. At that time he was general in chief, returning in command of army, and he had the same mind with King Chang's maternal grandfather, Yi Im 李琳 (?–1391). I cannot dare to disagree with him, and replied to him that since the ascension of King U had already been long, we should establish his son. [However,] I did not initiate the discussion of abdication. (Yi Saek's Biography)

Yi denied that he initiated the plan for King Chang's enthronement, but he did not deny the fact that he supported King Chang. What is more, after King Chang assumed the throne, Yi strived hard to stabilize and strengthen the young king's position through the diplomatic relationship with the Ming court, although it was unsuccessful.²³

At any rate, Yi's justification for King Chang's legitimacy is twofold. First, King Chang was the son of King U, and second, King U had reigned for more than ten years. Here again, there was no mention of the founding king. In Yi's view, the political authority seems to derive directly from the successor's relation to the incumbent ruler. However, this relationship is not necessarily biological since Yi admits the possibility of King U being a son of Shin Don. Unlike Jeong, who thinks that political legitimacy stems from biological closeness to the founding king, Yi's focus was not so much on consanguinity to the founding king as on the relation to incumbent rulers. Why incumbent rulers? What is special about King Gongmin and King U in their reigns?

Historians make an interesting observation that Yi's appraisal of the reigns of King Gongmin and King U was positive, compared to the pretty scathing description found in the *History of Goryeo*.²⁴ Yi considered these periods to be tantamount to the era of “modest prosperity” (*sogang* 小康), the term that appears in the famous “Liyun” 禮運 chapter of the *Record of Ritual* (*Liji* 禮記). The era of modest prosperity refers to a state prior to the era of “Grand Unity” (*daedong* 大同), namely, the Confucian utopia. If the grand Confucian utopia is a state that we can neither realize in this world nor go back to, the era of modest prosperity is achievable by implementing the Confucian Way in a non-ideal situation.²⁵ This suggests that Yi approved of King Gongmin and King U as virtuous rulers, doing their tasks properly and successfully. It is likely that their effective service to the Goryeo society made them legitimate rulers. However, in Yi's view, the service that Goryeo rulers should provide is not directly the protection and promotion of people's well-being as in the service conception of early Confucianism. Yi seems to have a more distinctive notion of the royal service: that is, the continuation and restoration of the founder's achievements in setting up the foundation of Goryeo, which is variously expressed as “old standards (*gubeop* 舊法),” “old institutions (*guje* 舊制),” “standards of the former kings (*seonwang ji beop* 先王之法),” or “standards of the lineage head (*jojong ji beop* 祖宗之法)” (Do 2011: 98).²⁶ Yi seems to have believed that the key to a stable and flourishing society lies in the old institutions that the founding king established for Goryeo.

For this reason, he is often considered conservative or dubbed Old Policies faction (*gubeoppa* 舊法派). In Yi's account, if the society is by any chance in decline, this would be caused either by improper operation of the old system or by unsuitable intrusion of a new rule into the old one (Do

2011: 238). Therefore, the ruler should recover and retain social and political order either by proper maintenance or by recovery of the old institutions of the founding king. King Gongmin was one of the rulers who tried to carry out such projects during his reign. For example, his anti-Yuan policy was an attempt to return Goryeo to the time before it was invaded and interfered with by Mongol rule since 1231. Also, one of the primary reasons for his promotion of a Buddhist monk, Shin Don, was to break down and reform the corrupted influences of the military regime ruling from 1170 to 1270. All things considered, the legitimacy of King Gongmin was obtained neither simply because he was a direct descendant of the founding king nor directly because the people willingly accepted his rule. Rather, his legitimacy was obtained from his sincere endeavor to revive and preserve the accomplishments of the founding king. Therefore, I call Yi's view of political authority the "founding service" conception.

King Gongmin's successful service to continue and revive the old institutions of the founding king in turn conferred on him the right to appoint his own successor, or at least, elicited Yi's respect for the king's decision. Accordingly, King Gongmin's legitimacy was transmitted to King U, and King U was accepted as a legitimate heir despite the vagueness surrounding his birth. And yet, Yi seems to have another important reason to support King U's legitimacy. His biography records:

Yi Saek once said to other people, "Long ago, the Emperor Yuan 元帝 of Jin 晉 (r. 318–323) succeeded to the throne. Hu Yin 胡寅 asked, 'Despite the fact that the Emperor Yuan's [original] surname was Niu 牛 and he falsely continued the royal lineage of Jin [the surname of which was Sima 司馬], how could the lords and subjects of the Eastern Jin be satisfied and not rebel against him? This is surely because they thought that since the barbarian Jie 羯 invaded from the north and the region of Jiangzuo was weak, without relying on the long-established achievements, how could it be possible to keep the mind of people at ease? To establish anew is a completely different task in its difficulty.' This is also because they cannot help but to manage affairs depending on the circumstances." The reason that Yi Saek cannot dare to have an opposite opinion regarding the enthronement of the Shin family is also because of this. (Yi Saek's Biography)

We find a parallel between King U and the Emperor Yuan of Jin, who was reportedly an illegitimate son of Princess Xiaohu 夏候 and the general Niu Jin 牛金.²⁷ Relying on Hu Yin's interpretation, Yi claims that in an ordinary situation they both were inappropriate candidates for rulership, but under exigent circumstances there is a more important standard to take into account: the continuation of the established rule. Just as Jin was threatened by northern barbarians, Goryeo at that time was surrounded by dangerous neighbors such as Northern Yuan, Ming, and Japanese raiders. In such a pressing situation, the top priority is to stabilize and protect the state, and in order to do so, relying on the established institutions and rule is much more conducive and effective than creating a new system. As a consequence, King U's legitimacy was not only derived from King Gongmin's genuine attempt to undertake the founder's achievements, but the throne was also bestowed on him as a mission to be accomplished, the mission being the continuation of the founder's achievements in the precarious Goryeo.

A similar pattern repeats between King U and King Chang. If King U's reign was considered the era of modest prosperity, it means that he carried out his mission properly. In addition, the fourteen years of his reign were not short in Yi's appraisal. These two conditions combined together confer legitimacy on King U.²⁸ In addition, just as his father tried to fulfill the mission inherited from the founder, now it is his son's turn to undertake the achievements of the founder. This is nothing absurd or inconceivable in Yi's view. If King U's ascension was an expedient measure, King Chang's

ascension was a standard measure to be kept in ordinary situations, that is, the father-son succession. In both cases, the legitimacy of royal successors is to be obtained from the legitimate rule of the incumbent rulers, who tried to revive and maintain the old institutions of Goryeo, not from their biological relation to the founding king.

This leads us to comprehend the reason why Yi acknowledged the legitimacy of the last king, King Gongyang, as well. Do Hyeon-cheol summarizes Yi Saek's position on the royal successions as follows:

King U ascended to the throne because King Gongmin appointed him as his heir; King Chang ascended to the throne because he was a son of King U; and King Gongyang ascended to the throne because he was a member of the royal family. (Do 2011: 34)

According to Do, Yi believed that all the three kings were legitimate rulers, but the source of their legitimacy varied in each case: the incumbent ruler's appointment in King U's case, the consanguinity to the incumbent ruler in King Chang's case, and the consanguinity to the founding king in King Gongyang's case. They all look different at surface, but there is an underlying principle that connects all the three cases: the continuation of the founder's achievements. As seen, the legitimacy of King U and King Chang is ultimately derived from their predecessor. What differs in them is that in an ordinary situation, the father-son succession is justified (King U–King Chang), whereas the exigency of the situation allowed the ruler to appoint his own successor (King Gongmin–King U). Unfortunately however, King Chang was too young and his reign was too short so that he was not able to build up his own legitimacy. In an absence of legitimated rule, the royal members can be potential candidates for the royal successor. Hence, King Gongyang, the seventh-generation descendant of 20th King Shinjong, ascended to the throne and became the last king of Goryeo.²⁹

To summarize Yi's view, the legitimacy of political authority is not derived from the founder *per se*, but from the founder's achievements in establishing the backbone of the dynasty. Consequently, what justifies the political legitimacy of subsequent rulers is their contribution to the continuation and restoration of the institutions of the founder. Although we cannot say that a successful ruler gains an ownership right to the extent that he can transfer the throne to another at his disposal, we can say that in Yi's founding service conception a ruler seems to enjoy more discretionary power, at least under exigent circumstances, than what is prescribed in Jeong's founder's ownership conception of political authority.

6 Conclusion

The issue of royal succession and political legitimacy is important for Confucian scholar-officials, not purely as a philosophical interest, but as a weighty practical problem that they had to deal with and solve. The ascensions of King U and King Chang in the late Goryeo were one of those critical moments that generated a heated controversy over the legitimacy of the ruler. Interestingly, the two prominent Neo-Confucians, Yi Saek and Jeong Do-jeon, held opposing views on this matter. In order to make sense of their different claims, I have examined what they said about these particular events of succession, analyzing and comparing their remarks and reasoning. My conclusion is that Yi Saek grounded the legitimacy of the ruler on their service to continue and restore the achievements of the founding king, who established the political and social structure of Goryeo, whereas Jeong Do-jeon grounded legitimacy on the founding king himself, who is the *raison d'être* of the dynasty.

These different grounds for political legitimacy led them to conceive of the role and authority of the ruler in different terms. In Yi's founding service conception, consanguinity to the founding king is a preliminary condition for being a legitimate candidate. What is more important is that the legitimacy of ruler increases as he successfully fulfills the mission he inherited from the founder. In other words, just as the founding king gained his authority due to his achievements in setting up the cultural and political foundations of the dynasty, subsequent rulers can gain a similar kind of authority depending on how well they govern the dynasty as guided by the founder. On the other hand, in Jeong's founder's ownership conception, the ultimate authority remains with the founding king. Subsequent rulers have only a right to rule the state, and they are not entitled to own the state and the throne. No matter how well they govern the dynasty, the ownership right is exclusive to the founding king, who had long been dead, and blood ties to the founding king became the sufficient and inviolable rule.

I think this analysis and comparison based on Chan's ownership and service conceptions of political authority is meaningful in two ways. On the one hand, Chan's conceptual framework helps us elucidate significant differences between Yi and Jeong's views of political legitimacy. At the same time, this comparison helps us develop and elaborate Chan's original framework. For example, Yi's view suggests that the ruler's service can be defined in different terms in different cultural and political contexts, and Jeong's view shows us an effective way to restrain the ruler's absolute ownership. I hope this dialogical relationship between theory and practice continues to enhance our understanding of the development of the concept of political legitimacy in Korean history.

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- ¹ For the Korean romanization, I follow the guidelines of the Revised Romanization of Korean, promulgated by the Korean Ministry of Culture and Tourism in 2002. Yi Saek's pen name is Mokeun 牧隱, and Jeong Do-jeon's pen name is Sambong 三峰.
 - ² For a brief biography of Jeong Do-jeon, see Chai-sik Chung, "Jeong Dojeon: 'Architect' of the Yi Dynasty Government and Ideology," in *The Rise of Neo-Confucianism in Korea*, ed. Wm. Theodore De Bary and JaHyun Kim Haboush (New York: Columbia University Press, 1985), 61–3; and Han Yeong-u, "Jeong Do-jeon's Philosophy of Political Reform," in *Korean Philosophy: Its Tradition and Modern Transformation*, ed. Korean National Commission for UNESCO (Elizabeth, NJ: Hollym, 2004), 59–61.
 - ³ Chai-sik Chung points out that their different attitudes toward land reforms cannot be explained solely by Neo-Confucian ideals, because a majority of Neo-Confucian scholar-officials did not support it. He argues that one possible reason for Jeong's support of a radical land reform would be due to his personal experience during exile, which enabled him to sympathize with the plight of the peasantry. However, he argues, a more important and practical reason may be the necessity to increase state revenues for the implementation of his vision for a strong state (Chung 1985: 72).
 - ⁴ Do Hyeon-Cheol, *Goryeomal sadebuuni jeongchi sasang yeongu* [*A Study on the Political Thought of the Confucian Scholar-Officials During the Late Goryeo Period*] (Seoul: Iljogak, 1999). *Sadaebu* 士大夫 refers to a new social class that is comprised of bureaucrats who entered the government through the civil service examination, compared to the old hereditary aristocracy.
 - ⁵ What puzzles us, then, is how it could be possible that these two followers of Zhu Xi held such different views and took different political paths? One way to comprehend this puzzle is to think of these two

- figures as embodying and developing a tension inherent in Zhu Xi's Neo-Confucian teachings. For one example of such studies, see Sungmoon Kim, "Between Coherence and Principle: *Li* 理 and the Politics of Neo-Confucianism in Late Koryô Korea," *Philosophy East & West* 71, no. 2 (April 2021): 369–92.
- 6 Two major historical records of the Goryeo period are the *History of Goryeo* (Goryeosa 高麗史) and the *Essential History of Goryeo* (Goryeosa jeohyo 高麗史節要). Both were written during the Joseon.
- 7 For a brief discussion of the intricate relationship between vassal states and the Chinese court, see Youngmin Kim, *A History of Chinese Political Thought* (Cambridge: Polity Press, 2018), 142.
- 8 Kang Jae-eun, *The Land of Scholars: Two Thousand Years of Korean Confucianism* (Paramus, NJ: Homa & Sekey Books, 2006), 169.
- 9 Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2014). This section summarizes Chan's discussion of the Confucian notion of political authority in chapter 1, "What Is Political Authority?" and appendix 2, "Against the Ownership Conception of Authority."
- 10 Chan's ultimate aim is to find out the contemporary relevance of the reconstructed version of Confucian political thought.
- 11 Dominium and imperium were the Roman private law concepts for explaining the nature of political authority. Inspired by this distinction, Chan developed a Confucian conception of political authority, which will be explained soon. For an excellent study of the Roman conceptions of dominium and imperium, see Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought* (Oxford: Oxford University Press, 2016).
- 12 This idea is well-defined in Mencius's vision of benevolent governance (*renzheng* 仁政).
- 13 Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986). Chan clarifies that the meaning and implication of his service conception is different from Raz's service conception. The Confucian service conception is not meant to serve or fulfill the preexisting desires of the people, but, more importantly, to create an environment conducive to the moral and material well-being of the people (Chan 2014: 30).
- 14 To be clear, this is not an imposition of a western category upon an East Asian context. Rather, this is a dialogical project between theory and practice; that is, conceptual framework helps us illuminate the ideas of thinkers, and their ideas help us develop and refine the original framework.
- 15 These two documents were included in Jeong Do-jeon's biography in the *History of Goryeo* (Goryeosa 高麗史, 鄭道傳列傳). "Memorial to King Gongyang" was written before his letter to the State Council. The State Council (Dodang 都堂) is also called Dopyeong Uisasa (都評議使司). It was the supreme office of deliberation on state affairs during the late Goryeo.
- 16 U Hyeon-bo was charged with the involvement in the conspiracy of the reinstatement of King U. However, King Gongyang seems to be lenient with U allegedly because U Hyeon-bo's grandson, U Seong-beom 禹成範 (?–1392), was his son-in-law.
- 17 The Later Three Kingdoms consisted of Silla 新羅 (57 BCE–935 CE), Later Baekje 後百濟 (892–936), and Later Goguryeo 後高句麗 (901–918). The latter two claimed to be heirs to the earlier Three Kingdoms, Baekje and Goguryeo, which had been united by Silla in 660 and 668 respectively.
- 18 This story appears in the *Essential History of Goryeo*.
- 19 For a more detailed history surrounding this event, see Yuri Pines, "Disputers of Abdication: Zhanguo Egalitarianism and the Sovereign's Power," *T'oung Pao* 91, no. 4–5 (2005): 268–9.
- 20 In my view, the reason Mencius denied Zi Kuai's abdication to Zi Zhi is different from that of Jeong Do-jeon's. Jeong thinks that the throne belongs to the founder, and thus, the subsequent kings cannot transfer it as they wish. In my view, Mencius thinks that the legitimacy of political authority is a complex issue, the dynamic interplay between heredity, virtue, and *ming* 命 (fate). For a detailed discussion of this issue, see Youngsun Back, "Confucian Heaven: Moral Economy and Contingency," *European*

- Journal for Philosophy of Religion* 8, no. 1 (2016): 51–77; and Youngsun Back, “Revealing Contingency Through Shun’s 舜 Ascension to the Throne,” *Early China* 43 (2020): 61–92.
- 21 Hu Yin 胡寅 (1098–1156) was a scholar-official of the Song 宋 dynasty (960–1279). He was a nephew of Hu Anguo 胡安國 (1074–1138) and his adopted son. Hu Anguo was the author of *Master Hu’s Commentary on the Spring and Autumn Annals* (*Chunqiu Hushizhuan* 春秋胡氏傳), which was held in high esteem by the imperial court of Song and Ming as well as by Korean Neo-Confucians.
- 22 According to his biography in the *History of Goryeo*, Yi Saek served as a teacher of King U. This is another inviolable norm of teacher-disciple relationship.
- 23 Yi Saek tried to send King Chang to pay a visit to the Ming court, but it failed because of the objection of King Chang’s mother, Royal Consort Geunbi (謹妃), who thought that the king was too young to travel to Ming.
- 24 See Do Hyeon-cheol, *Mokeun Yi Saekui jeongchi sasang yeongu* [*A Study of the Political Thought of Mokeun Yi Saek*] (Seoul: Hyeon, 2011), 131–51; and Park Jong-gi, “Yi Saekui dangdaesa insikgwa ingangwan [Yi Saek’s view of contemporary history and human beings],” *Yeoksawa hyeonsil* [*History and Reality*] 66 (2007): 346–8.
- 25 For a thorough analysis of the relationship between “grand unity” and “modest prosperity,” see Michael Ing, *Dysfunction of Ritual in Early Confucianism* (Oxford: Oxford University Press, 2012), 105–28.
- 26 This is also one of the reasons that Yi Saek had a favorable attitude toward Buddhism, in spite of being a devoted Neo-Confucian. He believed that Buddhism is one of the standards of the founding king to set up for the Goryeo society. When King U asked Yi Saek to write a record of the recently repaired pagoda, he wrote: “Our Taejo created the kingship, passed on a lineage that may be continued, spread Buddhism widely, and thereby protected his descendants. This is not something that the previous rulers could achieve. The subsequent kings were able to realize the mind of Taejo and respect the Three Treasures (Buddha, Dharma, Sangha, referring to Buddhism). Now Your Highness repaired the pagoda, and I understand that the mind of Your Highness conforms to that of Taejo. Alas, as it is said [in the *Book of Odes*], ‘Although Zhou is an old state, its mandate is anew,’ isn’t it going to be realized now [by King U]?” (Yi’s Biography in the *History of Goryeo*).
- 27 The personal name of the Emperor Yuan was Sima Rui 司馬睿.
- 28 Yi Ik-ju also argues that Yi Saek supported the enthronement of King Chang partially because he did not deny the legitimacy of King U. Yi Ik-ju, “Uwangdae Yi Saekui jeongchijeok wisange daehan yeongu [A Study of the political status of Yi Saek during the reign of King U],” *Yeoksawa hyeonsil* [*History and Reality*] 68 (2008): 155–87.
- 29 However, Yi may have believed that King Gongyang became a king by virtue of being a descendant of the founding king, but he was also bestowed with a mission to fulfill the continuation of the founder’s achievements.