

Conclusion

It was not until the twenty-first century that the long legacy of the household system finally began its demise. Despite the consistent efforts of women's rights activists, the laws that upheld the small patriarchal family persisted throughout the postcolonial decades.¹ Incremental reforms since the 1970s expanded women's rights in a piecemeal manner, but the system itself was preserved.² The movement to abolish the household-head system took a decisive turn in the 2000s, when, in the recession after the International Monetary Fund takeover of Korean financial reform and with the wind of newly kindled anticolonial sentiment at their backs, the reform activists reframed the issue of household-head abolition as an anticolonial project rather than as a movement for gender equality.³ The new anticolonial strategy proved to be very effective in rekindling public debate over the household-head system. Also helpful was the demographic transformation of Korean society that was underway. The continuing decrease in the birthrate and the shrinking family size meant that society could no longer sustain the demands of the household-head system, where sons were required to continue the family lineage.⁴ Beginning in 2003 public hearing sessions over the legality of the household-head system were held at the National Assembly. In 2005 the National Assembly passed a new family law that did away with the household-registration system that had formed the basis of civil administration since the end of the colonial period. With it, the basis of the small patriarchal family too was drastically weakened.

In this book I have shown how it was that the small patriarchal family came to be the dominant unit of family organization in Korea in the colonial period. The process, essentially, was a contest between the strong agnatic principles of the existing lineage system in Korea and the household-based family system from

Japan. Women on the margin of the family emerged as critical agents in articulating the new family boundary established by Japanese colonial policy and abetted by a new legal framework, as it chipped away at the agnatic principles and the strong lineage ties that, in the Japanese view, were a barrier to the integration of Koreans into the larger empire.

The trajectory of household consolidation that I trace shows how this process affected different kinds of women in succession—first widows, then daughters, wives, and concubines. Women often were on the forefront of change, as they had been particularly affected in the course of lineage formation and the strengthening of agnatic principles in inheritance that marginalized their position in family-property relations. A widow's right to inherit the ancestral rites and family property was in an increasingly ambivalent position by the end of the nineteenth century, with some widows driven to the extreme margins of the family. As the various court cases examined here illustrate, widows found new support in protecting their rights in the colonial legal system. As the new colonial policy aimed to strengthen the boundary around the household against the reaches of the lineages, widowed household heads were protected against the claims of lineage elders.

The emergence of new reform discourses in the 1920s and the 1930s that targeted certain Korean customs gave the Government General further pretext for strengthening the household system. This is evident in the debate over a proposal to extend inheritance rights to daughters through allowing son-in-law adoption in Korea, presented as an opportunity for women to gain greater equality. The debate over concubinage, also framed as a modernizing reform, became, as we have seen, an avenue for introducing ideals of conjugal love. The language of conjugal love, used by Korean litigants at this time in lawsuits over divorce and inheritance, worked in the direction of consolidating the household. It proved, as well, to be one of the many instances where change did not necessarily mean equality, as it emphasized a woman's dependence on the household head, the male spouse. In a final effort to legally consolidate the household, in 1940 the Japanese colonial state launched the assimilatory Civil-Ordinances Reform, implementing the Name-Change Policy and son-in-law adoption. The latter, as shown, was compromised by the remnants of Korean agnatic principles. As a result, daughters were not allowed to become heirs to households in Korea. Thus, while the Japanese household system had gained legal predominance in many respects, compromises made along the way led to a severely constrained inheritance regime in the post-1945 era, where adoptees from outside of a lineage (adopted sons-in-law or non-kin) were denied full inheritance rights.

An important aspect of the process of implementing the household system, highlighted by the court cases examined here, is that it was not carried out unilaterally by the colonial state but involved the participation of many Koreans with competing desires. Those who took to heart the promise of equality and the potential of progress excitedly supported assimilatory measures such as son-in-law

adoption to bring Korea closer to the goal of equal inheritance. Others criticized such assimilatory measures to defend the agnatic principles of the Korean lineage system. As we have seen, much of the conflict unfolded in the colonial court system, as women litigated against their own families, who were keen to protect the agnatic principles of the lineage system. In other words, the colonial household system was shaped through competing and at times conflicting desires of the Koreans as well as the colonial objectives of the Japanese state. In the end, the desire to maintain the agnatic principle won out, especially after Koreans regained independence in 1945.

How colonized Koreans' desire for a modern conjugal family was implicated in the colonial policy of assimilation sheds new light on the workings of the family system in the Japanese Empire at large. Colonized Koreans' desire for legal assimilation to realize what they perceived as a more progressive and modern conjugal family challenges us to rethink the nature of the Japanese wartime family system and its place in the Japanese Empire as a whole. So far, the dominant understanding has been that the Meiji family system of Japan was antithetical to the modern ideals of family, such as love marriage and conjugal love.⁵ In the same vein the cultural ideal of "home" (*katei*) was conceptualized as a resistance point to the "lineal family" (*ie*).⁶ What my analysis of the Korean cases show, in contrast, is that in colonial Korea the modern ideals of family seem to have very much worked *through* the incremental entrenchment of the family system into everyday lives of the colonial subjects rather than in resistance to it. In other words, although the legal arrangement of the Japanese family system was not entirely progressive and modern, it was perceived as such, partly because it was different enough from existing family structures in Korea to propel change toward the direction of modernization. Also, the progressive and "civilizing" language in which it was couched led the colonial subjects to demand more reforms toward the ideals it purportedly espoused.⁷ Colonial subjects in Korea, therefore, perceived the Japanese family ideology as potentially conducive to realizing modern family ideals and thus creatively engaged with the Japanese colonial state to further demand progressive measures that would push the colonial customary laws in that direction.⁸ The collaborative relationship that emerged in the process challenges the previously dominant view in colonial history that emphasized the dichotomy of domination and resistance. Yet taking the perspective of women in the civil courts has enabled us to see the conflation of modern family ideals and the Japanese family system, with its long legacy in the postcolonial period in Korea, as the small patriarchal family continued to provide the framework of family organization for decades to come.

My goal has been to shift the previous focus of women's history in Korea in several ways. In emphasizing the continuity across the 1945 divide, I move the focus of the history of women's rights in South Korea away from the concerns of postcolonial feminism and place it in the larger historical context. I have also emphasized women litigants from various walks of life entering the colonial civil courts to

wage private struggles for personal gains instead of educated women pushing for a more universal expansion of women's rights in the postcolonial period. Many of these women existed outside the small coterie of New Women, who have received the lion's share of attention in the history of women in colonial Korea. The female litigants who appear in this book were not feminists per se, but in their personal legal pursuits they expose for us the legal conundrums of the colonial legal system, where the contradictions and the gaps between the colonial household system and the Korean lineage system posed particular problems as well as new opportunities. Female litigants continue to expose for us the legal conundrum that remains in today's family law even after the 2005 abolition of the household-head system. A series of recent lawsuits over lineage property show that the 2005 abolition began a process larger than just the abolition of the household-head system. In the first decade of the 2000s, two groups of daughters sued their lineage organizations for an equal distribution of profits from the disposal of lineage property. These daughters accused the lineage system of perpetuating sex discrimination, which violated the Korean Constitution. Some lineages excluded daughters who had married; other lineages distributed more money to male members of the lineage.⁹ As the title of a newspaper article ("Dasi pulpunnün 'ddaldül ūi chŏnjaeng [Daughters' war reignited]") aptly captured, these cases signaled the fact that there was a new kind of attack on the lineage system. By asking for equal inheritance as their brothers, these women were challenging the very basis of lineage organization, namely, the principle of agnatic inheritance. Although both groups of women lost their cases, the mere fact that these cases went as far as they did in the legal system signals that the Korean lineage system may be finally nearing its end.¹⁰

