3

Arguing for Daughters' Inheritance Rights

On December 7, 1939, the *Tonga Ilbo* reported on a sensational lawsuit between a mother-in-law and a daughter-in-law filed at the Pusan Local Court. The dispute was over an estate involving a large sum (200,000 *wŏn*) left by the recently deceased Yi Kwang-uk. Following Yi's death, his daughter-in-law, Pak Rae-gyŏng, a "chaste widow since young," as it was noted, had arranged a posthumous adoption for her deceased husband to inherit the large estate and carry on the family line. Yi's widow, Kim Su-rae, had mortgaged part of the estate to store away some cash, while filing suit against Pak for arranging an adoption without her approval. She argued that it was her right as the widow to arrange an adoption. In a short interview quoted at the end of the article, readers were treated to the opinions of the two widows: Kim asserted that her husband never had any intention to arrange an adoption and, since they had a daughter, she would rather adopt a son-in-law; Pak stated that it was her right as the daughter-in-law of the family to arrange an adoption, and Kim's refusal to adopt an heir was a scheme to take over the estate, which violated the law as well as Korean custom.[1]

Given the age of the widow Kim, which was forty-two, much younger than the deceased husband (eighty) and even younger than her daughter-in-law, who was forty-four, we can easily assume that she was a second wife. Although the daughter-in-law, Pak, was right about her customary right to adopt an heir for her husband, the fact that she was unable to do so for so many years until Yi died tells us that Kim perhaps was right about the deceased husband's unwillingness regarding such an adoption. What is also intriguing is Kim's statement that she would rather adopt a son-in-law as an heir. At this point in 1939, son-in-law adoption, a Japanese custom, was not yet an option for Koreans. The Civil-Ordinances Reform, which

enabled son-in-law adoption, had been barely promulgated in November 1939, to be implemented in February 1940.[2] Yet the article does not explicitly question the viability of this option. It shows that by the late 1930s the anticipation that son-in-law adoption would be imminently available in Korea was so widespread that it was natural for the widow to consider it a viable possibility. At the same time, the tone of the article aptly captures the image of the widow in the late 1930s. Noting that widows were enthralled by lawsuits over dividing property, "even before all the funeral processions were over," it depicted the widows as greedy and litigious.

REFORM DISCOURSES UNDER CULTURAL RULE

What should we make of the derogatory image of widows that emerged in the public media of the 1920s and 1930s? I would argue that it derived from discourses for expanding women's rights that developed in ways that championed daughter's rights over widows' rights. As daughters' inheritance rights emerged as a progressive cause for reforming family law in the 1920s and 1930s, among both the Japanese and some reform-minded Koreans, the inheritance rights of other women, such as widows, and different routes to expand women's rights over property were suppressed.

The 1920s were a period of reform in colonial Korea. As the new "Cultural Rule" proposed in the aftermath of the March First Movement ushered in less restrictive colonial policies, Koreans were allowed a larger public space in the form of a public press. This venue was embraced by cultural nationalists as a forum for advocating reforms, in the belief that such reforms (or reconstruction, as Yi Kwang-su would have it), were necessary for a stronger nation.[3] As the 1920s progressed, Korean-language newspapers played a central role in disseminating ideas about national reforms and enlightenment.[4] Matters of family customs, such as concubinage, early marriage, and widow chastity, were key targets for reform. At the same time, new ideas about women and family, such as women's rights, romantic love, and sexuality were entering Korea and competed with reform ideas laid out by the nationalists and the colonial state.

The new Cultural Rule was part of a larger shift in principles of colonial management under the cabinet of Japanese prime minister Hara Kei. The shockwave of the March First Movement, coupled with the new diplomatic climate under the Washington Treaty System, pushed the Japanese metropole to propound a policy for more liberal colonial management. In the legal sphere Hara Kei promoted "Extending Home Rules" *(naichi enchō shugi),* promising colonial subjects the benefit of legal treatment equal to that of metropolitan subjects while trying to constrain the power of governor generals that lay outside the purview of the diet.[5] Legal assimilation had both practical and ideological goals. On the ideological side it would realize the colonial promise of *isshi dōjin,* granting equal benefits of

the rule of the law to all colonial subjects.[6] On the practical side legal assimilation would facilitate legal transactions between colonial territories and simplify colonial management by reducing customary exceptions. Facilitating better legal transactions between colonial territories also meant that it would be easier to form familial ties across the metropole-colony divide, another significant component of integrating the colony and the metropole, thereby achieving *naisen yūwa,* harmony between Japan and Korea.[7]

In this new political environment, the Government General launched a series of legal reforms. In 1918 the Japanese government had promulgated the Common Law (Kyōtsūhō) that laid out terms of correspondence between different legal spheres in the Japanese Empire. A few years later, in 1922, the Household-Registration Law (Kosekihō) was promulgated to reform the Korean family registry to conform more closely to its counterpart in Japan. The registry took on a new legal function: it now served to officiate family status, which meant that unregistered status changes were no longer legally recognized *(todokede shugi)*. As a result, the colonial state reached deeper into the private space of families in the colony.[8] In 1922 and 1923 a major reform of the Civil Ordinances drastically reduced the application of Korean customs and applied the Japanese Civil Code in its stead. As a result, the Japanese Civil Code was extended to family matters such as parental rights, divorce, and the legal age of marriage. These reforms in family matters stirred up great anxiety in colonial society. Although additional major reform of the Civil Ordinances did not happen until 1939, the two intervening decades were replete with discourses of reform.

Expanding women's rights emerged in this period as the new rallying cry for many different parties dedicated to reforming Korean family customs. The Government General tried to tap this energy and steer it toward support of their project of assimilation. In 1924 the Government General proposed to import son-in-law adoption as the next step in legal assimilation in civil matters, promoting the measure as a way to expand women's inheritance rights. In the process something as quintessentially Japanese as son-in-law adoption took on the meaning of "progress," while some Korean customs with potentially progressive impact, such as widow rights, were marked with the stigma of backwardness. Other avenues to expand women's rights were closed as well.

Korean reform demands were not uniform, nor were they united against the colonial state. While some Koreans welcomed the expansion of women's rights and even demanded more, other Koreans, the conservative elite in particular, strongly resisted such reforms, arguing that they would prompt chaos and resentment among the colonized population. Thus, it was not only the Japanese but also conservative Koreans who sought to produce and maintain colonial difference in the name of Korean distinction. Japanese and Korean customs were not static entities clearly distinguished from each other; distinctions and commonalities between Japanese and Korean customs were constantly constructed and

renegotiated throughout the colonial period as assimilatory reforms proceeded. In other words, the reform discourses of the 1920s and the 1930s developed through a three-way competition among the colonial state with its assimilatory objectives, reform-minded Koreans and their demand for change, and conservative Koreans trying to protect lineage prerogatives. In the convergence of interests of the reform-minded Koreans and the Japanese colonial state, assimilation, for some, became congruent with progress. Yet Korean conservatives, or those Koreans who resisted such changes, exercised significant power to modify the reforms of the colonial state through the Korean Central Council (Chūsūin), the Korean advisory committee to the Government General; they were successful in delaying reforms in Civil Ordinances and deterring implementation of daughters' inheritance rights in Korea. The colonial state also seems to have tried to appease the conservative elite, conceding to their demands when introducing reforms on family matters.

Considering the high tension over matters of family-law reform in the Japanese metropole at the time, it is understandable that the Japanese were willing to heed conservative demands in Korea. While assimilatory reforms were unfolding in Korea, the Japanese metropole was being engulfed in its own set of reform demands. Japanese conservatives were unhappy that the customs of olden times were being lost in Japan's rapid socioeconomic transformations. Progressives, on the other hand, were frustrated that the Civil Code, which was designed to preserve traditional family customs, was growing increasingly out of sync with the realities of Japanese peoples' lives. Female activists' demands for more equal family laws also were growing stronger. The Temporary Committee to Deliberate on the Legal System on Personnel Affairs (Rinji Hōsei Shin'gikai) was installed in 1919, and the final compromise was announced as a resolution in 1927.[9] The resolution took many steps in the direction of constraining the rights of the household head and making divorce laws less discriminatory against women, but these were too minor to satisfy the growing demands of feminists of the time. This is understandable if one considers that the original reason the committee was convened was to strengthen the traditional family system rather than reform it toward progressive goals. Even with these limited endeavors, Civil-Code reforms failed to reach fruition, owing to the outbreak of hostilities between Japan and China in the Manchurian Incident of 1931 and the continuing war for fifteen years thereafter. Instead of Civil-Code reforms, a Personnel Affairs Reconciliation Law was promulgated in 1939 to facilitate resolution of family conflicts before they reached the point of formal trial in the courts. This law was devised to protect the traditional family structure and to deter further dissolution of families in a time of national exigencies. It also was devised to deal with the increasing number of family conflicts, as many families of those who died in the war became engaged in disputes over compensation and pension benefits.[10] On both the home front and the colonial frontier, then, the Japanese state was trying to deal with increasing demands that threatened the family-state ideology that it had established just a few decades before (or, in

the colonies, was about to establish). The legal reforms that eventually transpired should be understood in terms of the state's attempt to control reform demands that were spreading rapidly in the empire at large.

In the end, the widespread reform discourse did not lead to much gain in terms of expanding women's inheritance rights in Korea. The 1939 reform failed to achieve full assimilation of inheritance laws and left Korean women's inheritance rights inferior to those enjoyed by women in the Japanese metropole. Only daughters' inheritance rights emerged as a viable route to expanding women's rights, although even those were compromised in the eventual Civil-Ordinances Reform of 1939.

The discourse on daughters' rights that emerged did so in conjunction with discourses (both academic and public) about phasing out widow rights and ancestral rites inheritance. While reform-minded Koreans were co-opted by the colonial state, having bought into its assimilatory reform regime, conservative Koreans were successful in pushing the colonial state to compromise with lineage principles that marginalized daughters in matters of inheritance. Widow rights eventually lost out entirely, abandoned by all three parties.

THE PROBLEM OF WIDOWS

Even though the Kabo Reforms had lifted the ban on widow remarriage in 1894, the practice continued to be stigmatized under colonial rule. If anything, cultural restrictions against widow remarriage may have become even more widespread in the colonial period because what had been an elite yangban class ideal seems to have spread to commoners. In 1924 a *Tonga Ilbo* editorial titled "The Problem of Widow Remarriage" demanded that widows in Korea be allowed to remarry without stigma. The author lamented that among fifty thousand households in the capital of Keijō (Seoul), one thousand were widow households. The article asserted that "it is already very much behind the times to talk about widow remarriage." The core of the problem, according to the author, was the discrepancy between the ideal of widow chastity and the reality: under the surface of stringent calls for morality, many illicit relationships were conducted, and efforts to hide them led to various ills. With the spread of new ideas about gender equality, the writer warned, women would no longer endure the unfair demands of chastity for women. There was only one country in the East that was worse in its treatment of widows and that was India, with its custom of sati: "Banning sati was the most benevolent policy of the British," the writer noted. The same kind of progress, he seemed to suggest, could be achieved in Korea under the civilizing force of Japanese rule. Other writers argued that it was inhumane to force widows to remain chaste when widowers remarried with impunity.[11]

Such sympathetic pronouncements were advanced in the face of a public suspicion about widows' chastity that had led to a shift, since the 1920s, away from earlier images of widows as victims of evil custom. Newspapers inundated readers

with reports of widows "crushing to death" *(apsa)* babies whom they had had with secret lovers.[12] An article from 1935, for example, reported that about fifty cases of infanticide were committed by widows each year.[13] Association between widows and infanticide was so prominent in the public image of widows that when a dead infant's body was found, it was customary for the police to interrogate local widows.[14] Indeed one author in 1935 argued for widow remarriage not in the interest of the women but on the grounds that it would be a solution to the increasing crimes of infanticide.[15]

Despite such deleterious trends in popular thought, there continued to be authors arguing for a change in public attitudes toward widow remarriage. In 1935, for example, an article appeared with the imperative title, "Konggyu e urbujinnŭn kwabu e salgil ul chura [Rescue widows crying in seclusion]," that argued, citing unverified statistics, that young widows under the age of forty who were keeping chaste numbered upwards of three hundred thousand in Korea. Many of these widows were still bound by the old custom that banned widow remarriage, the writer noted.[16] In response to a petition from someone from the Kangwŏn Province to the governor general demanding the "liberation of widows," the Government General issued a notice confirming that there was no ban on widow remarriage, and young widows should be encouraged to remarry. Some argued that the problem was with men who favored only unmarried young women. "Even young widows would have to settle for widowers in their fifties," one writer pointed out, when "even old widowers looked only for young virgins."[17] There was no place for a young widow to go even if she did not wish to remain single.

Despite such efforts, it seems that many Koreans, even widows themselves, still appeared to be beholden to the ancient stigma of widow remarriage. One widow committed suicide in 1936 reportedly to avoid being married off to a new husband. This young widow of twenty-seven years of age, upon hearing her mother's urge to remarry, left her young son with her mother-in-law and strangled herself to death at her husband's grave site.[18] In 1936 a man burned the house of his sister-in-law in protest against her arranging a remarriage for her daughter-in-law. The man claimed that such a deed was an insult to the whole family.[19]

The frequent reports on widows' lawsuits over estates, though, suggest that there was a reason behind the growing concern over widows other than people's backward adherence to chaste widowhood. The real source of anxiety was that widows' inheritance rights had gained official backing in the colonial legal system. Many articles reported on lawsuits between widows and family members, also known as "lawsuits between bone and flesh" *(koryuksong)*. The articles were generally reprimanding in tone: one was not supposed to take a family member to court for personal profit. So Hyŏn-suk points to the many lawsuits that widows were involved in as evidence that they were subject to unstable and unequal legal standing under the colonial legal system.[20] Indeed, informal pressures on widows from their marital kinsmen must have significantly undermined widow's

rights and legal capacity in practice. Yet it is more plausible to think that it was the increasing legal standing of widows (rather than the opposite) that led to the increasing number of lawsuits over widows' property.

Evidence of the increased anxiety over widows' rights can be found in newspapers' legal advice columns, which featured many inquiries sent in by both widows and their family members regarding the prerogatives of widows. In 1929 a man submitted an inquiry about how to stop his widowed sister-in-law from selling the property she inherited from his brother.[21] In 1930 a mother-in-law asked if she could retrieve her son's property from her widowed daughter-in-law. The answer was no.[22] In 1931 a young widow of twenty-two years of age asked if she would be able to keep the property she inherited from her husband, even if she remarried.[23]

Indeed, widows' rights over property were now more secure under the colonial legal system, not equal to male counterparts but enough to alarm family members. Perhaps family politics and cultural taboos continued to push widows to the social margins, but legally they had gained much standing and protection. From these inquiries we learn that although widows were subject to jealous legal maneuvers, kin members now had to take formal steps to restrict a widow's property rights. The mother-in-law mentioned earlier learned that there was no way that she could take away property that her widowed daughter-in-law had already inherited. The young widow learned that she would be able to keep her property even if she did not keep chaste.

THE JAPANESE PROPOSAL FOR SON-IN-LAW ADOPTION

As widows emerged as a source of social problems in the public media, daughters emerged as the alternative to widows as potential heirs. When the Government General began to expand legal assimilation, it chose daughters' inheritance rights as a useful channel through which to enlist Korean support for the project. There eventually emerged a growing consensus that widows' rights were the evil custom of old, and daughters' inheritance rights were the new trend of modern times.

In 1924 Matsudera Takeo, the chief of the Legal Division of the Government General, proposed, to the Korean Central Council, a plan to introduce the adopted son-in-law *(muko yōshi)* custom to Korea. Son-in-law adoption, where a son-in-law was adopted into the family as a son to be heir to the household, was a well-established custom in Japan. For Korea, however, this was not an easy proposal. The adoption of sons-in-law violated long-held adoption customs in Korea, which prescribed that only agnatic kin of the paternal lineage could be adopted as heirs. To make the reform measure palatable, Matsudera presented the adopted son-in-law system as a way of granting daughters inheritance rights. Current Korean customs, which forced families to bypass their own daughters and adopt a stranger, "violated human feelings *[ninjō],*" he pointed out. If Koreans were allowed to adopt sons-in-law as heirs, such a problem would be resolved. Matsudera further

argued that allowing son-in-law adoption was "adapting to the trend of the times" and also promoting "the beautiful custom *[biten]* of the East" of "mutual love and respect between parents and child." Since love and respect does not discriminate between a daughter and a son, he continued, a daughter also should be allowed to inherit the household from her parents. In Matsudera's hands, son-in-law adoption was remade into a progressive measure to expand women's inheritance rights as well as promote happiness in the conjugal family.[24]

Matsudera's strategy proved successful in eliciting support from certain strata of Koreans ready for equal inheritance rights for sons and daughters. An article in the Pu'in (Women) column in the *Tonga Ilbo* a few days later chimed in with its approval of the reform. Titled "Chosŏn esŏdo ddal ege sangsokkwŏn ŭl chunda [Daughters will be given inheritance rights in Korea too]," the article also depicted son-in-law adoption as inheritance rights for daughters and criticized the Korean custom that denied daughters such rights. The *muko yōshi* system, as such, was presented by the writer as a step of progress toward gender equality rather than a policy of assimilation to Japanese customs.[25] Unfortunately for the Government General, the Korean response was not unanimously positive. While strong opposition to the reform measure from the Korean elite forced the Japanese to postpone the reform until 1939, demands for an extension of inheritance rights to daughters did not go away in the meantime.

Matsudera's strategy was to cast the two inheritance customs in terms of a temporal trajectory of evolution.[26] The argument had little factual basis: accurately speaking, neither the Korean nor Japanese family system practiced equal inheritance between sons and daughters. Son-in-law adoption fell significantly short of granting daughters equal inheritance rights. Not only did a daughter have less priority than her brothers to inherit the household, but even if she became the household head she had to yield the status to her husband when she married *(nyūfu kon'in)*. If a daughter was already married at the time of inheritance, the son-in-law would be adopted as heir, and the daughter had only indirect inheritance rights through her husband. In both the Korean and the Japanese family systems, a female household head was merely a placeholder for a lacking male heir, to be replaced once the daughter married (in the case of Japan) or when the widow adopted an agnatic kin member (in the case of Korea).[27]

Rather than expanding women's inheritance rights, a goal for the colonial government in son-in-law adoption was to strengthen the household system. By enabling son-in-law adoption, a son-in-law could replace an agnatic kin member as a stand-in for a son, thus limiting potential heirs to household property to household members only. This meant a major redrawing of the boundary of inheritance from the boundary of the lineage to that of the household. An adopted son-in-law would help maintain household property within the household, in contrast to traditional Korean adoption customs, which merely kept the property within the wider boundary of the lineage. Son-in-law adoption also would advance

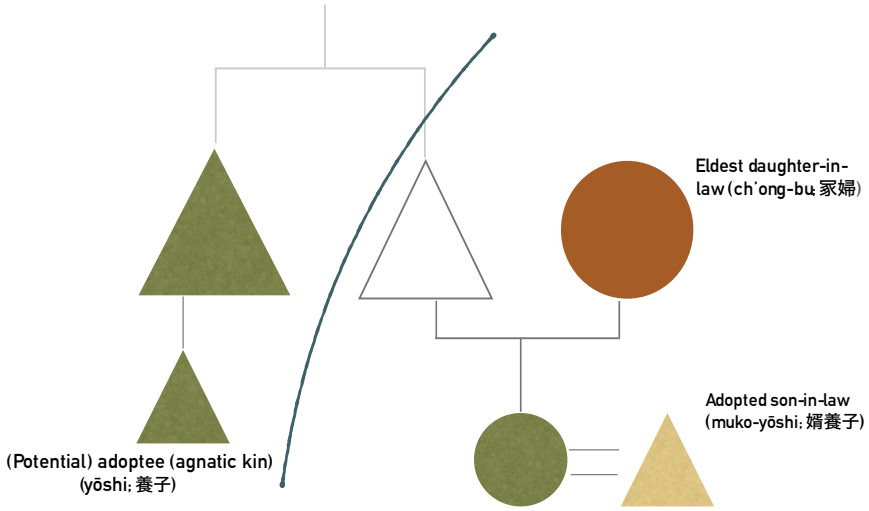

FIGURE 6. A diagram of son-in-law adoption.

the stability and integrity of the household, as daughters married to the adopted son-in-law could not marry out, while widow household heads could. The objective of the reform proposal to implement son-in-law adoption, therefore, was to promote not gender equality but rather the disintegration of the lineage system, thereby eliminating the need for agnatic adoption and widow household heads.

Under the colonial household system and the civil-law regime, widows' customary rights posed several problems. One problem with widow rights was the vagueness that provided a continuing source of legal conflict. As women, widows were not eligible to inherit ancestral rites, which meant that their inheritance was not complete; the heir to property, according to Korean customs as defined by the Japanese colonial state, had to be the heir to ancestral rites.[28] As such, a household headed by a widow was in an inheritance limbo until a proper adoption was completed. Widow household headship, therefore, was a temporary role with not only an ill-defined length of tenure but also obscurely defined legal rights. In "posthumous adoption" *(sahu yangja),* when widows arranged an adoption for a deceased household head, there was no legal code that dictated precisely when this posthumous adoption had to occur. A widow naturally tried her best to make the most of her rights to arrange an adoption on her terms and secure heirs that she could trust, but when she could not find a suitable heir, she could and would indefinitely postpone the adoption, providing a source of tension with her in-laws. Dispute over heir selection was common between widows and agnatic kin who either disapproved of the widow's selection of an adoptee or objected to the widow's neglect in arranging an adoption.

On the other hand, widow household heads were a necessary provision for the seamless succession of the household head. Administratively, under the colonial

legal system the household-head position could not be left empty, and somebody had to fill the post immediately. For those families without a "presumed heir" *(suitei katoku sōzokunin),* that is, a son, and under Korean customary laws, where daughters lacked inheritance rights, widows were a necessary alternative. Yet widow inheritance had serious drawbacks; since the future heir eventually had to be chosen from agnatic kin outside of the household, adoption by widows potentially violated the integrity of the household boundary. The intricate lineage rules of *somok,* which an adopting family had to follow in choosing an adoptee, also continually reenacted and confirmed lineage ties that the colonial administration only equivocally acknowledged. The inherent ties that widow rights had with the traditional lineage system meant that they were incompatible in the long run with the colonial household system, which is why son-in-law adoption was an attractive alternative for the Government General. In contrast, a daughter's inheritance right depended solely on her membership in the household. The debate over daughters' inheritance rights, therefore, inevitably involved redefining the boundary of family and eventually involved breaking up the traditional lineage system into colonial households.

Korean newspapers in the 1930s show divergent attitudes among Koreans about the assimilation of civil laws in colonial Korea, but a sector of Korean society clearly supported legal assimilation as a way to expand women's rights. Although implementation of the son-in-law adoption proposal was delayed, reports about the pending Civil-Ordinances Reform continually adorned Korean newspapers. Especially following the announcement of the "Outline of Reforms in the Family Chapter of the Civil Code" (1927) in Japan, numerous articles reported on the pending major revision of the Civil Ordinances in Korea, including son-in-law adoption, lifting of the ban on intralineage marriage *(tongsŏng tongbon kyŏrhon),* retirement of household heads, and so forth. On one end of the spectrum of opinions was a clear voice of caution; articles expressing this opinion tried to warn readers of the catastrophic effects of drastic reforms that might shake the Korean family system to the core. In one such article in *Tonga Ilbo,* titled "Tongsŏng tongbon kyŏrhon do inhŏ! [Even intralineage marriage will be allowed!"], the reporter relayed the news of a meeting within the Government General over the issue of the Civil-Ordinances Reform. With a title phrased clearly to sensationalize the reform, the article highlighted what it thought were the most shocking parts of the reform: the lifting of the ban on intralineage marriage and son-in-law adoption.[29]

On the other side of the spectrum were articles that called for a further reform of family customs in the colony to achieve a definitive expansion of women's rights. In contrast to the reservations and anxieties betrayed in the previously mentioned articles, one article in *Tonga Ilbo* a few months later called for an immediate extension of the reformed Japanese Civil Code to the Korean colony. The new Japanese Civil Code (actually the outlines for the Civil-Code reform), it claimed, gave property rights to women and abolished the "bastard" marker from the household-registration system, both strikingly progressive achievements that were desperately needed in Korea as well. Although the "revision of the Civil Code for Japan

is a bit late, even compared to the backward country of China," Korea had it much worse in still being under the old Japanese Civil Code. It was critical, the author argued, for Japan to immediately extend the new Civil Code to Korea. "There is no reason why this [i.e., the issue of women's rights] should be an exception," the author added cynically, "when [Japan] is citing 'extensionism' *[enchō-shugi]* for everything else."[30]

A few years later, on December 10, 1933, another article, titled "Yŏkwŏn ŭl sinjang hara [Expand women's rights]," introduced a High Court decision that gave equal inheritance rights to a daughter as to a son, to a mother's estate. The column writer used this decision as an opportunity to call for equal inheritance rights to all estates. Citing numerous discriminative measures in the Civil Ordinances—adultery law, which was repealed in the Japanese Civil Code in 1930; parental rights; lack of inheritance rights for daughters—the writer lamented, "How discriminatory is the legal treatment of women [in this country]! Expansion of women's rights! This is only a rational demand from women as humans."[31]

Despite such demands and anticipations, Civil-Ordinances reforms continued to be out of reach for Koreans. In 1932 *Tonga Ilbo* reported that it was uncertain when Civil-Ordinances reforms would be enacted in Korea. The article laid out in detail seven specific reform measures in the works for family and inheritance laws. Son-in-law adoption was definitely part of the picture. "[These reforms] were meant to correct the contradictions of the Civil Ordinances [that is, Korean customs], such as [legal] disputes arising out of posthumous adoptions or marrying out one's own [children, that is, daughters] and passing on the house headship to an adopted kin." The article noted that although there was wide consensus among legalists in these matters, the Korean class of elders *(chosŏnin koro-kyegŭp)* and the majority of the Korean Central Council members were against it. Their opinion was that these reforms to the family laws were "destroying the beautiful customs" and that "to appear as if [Japan] was forcing Japanese customs on Koreans would disrupt the popular sentiment." The Legal Division therefore was hesitant to act on the reforms, the article reported.[32] And it was thus that the reform was to be delayed until 1939.

DAUGHTERS AS ALTERNATIVE HEIRS

The expectation that widows' rights were a thing of the past and were giving way to daughters' rights inspired lawsuits between daughters and widowed mothers. In one case that traveled as far as the High Court in 1931, a daughter was suing her mother for her father's estate. The mother claimed that she had inherited the property following Korean family custom that gave inheritance rights to widows. The daughter argued that the Korean custom that gave inheritance rights to widows over daughters was an old custom that had become defunct under Japanese colonial rule. The daughter, moreover, accused her mother of having been involved

with several men since she was widowed and of now living with one of them, with whom she had had a child. Even if such a Korean custom of widow inheritance rights was still valid in Korea, she argued, her mother should lose the rights because of her "immoral behavior." The daughter demanded that her father's estate be returned to her. The daughter lost the first suit, won the second suit, and lost this final suit. In the 1931 decision of the Chōsen High Court, the judges denied the daughter such rights and reaffirmed the widow's inheritance based on rights that had been recognized since the early 1910s. "Immoral behavior" could not be a reason for disinheritance.[33]

The daughter in this case seems to have believed that as colonial law progressed, daughters' rights were expanding. In this framework of legal progress, daughters' rights represented progress and widows' rights backwardness. Indeed, the 1922 Civil-Ordinances Reform had abolished a significant portion of Korean family customs and implemented the Japanese Civil Code in its stead. But, as the daughter discovered, the Korean inheritance custom of excluding daughters from household headship had not changed with it.

The expectation that eventually the Civil-Ordinances Reform would expand women's rights continued to spread and, to some, came to seem imminent. In 1934 a woman from the South Chŏlla Province sent an inquiry to a legal-consultation column about her chances for inheriting her father's estate in place of her widowed mother. In his answer the lawyer–column writer noted that a recent High Court decision gave daughters equal inheritance rights as sons (probably the same case cited in the December 10, 1933, column—misquoted, in fact, because in the High Court decision the estate was held by a mother and not a father), yet he was not sure it applied to a daughter who had already married out. The lawyer explained that he could not say for sure "[because] these things [the precedent] are not codified but [depend on] whatever the High Court decides is Korean custom."[34]

The anticipation that daughters' inheritance rights would be expanded alarmed those Koreans who were protective of lineage interests. The following case aptly illustrates that the conservative Koreans who represented the interests of the Korean lineage system were concerned not just about widows' rights but also about the inheritance rights of all women, including daughters. Yi In-gu was a widow who had the misfortune of losing both her husband and son in the same year just a month apart in 1931. Having lost her only son, she became the household head. The deceased husband's older brother, Choe Tuk-ryong, became anxious to arrange a posthumous adoption for his brother and claimed (falsely, as it was revealed later) that his brother had arranged to adopt a nephew back in 1922. He sued the widow Yi for not acting on the adoption. After having lost all three rounds of his suit, Choe then put together a family council and (re) arranged the adoption for Yi. The 1933 lawsuit was Yi's, accusing the family council of usurping her right as the widow to arrange the posthumous adoption. The

family council accused the widow of refusing to adopt, and the widow denied the accusation. The High Court's decision was that the family council was presumptive in accusing the widow of not having an intention to adopt, and the widow won the case.[35]

What is notable about this case is in the details exposed in the arguments put forth by the family council in trying to defend their suspicions about the widow's intentions regarding the family property. The family council argued that the real reason behind the widow's neglect in arranging the adoption was her intention to pass the property on to her daughter, now her only remaining child. According to the family council's claim, the widow had already registered some of the property under her daughter's name, and her neglect to arrange an adoption, they argued, was her scheme to hand over the entirety of the estate to her daughter. They were suspicious that it was the daughter's fiancé who was persuading the widow not to adopt an heir; the fiancé had already moved in with the daughter and the widow.

The widow does not reveal much about her intentions, but it is possible that she indeed was making an effort to practice daughter inheritance on her own, while resisting adopting an agnatic nephew as heir. While the lineage suspected a plan for the family property to flow into the hands of the daughter and her fiancé, what they presented as their source of concern was something entirely different. After having entered these accusations of the widow handing over property to her daughter, the plaintiffs, in a revealing turn of argument, said that it was natural for them to worry about the widow's intentions, because the widow could remarry any time and take the property with her: "The spirit of the laws of the family system of our country prizes most the continuation of the family. If a person of great wealth dies without a son and leaves behind a young wife, and she is given the rights to inheritance and the rights to arrange posthumous adoption, *anyone would be suspicious about the wife's future intentions*. Human instincts are such that eight or nine out of ten such widows would just take the husband's property and remarry. In such cases, the house would lose the entire family property and have its family line discontinued." Because of the new freedom for widows to remarry, the plaintiffs argued, it was more dangerous for families to trust widows to arrange posthumous adoptions. The solution was to get rid of the widow as a "middle-heir" *(chūkan sōzokunin)* and have the lineage *(munhoe)* or family council arrange a posthumous adoption.

Instead of attacking the widow's choice to secretly squirrel away property for her daughter, which seems to have been at the heart of the conflict, the plaintiffs instead chose to attack what they alleged was the unstable commitment to the chastity of the widow and argued that this was what threatened the "continuation of the family" *(ikkei iji)* that was central to the spirit of the "family system of our country."[36] Their assumption was that the family council and the Japanese state shared an interest in the maintenance and continuation of the "family." The ironic

fact here is that the family whose interest that the family council was defending was not at all the same as the family that the Japanese colonial state was trying to protect in colonial Korea. The solution that the plaintiffs presented, to replace widows with family councils to represent lineage interests, was laughable given the consistent effort of the colonial state in the opposite direction. It is likely that the family council knew that the colonial state's reform policies threatened the integrity of the lineage system and that they were trying their best to protect the lineage by appealing to what the Korean and Japanese family system shared in common: patrilineal succession.

It was not just widows' rights but all women's inheritance rights that Korean lineage interests resisted. As the Japanese colonial state continued with its reform measures to replace widows' inheritance rights with daughters' inheritance rights, the conservative sector of Korean society continued its resistance. Even after 1940, when the Japanese colonial state all but legally dismantled the lineage system through the Name-Change Policy (Sōshi Kaimei) and son-in-law adoption, it still had a difficult time implementing daughter household headship.

STATE DISCOURSES ON FAMILY-LAW REFORM IN THE 1930S

The family-law reform project was picked up again by the colonial government in 1932 with the establishment in the Chōsen High Court of the Committee for Surveying Family and Inheritance Laws and Regulations (Shinzoku Sōzoku ni Kansuru Hōki Chōsakai). The Outline of Reforms in the Family Chapter of the Civil Code *(Minpō shinzokuhen chū kaisei no yōkō)* in the Japanese metropole in 1927 motivated the colonial government to again push forward with a codification process through reform of the Civil Ordinances. The committee sent out questionnaires around Korea to heads of each local and appellate court asking for their opinions about the reform. The questions, forty-two in all, asked whether the direct application of the Japanese Civil Code was possible in certain cases, or if separate provisions for Korean exceptions still were necessary. The format of the questionnaire showed that the policy of extending the Japanese Civil Code to Korea was now firm, and the colonial government was going to make little provision for those cases that needed exceptional treatment in Korea. Opinions from the heads of the courts varied, but many of them argued for the complete elimination of Korean customary laws and the adoption of the Japanese Civil Code. Some of them supported the use of Korean customary laws but stressed that these exceptional laws should be codified.[37] They were unanimous in their discontent with the state of customary laws as it stood.

Although only indirectly mentioned, the questionnaire's focus was on whether the recognition of ancestral rites inheritance, together with all the idiosyncratic rules of inheritance and succession in lineage laws, should be continued. With the new discourse of family-law reform in the 1930s, the main objective of the

initial efforts to import son-in-law adoption became clearer: to dissolve the lineage system into households. Increased advocacy for reform regarding the legal status of ancestral rites was an indication of the intention to weaken (phase out) the lineage system at large. As widow inheritance rights depended on ancestral rites, undermining that practice would be detrimental to widow rights as well.

From early on many Japanese legalists had recognized the problem of acknowledging customs of ancestral rites inheritance and utilizing them as a legal basis for inheritance between Koreans. Hozumi Nobushige argued that the origin of Japanese family law was in ancestor-veneration, and the basic unit of the Japanese society evolved from the clan to the house, and then to the individual. According to Hozumi's framework, the fact that Koreans still practiced ancestral rites inheritance was proof that Korea remained in the state of ancient society, where the religious power of the patriarch overruled individual rights over property.[38] Asami Rintarō (1869–1943), a Japanese judge who worked in Korea between 1906 and 1918, interpreted the customs of ancestral rites inheritance as an indication that Koreans lacked a modern concept of inheritance and, in fact, as proof that Korean society remained in the evolutionary phase of communal lineage society, which, according to Asami, was equivalent to the hunter-gatherer stage. Among all customs of inheritance, it was the ban on nonagnatic adoption that really troubled Asami. This was evidence that Korea remained in the stage of communal ownership; inheritance in Korea, therefore, was a "faux-inheritance" that functioned only to continue communal ownership by kin. Koreans merely "received" *(keishō)* property and "occupied" *(senyū)* it until handing it on to the next generation.[39]

Nomura Chōtarō (1881–?), a judge in colonial courts and the mastermind behind family-law reforms in Korea in the 1930s, critiqued the ban on nonagnatic adoption as an indication of "familism" *(shuzoku shugi)* that evidenced the primitive religiosity of Korean ancestral rites, which believed "that the spirit of the ancestor will not smell [i.e., consume] the sacrifice offered by a nonblood relative." Nomura therefore argued that ancestral rites should be eliminated entirely from the colonial civil laws as a basis for inheritance and that it was outside the realm of legal matters.[40] The right to become the purveyor of ancestral rites was and should be beyond the realm of civil courts to adjudicate. The Korean concept of ancestral rites inheritance was, in this sense, incommensurable with the Japanese concept of inheritance, which was more focused on passing on the status and the property ownership of the household head.[41]

Yet Nomura also argued that such a difference in ancestor-veneration customs need not hinder the legal assimilation of colonial Korea to the metropole. Nomura's argument was that the peculiarity of the Korean custom of ancestor-worship inheritance could be treated outside the legal realm. Conflict over the rightful heir to ancestral rites was, in fact, conflict over property inheritance or the status of the household head. Therefore, there was no need to treat ancestral rites inheritance as a separate legal matter from other matters of inheritance.[42] A number of

years later, in 1937, when the Government General collected opinions on revising the Ordinances on Civil Matters, Nomura more explicitly expressed his opinion: "The basic concept of inheritance in Korea should be divided into two categories—inheritance of household headship and inheritance of property—just as in the [Japanese] Civil Code."[43] By writing out ancestor-veneration customs as irrelevant, Nomura eliminated the single major exception in Korean inheritance customs that hindered the full assimilation of Korean family laws to the Japanese Civil Code.

Nomura's strategy, the seemingly benign distillation of legal matters from sociocultural matters, was to ignore and therefore mute the peculiarities of Korean inheritance customs. In Nomura's formulation Korean inheritance customs underwent a major and significant modification that eliminated the role of the lineage and replaced it with that of the household. This was most apparent in Nomura's treatment of the Korean custom on grave-site ownership, which also involved extremely obscure customary laws concerning concepts of traditional statuses and communal ownership. Nomura declared that grave-site ownership was with the household of the lineage heir *(chong'ga),* and the heir to the ancestral rites succeeded to its ownership as part of the privileges attached to the heirship.[44] This was a direct transplantation of household-head inheritance from the Japanese Civil Code. In item 987 the Japanese Civil Code stated, "In inheriting the ownership of the lineage register, the tools of ancestral rites and grave site are included in the privileges of inheriting the household-head status." This, in turn, meant that the grave site was now separated from the influence of the lineage and was subject to sole ownership of the lineage heir. The same applied for the ownership of the grave mountains *(myosan)* or *wit'o,* the ritual estates set aside to fund ancestral rites. Although cultural norms required that the heir consult the lineage representatives before selling such lineage property, it was not a legal requirement. In the legal sense the ownership of such property as lineage burial land resided solely with the individual heir. The fact that ownership of the grave site and ritual estate resided in the individual heir denied the influence of the lineage over that property; on the other hand, it gave the heir full power and greatly strengthened the freedom of action over that property. It specifically meant that the heir was free to sell or mortgage the property, thereby making the lineage property a liquid asset.

In 1934 the Government General promulgated Girei Junsoku (Guidelines for rituals), which aimed to reform family rituals, thus bringing the ancestral rites reforms into the realm of social reform. Girei Junsoku put forth regulations on Korean family rituals, including weddings, funerals, and ancestral rites. In an official note circulated to provincial governors around Korea *(dō-chiji)* on November 10, 1934, the minister of education *(gakubu kyokuchō)* laid out some rules for implementing the guidelines.[45] The governors were to make examples of themselves by following the guidelines; they were to open roundtables and lectures *(junkai kōgen, idō-zadankai)* to explain the objectives of the guidelines to the local

FIGURE 7. An example of a properly moderate wedding ceremony following Girei Junsoku (Guidelines for rituals) and organized by a financial union in Sunchŏn. Abe Kaoru, ed., *Chōsen kōrōsha meikan* [Who's who among *(kōrōsha)* in Korea] (Keijō [Seoul]: Minshū Jironsha, 1935), 175.

people; and they should encourage communities to buy ritual tools as a group and share them. Although the guidelines did not have legal authority, those local variations of rituals that harmed the simplifying objectives of the guidelines were to be strictly forbidden.

The guidelines advised simplification of all rituals. Nomura stated that Korean rituals were too elaborate and wasteful and that they sustained the classic problem of Korean "familism." In the guidelines Nomura proposed to simplify family

rituals by scaling them down from lineage-wide celebrations to the parameters of the household. Ceremonial foods were to be simple. Lest anyone be nervous about slighting the ancestors with simple ceremonial food, the Korean translator kindly quoted the "sage" *(sŏnhyŏn),* Confucius, who exhorted that sincerity *(cheng)* is the most important part of ancestral rites preparation. More important was the shrinking of the boundary of kinsmen with whom these rituals should be celebrated. The ancestral rites ritual should be carried out for only two generations: one's father and grandfather. Rituals for generations at further remove were discouraged. Ancestor-veneration for two generations had been advised for commoners in the Chosŏn dynasty. The higher one's status, however, the more generations for which one was required and privileged to carry out rituals. Rituals for earlier generations meant that one was capable of gathering larger reaches of one's relatives for the occasion.[46] Curtailing the ritual regulations beyond two generations, therefore, meant that the guidelines effectively shrank the reaches of the lineage to the limits of the household.[47] Scaling down elaborate ancestor-veneration rituals was, in some sense, returning to the basics of the Confucian guidelines for rituals proposed in the *Zhu Xi jiali*.[48] The guidelines also tried to suppress communal bonds of the rural community that were buttressed by communal rituals. It discouraged (or banned) the distribution of ceremonial foods and the invitation of nonfamily members to the ritual.

Members of the Korean Central Council supported the new regulations. In 1938 the governor general asked opinions of the Chūsūin members on measures to improve rural society. The majority of the members proposed that family rituals should be simplified.[49] Some even proposed that Korean rituals should be further assimilated to Japanese rituals and customs. The simplification of rituals proposed in the Girei Junsoku reinstated Confucian rationalism, which appealed to rural yangban elites who wanted to dominate social-reform efforts in rural society. In alliance with these rural elites, the state also found a space in the rural community to insert itself.[50]

Such modification of ancestral rites in colonial Korea was reflective of how ancestral rites had been modified by family-state ideology in the metropole. In the Meiji period Japanese ancestor worship went through a similar reformulation. Hozumi Yatsuka (1860–1912), the prominent legal scholar and one of the writers of the Meiji Civil Code, also had emphasized the household level of ancestral rites while deemphasizing communal and social rituals dedicated to ancestors and spirits. This meant a move away from emphasizing the universal world of "spirits" *(seishin)* in Confucianism to instead emphasizing the "spirit of the ancestors" *(sorei)* in ancestor-veneration, which in turn reinforced the family over the community in ancestor-veneration practice. In other words, the framework of Hozumi's theory on ancestor worship was to theoretically thread three different kinds of veneration rites—ancestral rites of the family, communal veneration rites, and the national veneration rites—into a single system of ancestral rites in the household.[51] With the

new guidelines, the ancestor-veneration custom condoned and preserved in the 1920s was once more transformed to better fit the agenda of the colonial state: to shrink the boundary of worshippers from that of the lineage to the nuclear household.

The ties of lineage were weakened further in the 1940 Civil-Ordinances Reform, which lifted the ban on nonagnatic adoption, as well as by the implementation of the Name-Change Policy. This significance of the 1940 Civil Ordinances was not lost on contemporaries. The transition from a large-family to a small-family system was the main implication that Kim Tu-hŏn, a Korean family-law specialist, distilled from the 1940 Civil Ordinances. In the essay "Chosŏn kajok chedo ŭi chaegŏmt'o t'ŭkhi hyŏndae ŭi saenghwal kwa kwanryŏn haesŏ [Re-examination of the Korean family system: Especially regarding modern life]" (January 29–February 3, 1939), which he serialized in the Korean daily *Tonga Ilbo,* around the time when the new Civil Ordinances were promulgated, Kim asserted that the Civil Ordinances were a necessary adjustment to the inevitable trend of the times. In his framework existing Western family culture was the nemesis rather than the Japanese family system. Assimilation to Japanese family laws, Kim argued, facilitated Korea's progress toward an improved version of the Western family system. Kim emphasized that the Korean family system was part of the East Asian *(tong'yang)* tradition of communal family *(chŏnch'e kajok),* as opposed to the Western family tradition of individual nuclear family *(kaebyŏl kajok);* in the former the vertical relationship between father and son was much more important than the marital ties of the couple. Despite some serious shortcomings *(p'yedan)* in Korean family customs, namely the discrimination against sons of concubines and the ban on widow remarriage, Kim reminded readers that the Korean public should know better than to abandon the communal family system and blindly follow Western family culture. Rather than emulate the Western system of a nuclear family, Kim warned, Koreans should be aware of the shortcomings of Western family culture and be mindful of the principle of the communal family system.

In a similarly titled essay published the following year in the Japanese-language journal *Chōsa Geppō* (Research monthly), Kim tried to weave his concern for the loss of communalism in Korean society into his analysis of the new Civil-Ordinances Reform. He noted how the reform was the colonial government's effort to adjust to the changing trend of the times: the emergence of the individual and small families over large families and lineages. Kim contended that "the national polity *[kokutai]* of Japan and the spirit of the civil code and the national morals *[kokumin dōtoku]* consider the large-family system *[dai-kazoku-sei]* essential and try to maintain the good and beautiful customs based on these ideals." Yet, he continued, it was the declining communal consciousness among Koreans that led to the growing number of conflicts between families over property and thus necessitated the remedy of the Personnel Affairs Conciliation Law (Jinji Chōserei), which facilitated private reconciliation and compromises to cut down on the

number of civil lawsuits (especially during wartime, when the colonial government was trying to cut down on administrative costs). The new policy on household names, that is, the Name-Change Policy, was another response to the trend of the times, in which "the spirit of communal ownership of families was diminishing and the trend of individualistic [consciousness] that emphasizes individual ownership [was emerging.]"[52]

Kim Tu-hŏn had a negative opinion about the Name-Change Policy, but not because he wanted to defend the Korean lineage system, much less the Korean national identity that postcolonial Koreans associated with Korean surnames. It was, rather, that he was nostalgic about the disappearing communal family tradition, which he believed was the good and common ground of society that Japan and Korea shared. Even though he understood small families to be the origin of ethical and cultural problems, he nonetheless understood it to be part of an inevitable progress, and the Name-Change Policy was a necessary adjustment to deal with these changes. As such, the emergence of small families, in the form of the household, was a natural and inevitable trend in Kim's analysis.

THE 1940 CIVIL-ORDINANCES REFORM

The 1940 Civil-Ordinances Reform, which was promulgated in 1939 and implemented in 1940, comprised two measures. The first measure was the Name-Change Policy, which compelled all Koreans to take Japanese-style surnames *(shi)*. The second part of the revision, son-in-law adoption, was implemented through revising the ban on adopting from outside of the lineage, which had been acknowledged as a Korean custom since the beginning of colonial rule.

Beyond increasing the ease of intermarriage between Japanese and Koreans, the 1940 Civil Ordinances, it was expected, would expand women's rights in Korea through the extension of daughters' inheritance rights. Yet the eventual 1940 Civil Ordinances failed to deliver in this regard. Owing to strong resistance from conservative Koreans, son-in-law adoption was implemented, but daughters were not given the right to become household heads on their own and thus gained only half of the daughters' inheritance rights provided for in the Japanese Civil Code. Although these measures largely assimilated Korean inheritance laws into those of the Japanese, there was a critical difference in that daughters could not become heirs on their own. In Japan there were two routes through which a daughter could inherit the household; one was son-in-law adoption, and the other was as a daughter household head. In the latter case the daughter would become the household head and then, when she married, have her husband register as a married-in husband. In other words, Japanese inheritance law was not imported in its entirety in 1939. In the Korean adaptation daughters' direct access to heirship was bypassed. In this sense son-in-law adoptions in Korea and in Japan were significantly different, the Korean one allowing daughters many fewer rights. Why

this was so is evident in the following Chūsūin meeting minutes, which show that the Government General's continued effort to further assimilate civil laws in Korea was thwarted in part by the strong resistance from some sectors of Korean society, in particular to daughter inheritance rights.

The 1941 inquiry from the Government General to the Chūsūin members ran as follows: "When there is no presumptive heir *[hōtei suitei katoku sōzokunin]* to the household headship, should a daughter *[joshi]* be allowed to inherit the household head [position]?" Opinions varied. Some Chūsūin members were in favor of female heirship, saying that Korea was advanced enough to embrace the idea. They argued that the Korean custom of banning daughters from becoming heirs was backward, growing out of the Confucian way of "revering the men and despising the women *[danson johi;* K: *namjon yŏbi]*" and the thought that women were not capable enough. But now, when women received education, they gained the capacity to take care of a household.[53]

Kanemitsu Soeomi (Kim Kwan-hyŏn) agreed with this evolutionist framework, opining that since women's status in Korea had advanced, it was now suitable for Korea to incorporate matrilineality.[54] Kinoshita Toei (Pak Tu-yŏng) pointed out that Korean family conflicts originated from despising daughters and adopting from other families.[55] Some answered that granting daughters the heirship would be beneficial to preserving the bloodline of the family, or more suitable in terms of "human sentiments *[ninjō]*."

Others disagreed on the grounds that suddenly importing such a custom would be too violent for Korean sentiments. While Japan had a tradition of having daughters as heirs, Korea did not have such a tradition. One critic argued that this was even more drastic than the *muko yōshi* custom, for which Koreans had at least a comparable custom, *teril sawi,* whereby a son-in-law was brought into the daughter's family but, unlike the Japanese counterpart, did not change his surname to his wife's surname and could not inherit the wife's household.[56] There were others even stronger in their opposition. Jokawa Sōkun (Sŏ Sang-kŭn), who apparently had not quite grasped the concept of son-in-law adoption, argued that giving daughters rights to household-head inheritances would be impossible, considering Korean customs. If daughters became heirs, the household would be "discontinued," which would mean a "cruel conclusion" *(chanhokhan kyŏlgwa)* for the family.[57] He meant that if a daughter married a man from another family, the descendants would be of the son-in-law's descent, thereby discontinuing the family line. Many years of effort to convince Koreans to think in terms of household names before patrilineal succession of the lineage does not seem to have succeeded with these Chūsūin members after all.

Yet other Chūsūin members were concerned that daughters' rights could be conflated with widows' rights and that the new measure would strengthen widows' rights. They thought this would endanger the purity of patrilineal lines. Nanjō Chigyō (Hong Chi-ŏp) argued that heirship and son-in-law adoption marriage

(nyūfu kon'in) should be granted only to the daughter of the household and not the widowed household head, because this would totally change the family relations of the household. Nachiyama Heitoku (Min Pyŏng-dŏk) echoed the wariness about widow household heads. Even when daughters were not given the heirship, if the widow, who was also the mother, became the household head and first passed on part of the household property to her daughter before she arranged adoption of an heir, the adoptee's property inheritance was in name only. Therefore, some measure to limit such treachery on the part of widows should first be implemented.[58]

Another argued that since a woman household head could hide the household property and then remarry, any important legal transaction by her regarding household property should be done with the approval of the court and the supervision of the family council.[59] In short, the long tradition of patrilineal succession painted women as forever outsiders despite the continuing legal reforms that tried to convince Koreans otherwise. In this sense the 1939 reform was not entirely successful in dismantling the lineage system in Korea. While the colonial state was able to legally dismantle the lineage system, it fell short of dismantling the lineage system in the minds of Koreans.

CONCLUSION

As widow household heads once were useful in delineating the boundary between lineage and household, daughter inheritance was the last frontier in the transfer of property ownership from the lineage to the household. Yet this was a line that many Koreans were loath to cross. Even as Koreans were forced to let go of their traditional surnames, which were the markers of their lineage membership, they balked at the idea of letting their daughters inherit family property.

At the very end of colonial rule, daughters did gain a small victory over their mothers. In August 1944 the High Court delivered a decision based on new priority standings that gave daughters precedence over widows in inheriting a man's estate.[60] This decision directly contradicted the mother-versus-daughter case from 1931 mentioned earlier. Even if it was not a granting of full equal inheritance rights to daughters, it did signal a new era of expanded daughter access to household property. Yet, as history would have it, exactly one year later Japanese colonial rule ended with Japan's defeat in the Pacific War, and the Korean legal system saw another round of tumultuous transformations under a newly independent Korean government.