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Owning Identity by Reclaiming History: Korea and its National Treasure, the *Oegyujanggak*

Uigwe

Uigwe (의궤) is a term for royal archival books created in the Joseon Dynasty (1392-1897) of Korea. State events such as ceremonies, rituals, and royal processions were carefully recorded in the *uigwe* using both text and illustrations (National Museum of Korea). Many volumes of *uigwe* were seized by the French in 1866, and remained in France for over a hundred years. In 2011, after many years of attempted negotiation for the return of the *uigwe*, the books were sent back to South Korea on a renewable loan, while official ownership remained with France (Cox 409). The *uigwe* are recognized as valuable cultural property, yet politicians, legal theorists, and historians disagree whether this property belongs to France or Korea. The case of the *uigwe* demonstrates that cultural property is crucial for a country such as Korea to establish its place and identity in international politics and the global society. It is not only clearly evident but also necessary that Korea has ownership over its own national treasures and therefore its own history in order to take control of the representation of its identity. France's failure to officially recognize the *uigwe* as Korean property is a performative statement of subliminal colonialism and subordination by denying Koreans a right to control and present their own history. It is necessary to fully and officially recognize the *uigwe* as Korean to counter this

French narrative and allow Korean scholars to take ownership of the *uigwe* and reclaim their own history.

The *uigwe* are critical royal archives which reveal the cultural practices, values, and beliefs of the ancestors of the Korean people. The volumes of *uigwe* at the center of this controversy are specifically known as the *oegyujanggak uigwe* (외규장각 의궤) because they were originally stored in Ganghwa Island's *oegyujanggak*, a royal library built to store these archives; I will be referring to these specific *oegyujanggak uigwe* simply as *uigwe* throughout this paper (see figures in appendix). Many copies of the same *uigwe* were created, some to be deposited in the *oegyujanggak*, which was purposefully located in a remote area to keep the archives safe during foreign invasions (Yi, "‘Euigwe’ and the Documentation of Joseon Court Ritual Life" 113). However, during the French campaign against Korea in 1866, French soldiers attacked Ganghwa island and "recklessly pillaged the books of the *oegyujanggak*" (Lee). These books included 297 *uigwe*, which were taken back to France and stored in the Bibliothèque nationale de France (BnF), the national library of France located in Paris. The books were abandoned in the library for over one hundred years until historian Dr. Park Byeng-sen (박병선) discovered and identified them as Korean *uigwe* (National Museum of Korea). In 2011, after decades of disagreements and failed negotiations, the books were finally sent back to South Korea on a five-year renewable loan, without acknowledgement of Korean ownership over these artifacts. Douglas Cox, an associate professor at the City University of New York School of Law, describes that the compromise resulted in dissatisfaction on both sides, namely that France is "deprived of custody of items that have formed part of its collections for more than 140 years while technically... retaining formal legal title" and that South Korea is "denied the right of

ownership over its own national heritage” (Cox 410). Both nations continue to claim ownership over the *uigwe*; most notably, Korea continues its struggle to reclaim its historical archives.

Many scholars have presented alternative solutions for the controversy over the *uigwe*. Most Western scholars agree on some sort of compromise to satisfy both parties. For example, Marie Cornu, director of research at the French National Centre for Scientific Research, and Marc-André Renold, a professor of art and property law at the University of Geneva, suggest in a work published in 2010 that the *uigwe* should be returned to Korea as they are “genuine sovereign archives” of its nation (“New Developments in the Restitution of Cultural Property” 16-17). Yet in a later work published in 2015, Renold alternatively suggests that having both France and Korea co-own these archives is the most preferable outcome to the dispute (“Cultural Co-Ownership” 168-169). After presenting a comprehensive history of disagreements and debates about the *uigwe*, Douglas Cox suggests that a compromise involving “acknowledgement of Korean ownership combined with a renewable loan to the BnF” would have been much more satisfying for both parties (420). While Western scholars suggest compromising solutions to the issue of whether the *uigwe* belongs to France or Korea in order to satisfy the ownership claims of both sides, I argue that such compromising solutions do not allow Korea to completely and rightfully reclaim its heritage. I will demonstrate that even European attitudes toward property law, when contextualized and applied in an unbiased manner, suggest that the *uigwe* should belong to Korea. Thus, based on both Western and Korean sentiments, the *uigwe* must be recognized as Korean. By analyzing, expanding upon, and sometimes countering the positions presented by these scholars, I will show that Korea must be allowed to claim ownership over these *uigwe*, and that France’s failure to acknowledge this Korean ownership perpetuates the

hierarchical narrative of French cultural superiority. I will also demonstrate that the return of the *uigwe* to Korea isn't merely a "Korean opinion" on a helplessly subjective issue, but a necessity to preserve the greater good of respecting different cultures in this increasingly globalized society.

Beyond political and legal technicalities, the *uigwe* is evidently non-negotiable Korean cultural property because it is an informational record of Korean history, culture, and tradition created by people of the Korean culture themselves. Therefore, the French argument for claiming the *uigwe* discredits the significance of the *uigwe* to Korean culture and history by framing the definition of "cultural property" in a way that is biased towards French policy and prioritizes its brief stay at the BnF over its creation in Korea. The *uigwe* is fundamentally Korean, as it is a record and manifestation of traditional Korean ceremonies and royal conduct created by Koreans for the intellectual preservation of their traditions and heritage. The *uigwe* contain "information on Joseon society, politics, economics, rituals, literature, art history, musicology, culinary history," and exceptional detail of the "visual culture of the court," using "illustrations of ritual performance, court dress, musical instruments, ceremonial utensils, and interior decoration" (Yi, "'Euigwe' and the Documentation of Joseon Court Ritual Life" 114). All of this information was compiled by those of the Korean culture to preserve records of their traditions, and those of the Korean culture in the present reference these documentations to discover, explore, and understand their heritage. It was entirely created and preserved in a Korean context until it was forcefully removed from this context by the French. It is therefore, beyond legal and political technicalities, intuitive that these archives created by and about Korean people are Korean property. However, the French continue to claim official ownership over the *uigwe* based on

technicalities and retrospective applications of their own policies regarding cultural property. I will elaborate on this French argument for ownership of the *uigwe*, pointing to its flaws that are evident when contextualized in its very own Western conceptions of cultural property, and its dismissal of Korean culture and policy.

Even under Western conceptions of conduct regarding cultural property, the *uigwe* is clearly Korean property, yet French policymakers ignore these conceptions to claim ownership over the *uigwe*, in turn culturally conquering and subordinating Korea. The argument over whether the *uigwe* is Korean or French cultural property, in the descriptive and empirical sense, begins with the process of defining cultural property itself. Gael Graham, a professor of history at Western Carolina University, describes that the process of defining cultural property itself originated “as a set of largely negative duties in the law of war and [moved] toward the undertaking of predominantly affirmative responsibilities in the law of peace, expanding... as the circle of the international community grows....” (756). The focus of the empirical process of defining cultural property, which, upon application, defines the national or cultural identity of the *uigwe*, has shifted from prevention to attempting to take responsibility for damage already done (such as the case of the *uigwe*). Additionally, I argue that this empirical process is itself dependent on attaining peace and justice in the form of restitution, and this restitution enables the acknowledgement harm and righting of wrong in the global public sphere. Thus, this evolved empirical process actually encourages France to offer full restitution of the *uigwe*. This empirical process focused on responsibility is manifested in the European Convention on Offences relating to Cultural Property, in which the Council of Europe outlined an extensive definition of cultural property, including “old books, documents and publications of special interest,” such as

historical documents, as well as “archives, including textual records... which are of great importance from [a] historical... or otherwise cultural point of view,” and “property relating to the life of national leaders” (Council of Europe 53). Based on this definition of cultural property curated by the European nations, including France, the *uigwe* is clearly cultural property. I will demonstrate that the *uigwe* is clearly not just cultural property, but specifically Korean cultural property, when the “cultural” in “cultural property” is accentuated. John Henry Merryman, a professor of art at Stanford University, argues that there are indeed two definitions of, or ways of thinking about cultural property—as “components of a common human culture, whatever their places of origin or present location, independent of property rights or national jurisdiction,” and as part of a “national cultural heritage,” which attributes a “national character to objects, independently of their location or ownership, and legitimizes... demands for the ‘repatriation’ of cultural property” (Merryman 832). In the case of the *uigwe*, I argue that it is imperative to adopt the second definition. When an artifact is stolen from one culture by another, the issue of cultural heritage becomes the spotlight of the debate. This definition acknowledges that the *uigwe* are not merely classified as cultural property in Korea, but national treasures. By extending the Council of Europe’s definition of cultural property to be culture-specific, it is clear that the *uigwe* is not only cultural property, but cultural property of Korea, as they are historical archives that document royal traditions of the Korean Joseon dynasty.

However, despite these qualifications, the French “refused to surrender the manuscript on the basis that it constituted inalienable French property” (Cox 413). The French tribunal justified this claim with three main arguments. They asserted that the BnF collections are “part of the public domain,” and that the *uigwe*, as a “‘component and essential part’ of those collections,”

will remain such French public domain under French law (Cox 415). They also asserted that the official decree that established the BnF outlined that its purpose is to collect both “French and foreign collections of printed materials, manuscripts” to increase access to them, and that the *uigwe* is such a “foreign collection” (Cox 415). By claiming the *uigwe* as “inalienable” French property by retrospectively applying their own French laws and decrees despite the obvious and recognizable cultural and historical significance of the manuscripts to Korean culture, the French are performatively minimizing this significance, claiming that its roughly one century of housing the *uigwe* in its library are more important than the culmination of centuries of Korean history, tradition, and society embodied by the *uigwe*. By citing their own policies and procedures to justify and preserve their claim over the *uigwe*, the French are also disregarding the significance of Korea’s arguments, implying that French policies are more significant and reasonable.

Therefore, the French refusal to give up its claim of ownership over the *uigwe* actively communicates a dismissal of the importance of the *uigwe* to Korean culture and the rationality of the Korean arguments for restitution, perpetuating a narrative of French supremacy.

I have established that the *uigwe* are clearly Korean property, and that the French rejection of this classification disregards the cultural and historical significance of these archives to their native culture. However, perhaps even more significant than the descriptive and empirical debate over whether the *uigwe* manuscripts qualify as Korean or French property under established definitions and curated agreements is rather a normative analysis of whether these royal archives *should be* considered Korean or French property. I will now demonstrate that the *uigwe* should be considered Korean, and that this is also necessary to counter narratives of

French cultural superiority and allow the Korean people to define and present their own cultural identity.

As history is a fundamental part of identity, the *uigwe* should be acknowledged as Korean property because this ownership will fully enable Koreans to maintain and control the presentation of their own cultural identity, rather than having Western interpretations imposed on their identity. As I described previously, the *uigwe* embodies a certain historical aspect of Korean identity. This embodiment allows modern people who identify as Korean to learn about and understand their own identities. Indeed, the *uigwe* were “compiled with the intention that they be consulted, although not necessarily followed, for similar, later state events” (Yi, “‘Euigwe’ and the Documentation of Joseon Court Ritual Life” 113). I will extend this interpretation by applying the notion of consultation to not only “similar, later state events,” but to similar, later generations and their conduct. The very purpose of the *uigwe* was to be a cultural reference for future generations. The fact that it was not intended to necessarily be followed also suggests that their purpose was not to necessarily maintain Korean culture as it was in its contemporary time period, but to record this Korean culture for future generations to reflect upon and reference. This knowledge of cultural history is imperative for these future generations, since Korean history manifests into an aspect of a Korean-identifying person’s identity. This is especially true at the scholarly level, as Korean scholars study and analyze their history to understand and construct their present identity as Koreans. When Yi Song-mi reviewed “Documentary Paintings of Court Ceremonies of the Chosŏn Dynasty” by Park Jounghye, she stated that Park was able to fulfill the difficult task of identifying “exactly what was depicted in each painting... by cross-checking available historical documents such as the *Uigwe*” (Yi, “Reviewed Work” 1080).

Yi's statement demonstrates the importance of the *uigwe* for Korean scholars researching and rediscovering their own history and heritage. Having direct access to the *uigwe* allows the Korean people to participate in the revitalization of their history. Being able to proudly claim ownership over this history would in turn enable modern Koreans to shape and redefine their cultural identity by controlling their own representation. It is imperative for Koreans to be able to retell and define their own history in order to continuously shape both their personal and collective identities and how these identities are presented to the world, and, most notably in this context, to break the narrative of having their stories told instead by the French and the rest of the Western world.

The demand for complete Korean ownership of the *uigwe* is not merely a Korean nationalist opinion, but a universally relevant perspective in the interest of proper restitution and justice for all illegally seized cultural property. By upholding Korean ownership of *uigwe*, the French will be able to preserve the valuable institution of respecting the cultural property of a nation, culture, or ethnic group. Professor Folarin Shyllon counters the argument about inalienability and ownership in the context of the Parthenon sculptures in Britain, relating the issue to the French claim of the *uigwe* as their own national property, stating that "one people's inheritance can never be or become the inheritance of others. They constitute 'their enduring identity'" (141). By attempting to claim ownership over the *uigwe*, France again performatively trivializes the inheritable significance of the archives to the modern Korean people's understanding of their own identity. Conversely, by accepting Korean ownership over the archives, France would be able to respect not only Korea's inheritance of Korean culture, but by extension would also send a message of respect for the rightful inheritance of culture for other

peoples as well. Shyllon demonstrates that the issue over the *uigwe* is not an isolated case of Korean nationalism, but an issue that has universalizable implications. Therefore, the outcome of the *uigwe* controversy has such broad implications as well. The complete restitution of *uigwe* can extend to other archives of other cultures. In “New Developments in the Restitution of Cultural Property,” Marie Cornu and Marc-André Renold describe that some archives and manuscripts “can be considered to be so closely linked to the history of a state or community that they should naturally be held in that state or community,” and that the *uigwe* specifically may be returned to Korea since “they are genuine sovereign archives, founding documents that are essential to an understanding of present-day Korea” (16-17). This specific acknowledgement in the case of the *uigwe* can become a landmark case that sets a precedent for the respectful and rightful restitution of seized national treasures, pioneered by the French justice system. The restitution of the *uigwe* would not be an isolated case of reparation for the benefit of Korea, but a global statement that upholds and supports the value of cultural property to their rightful people. Such recognition is imperative for our increasingly internationally-unified world, and for enabling countries such as Korea to reclaim its history from other countries’ control.

Though many Western scholars have attempted to reconcile the controversy and acknowledge the significance of the *uigwe* to both Korean culture and to the BnF by proposing various forms of compromises, any sort of compromise that denies Korean ownership and full control over the archives undermines the ability for Koreans to own and control their cultural representation and the preservation of the universal value of proper restitution for cultural property. For example, Renold, as I mentioned previously, believes that his concept of “cultural co-ownership” would have been a better compromise for the *uigwe* case. He describes that

Koreans did not “envisage returning [the *uigwe*] to France,” and that “several politicians said... that this was to be considered as an outright restitution and not as a simple loan,” and that accepting co-ownership of the *uigwe* would have been a more “realistic” compromise which enables a “restitution of the manuscripts, but a connection with France” (168-169). This notion that Koreans were satisfied with this compromise and viewed it as restitution ignores other prevailing political opinions in Korea, notably that this loaned return is not true restitution. In fact, Cox describes that “some argue that the loan inadequately recognizes Korea’s right to its own history” (420). This view, by suggesting that Korea should further surrender complete ownership over the *uigwe* than it already has, also suggests that the five-year renewable loan agreement is advantageous for Korea, despite the fact that the nation is still denied ownership over its own historical records. Therefore, Renold’s suggestion of cultural co-ownership perpetuates the narrative of French cultural superiority over Korean culture by suggesting that Korea should prioritize its relation with France over owning its own history. Co-ownership would also partially cede the rights to the *uigwe* to the French, which interferes with Korean control over the presentation and interpretation of its own history.

Renold’s argument for cultural co-ownership suggests that the *uigwe*’s association with France is beneficial and necessary. This notion is further demonstrated by the claim that the 2011 compromise was unsatisfactory because “international access to cultural property of historical and artistic value is diminished by its removal from the BnF” (Cox 420). Additionally, Cox’s suggested compromise involving “acknowledgement of Korean ownership combined with a renewable loan to the BnF,” which I have also mentioned previously, better acknowledges the Korean identity of the *uigwe* by suggesting that official ownership of the *uigwe* should belong to

Korea, yet still undermines Korea's right to control the presentation of its history manifested in the *uigwe*. The condition of the compromise involving a renewable loan to the BnF implies a necessity for the *uigwe* to be stored in the BnF to reach greater audiences. Though I do recognize that the BnF is admittedly one of the most recognized centers of art and culture, I also recognize that this image and recognition was created with a long history of colonialism and perpetuating the image of French superiority in terms of art, aesthetic, and culture. The BnF may attract more scholars and citizens interested in historical artifacts in general on an international scale, however this is only because it has established itself as a cultural hub at the expense of other cultures. Access to artifacts in general may be statistically higher at the BnF than in Korean libraries as of now, as interest in Korean culture grows, the libraries in Korea can establish themselves as hubs for artifacts in their own right. This chance to establish international cultural significance would be deprived of if the *uigwe* are stored at the BnF merely based on its international recognition now. Also, by being adamant about retaining these archives, the French are acknowledging the significance and value of the *uigwe* as well. However, their significance is amplified in the proper context of their originating country. I believe scholars interested in studying the *uigwe* would benefit from viewing the *uigwe* in its proper context in Korea, along with thousands of other supporting materials and relevant artifacts already present in Korea. Thus, these compromises do not allow the cultural owners of the *uigwe* to present it in the most appropriate manner and context. This not only taints the archives with patronizing French narratives, but also reduces its power by removing it from the people who can convey and translate both the literal texts and the underlying meanings behind the archives.

France's denial to recognize Korean ownership over the *uigwe* sends a patronizing message to the global social sphere that performatively subordinates Korea by undermining the significance of the *uigwe* to Korean culture and denying Koreans the right to control the portrayal of their own history. Any sort of compromise that fails to acknowledge Korea's full ownership and rights over the *uigwe* (including displaying it in Korea) perpetuates this narrative of subordination and conquest. South Korea has faced an incredible amount of attention in international popular culture in the recent decade, which contrasts strikingly with its history of struggling with poverty, imperialization, and being forgotten in war. The rapid modernization of the last century, overcoming such struggles to establish a rich economy and thriving culture, is dependent on the construction of this thriving modern identity. Koreans have reimagined and reinvented their identities in order to improve their standing and recognition in global politics, economics, and society. However, France's performative subordination, denying Koreans ownership of their own history, interferes with this reimagination, compromising and reducing their arduous efforts to overcome the obstacles and prejudices imposed by colonization and imperialization. The French must surrender ownership of the *uigwe* in order to respect these efforts, undo this implication of subordination and conquest, and finally repair the wrongful pillaging of these Korean national treasures that embody the Korean culture, spirit, and history.

Appendix



Figure 1. *Uigwe for Renovating Changdeokgung Palace (昌德宮修理都監儀軌)* Original Cover. National Museum of Korea.



Figure 2. *Uigwe for the Royal Wedding of King Injo and Queen Jangryeol (仁祖莊烈王后嘉禮都監儀軌)* Procession Illustration. National Museum of Korea.

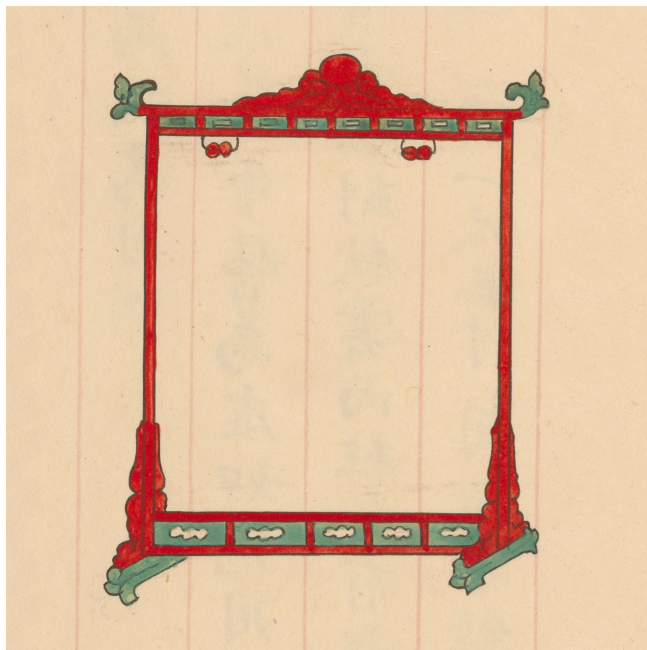


Figure 3. “주렴기 (朱簾機),” Illustration from *Uigwe for the Funeral of Queen Inseon (II)*
仁宣王后國葬都監儀軌 (二). National Museum of Korea.



Figure 4. “화금흑칠내함(畫金黑漆內函),” Illustration from *Uigwe for the Funeral of Crown Princess Danui (II)* (端懿嬪禮葬都監儀軌 (下)). National Museum of Korea.

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