

# The Development of Copyright and the Status of Writers in Korea from the 1880s to the 1930s\*

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## Abstract

*Copyright, a right exclusively granted to authors based on the originality of their work, is an essential institution for the establishment of modern literature. As a basic right guaranteeing the existence of professional writers of modern literature, copyright is quintessential to the status of authors as actors of modern literature. Writers in colonial Korea lacked a clear grasp of the modern yet discriminatory political systems of copyright and publication law. Under circumstances demanding self-censorship, writers were unable to actively demand copyright protection, as they lacked pride in their work and sold it at low prices as a way out of poverty. Under colonial rule, the importance of a writer's economic rights through acknowledging the originality of their literary work was overlooked, while pangwon (publication right) was universally used by publishers as an exclusive sales right for publication. The social status of writers was established through social developments that secured revenue for authors, such as the establishment of standards for manuscript rates and restrictive royalty payments. However, since "copyright" was not politically, economically, or legally guaranteed throughout the development of modern literature, writers had to find solace in the idea that members of their profession inevitably had to endure poverty.*

**Keywords:** copyright, pangwon (publication right), writer, modern Korean literature, Japanese colony

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## Modern Literature, Copyright, and the Author

Literature as the content of modern print media is not only an intellectual creation but also a commodity with an exchange value. Yeom Sang-seop, a leading novelist in the Japanese colonial period, wrote, “Once parted from your desk, a piece of writing becomes a marketable product” (R. Yi 1926, 115). This remark is a reminder that literary texts exist within the market of modern capitalism, where production, distribution, and consumption are facilitated by monetary exchange, meaning that literary works are established on a variety of material structures that determine the production and the consumption of literary works. In fact, modern Korean literature was shaped by complex and intertwined external forces, including the workings of Japanese colonial state power, the mandatory education system, a change in literacy, and the introduction of modern printing technology. In particular, as modern printing technology enabled the mass production of print media, books were no longer properties exclusively enjoyed by and passed among a privileged minority but instead became products for mass consumption. Thus, by approaching literature as *books* or commodities, one gains a multidimensional understanding of the formation and development of modern Korean literature. For this purpose, this essay focuses on the dynamics of copyright with regard to literary books circulating in colonial Korea’s publishing market. Copyright is an exclusive right guaranteed to an author based on the originality of his or her works, and it constitutes an essential institution for the establishment of modern literature. The objective of this article is to identify the social status of writers who drove the evolution of Korea’s modern literature by exploring the application of copyright in colonial Korea’s literary market.

Initially, when copyright first emerged in Europe, it belonged to book-sellers and was not associated with authors. In fact, copyright was closely related to the production and sales of particular texts. This relationship was first seen in Italy, where an advanced printing culture granted printers and publishers exclusive ownership of their printed texts. Joo Hyeuk Kyu noted: “By granting exclusive rights of publication to a limited number of printers or publishers, the government secured an instrument through which it could

control the production and distribution of print media” (2009, 103). Indeed, not until the eighteenth century did authors attain copyright as an institutional right to gain financial proprietorship over their work and as an acknowledgment of the originality of their work.

Actually, as Lee Hyun-Seok has observed, “In Great Britain, there was a transitory phase in the late seventeenth century and the early eighteenth century where the modern concepts of the author and his or her works developed. These concepts were formed alongside the growth of the book market, the decline of the culture of literary patronage, and the expansion of ‘possessive individualism’ across the society” (1997, 82). During this period of history, the concept of copyright emerged and, after numerous agonizing debates and controversies, it was legally guaranteed to authors. These disputes resulted in the acknowledgement of authors as legal owners of copyright as well as the introduction of ideologies pertaining to *authorship*. Thus, the transfer of copyright ownership from printers responsible for the production and sale of books was a historic transition for authors. Therefore, as Mark Rose said, an author was now acknowledged as a person who “should have the property of his own work reserved to him after death, as well as living” (1989, 54). According to Rose, “a crucial institutional embodiment of the author-work relation is copyright, which not only makes possible the profitable publishing of books but also, by endowing it with legal reality, produces and affirms the very identity of the author as author” (1989, 54). Thus, the history of the establishment of copyright is inseparable from the ideology of authorship. As such, contemplating the status of writers while exploring the dynamics of copyright is both historically and physically possible.

As a first point of comparison, in Europe, copyright was shaped within the struggles and conflicts of the state, publishers, and authors. On the other hand, in Korea, copyright was transferred from Japan and therefore placed directly under the influence of Japanese copyright law. Furthermore, under colonial rule, copyright protection in Korea faced a number of challenges. Despite legal recognition, the application of copyright law proved to be an unattainable task because under Japan’s publication law, writers found that claiming copyright for their works was realistically impossible.

Prior studies on copyright with respect to modern Korean literature tend to focus on *sinsoseol* 新小説 (“new novel”) from the 1910s. Researchers delving into the dissemination of *sinsoseol* in the decade that marked the beginning of modern Korean literature wrote of the ordeals faced by the Korean literature market under colonial rule and the challenges facing the evolution of modern literature at the time. These researchers pointed out that “the copyright practice of *sinsoseol* worked against the transition of the genre to the modern novel” (Han 1996); they revealed that “the enforcement of copyright law was impossible in Korea in the 1910s” (Nam 2008); and lastly, they discovered “a discrepancy in the application of copyright for translation and adaptation” (J. Kwon 2010). These studies focused on discussing the conditions of the publishing industry by examining the copyright of books distributed in the literature market. This research could also be supplemented by an exploration of the evolution in the social status of writers that might be identified in the emergence and application of copyright. Thus, based on previous research, this paper explores the political and economic impact of the copyright application process in Korea and discusses how the social status of writers as major proprietors of copyright has been established.

### **The Emergence of Copyright and the Challenges of Applying Copyright Law**

The first recorded perception of copyright in Korea can be traced back to a court appeal penned by Ji Seok-yeong in August 1882. In the document, “Ji argued that ‘reprinting should be prohibited’ and thus established the premise for creativity in the act of writing and the protection for publication right and copyright” (J. Lee 1996a, 91). “Chulpangwon” (Publication Right), an article in the global news section of *Hanseong sunbo*, Korea’s first Korean-language newspaper, provided a well-illustrated early perspective. According to the article, “So-called publication right, implemented in Europe and the United States, is a set of strict rules enforced by the respective government for those writing books or translating and publishing foreign books.”

Thus, “since another person may not copy the work or print and sell the work without permission, [publication right] results in revenue from writing and translation activities [for the writer/translator], which is indeed the way of an enlightened society” (as cited in J. Lee 1996a, 92).<sup>1</sup> Furthermore, Yu Gil-jun in his book *Seoyu gyeonmun* (Observations on a Journey to the West) identified the recognition of writing as a profession as being one of the characteristics that distinguished the West from the East. Yu also pointed out that “an author of a book might earn his livelihood by charging 10 percent or 20 percent of the price of the book as *jeosulpye* 著述幣 (writing fee) or royalty.” Accordingly, Yu argued, “such a publishing practice facilitated the development of modern civilization in the West” (Han 1999, 244). As shown in arguments put forth by intellectuals in this period of patriotic enlightenment, a writer was recognized as a modern being who should exclusively benefit from his or her work since the originality of the writing was guaranteed. Moreover, among early modern copyrighted works, *Gungmun jeongni* 國文正理 (Research Report on Korean Grammar) by Yi Bong-un, published in 1897, is the first work with an indication of copyright. Printed with the phrase “publication right reserved with government permission,” the book was offered at a price of two *nyang* and five *don*. This indication of the exclusive sales right of publication in *Gungmun jeongni* showed that the “understanding of such copyright or publishing right implies introduction of modern property rights or an inviolable right of control over so-called material property, the object of financial trade. Thus, [copyright and publication right], as responses to social demands to protect rights of literary works and so forth as properties, are modern concepts of intellectual property” (J. Lee 1996b, 109). Thus, the exclusive sales right of publication referenced in the passage was equivalent to copyright. On the other hand, the *publication right* surfacing in early modern published materials specifically indicated that Korea’s copyright was directly influenced by the Japanese conception of copyright, and it was intended to protect the rights of publishers rather than those of writers. Therefore, *pangwon* 版權, the abbreviation of *chulpangwon* 出版權 (publication right), was derived from Fukuzawa Yukichi’s Publication Ordinance (*shuppan jorei* 出版條例) of 1869, which stipulated that

1. “Chulpangwon” (Publication Rights), *Hanseong sunbo*, March 18, 1884.

copyright was effective for 30 years and that “such exclusive sales right is called publication right.” In fact, from the time when Japan created the Copyright Act in 1899 and became signatory to the Berne Convention, the publication right (*hanken* 版權 in Japanese) was no longer a legal term but was used as a layman’s term. Similarly, in Korea, the term “*pangwon*” had often been used interchangeably with the term “copyright.” The practical enforcement of *pangwon*, however, was more common than that of copyright, which strongly indicates that during the Japanese colonial rule, *pangwon* was invoked to protect the property rights of publishers rather than those of writers. Although acknowledgement of the originality of a writer’s works bestowed the author with financial rights over the works, such rights were overlooked because *pangwon* was widely accepted as an exclusive right that determined the availability of texts for publication by a publisher.

While copyright privileged the status of publishers over writers, at the beginning of modernity in Korea, writing, nevertheless, became one of the modern professions because of the assumption that an author’s intellectual property was disseminated as commodities. Works of modern literature were directly associated with the intellectual property rights of authors, or in other words, the evaluation and guarantee of copyright. The authors of *sinsoseol* in early modernity clearly expressed their existence as authors and asserted their rights by including their names in their books. The names of authors appearing in these novels not only made claims of authorship but also claims of proprietorship. By associating the work’s originality with the author’s right to generate profit, the symbolic value of literary creation was transformed into commercial value, or proprietorship. However, the novel practice of including the author’s name in the work did not sufficiently guarantee the various rights of the *sinsoseol*’s author. In this case, copyright, which should have been reserved for authors, focused on protecting the rights of the publishers rather than of the authors. Ultimately, the copyright law of the time was more beneficial for publishers because the authors’ rights over their creative work were not legally guaranteed in Korea under Japanese colonial rule.

Likewise, copyright was initially introduced in Europe to protect the rights of printers and publishers, which was also the case in Korea since

modern printing technology enabled the mass production of books. An advertisement for a book titled *Pyeongmyeon gihahak* (Plane Geometry), published in newspaper *Hwangseong sinmun* (Capital Gazette) on November 13, 1909, included a statement from the Gwangdong Book Company (*gwangdong seoguk* 光東書局), the bookseller. This statement made clear that a copy of the book without a stamp from the firm would be considered a pirated edition and subject to confiscation if it were sold by other booksellers. Such an advertisement was necessitated because pirated copies of various books had begun to circulate in the market after the elimination of the woodblock printing process lowered the cost of printing. As this advertisement demonstrates, the initial perception of rights associated with printed material focused on protecting the rights of the publishers and printers who provided the necessary capital and led the publishing process, rather than on the rights of the author intellectually responsible for creating the work. This copyright practice held true in the publication of *sinsoseol* as well. According to the publishing practice of *sinsoseol*, an author did not exclusively hold copyright for a work and enter into a contract with a publisher for compensation; instead, the author would transfer all rights to his or her work to a publisher. More precisely, “the copyright concept at the time accorded the right to the works to the booksellers, not to the authors” (Han 1999, 246).

The evidence of such rights being accorded to publishers over writers is readily apparent in the publishing practices of the period. When copyright law was first introduced to Korea in 1908, the Japanese copyright law, enacted as Law No. 39 in Japan on March 3, 1899, was applied to the peninsula as well. Specifically, copyright protection was implemented in colonial Korea with Edict No. 335 in 1910, “enforcing copyright law in Joseon,” but Article 16-1 stipulated that “administrative authorities shall register [copyrights]” and Article 16-2 required that “regulations for registration shall be defined by order.” However, as “regulations for registration,” or enforcement decrees, “were not enacted in Joseon, copyright protection was in fact absent in Korea” (Jang 2009, 264). Thus, despite the enforcement of copyright law in 1908, the publishing industry continued to practice the sale and purchase of rights to literary works without registering copyrights because Japanese copyright

law failed to enact an enforcement decree in Korea during the Japanese colonial period, further complicating the copyright practice for *sinsoseol*. Although the law stipulated that all published books had to be registered with the authorities in order to receive the protection of copyright law, the regulation for registration, stipulating specific procedures and methods for administrative order, was only a declaratory regulation. Although the procedure to register at the Japanese Government-General of Korea for a legal remedy existed, such a process usually applied to books written in Japanese. In fact, registering books written in the Korean language was virtually impossible. Therefore, Japanese copyright law in Korea provided no protection for books written in Korean. Since this nominal copyright law was not properly enforced in Korea under Japanese colonial rule, most Korean writers were deprived of economic security and denied creative authorship over their works.

### The Politics of Copyright

Since Japanese copyright law was directly applied to colonial Korea, the works of *sinsoseol*, written in the Korean language, were overlooked and did not have their copyrights registered; instead, the works were subject only to publication law, which was intended to oppress and control the industry. Therefore, the copyrights of *sinsoseol* continued “their unofficial existence between a copyright owner and a publisher, and between an actor of copyright transfer and a publisher for commercial or cultural purposes” (Nam 2008, 9). On the other hand, a book’s copyright page, which reflects the various dynamics of the rights to the work, was not based on copyright law but on the regulations of the Japanese publication law announced in 1908. At the time, it stipulated that a “copyright holder is a person who writes, translates, edits documents or fabricates a book.”<sup>2</sup> Therefore, Japanese publication law acknowledged that the author was intellectually responsible for his or her copyrighted works, just as the copyright law does today. Yet the status

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2. Publication Law of 1909, article I, §1.

of the writer, as defined in Article 3 of the Publication Law, differs from copyright law today:

To publish a literary work created by another person, the aforementioned application should be submitted with permission from the relevant authority or the speaker, lecturer, author, or copyright holder.<sup>3</sup>

A person intending to publish a book whose copyright belonged to someone else had to obtain permission from the copyright holder and submit an application to the relevant authority. According to the publication law of the time, the person who submitted the permission from the author or the copyright holder as well as a copy of the application was considered to be both the copyright owner and the original author of the work. Since an author could be a publisher, and copyright could be bought and sold permanently, the *jeojakja* 著作者 (author) printed on the copyright page of the books published in the colonial period was one of the following: the original author of the work, as indicated by copyright law; a person who obtained or inherited copyright from the original author; or finally, a publisher who had permission to publish the work from the original author or from the person who obtained the copyright. *Jeojak-gyeom-balhaengja* (“author-publisher”) printed on the copyright page could indicate one of the following: the original author who had funded the publication of the work; the person who obtained or inherited the copyright funded publication and who was also responsible for the publication of the work; or finally, a publisher who obtained permission to publish from the author or the copyright holder funding the publication. Thus, “an author indicated on the copyright page had a comprehensive scope that included not only the person intellectually responsible for the work but also those who were involved in the publication and production of the work” (Bang 2001a, 221).

This designation of authorship on the copyright page was based on the notion that the rights of the publisher responsible for the physical production of books were seen as equal to the rights of the author responsible for

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3. Publication Law of 1909, article III, §1.

the intellectual property of the books. The indication of authors, editors, publishers, and other identities appearing on the copyright page, therefore, was intended to clarify the rights of the owner of *publication right* and associated responsibilities rather than to protect the copyright of the original author. During the colonial rule, copyright was positioned within the scope of the binding force of publication law. Thus, publication law enforced in colonial Korea functioned to obtain permission for publication through principles of a threefold control of pre-censorship of the manuscript, the typeset manuscript, and the printed copies. Thus, any materials published without obtaining the permission of the domestic minister by submitting a copy of the manuscript with seals from the author and the publisher were targeted for legal action. Therefore, the regulations and institutions of publication law that imposed strict control regarding censorship and manuscript submission requirements and simultaneously enforced copyright law addressed the matter of copyright but failed to enact an enforcement decree or stipulate specific procedures and methods for administrative order. Consequently, works written in the Korean language were left out of the copyright registration.

Consequently, the publication law legally supported the censorship of texts published in the colony. While the law displayed the problem of the “ambivalent” law system, which “drew a line separating the empire and the colonies and institutionalized discrimination, the publication law also enabled modern property rights to be exercised for a variety of intellectual works” (Han 2007, 424). As mentioned previously, Japanese copyright law offered a comprehensive definition of authorial proprietorship in modern intellectual work by stating that “[the author is the only one entitled to] the right to reproduce existing works in forms of documents, speeches, paintings, sculptures, models, photographs, and other works of creative writing, academic work, or fine art” in Article 1 and that “copyright can be transferred” in Article 2. This Japanese copyright law was introduced to Korea as the Korea Copyright Decree in 1908. Enforcement of the copyright law and of the Korea Copyright Decree in the same year resulted in the creation of a set of modern norms for intellectual work in Korea. However, the publication law specified in Article 11 that “an author or publisher who publishes

without obtaining permission will be targeted for legal action if he or she publishes documents and paintings that: (1) can pose threats to diplomatic relations, political system, and domestic laws; (2) are concerned with foreign affairs or confidential military information; or (3) can disrupt [social] order, well-being, and social customs.” This article clearly illustrated that the law did not intend to protect only the exclusive rights of individuals.

While the purpose of the publication law was to guarantee an individual’s entitlement to the exclusive rights to one’s intellectual work, it also permitted legal action against activities that infringed on the intentions and policies of the state. Thus, although a modern individual might have had a right to transform his ideas into cultural capital, he could not oppose the state with his works. Modern proprietorship in intellectual expression placed an individual and the state in a certain contractual relationship. With such a law in place, “an individual was an owner of potential property rights and the state had a legal rationale to pursue legal actions against an individual’s attacks against the state or disruption of social order. Thus, the publication law was characterized as a forced social contract concerning all intellectual properties” (Han 2007, 426). Even the state’s discrimination against colonial subjects could not alter the fact that published materials were the cultural capital of modern citizens and property belonging to individuals. The colonial publication law discriminated against the colony’s residents and at the same time supported them as proprietors of modern texts. Colonial Koreans now had an ambiguous identity of being both colonial subjects suffering discrimination as well as legal owners of modern texts.

While the publication law reflected ambivalence about rights for the colonized, one important objective of the publication law was to give birth to partners to the empire coming from the knowledge and cultural fronts while it also drew a boundary preventing trespass by such knowledge and culture. A legal definition with respect to the proprietor of such intellectual expressions had to be laid out in case a problem called for legal action. Thus, the legal protection of the intellectual proprietorship of published materials was closely associated with a determination about the social impact created by each published text. The core intentions of this colonial publication law were twofold: “the first goal was to define anti-state publications as illegal to

prevent their production and dissemination; and the second was to determine a legal actor who was responsible for the potential risks posed by legally published texts. As a result, the intellectual and cultural milieu of the colonial subjects were perfectly placed under the control of Imperial Japan's legal system. By forging the mind of a modern human being with that of a colonial subject, this control played a decisive role in the formation of the structure of thinking for modern citizens, who relied heavily on legal publications" (Han 2007, 427). Therefore, contemporary writers did not have a clear perception of the modern and discriminatory politics of the colonial government's copyright and publication law. Under the self-censorship produced by these conditions, the Korean writers of the time could not exercise freedom of expression. As a result, they could not actively promote their intellectual property rights as supported by law. Under these circumstances, deprived of pride and confidence in their work, writers tended to sell their work at low prices, barely earning enough to make ends meet.

### The Economics of Copyright

Left in a judicial blind spot, the copyrights of *sinsoseol* were only used to serve commercial purposes and failed to protect the rights of authors. Imperial Japan's legal negligence of Korea's copyrighted works prevented the emergence of publications in new areas and resulted in competition between redundant publications and copyright sales in a restricted market, perpetuating a publisher-focused structure of production, distribution, and consumption of literary works. In particular, publishers effectively led the publication of *sinsoseol*, mass-produced in the market until the 1930s, steering the production and distribution of literary works in that era. As Kwon Cheol-ho noted, "The *sinsoseol* of the 1920s that might have been mass-manufactured were written directly by publishers or were purchased from the authors by publishers on a permanent basis" (2012, 27). In one instance, No Ik-hyeong, the owner of the Bangmun Book Company (*bangmun seogwan* 博文書館), recalled that he held the exclusive sales right of publication for more than 1,000 works, revealing that frequent trades in publishing

rights were carried out for profit.<sup>4</sup> Because copyright in the 1920s literature market was promoted to protect the exclusive sales rights to publish for publishers, it was a challenge for writers to take pride in their work or to pursue financial benefit.

At the time, the production of *sinsoseol* by anonymous authors was more akin to labor than to creative writing. These writers wrote for a modest sum rather than for a sense of fulfilling a mission of being a creative artist. For such financial reimbursement, Yang Geon-sik (pen name: Gugyeo 菊如) wrote, “One volume of a novel would fetch me more than 10 *won* at maximum or a minimum 5 to 6 *won*” (Gugyeo 1916), and Kim Dong-in recalled that “the exclusive right of publication for my novel could be traded to a publisher for 10 to 30 *won*” (D. Kim 1948). The case of *Jangghanmong*, which sold for 300 *won*, was an outlier. In general, publishers purchased novels penned by anonymous writers for 10 to 40 *won*. As the sales process of *sinsoseol* depended on the rules of an industry led by publishers, the literary creativity and financial benefits of the authors were left unattended.

Nevertheless, the authors who emphasized the autonomy of literature and strove to position themselves outside market principles created a community of writers, based on the principle of aesthetic autonomy, and shaped a new existence as writers—modern actors unfettered by the publishing industry’s market-oriented rules. These writers rejected notions of literature bound by the logic of the market and literary works as being mere commercial products. They argued that literature should belong to an individual, free from market principles, and they took pride in their vocation as artists. Therefore, their arguments were not concerned with copyright law, which in reality was rarely enforced, and instead they assumed a stance oriented toward fine art and focused on the embodiment of individual emotions. Kim Dong-in, the founder of the magazine *Changjo* (Creation) (1919), the first modern literary magazine in Korea, and an advocate for literary autonomy, believed that the association with financial gain was detrimental to the originality of literature:

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4. “Na-neun eotteoke seonggong-hayeonna?” (How Did I Succeed?), *Maeil sinbo* (Daily News), May 14, 1936.

“Write, but don’t get paid for it.” If you get paid for your manuscript, you end up feeling psychologically shackled no matter what you did, and such psychological restraints would deprive purity from your writing. I believed that unless you wrote under utter freedom, your work would be tainted. (D. Kim 1968, 429–430)

Kim Dong-in’s idea reveals one aspect of the view that colonial Korean writers of modern literature had regarding compensation for manuscripts. A fee paid by a publisher in compensation to an author for using their copyright constitutes a very important trade in intellectual property. The payment is a legitimate compensation for the production of an original intellectual property. However, Kim did not believe that a writer’s work, a result of his or her creative efforts, could be exchanged for cash, but rather thought that the monetary tradability of literary works could disrupt the originality of the author’s work. Furthermore, Kim’s argument that financial compensation was harmful to originality stressed that the rejection of the commercial property of literary works was important to preserving a writer’s quality as an artist. While Kim Dong-in, who emphasized greatness in creation of art and promoted literary autonomy, warned that an individual’s emotion and consciousness could be distorted by monetary restraints, Yi Gwang-su argued for the social responsibility of writers that transcended financial objectives:

*Munsa* is not a profession to be taken up for financial gain. Furthermore, it is not a profession to be taken up for amusement. *Munsa* is a holy profession, a shepherd of people, who can be as few as Koreans and as great as the entire mankind. One who puts his or her pen on paper does holy work for fellow Koreans like a pastor opening a bible on the pulpit does. (Yi 1921)

This perception of *munsa* 文士 was an elitist view in which an author should enlighten readers, an idea closely associated with the *seonbi* (Confucian scholar) tradition from the Joseon dynasty. It required a foundation of mind unshackled by the economic principles of the real world. Here, the status as a writer was understood from the standpoint of artistic originality. It was further portrayed as a moral and intellectual *munsa* of living up to social

demands; thus, being a *munsa* was seen as a personal honor. In one instance, No Ja-yeong said that when he published his first poem, he thought, "I was going to be a *munsa*. When I realized it, as if in a dream, I felt like I was in paradise" (No 1925, 69). His statement illustrates the degree of admiration young aspiring writers had for *munsa* at the time. By immersing themselves in artistic creation or by living in dedication to social enlightenment, despite having to endure poverty, writers found satisfaction in a lifestyle befitting that of a *munsa*, in lieu of respecting their own hard work of creating art and advocating for their own rights as authors.

However, artistic pride proved scarcely sufficient in bearing the long ordeal of poverty. Kim Dong-in left several essays on the financial compensation of writers at the time. The following remark shows the writer's passivity on the matter: "[T]he compensation for a manuscript is such a trifle sum that one can't be bothered to pay; yet the payment is [the publisher's] decision and I feel sorry for asking for it myself" (D. Kim 1968, 465). Kim's response clearly shows how a writer felt psychologically intimidated and relied entirely on a news agency or publisher for payment instead of demanding just compensation for the work. Writers were torn between a romantic ideal in which one pursued literary autonomy based on one's originality, and a harsh reality in which one pursued financial gain to overcome poverty.

Nevertheless, the increased publication of newspapers and magazines in the 1920s led to the practice of paying writers for their manuscripts. Kim Dong-in claims, "The first record of this payment practice was seen in *Gaebyeok* in 1922" (1968, 425). Yet, in the early days, such a fee was only recognized as compensation from a news or magazine agency or a publisher for the writer, not as payment that could be actively demanded by the writer. Even when the payment was issued, the fee was calculated by publishers based on page or sentence counts, not on the capabilities of the writer. As writers began to believe that they had a right to demand just compensation for their work published and sold as commercial product, payment for literary manuscripts gradually became accepted as a universal practice. At that time, writers began to actively promote the rights to their works and their copyright proprietorship.

In accordance with these changes in conception, the Writers' Association (*munyega hyeophoe* 文藝家協會), the first of its kind in Korea, was formed in December 1926, launching discussions on topics, such as preventing infringement on publication rights, minimum payment, the exclusive sales right of publication, and royalties. The creation of a professional association had a decisive impact on the awareness of the copyright of writers. The association paid particular attention to manuscript rates and produced its own pricing standards. This increased scrutiny meant writers now developed their own standards for fees that had been, in the past, arbitrarily determined by publishers. The 1927 Writers' Association Resolution for Manuscript Rates, a key document from the period, provides details:

Novels, literary reviews, poems, and plays: more than 50 *jeon* per page of squared manuscript paper for 240 characters. Translation: 20% less from the aforementioned rate. A piece of poem: more than 3 *won*. Translation and other essays: more than 25 *jeon* per page of manuscript paper in the same format. Books: 10% of the fixed price for 1000 copies; and 15% for reprinting. Rates regarding sales of publication right are left to one's discretion.<sup>5</sup>

This resolution, which allowed writers to set the minimum standard for the manuscript rates and royalties, provided an opportunity to more actively promote the rights of authors. The resolution was accompanied by a commitment that "a member who violated this resolution shall be expelled from the association; the rules of the association do not apply to newspaper or magazine journalists; all members shall not contribute to any newspaper or magazine that does not abide by the regulations."<sup>6</sup> However, in reality, this resolution was not enforced. Yet, it created an opportunity for writers to demand their rights and, in particular, to demand an improvement in their independent status by securing a stable source of income.

5. "Munin gyeorui 文人決議" (Writers' Resolution), *Dong-A Ilbo*, January 10, 1927.

6. "Munin gyeorui," *Dong-A Ilbo*, January 10, 1927.

## The Restricted Payment of Royalties

A writer is a prime example of a modern professional man or woman of letters, whose status is acknowledged through the premise that his intellectual property is distributed as commodities. Thus, the development of modern literature is directly associated with the treatment and value assessment of intellectual property or copyrights of these writers. By recording their names in their works, the writers became Korea's first modern men of letters who specifically promoted their existence and their rights. Such recording of names enabled Korea's modern literature to enter a new era where authors were clearly recognized, a move from the previous era where authors remained anonymous. This transformation finally ushered in an age of modern literature led by *creative individuals*.

Subsequently, in the 1930s, the commercial value of modern literary books increased, accompanied by robust growth in the publishing market, and acknowledgement of a writer's copyright became a universally accepted practice. The publication of a modern literary work required a variety of costs that differed from the costs associated with books in the past, which were printed on woodblocks or released as *ttakjibon*, the popular version reprints of *sinsoseol*. In the 1920s, famous writers started to become popular with the general public, their fame directly influencing book sales. As a result, "writers were paid different rates and royalties became a common practice in the publishing industry" (Bang 2001b, 101). Considering the commercial property of literary books, the author's copyright logically had to be acknowledged in order to publish books bearing the names of the authors. Here, the books of modern literature set themselves apart from the wooden print books of the past in terms of their physical elements, such as binding and paper, leading to consumer demands in the book market. By facilitating quality improvements in publishing technology and setting in place "a practice to protect the economic and legal rights of writers, these books served as cultural commodities that contributed to the formation of Joseon's modern publishing culture" (J. Kim 2011, 474).

Among these publishers, Hanseong Book Company, Ltd., (*hanseong doseo jusikhoesa* 漢城圖書株式會社) and Bangmun Book Company, the two

largest publishing firms in Joseon in the 1930s, institutionalized royalty payments for the sake of stability in literary publications and guaranteed revenue to writers; they even published books that commercialized the names of popular authors. Hanseong Book Company, Ltd.'s publication of serial novels in newspapers, which began in 1933, was noteworthy because it was aligned with the establishment of a system that guaranteed revenue for writers. The full-length novels released by the Hanseong Book Company, Ltd., in colonial Korea bore the seals of the original authors. Inclusion of an author's seal showed that the author's royalties had been officially established, corresponding to the number of books printed. This seal also showed that, compared to the past, the original author's rights to his works had significantly expanded. As a result, authors felt a responsibility for the printed copies of their works. They were entitled to the rights of the work and held the right to ask for financial compensation accordingly. Literary books, which were the leading products of the publishing market, created an institutional instrument that guaranteed benefits and right of creation to writers, in turn contributing to bringing stability to the artistic activities of writers.

As an example, the volumes of the *Bangmun Mungo*, a series of fiction books ambitiously released by the *Bangmun Book Company*, bore the names of the authors in their titles. These books, such as *Yi Gwang-su dan-pyeonseon* (Short Stories by Yi Gwang-su) (1939) and *Kim Dong-in dan-pyeonseon* (Short Stories by Kim Dong-in) (1939), represented the important role of a writer's popularity in the value of books as a commodity. At this point, readers chose modern literature books by authors rather than by other criteria, like price. The names of these authors became trademarks. However, this phenomenon was restricted to famous authors and was not widespread in the 1930s publishing market. Yet, it clearly marked a historic moment in the improvement of the social standing of writers, as they had at this point guaranteed revenue and rights. Nevertheless, institutionalized royalty payments were only provided to a few famous writers whose book sales provided publishers with great profit. Accordingly, the notion that copyright law protected the rights of all writers existed in name only. Since this nominal and discriminatory copyright law during the Japanese colonial period

did not protect works written in the Korean language, Korean writers could not expect a stable income from their publications or enjoy their social status as published authors.

### **Instability in the Establishment of Copyright Practice and Writers' Poverty**

Despite the guarantee of royalty payments from publishers, set against the robust publishing market of the 1930s, writers still remained poor. From the inception of modern literature and throughout the colonial period, writers found themselves caught in a dilemma between their pride as artists and poverty.

Copyright, the right acknowledging an author's originality and enabling financial compensation for literary work, is an institution that recognizes the emergence of modern writers. Japanese copyright law, introduced as one element of modern culture over the course of Korea's modernization, was directly implemented in Korea, but it turned out to be legally ineffective. In particular, political censorship based on the publication law prevailed in colonial Korea while the legal rationale for protecting the copyright of authors only existed in name. The absence of freedom of expression due to censorship prevented the authorial right to copyright from taking root in the early days of the colonial period. The writers of colonial Korea were aware of copyright, yet ruthless political oppression kept them from expressing their commitment to promote and gain such rights. In addition, copyright also was not implemented to promote economic benefits for writers. As previously discussed, Korea's circumstances prevented the enforcement of the law, which could not be used to protect authorial rights. However, copyright was distorted and surfaced as *pangwon*, which protected the benefits of publishers, and thus was used to protect publisher's rights in the market. Throughout the colonial period, copyright was used in association with publisher's benefits. While progressive publishers, such as Bangmun Book Company and Hanseong Book Company, Ltd., acknowledged copyright as a right for authors, overall, an author's proprietorship over his or her

own work was not guaranteed under circumstances that made it impossible to enforce copyright law.

Thus, a writer's poverty was considered a natural part of his or her life. Even Yi Gwang-su, one of the most prominent writers in colonial Korea, often worried about being poor. Although he was known to have been paid at a significantly higher rate than his fellow writers and to have benefitted financially from copyright sales,<sup>7</sup> Yi was not well off at the time. The public lacked a solid perception of copyright as a core right entitled to authors, and would even react out of prejudice by criticizing writers, such as No Ja-yeong, for treating literature as a commodity and accusing them of capitalizing on their writing. Such an attitude is reflected in the passive responses of authors to circumstances in which copyright could not be politically or financially enforced. As authors were not allowed to make legal demands for their copyrights at the time, they sought whatever comfort they could in poverty, while being aloof towards the market. Since *copyright* was not guaranteed politically, financially, or legally, over the course of modern literature's development in colonial Korea, authors had to seek solace in the idea that, as writers, they had to endure an inevitable poverty and distance themselves from the system of the literature market.

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7. Yi Gwang-su's income from payment for works and copyright sales until 1940 amounted to 100,000 won. "Gimilsil: uri sahoe-ui je naemak" (Confidential Room: Inside Information of Our Society), *Samcheolli* (Three Thousand Ri), March 1940, 27.

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