

# Human Rights Discourse in North Korea

Post-colonial, Marxist and  
Confucian perspectives

Jiyoung Song



Routledge Advances in Korean Studies

# Human Rights Discourse in North Korea

This unique book examines the conceptual development of human rights in North Korea from historical, political and cultural perspectives.

Dr Jiyoung Song explains how North Korea has understood the concepts of human rights in its public documents since its independence from Japan in 1945. Through active campaigns and international criticism, foreign governments and non-governmental organisations outside North Korea have made numerous allegations of human rights violations. However, the efforts to engage with North Korea in order to improve the human rights situation through humanitarian assistance and to understand how North Koreans interpret human rights are often overshadowed by ‘naming and shaming’ and ‘push-until-it-collapses’ approaches. Using close readings and analyses of the collected works of Kim Il Sung and Kim Jong Il, North Korea’s official newspaper *Rodong Sinmun*, as well interviews with North Korean defectors and diplomats in South Korea, China and Europe, Dr Song gives thought-provoking and highly debatable accounts for the historically post-colonial, politically Marxist, and culturally Confucian elements of North Korean rights thinking.

As a piece of research on a nation shrouded in mystery this book will be essential reading for anyone researching human rights issues, Asian politics and international relations.

**Dr Jiyoung Song** is a research associate at the Centre on Migration, Policy and Society at the University of Oxford, UK, and consultant for the UN Office of the High Commissioner for Human Rights.

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First published 2011 by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada  
by Routledge  
270 Madison Avenue, New York, NY 10016

*Routledge is an imprint of the Taylor & Francis Group, an informa  
business*

This edition published in the Taylor & Francis e-Library, 2011.

To purchase your own copy of this or any of Taylor & Francis or Routledge's  
collection of thousands of eBooks please go to [www.eBookstore.tandf.co.uk](http://www.eBookstore.tandf.co.uk).

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*British Library Cataloguing in Publication Data*

A catalogue record for this book is available  
from the British Library

*Library of Congress Cataloging in Publication Data*

Song, Jiyoung.

Human rights discourse in North Korea : post-colonial, Marxist and  
Confucian perspectives / Jiyoung Song.

p. cm. – (Routledge advances in Korean studies ; 21)

Includes bibliographical references and index.

1. Human rights—Korea (North) I. Title.

JC599.K7S67 2011

323.095193—dc22

2010025142

ISBN 0-203-83496-8 Master e-book ISBN

ISBN 13: 978-0-415-59394-6 (hbk)

ISBN 13: 978-0-203-83496-1 (ebk)

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# Acknowledgements

Turning a doctoral thesis into a book is a challenging but worthwhile project. I certainly could not have done it without others' support. First of all, I would like to thank Dr Jim Hoare, Former British Chargé d'Affaires in Pyongyang, and Susan Pares, for sharing their extensive knowledge and true understanding of North Korea as well as for supporting my publication. Academic subjects like mine, how North Korea understands internationally recognisable concepts and fundamental values such as human rights, have attracted little attention compared to nuclear issues while those working on North Korean human rights have focused on the actual condition rather than a discourse. Most observers of North Korean affairs have assumed there was no such concept as human rights in North Korea. Jim and Susan were among the very few in the small circle of Korean studies in the UK who showed genuine interest in my original research and were open to understanding why North Koreans think what they think. Jim, particularly, has given a positive and helpful review to support this book project. I would like to express my heartfelt gratitude to them.

Words cannot express my sincere appreciation for Dr Paik Haksoon, Director of the Inter-Korean Relations Studies Programme at the Sejong Institute in South Korea, who sent this dreamy, and somewhat naïve, mathematician to Cambridge in the first place. This book is dedicated to him. I also would like to thank Dr Robert Weatherley, my PhD supervisor, who spared tens of hours from his busy schedule as a full-time lawyer, part-time academic supervisor, author of three books and, most of all, father of three daughters, for reading and commenting on my chapters.

Special thanks to the British Council and the Foreign and Commonwealth Office, Selwyn College and the Centre of International Studies in Cambridge, Mr Kang Myung Deuk, Dr Lim Soon Hee, my parents, Song Jong Sub and Kim Nam Sook, and my sister Song Hee Young, for their financial support during my research. I warmly thank Mr Koh Kyung Bin (Former Director of Hanawon of the Ministry of Unification), Dr Kim Soo Am and Dr Lee Keum Soon (Fellows at the Korea Institute for National Unification), Mrs. Katharina Peschke (formerly with the UN Office of the High Commissioner for Human Rights), and those who kindly agreed to be interviewed but would like to remain anonymous, for their cooperation during my fieldwork research in South Korea and Switzerland. I

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thank Dr Mark Morris, Dr Kerry Brown and Mr Aidan Foster-Carter for their helpful comments on my manuscript. A special thank you goes to Dr Yu Liu who kindly offered a workspace for me to finalise this book. I also thank Avi Abrams and Luca Fontini who kindly gave me permission to use their photos of the Arirang mass games and North Korean posters. Limited but deeply focused friendships have always been my greatest asset and comfort zone. I would like to express my gratitude to Lorraine Macmillan, Rachel Hooper, Lee Hee Jin, Lee Jae Hyuk, the Rev. Lee Suk In, Aino Rinhaug, Kim Jung Rin, Kim Hae Young, and my 'human rights sisters' – Chang Young Ah, Paik Mi Soon, Paik In Ae, Kim Hwa Sook and Kang Min Suh – for their warm friendships, all in different shapes. My final appreciation and deepest love goes to my better half, Dr Euan Graham, and our extended family, for their support, understanding and patience.

October 2010  
Oxford, UK

# Foreword

There is no study anything like this as far as I am aware, and this book is thus a real contribution to knowledge. It is well written, with little use of jargon, which makes it readily accessible. The author has achieved what she set out to do, which is to show that, while the Democratic People's Republic of Korea (DPRK – North Korea) has its own characteristic approach to human rights, it is not outside the broad field of international human rights.

The DPRK is frequently in the news but remains relatively little known to the rest of the world. In general, it appears not to be felt necessary to have visited to study the country in order to pronounce on it. There are few attempts to understand how and why the DPRK behaves as it does, or to delve deeper into what lies behind the often opaque statements that issue from its media. Most academic work concentrates on security and especially the issue of nuclear weapons. Outside the academic world, North Korea is usually seen as a very hostile 'other', and is described in cliché-ridden terms designed to strike a chill in the hearts of the ordinary reader, again with no attempt at understanding.

In recent years, the issue of human rights in the DPRK has attracted international attention after being long ignored, except in the Republic of Korea (ROK – South Korea), the North's alter ego. In the South, accounts of human rights abuses in the North often derived from the small number of defectors from the regime, largely served propaganda purposes or as a useful diversion of attention away from its own record in the field. With a general worldwide increase in interest in human rights, and with most countries now having established diplomatic relations with the DPRK, states such as Britain, Belgium and the Netherlands and organisations such as the European Union began to raise the issue of human rights directly with the DPRK. The United States was also more active on this front, although with a clear political agenda alongside its human rights concerns. For a time, the DPRK seemed to be willing to meet at least some of the United Nations' reporting requirements on human rights. Little came of these developments, especially as the DPRK increasingly regarded outside interest as a means of bringing pressure on it over other matters, including its nuclear programme. At the same time, the DPRK responded to attacks on its human rights' record during this period by insisting that it had its own approach to such issues, which was as valid as those of the West. This approach was not just concerned with classic Western

human rights such as freedom of assembly or of the press, but involved a much broader spectrum including the right to work and to be fed and housed. Little international attention was paid to such collectivist claims, which were seen as similar to those put forward by other Marxist states in the past. Since 2002, these discussions on human rights issues have fallen by the way, a victim of the nuclear crisis that began in October of that year and which has continued ever since.

This book breaks new ground. Avoiding the polemical or propaganda approach that has hitherto passed for scholarly research in this field, Dr Song has gone back to the origins of DPRK thinking on such issues. After examining the development of international concepts of human rights, the bulk of the work is made up of a study of the various strands of thinking that Dr Song believes have gone in to the DPRK approach to human rights. These include Confucianism and *sirhak* (late eighteenth-century ‘western’ learning derived to some extent from Chinese thinking), and the practices and beliefs of the followers of *Tonghak* (‘eastern’ learning – a syncretic nineteenth-century Korean religious and political movement, which survives, as *Ch’ondogyo*, in both North and South Korea). Both these focused on abolishing social inequality, a stand that has appealed to the DPRK leadership. As she indicates, the current DPRK attitude, especially towards Confucianism, is that it has no part to play in modern North Korean society. Indeed, alleged adherence to Confucian practices or habits has been used as a weapon against opponents by the leadership in the past. However, the reality is different, and many aspects of Confucian thinking, such as respect for hierarchy and the elevated status of the ruler, are clearly present in the DPRK.

These subjects take up slightly under half of the whole work. I think that there is much new information and analysis, especially in the section on traditional Korea, but the meat of the work lies in the second part, where she examines how the ideas, beliefs, and practices she has outlined in the first part of the book have been used in the DPRK since the division of Korea in 1945. She notes the early tendency to draw on the Soviet experience, but also makes it clear that from an early stage, the leadership modified what they had learned from the Soviet system and began to draw on Korean traditions. This was not always a conscious approach, but it was perhaps inevitable. Kim Il Sung and his fellow guerrilla fighters did not spend much time studying Marxist–Leninist legal traditions, despite later claims to the contrary. They had been engaged in a vicious and difficult conflict in Korea and in North East China for much of the 1930s, and while they may have acquired more Marxist theory during their time in the Soviet Union from 1941 onwards, the main tradition that they drew upon was what they knew of Korea. They were also reacting against Japanese colonialism and so tended to see the ‘right’ to be Korean as just as important as individual rights, an attitude that tended to support the collectivist approach. Dr Song shows that the DPRK approach to human rights issues is not merely a response to outside pressure but a real attempt to deal with the problem of balancing the needs of the collective with those of the individual, and the need to preserve the revolutionary gains in the face of hostile elements both outside and inside the country. Of course, abstract concepts often hide personal issues, and she draws out the differences between theory and practice.

Inevitably in a work that covers such a wide range, there are a few gaps. It would have been helpful to look at what happened in the colonial period in which Kim Il Sung and his colleagues grew up. The Japanese colonial (1905/1910–1945) legal system clearly had an affect on both Koreas. This was not just by negative example. Because pre-colonial Korea did not have a highly developed modern legal system, the Japanese introduced their own recently acquired one, mainly based on German law – which links back to Marx. This apparently still survives in some areas of ROK law, though disguised as ‘customary law’, and it would have been useful to see to what extent and under what cover it survives in the DPRK. I suspect that some at least of what passes as part of both the Confucian and the Marxist tradition is in fact Japanese law heavily disguised. It would also have been useful to look at South Korea’s legal development, since the two states draw heavily on their common past. And I am inclined to be more sceptical than Dr Song at North Korean myths, which have Kim Il Sung founding the ‘Down with Imperialism Union’ aged 14, or establishing the *juche* idea in 1955. But these are small points that do not detract from the book’s overall importance in increasing our understanding of North Korea.

Jim Hoare  
Former Chargé d'affaires to North Korea, British Embassy

# Transliteration

For this book, I apply the McCune-Reischauer system for Korean romanisation. There are some exceptions for already widely used personal names or ideological terminology such as Syngman Rhee, Kim Il Sung, or *Juche*, instead of Yi Sŭng-man, Kim Il-sŏng, or *Juch'e*, respectively. Personal or geographical names follow regional rules, in other words, North Korean rules for North Korean names and South Korean for South Korean names. For Chinese romanisation, I follow the pinyin system.

# Abbreviations

CCP	Chinese Communist Party
CEDAW	International Convention on All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DPRK	Democratic People's Republic of Korea
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
KCP	Korean Communist Party
KINU	Korea Institute for National Unification
KMT	Guomindang (National Party)
KPA	Korean People's Army
KWP	Korean Workers' Party
MSD	Minsaengdan (People's Livelihood Corps)
NAM	Non-Alignment Movement
NCKIL	North China Korean Independence League
NGOs	Non-governmental organisations
NHRC	National Human Rights Commission
OHCHR	Office of the High Commissioner for Human Rights
PRC	People's Republic of China
ROK	Republic of Korea
SR	Special Rapporteur
UDHR	Universal Declaration of Human Rights
UN	United Nations
USSR	Union of Soviet Socialist Republics



# Introduction

## **The evolution of North Korean rights thinking**

The Democratic People's Republic of Korea (the DPRK or North Korea) is frequently described in the Western media as a communist country with the worst human rights records in the world. Therefore, it is widely assumed that the North Korean regime has not understood or used any concept of human rights officially, and, if it does in any case, the government employs the language of human rights only in a superficial manner without any genuine commitment. It is true that the 'Western' concepts of human rights are still new in North Korea and frequently met with hostility. However, if one understands the history of the Cold War in the Korean peninsula and the rivalry between the South and the North for political legitimacy, it becomes evident that, since 1945, the DPRK has been actively using the language of human rights in its public documents and trying to impose its own perceptions of human rights on domestic and international policies.

Most DPRK ideas on human rights are not shared by Western liberals. Yet, this does not mean that the rights thinking of North Korea is completely at odds with the overall evolution of international human rights. Western society has constituted liberal ideas of human rights against absolute monarchism or authoritarian governments, having experienced mercantilism, republicanism, industrial revolution, labour movements, and women's rights campaigns over the past several centuries. At the same time, Western classic conservatives such as Burke, Bentham, or Marx, as well as contemporary theorists like Ignatieff or Shapiro, have allowed space for contemporary critical theories and communitarianism against natural law or individual human rights, and focused on the socio-economic conditions of people and citizens' duties in return for governmental protection. The arguments of these critics of Western liberalism are analogous to the rights thinking of the DPRK.

These collective, socio-economic, duty-based approaches to human rights have existed in North Korea for a long time, long before the introduction of Marxism. This book, therefore, shows the conceptual development of human rights in North Korea from historical, political, and cultural perspectives. In so doing, historical negligence and cultural insensitivity, which are the biggest factors blocking proper understanding about norm-violating countries, can be resolved. The book examines the evolution of North Korean rights thinking and analyses what has contributed to

## 2 *Human rights discourse in North Korea*

the formation and transformation of human rights concepts in the DPRK. It investigates the main influential factors on the formation of rights thinking and analyses the key features of human rights in the DPRK.

As you can see in Figure 1.1, various strands of thought have influenced North Korean rights thinking. Historically, the institutional establishment of human rights was the product of the post-colonial state-building process, following liberation from the 35 years of Japanese colonisation. The state-building process included a wide range of fundamental rights including freedom of press, publication, assembly, association, and religion, gender equality rights, and labour rights in its legal documents. Politically, these rights largely came from the Soviet Union since the North Korean government was set up as a post-revolutionary Marxist state. More than any other political system, Marxism still remains the closest ideological form of the DPRK. The DPRK has continued to employ Marxist metaphors and policies on human rights, emphasising collective interests, socio-economic rights, and citizens' duties, as well as Marx's own class-conscious approach to human rights. Culturally, however, all these rights elements of the DPRK pre-existed in Korean traditional thinking, which focused on the role of the benevolent ruler to protect people's subsistence rights and security, the collective and harmonious unity, and citizens' loyalty in return for the guarantee of food and security from their rulers.

When it was first established in 1955, the rights thinking of *Juche* (North Korea's official ideology) was composed of these historically post-colonial, politically Marxist, and culturally indigenous Korean factors, in addition to a divine religious aspect. As the concepts of rights and duties were being formulated within *Juche*, many aspects of Marxist rights were incorporated into indigenous Korean ideas of human rights. This is due to the fact that the latter already embraced collective interests over individual claims of human rights, the primacy of socio-economic rights over other rights, and demanded a share of citizens' duties in return for their human rights. These traits are not incompatible with international human rights. Many Western critics share the emphasis on communitarian approaches to human rights, acknowledge the interrelatedness between socio-economic rights and political rights, and understand that citizens do owe certain duties to society.

Kim Jong Il's 'our style' of human rights inherits aspects from *Juche*'s rights thinking but also includes more complicated issues of food and national security while facing severe international criticism of its human rights records. The North Korean authority went back to a more feudalistic Confucian way of thinking, which it believed protected the country from foreign intervention. The series of nuclear and food crises that the country had to deal with in the mid 1990s has made the leadership switch to more conventional thinking in the sphere of international affairs, including human rights issues. The DPRK focuses on sovereignty, national survival, collective interests, and the unity of society. At the same time, however, the DPRK revives more traditionally indigenous Korean thinking such as *Sirhak* and *Tonghak*, both of which imposed pragmatic and practical approaches to enhance people's subsistence. The combination of these features projects new departures for rights thinking in the DPRK.

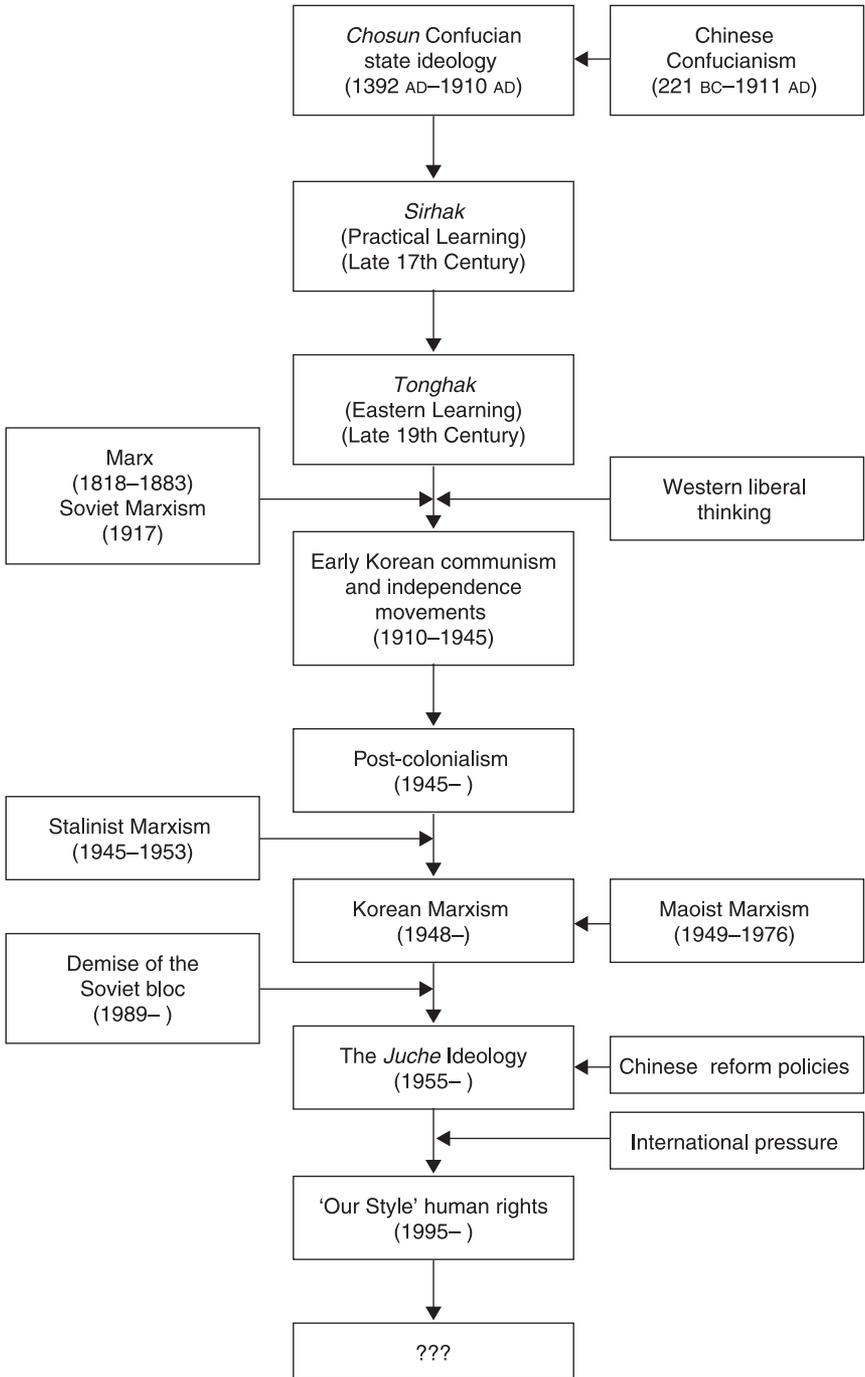


Figure 1.1 The evolution of North Korean rights thinking.

## **The significance of this study**

This book is the first academic research to examine primary North Korean public documents on human rights since 1945, contributing a huge volume of research, particularly my Korean-to-English translations, to the academic community of North Korean studies. Throughout the study, it will apply a content analysis of primary sources. These sources are all in Korean and, being a native Korean speaker, I have been able to translate the documents into English. This bulk of newly translated first-hand material related to North Korea's human rights will lay the foundation for similar future studies on human rights in the DPRK.

Second, the book is designed to contest the existing epistemology employed by scholars and advocates who have written on human rights in the DPRK, which are in many ways ideologically divisive and ungrounded in historical and cultural contexts. In contrast to historically profound and culturally sensitive literature that has been produced in relation to Chinese human rights, North Korean focused literature provides no such conceptual and theoretical richness. This study has therefore shed light on the multi-faced historical, political, and cultural aspects of the formation of North Korean rights thinking.

Third, this book adds to the growing literature of social constructivism in international relations (IR) theories as a case study. Theoretically, there has been no constructivist approach to North Korean human rights, partly because constructivism is a relatively new IR scholarship and partly because koreanologists normally take conventional views such as realism or liberalism in analysing the DPRK. The study provides the ideational process of how the post-war conception of human rights has been constituted and reconstituted in the DPRK since 1945 within the English School tradition and social constructivist perspective.

## **The conceptual background**

This book is based on my Master's and PhD theses on the construction of human rights ideas in the DPRK since the end of the Cold War (Song 2006). Hedley Bull's (1977) English School is also the starting point and theoretical basis for this book in dealing with human rights norms and policy behaviour of states in IR. Bull's norms are the standard rules that a state should comply with if it wants to stand as a legitimate member of international society. Bull, Adam Watson, Martin Wight, and Gerrit Gong make historical arguments that the content of international society emerged from the principles of Western liberal democracies and became internationalised with the expansion of the West. In other words, the standard norms and behaviours within international society that had been predominant in late nineteenth- and early twentieth-century Europe were diffused into East Asia including Korea where some of the liberal ideas were not compatible with the indigenous belief system such as Confucianism. The English School establishes the important value of principled rules and institutions that govern both who is a member of the society and how those members behave. However, the English School's International Society is too Eurocentric and therefore not

culturally or historically sensitive to non-European countries, providing a reason for me to explore other similar IR theories.

Few mainstream IR scholars believe constructivism is capable of providing a singular explanation of international affairs. However, I believe that constructivism as a social theory of international politics, whose main architect is Alexander Wendt, has made a significant contribution to existing IR theories by reflecting the changed international environment since the Cold War. Wendt's contribution has helped to transform mainstream IR scholarship from the one whose primary focus on power and material interests, into one that is more ideational and historically sensitive. My own definition of constructivism is that it is a culturally and historically sensitive interdisciplinary IR theory that analyses the transformation process of a state's ideas and identities.

Three constructivists<sup>1</sup> have mainly drawn my attention: Alexander Wendt (1999), Peter J. Katzenstein (1993), and Martha Finnemore (1996b) (see more on Constructivism: Doty 2000; Onuf 1989; Rues-Smit 2001). Since my previous research (Song 2006), Alexander Wendt's social constructivism has provided a theoretical foundation for my work. Rather than accepting actors' identities and interests as given, Wendt problematises them, treating them as the objects of analysis. Socially constructed rules, principles and norms of behaviour can provide states with an understanding of what is important or valuable, and what are effective or legitimate means of obtaining these social values. Constructivists always focus on the origins and dynamics of these norms. Siding with post-positivists, Wendt (1999: 90, 185) believes that 'social life is ideas all the way down', and that ideas constitute social situations and the meaning of material forces.

It is the interaction between the changing international structure and domestic normative contexts, as in keeping with the work of Peter Katzenstein, that interests me. Katzenstein (1993: 268) suggests that politics is influenced by a complex array of ideas, embedded in institutions and rooted in the past. He argues that norms do not float freely in social and political space but are shaped by history and institutions. Norms offer a context that affects the interest and behaviour of actors in complex ways. According to Katzenstein (1993: 286), what matters is the competence of actors to interpret both themselves and the world, and to share these interpretations with others. The normative context of policy is important if we wish to better understand the constitution of policy interests. Katzenstein provides an insightful comparative study of Germany and Japan and their constitutions of national interests since World War II. Katzenstein's conclusion (1993: 293), drawn from the comparative study, is that while the wish to see Germany fully integrated into a variety of international partnerships is broadly shared across Germany, economic considerations have been central to the definition of 'comprehensive security' in Japan. This kind of constructivist comparative study can prove how different normative contexts between countries can constitute state identities and interests, and ultimately policy behaviours. However, like Wendt, Katzenstein concedes to other material interests and structural conditions that also shape actors' political choices and political outcomes.

## 6 *Human rights discourse in North Korea*

Unlike Katzenstein's emphasis on domestic normative structures, Martha Finnemore focuses on the international structure. Finnemore (1996b: 2) argues that although domestic politics can play a large, sometimes determining role in defining national goals and interests, domestic politics and local conditions cannot explain many of the interests articulated and policy choices made. The fact that we live in an international society means that what we want and, to some degree, who we are, is shaped by the social norms, rules, understandings and relationships we have with others. While Finnemore's (1996b: 138) International Society is one in which basic norms do not exist in complete congruence, my constructivism is an agent-oriented historically and culturally sensitive approach and does not take actors' ideas, norms, and interests as given but sees them as endogenously or exogenously constitutive. My constructivist approach, similar to Finnemore's, does not particularly aim to show the causal relations between the DPRK's human rights ideas and their policy behaviours or preferences as suggested by Judith Goldstein and Robert Keohane (1993), but to show the normative process of the transformation of the DPRK's human rights ideas and identities.

I will introduce some scholarly works on human rights, based on the broadly defined role of constructivism in international relations. The impact of human rights norms on international politics has been studied by many constructivists (see, for example, Adler 1988; Finnemore and Sikkink 1998; Goldstein and Keohane 1993; Katzenstein 1993; Sikkink 1993). The most important work of this kind is Thomas Risse, Stephen Ropp, and Kathryn Sikkink's *Power of Human Rights: International Norms and Domestic Change* (1999), which develops a theory of the transformation of repressive governments into norm-consistent ones. They speculate a spiral model, consisting five stages of state behaviours towards an international human rights society: repression, denial, tactical concession, prescription or implementation, and finally norm-consistence. At each stage, a government that formerly repressed its own people progressively transforms its behaviour towards a standard acceptable to international society. More importantly, in their conjecture, transnational networks – networks between domestic and international human rights groups – play a significant role in emergent changes to government practices in terms of human rights.

Among others, Jack Donnelly (1985a, 1985b, 2003) and David P. Forsythe (2000) represent Western liberal human rights ideas. Donnelly and Forsythe have produced a number of publications on the politics of human rights, human rights and foreign policies, and the role of human rights in IR, but they lack historical and cultural backgrounds in relation to non-liberal countries. To some extent, existing literature on the Asian perspectives on human rights (Bell 2000; Christie and Roy 2001; De Bary 1985; De Bary 1998; De Bary and Weiming 1998; De Bary 2003; Neary 1998) explain why liberal human rights ideas have not been welcomed in some Asian countries where Confucianism had previously been deeply embedded. As Sikkink (1993: 140) points out, the emergence of Western human rights policy after the Cold War was not simply a victory of ideas over interests, but rather, it demonstrated the power of ideas to reshape understanding of national interests. Therefore, it is fair to say that the same logic may as well apply to North Korean

human rights policies, when the country's national interests are shaped by indigenous ideas and reconstituted by changing international environments.

## Literature review

No academic attempt has been made to understand and interpret the official discourse of human rights in the DPRK and I fill in this gap. Previous literature on North Korean human rights is mainly reports of governments, the United Nations (UN) and non-governmental organisations (NGOs), which are largely repetitive in their periodic reviews and lacking in-depth academic research. They contain a large collection of human rights violations, allegedly committed by the North Korean government. Annual human rights reports by the US State Department, the White Papers on North Korean human rights by the ROK Ministry of Unification and the Korea Institute for National Unification (a South Korean official think-tank on inter-Korean affairs: KINU) are, to begin with, the most easily accessible sources. However, these documents do not provide a theoretical and historical analysis of how the DPRK has conceptualised the ideas of human rights, which is the main goal of this book.

The UN Office of the High Commissioner for Human Rights (UN OHCHR) makes available for online access the reports by the Special Rapporteur (SR) on the situation of human rights in the DPRK. The reports of the SR on the DPRK provide comprehensive outlines of the human rights situations on the DPRK, based on testimonies submitted by NGOs and neighbouring countries. However, they fail to incorporate historical, political and cultural elements of North Korean rights thinking, which this book will provide. In particular, the reports submitted by the DPRK government to relevant treaty bodies and the government's communications with and replies to the OHCHR are highly valuable sources of information for the current research and therefore used for analysing Kim Jong Il's 'our style' of human rights.

NGOs, including Amnesty International, Human Rights Watch, Freedom House (a Washington based research institute, primarily funded by the US State Department), Citizens' Alliance for North Korean Human Rights (a South Korean non-governmental organisation working on human rights in North Korea since 1997: Citizens' Alliance), Network for North Korean Democracy and Human Rights, and Good Friends, publish their reports on human rights situations in North Korea. These reports are heavily dependent on the testimonies of North Korean defectors in South Korea, but provide no official records of the public discourse of human rights in the DPRK, which this book does. The National Human Rights Commission (NHRC) of Korea, on the other hand, has an internal research team on the North Korean human rights issues, of which I used to be an executive officer in 2003–4. Since then, the NHRC has had seminars and international conferences, and produced various publications on North Korean human rights.

Existing academic literature on North Korean human rights provides no conceptual, historical and theoretical richness. It is often ideologically biased; focused on civil and political rights (Choi 1997, 1999; Kagan 1988); heavily dependent on the testimonies of North Korean defectors (Hawk 2003; C.-H. Kang and Rigoulot

2002); and devoid of historical, cultural, and political contexts (Haggard and Noland 2005). Choi Sung-chul (1997, 1999) focuses on the incompatibility of the DPRK's basic socialist and dictatorial political structures with international norms and principles of human rights. David Hawk (2003), Marcus Noland and Stephen Haggard (2005), and Nobert Vollertsen (2006) deal with the recent human rights issues of North Korea including North Korean 'economic refugees' in China from an advocacy-based perspective, putting pressure on the South Korean and US governments to adopt more hard-line policies towards the DPRK.

## Methodology

My current research will fill in the gap on the subject of North Korean human rights by examining historical, political, and cultural factors for the formation of contemporary rights thinking in the DPRK. I will use the same methodological approach as Robert Weatherley did in his research and take a culturally and historically sensitive perspective to analyse the evolution of North Korean rights thinking.

Previous research on Chinese human rights from historical, cultural, and anthropological perspectives suggests valuable comparative studies for a discourse analysis of human rights in the DPRK. William Theodore de Bary (1998) and Amartya Sen (2000) insist that human rights are neither a uniquely Western phenomenon nor incompatible with the Chinese accounts for its pursuit of economic development. On the other hand, Andrew Nathan (1986: 151) put forward strong objections to the compatibility of Confucianism with liberal human rights in China, a country where individuals are considered to have unequal moral values according to their respective social status within family, society, and state.

The secondary literature on Chinese human rights by Rosemary Foot and Weatherley suggests particularly valuable parallel perspectives in analysing the evolution of the rights thinking in the DPRK. Foot (2000) chronologically examines the five processes of the Chinese socialisation into international society in terms of human rights: the generation of attention (1976–1989), Tiananmen and its aftermath (June 1989–November 1991), the shift to multilateral venues (1992–1995), from public exposure to private dialogue (1995–1998), and betting on the long term (1998–1999). Foot (2000: 4) concludes that China's discourse of human rights has shifted from a conception of rights that derived from the Marxist–Leninist roots of the Chinese Communist Party, to one that is 'developmentalist' in approach but that gives some grounds to the direction of the universality and indivisibility of human rights.

Similarly, the DPRK's conception of rights has been grounded in Marxist–Leninism since the formation of the State. However, unlike China, the DPRK, faced with the Sino–Soviet conflict and the collapse of former socialist allies, has shifted its human rights ideas from those based on Marxism–Leninism to its own *Juche* Ideology, the national philosophy created by the former leader, Kim Il Sung. After the Cold War, the DPRK redefined human rights ideas more concretely from those in *Juche* to Kim Jong Il's 'our style' of human rights.

Foot (2000: 11–14) also points out that normative diffusion in the area of human rights seems to be driven by a combination of factors: powerful states, NGO

pressure, institutions, the new criteria for membership of international society, and the processes of persuasion, argument, and shaming. She also emphasises that the degree to which these elements can shape behaviour varies from state to state, and depends not only on an acceptance that reputation matters, and a capacity to experience shame, but also on such factors as material power, demographic size, degree of openness, and political culture.

Compared to Foot's 'blocking factors' to entering international human rights society, Risse *et al.* (1999: 260–62) recognise them as certain forms of popular nationalism, the presence of secessionist movements, threats to territorial integrity, or particular value structures. Most interestingly, Weatherley (1999), in his insightful historical research, finds that the root of Chinese rights thinking is historical Confucianism, which is inhospitable to the Western conception of individualistic rights. These blocking factors in the Chinese human rights commitment to international society can be used as common barometers to study North Korean human rights. The analytical frameworks acknowledged by the above-mentioned historically-sensitive scholars are more persuasive, empirical, and tangible than most other methodologies employed in the existing literature on human rights in North Korea.

Weatherley (1999) provides the most convincing methodology and arguments in examining the evolution of Chinese human rights ideas. He analyses the discourse of local Chinese human rights scholars dating back to the early twentieth century and outlines some of the main sources of influence that comprise Chinese rights thinking. Weatherley argues that since the establishment of the People's Republic in 1949, the state orthodoxy of rights in China has inevitably taken on a more Marxian complexion. For example, the Marxist principles of class struggle and the traditional Marxist concern for material welfare have manifested in the current attachment to subsistence rights in contemporary China. Most interestingly, he makes the culturally sensitive arguments that the way in which rights have been understood in China has ultimately been shaped by the doctrine of Confucianism, China's state ideology for some two millennia, which still significantly influences the greater part of Asia. The roots of Chinese rights thinking are grounded in the ancient Mencian belief that the principal duty of 'a benevolent government' (*renzheng*) was to safeguard the material welfare of the people.

Similarly, the concepts of human rights in the DPRK, as we will see in Chapter 2, were also grounded and transformed in Korean Confucian values as well as other indigenous Korean philosophies such as *Sirhak* and *Tonghak*. These cultural and philosophical elements were intertwined with post-colonialism and Marxism and finally created the ideational framework of human rights within *Juche* Ideology, as I will elaborate in Chapters 3, 4, and 5.

## Primary sources

Throughout the study, I apply a content analysis of North Korean primary sources including works and selected works of Kim Il Sung and Kim Jong Il, the DPRK official daily newspapers *Rodong Sinmun* ('Workers' Daily'), the *Ch'ongnyŏn*'s

(a North Korean–Japanese organisation in Tokyo) online news agency *Chosun Chung'ang T'ongsin* (Korean Central News Agency), the DPRK's periodic magazines *Ch'öllima* (1,000-ri Horse) and *Külloja* (Workers), the DPRK's constitutions and domestic legislations, and other public documents of the DPRK. The North Korean perspective on rights strongly adheres to a party line. No alternative approaches to human rights exist within the DPRK because of the party's domination over academic and political writings.

Thanks to Seoul's engagement policy towards Pyongyang after the 2000 Inter-Korea Summit Meeting followed by an increasing number of inter-Korean exchanges, more North Korean publications have become available in South Korea. As a result of changes in computer technology, many North Korean documents can be found in a CD-ROM format. For the purpose of this study, I translated the works of Kim Il Sung and the selected works of Kim Jong Il both in a CD-ROM format. Access to the copies of *Ch'öllima* and *Külloja* was made available by the Sejong Institute and the KINU in South Korea during my first fieldwork between September and December 2008.

I have conducted interviews with North Korean defectors in the ROK and diplomats in Geneva, Switzerland, in order to show how they understand human rights differently. The book is complemented by in-depth interviews of former North Koreans in South Korea<sup>2</sup> and North Korean diplomats in Geneva, during the course of the first and second fieldwork research in September to December 2008 and January to April 2009, respectively. Former North Koreans in South Korea are selected based on the variations of their experiences in schools, markets, or detention facilities, residential areas, or based on the variations of their insights due to party membership, sex, age, or the length of time since they have left the country. Interviews took place either at the KINU or at *Hanawon* (the resettlement centre for former North Koreans under the Ministry of Unification of the ROK). I also consult secondary interview data conducted by other South Korean research institutions or NGOs. The in-depth discursive interviews with the key North Korean diplomats took place in Geneva where the DPRK Permanent Mission to the UN is located.

## **The structure of the book**

Chapter 1 overviews the evolution of international human rights in order to show that North Korean rights thinking is not completely at odds with the overall development of international human rights, although it is incompatible with Western liberal rights thinking. By way of background, the first part outlines the early development of natural rights theories and some of the distinctive features of Western ideas about human rights, particularly those of Thomas Aquinas, Hugo Grotius, Thomas Hobbes, and John Locke as well as the critics such as Edmund Burke, Jeremy Bentham, and Karl Marx. The contemporary critics against individual or liberal Western concepts of human rights are in line with DPRK's official discourse, particularly Burke and Marx. It also examines the record of Marx and Marxist states in relation to human rights, as precursor sources of human

rights ideas formed in post-1945 DPRK. Marx's views on rights within his wider historical materialism and interpretation of Marx by Allen Buchanan and Richard Nordahl are covered here. It also describes the main characteristics of human rights in Marxist states, particularly the Union of Soviet Socialist Republics (USSR) and the People's Republic of China (PRC). The second half of the chapter surveys four themes in the field of contemporary international human rights: (i) individual versus collective rights, (ii) universalism versus cultural relativism, (iii) civil and political rights versus economic and social rights, and finally, (iv) rights versus duties. The DPRK categorically prefers collective interests, cultural relativism, socio-economic rights, and citizens' duties to individual human rights.

Chapter 2 analyses rights approaches in Korean traditional thinking, notably Confucianism, *Sirhak* (practical learning), and *Tonghak* (eastern learning), to show how contemporary North Korean rights thinking is based on these traditional Korean philosophies. The chapter includes the DPRK's interpretations of these three traditional Korean schools of thought. Although the DPRK's concepts of human rights are more in line with Marxist interpretations than any other political form in the post-1945 world order, indigenous cultures and philosophies have provided the fundamental grounds of the rights thinking in the DPRK, particularly, in terms of the duty of the benevolent government to look after people's material well being. Each of the approaches, particularly the reform-minded *Sirhak* and *Tonghak*, focused on the abolishment of social inequality and the primacy of people's material welfare, still distinctive features of human rights in the DPRK.

Chapter 3 introduces the idea of 'People's rights' in the post-colonial DPRK, examining the interim government period between August 1945 and September 1948, and covering various legal and political measures for the protection of human rights. Measures include, for example, human rights provisions in the Twenty-Point Party Platform, the Government Programme, the Land Reform Law, the Labour Law, the Gender Equality Law, and finally the 1948 People's Constitution, all of which were largely imported from the Kremlin. The human rights specified in these documents indicate post-colonial revolutionary characteristics, covering a wide range of human rights in various forms. Historical post-colonialism is the main feature of *Juche* (North Korea's official ideology created by Kim Il Sung) and this has developed from a right to self-determination to a sovereign right of man, to the nation, and finally to the state, in other words, complete sovereignty in the end.

Chapter 4 outlines the Marxist characteristics of human rights in the DPRK. North Korea is still officially a Marxist state and did inherit Marxist rights thinking from other socialist countries. Conforming to Marxist orthodoxy, Marxist features of human rights in the DPRK include a fundamental hostility towards the notion of human rights in capitalist societies; rights strictly contingent upon one's class status; the supremacy of collective interests; the prioritisation of subsistence rights and material welfare of the society over civil-political rights; and citizens' duties as the offspring of human rights.

Chapter 5 analyses the characteristics of human rights in *Juche* Ideology and shows how approaches to rights in *Juche* have been reflected in domestic policies of the DPRK. *Juche* is the key to understanding the North Korean mentality and its

system. *Juche* provides the major ideational approaches for the formation of North Korean human rights: post-colonial nationalism, Marxism, traditional Korean thoughts, notably Confucianism in addition to some religious aspects. Based on these historical, political, and cultural factors, *Juche*'s rights were developed to include distinctive characteristics such as the concept of divine and granted rights, the right to choose one's own destiny, the right of man as a social being, the primary concern for people's material well-being, and an emphasis on citizens' duties.

Chapter 6 introduces Kim Jong Il's 'our style' of human rights, officially announced in June 1995 in the party's daily newspaper, *Rodong Sinmun*. 'Our style' of human rights is understood under Kim Jong Il's broader framework of 'our style' socialism, which was developed from *Juche*. 'Our style' of human rights employs two discourses of human rights, 'virtuous politics' (*indŏk chŏngch'i*) and 'military-first politics' (*sŏngun chŏngch'i*). Each of these discourses uses the family and an aspect of the military to depict the entire society, emphasising societal unity and all citizens' duties towards it. The main discourse within 'our style' of human rights includes the right to national survival, dictatorship as the protection of human rights, rights granted by the fatherly and military leader, the primacy of socio-economic rights, and finally the duty-based language of human rights, both as the offspring of rights and as a correlative term for rights.

## Notes

- 1 Constructivism is a social theory of international politics that focuses on an ideational and holistic understanding of international relations and an inter-subjective explanation of the interplay between agents and structures in constituting and reconstituting identities and interests. My own definition of constructivism for this study is that it is a culturally and historically sensitive interdisciplinary theory of international relations depicting the transformation process of a state's identities of itself and others and providing ideational answers to state behaviours in international relations, which is a crucial, indeed an initial, part of any international relations scholarship.
- 2 Their official title has been changed from 'North Korean defectors' (*talbukja*) to 'new settlers' (*saetomin*) by the Ministry of Unification in consultation with civil society in South Korea since 2004. Others who did not participate in the process of renaming former North Koreans, including the Committee for North Korean Democracy whose head is Hwang Jang-yup (a former International Secretary of the KWP and President of Kim Il Sung University who defected from the North to the South in 1997), strongly rejected the new name since it gives a negative impression that North Koreans are only seeking food like homeless people. The Ministry of Unification dismissed the claim.

# 1 The evolution of international human rights

This chapter provides a history of the evolution of Western human rights covering some of the major debates in the field of contemporary international human rights. I aim to show that, far from being at odds with the overall development of human rights internationally, North Korean rights thinking has much in common with international ideas, although it may not ultimately be compatible with individualistic and liberal Western ideas of human rights. By way of background, the first part outlines the early development of natural rights theories and some of the distinctive features of Western ideas on the topic, particularly those of Thomas Aquinas, Hugo Grotius, Thomas Hobbes, and John Locke as well as the views of their critics from Edmund Burke, Jeremy Bentham, Karl Marx, and contemporary rights theorists. Some of the critics of individualistic Western concepts of rights have a broad overlap with the rights perspectives of the DPRK: communitarian, culturally sensitive, or social-contract type of approaches to rights. I attempt to demonstrate that North Korean rights thinking may be correctly and properly situated in the broad field of international human rights.

The second half of this chapter surveys some of the most contentious issues raised in the field of international human rights especially since World War II. A number of themes, as aptly pointed out by Jeremy Waldron (1987: 3), tend to arise repeatedly in modern rights theories: abstract universalism, the individualism of rights, the tension between rights and the demands of community, the use of social contract models in the theory of politics, and the troublesome idea of natural law. I examine four topics here: (i) universalism versus cultural relativism, (ii) individual versus collective rights, (iii) civil and political rights versus economic and social rights, and finally, (iv) rights versus duties. Obviously, the DPRK takes the latter approach in each set of human rights debates. In order to get any kind of grip on the specificity of rights discourses in the DPRK, one clearly needs to come to a thorough understanding of these four areas in contemporary international human rights and their conceptualisation.

## **A historical overview of Western ideas on human rights**

There are two important periods for understanding the language of rights in Western political thought. The first is the early to high middle ages (eleventh to

thirteenth centuries), and the second runs from Grotius through to Locke (seventeenth century) (Tuck 1979: 2). A study of the key European philosophers in these periods will facilitate a better understanding of Western conceptions of human rights.

### ***The role of Christianity***

The first characteristic specific to the contemporary Western history of human rights is the formative role played by Christianity. Based on passages in the Bible and the religious teachings of St. Paul, the Church Fathers (first to fifth centuries), St. Augustine (354–430), St. Thomas Aquinas (1225–1274), and Bartolomé de Las Casas (1474–1566), early Christian humanism came to exert an immense influence on the modern secular understanding of natural law and human rights (Ishay 1997: xv; Maritain 1952: 85).<sup>1</sup> Among these philosophers, Aristotle (384 BCE–322 BCE) and Aquinas have been especially instrumental in shaping modern conceptions of human rights. Aristotelian concepts of justice, virtue and natural rights have had a profound impact on the development of Judeo-Christian and Islamic political traditions. An Aristotelian legacy may still be felt in Orthodox Christian theology, especially within the Catholic tradition shaped by scholasticism. Aristotle's key notion of an individual's own personal happiness and well-being has had a wider influence on Western modes of personal life, being no less than the proper end or *telos*.

Preserving and in part modifying Aristotelian conceptions, the philosophy of Aquinas has exerted enormous influence on Western rights thinking. Aquinas was very unusual for his time in being able to grasp the idea of natural law, formulating the consistent doctrine of eternal, natural, human and divine laws plainly and clearly in his most famous work, *Summa Theologiae*. Aquinas distinguished four kinds of law: eternal, natural, human, and divine. Eternal law is God's decree over all creation. Natural law reflects eternal law in the human sphere. Human law is the present day's positive law and involves such issues as the death penalty, usury, and the forced baptism of the children of Jews. Divine law is the law revealed in religious texts.

Hugo Grotius (1583–1645) seems to be one of the rare Western classic rights theorists who undermined the theology-based assumptions of Protestant political thinkers whose basic premises were that 'what God has shown to be his will, that is law'. He was notorious among his Protestant contemporaries for making his atheistic character too obvious. His theory about natural law, in a positivistic spirit, worked on the assumption that 'there is no God or that he takes no care of human affairs' (Tuck 1979: 76).

The list of Western philosophers and political leaders who make use of Christian concepts in their writings and speeches is considerable. Thomas Hobbes (1588–1679), for example, in his social contract theory, demanded a sovereign ruler treat his subjects well on account of a duty owing to God and 'not to the subjects themselves' (Feinberg 1980: 146; Finnis 1980: 208). John Selden (1584–1654) allowed God an even more central role in his theory than Hobbes by

claiming that natural law was revealed to man in ‘God’s pronouncements to the Noachidae’.<sup>2</sup> John Locke (1632–1704), the origin of many contemporary liberal ideas of human rights, regarded natural rights as ‘an expression of God’s will’ and all men as ‘the servants of God’, sent into the world by his order and about his business (Waldron 1987: 12). Thomas Paine (1737–1809) stated that ‘the origin of rights is divine: they are given by God and are both natural and imprescriptible in character’.

### ***Property rights and social contract***

The second formative influence on the Western conception of human rights derives from the explicit implication of property rights in Medieval Europe. The emphasis placed upon individuals’ rights to property accompanied the emergence of mercantile capitalism and, in some cases, also came hand in hand with the absolutism of unrestrained monarchical power that imposed slavery in the transition from feudalism to capitalism. By the fourteenth century in Europe, ‘to have a right’ meant ‘to be the lord or *dominus* of one’s relevant moral world, to possess *dominium*, that is today, property’ (Tuck 1979: 3). Grotius treated liberty as a piece of property, being led by this comparison to believe that slavery and absolutism should be defended. Grotius thus stated that ‘it is lawful for any man to engage himself as a slave to whom he pleases’ (Tuck 1979: 60, 63). On the right of self-defence, Grotius noted that men no longer had a right to defend themselves against the sovereign since the sovereign’s life was more ‘utile’<sup>3</sup> than his own or more ‘serviceable’ to many, and should therefore give themselves up to bondage or use in the interests of a king.

Conservatives like Selden and Hobbes continued fiercely to uphold the practices of mercantile capitalism, slavery and usury, and were prepared to accept a high degree of absolutism. To these theorists, an individual had no right to resist the magistrate (Tuck 1979: 119). Within his theory of social contract, Hobbes saw self-preservation, the protection of one’s life (including property), as the basic human aim (Lopata 1973: 204–7). In the Hobbesian worldview, men’s right to life is constantly threatened in the state of nature so that they come together to form a social contract. The purpose of a social contract is, therefore, to protect one’s right to life and property. The condition for one’s right to life was, in return, that one must subject oneself to an absolute sovereign ruler, whom Hobbes regarded as the very institution that determines all property relations. To Hobbes, there was no private property in the absence of sovereignty; the *Leviathan*<sup>4</sup> and private property are necessarily concomitant (Lopata 1973: 207).

Locke’s theory of the individual’s rights to life, liberty, and property may well be the clearest expression of the Western concept of property-based rights. Locke set out his philosophy in response to the divine right of kings and more generally to all theories of the natural ordination of political authority. In opposition to the absolute and divine right of kings proposed by conservatives, Locke’s natural rights theory was founded on the equality of human individuals. The function of the government was to secure man’s natural rights (to life, liberty, and property),

which were the inalienable-claim rights, and corresponded to the duties of political authorities to protect them. In other words, rulers had a general duty not to harm their subjects. In spite of his advocacy of natural rights, political participation in Locke's world was only envisioned as the preserve of 'propertied Christian men' (Donnelly 2003: 60), excluding women with 'savages', servants, and wage-labourers as potential rights holders.

Locke's theory of a social contract was taken up and further developed by Jean-Jacques Rousseau (1712–78), who started from the Lockean premise that all men are free and equal in the state of nature. Social contract theory was associated with the belief that existing political relationships were founded on an original agreement among people living in a given territory to establish institutions and procedures for the better protection of rights. While Locke was prepared to accept the legitimacy of most political regimes, Rousseau believed a regime's legitimacy depended on laying down minimum conditions for political respectability. His ideas have laid the groundwork for the principles of French revolutionary thought, notably the formulation of the 1789 French Declaration of the Rights of Man and the Citizen (Waldron 1987: 21).

### ***Legal positivism***

The third feature distinctive to the Western tradition of human rights is its legal positivism – that is the principle that law is something 'posited' or stated and not otherwise given. According to this principle, law is not derived from some higher guiding principle, but rather developed by people for their mutual benefit. Numerous constitutions and declarations such as the English Magna Carta (1215), the Petition of Rights (1628), the Habeas Corpus Act (1679), the Bill of Rights (1689), the American Declaration of Independence (1776) and the French Declaration of the Rights of Man and the Citizen (hereafter, the 1789 French Declaration), all bear the imprint of legal positivism in reaffirming natural rights theorists.

Grotius was one of the first positivists to formulate a legal foundation for natural rights. He provided a legal foundation, distinguishing two senses of 'recht', the wider sense of what is right and the narrower sense of a right proper (Tuck 1979: 67). The wider sense of right is generally considered as righteousness or justice. What requires special attention here is his narrower sense of right, a right proper, which is similar to contemporary concepts of human rights. He defined a right proper as 'the relations which exist between a reasonable being and something appropriate to him by *merit* or *property*'. *Merit* is fitness for any object of desire. The kind of right that takes account of *merit* is called 'distributive justice', the term that has gained currency through the work of the contemporary normative theorist John Rawls. In this sense, *merit* commonly employs the rule of proportion. On the other hand, *property* is something called ours and the kind of *property* is 'commutative justice' or simply the rule of equality. Grotius represented a turning point in the evolution of Western rights theories in terms of his formulation of rights through a radically different legal conceptualisation such as these two, *merit*

and *property*. However, like other conservatives, he could not entirely pull himself away from totalitarian tenets such as support for absolutism and the idea that the right to self-defence is void before an absolute sovereign ruler.

### ***Critics of natural rights***

The theory of natural rights met with strong criticism from various political thinkers during the eighteenth and the nineteenth centuries. Thinkers as diverse as Edmund Burke (1729–97), Jeremy Bentham (1748–1832), John Stuart Mill (1806–73), and Karl Marx (1818–83) attacked the idea for its high level of abstraction, exaggeration of reasoning in political philosophy, over-emphasis on the individualistic approach to social life, and unjustified egoism in moral argument.

Burke rejected the idea that rights were universal and instead believed that real rights were relative to the particular socio-political structure of each community – a view which can be seen as contemporary cultural relativism. He opposed the revolutionary character of the rights of man envisioned in the 1789 French Declaration. Burke's views were built both upon his religious conservatism and his cynicism in relation to the political capability of the people and the feasibility of democracy.<sup>5</sup>

Bentham opposed natural rights as being nonsensical, devoid of any meaning, and full of contradictions and ambiguities. He criticised Locke's idea of individual liberty based on natural rights 'as nonsense upon stilts'. His utilitarianism further held that the demand for rights was disruptive to the political and legal order. According to Bentham, a strong proponent of legal positivism, the only rights are 'rights proper' (Bentham 1843: vol.2, 501; vol.3, 221; Hart 1973: 171–201). A right and a legal right are thus the same thing and can only be justified according to public utility – that is, the 'greatest happiness for the greatest number'. He concluded that natural rights were 'simply nonsense', 'terrorist language', 'rhetorical nonsense', or 'nonsense upon stilts' (Waldron 1987: 73).

Mill was less critical of natural rights than Bentham and developed his own ideas on utility, although he was educated by his Benthamite father, James Mill. Despite being an ardent advocate of liberty, Mill rejected the idea of natural rights and proclaimed that rights are founded on utility. Unlike Locke's views, his arguments for individual freedom, presented in *On Liberty*, do not appeal to any idea of natural rights. In contrast, he speaks of 'utility' or usefulness to society.

Marx strongly opposed the idea of natural rights as well as other normative terms such as justice. His reason for rejecting natural rights, which will be looked into in detail within the chapter on Marx's ideas on human rights, was based on his fundamental belief in historical materialism that formulated various conceptions of and approaches to human rights in different socio-economic environments and depending on a society's economic structure. Marx's suggestion, therefore, was to abolish the exploitative capitalist socio-economic structure and mode of production, and to establish a class-free and human-rights-free communist society. In this

regard, the idea of natural rights was rejected as it was considered a political tool of the ruling bourgeoisie to sustain the existing social order.

Many remain critical of the idea of natural rights. Michael Ignatieff (2001a: 104–5) introduces three groups of thought that challenge the universality of human rights: ‘the Marxist critique of the rights of man, the anthropological critique of the arrogance of late nineteenth-century bourgeois imperialism, and the postmodernist critique of the universalising pretensions of Enlightenment thought’. Most cultural relativists, including third world developmentalists or communitarians, are reluctant to accept the universal and liberal language of natural rights ideas in their various formulations. North Korea is a central part of this group, as I will explain later in Chapters 5 and 6. This critique even exists in some neo-liberal circles within the Western liberal tradition. Ian Shapiro, for example, suggests several reasons for the tenacity of the liberal conception of natural rights. Shapiro (1986: 144–5, 275) points out the Cartesian perception of liberal philosophers (especially Hobbes, Locke, Nozick, and Rawls) on the subject of rights, criticising them for focusing too much on the individual as the sole founding agent of human knowledge and action.

### ***Contemporary theories of human rights***

The concept of human rights has been defined in various ways within contemporary Western discourses. Wesley Hohfeld (1919), for example, was one of the first to develop the perception of human rights, using four categories: claim, liberty, power, or immunity. Hohfeld (1919: 6) defined a right in the narrow sense, ‘as the correlative of duty’ or as one’s affirmative claim against another. Another use of right is to denote that one person is not subject to the power of another person. In other words, the person is not to be deprived of his liberty or property without due process of law, and is not to be exempted from legal power, i.e. immunity (Hohfeld 1919: 8). Joel Feinberg’s definition of rights as a claim is somewhat similar to one of Hohfeld’s classifications. Feinberg (1973: 64–6) suggests a broad definition of a right by treating it synonymously with a claim, arguing that a right is a kind of claim and a claim is an assertion of rights.

On egalitarian moral grounds, Gregory Vlastos (1970) believes that human rights emanate from human beings having an equal moral worth. He makes a distinction between human merit and human worth, saying ‘the human worth of all persons is equal, however unequal may be their merit’. Human merit is the collection of all traits according to which agents can be evaluated, such as intelligence, technical skill, generosity, or courage, whereas human worth is the value all people obtain simply by virtue of being human. Therefore, while humans are unequal for a variety of reasons in the former respect, they nonetheless possess a minimum and inalienable value of human rights by virtue of being human.

Similarly, H.J. McCloskey (1984: 125) insists ‘the right is not simply a legitimate claim, nor merely a moral power, nor a mere moral liberty; it is a moral entitlement that gives rise to a moral authority to do what these individuals are entitled to have or to do’. Robert Nozick (1974: 29) suggests that ‘in contrast to

incorporating rights into the end state to be achieved, one might place them as side constraints upon the actions to be done'. In a rather dramatic and somewhat idealistic formulation, Ronald Dworkin (1977: 184–205) states that rights function as trumps over collective goals. All of these concepts are relevant in the context of the relationship between an individual and the state.

Another notable phenomenon found in contemporary Western human rights discourse is a multidisciplinary or interdisciplinary approach. Various fields of study – from philosophy, politics, law, sociology, history, and anthropology – deal with the issue. A growing number of normative philosophers, such as Robert Nozick (1974), John Rawls (1971), Michael Ignatieff (2001b), Richard Falk (2000), or Thomas Pogge (2002), discuss human rights in line with global justice. Pogge, for example, demonstrates that a complex and internationally acceptable core criterion of basic justice might best be formulated in the language of human rights. Like Feinberg, Pogge (2002: 44–51) argues that human rights should be primarily conceived as claims, and more specifically on coercive social institutions and claims against those who uphold such institutions. However, Pogge's position on rights is relatively weak in that he sees human rights as moral claims on coercive social institutions and against anyone involved in these institutions, which limits his frequently metaphysical and idealistic arguments.

Ronald Dworkin (1977) and Louis Henkin (1979) have pushed for a legal approach to human rights, and have been followed by Henry Steiner and Philip Alston (1996). All four study constitutional and other legal arrangements of countries with regards to human rights. Steiner and Alston (1996), in particular, deal extensively with national, regional and international human rights treaties, institutions, as well as with various case laws of national courts and regional and international courts of human rights. In practice, human rights lawyers and activists use human rights treaties or case law for the purpose of campaigning against abusive regimes.

In theories of international politics, one of the most interesting developments in the wake of the Cold War has been the rise of social constructivism. Nowadays, many contemporary human rights scholars take the view that the concept of human rights is an evolving one (Donnelly 2003: 49–50; Finnemore 1996a; Katzenstein 1993; Keohane 2000). Thomas Risse, Stephen Ropp, and Kathryn Sikkink (1999) jointly developed the five-stage 'spiral model' theory of human rights, charting how norm-violating countries change their policy behaviour as international norms are infused through transnational networks. The five-stage spiral model starts from repression (Phase 1), moves on to denial (Phase 2), tactical concession (Phase 3), prescription (Phase 4), and finally ends with the norm-consistent state (Phase 5). As this process is not linear, the model is called 'spiral'. Norm-violating countries can retreat to the previous stage when transnational networks between domestic and international actors fail to act properly, or when other internal/external factors prevent the country in question from taking human rights issues more seriously.

The next four sections will introduce some of the most controversial subjects that have stirred scholarly discussions in the field of international human rights in

the post-1945 world, looking first at competing ideas between the universality of human rights and cultural relativistic approaches.

## **Marx and Marxist states on human rights**

### *Marx's views on human rights*

Marx did not say much about human rights. Marx's early writings did include some normative concepts such as alienation and exploitation, but this moral language did not appear prominently in his later writings after 1843. He returned to this theme of norms briefly in 'The civil war in France' (1871) (1942: 504), and his 'Critique of the Gotha Programme' (1875), but primarily in order to attack other socialists such as Proudhon and Lasalle, not because he was genuinely interested in human rights at the time of socialist movement.

When speaking about human rights, Marx (Marx and Engels 1968: 325) often scorned 'rights talk' as 'obsolete verbal rubbish' or 'ideological nonsense' – 'normative chatter' about justice, fair distribution, and equality. However, on other occasions, he seemed to embrace the meaningful application of the role of rights in society, for example, the rights of workers to equal pay for equal work. Many philosophers complain that Marx's metaphysical views on rights were inconsistent and equivocal (Miller 1984: 4). Robert Tucker (1969: 46), for instance, says Marx's inconclusive dicta on rights and justice reflected 'vacillations in Marx's thinking', rather than any difficulty in understanding it.

The problem with the above critics is their perception on the nature of Marx's views on human rights. Their interpretation is based on a belief that Marx is a moralist in a broad sense (Miller 1984: 15, 28), whereas Marx himself claimed that he basically had a 'materialist conception of history'. Many contemporary normative rights theorists exceed the level of 'interpretative charity' arguing that Marx did believe in the normative value of human rights and justice, which Marx himself hardly prioritised; instead he stressed the material relations of people and his scientific approach to socio-economic affairs of society. Allen Buchanan (1982: 57) provides a more persuasive answer to Marx's deliberate avoidance of the use of the language of rights, which he believes is due to Marx's rigorous commitment to economic theory that states that the key to understanding a society is to analyse its basic productive processes.

The main analytical challenge for Marx's views on rights is that they can be understood within the larger philosophical framework of his historical materialism. Marx's historical materialism is based on the Hegelian approach to the 'individual in isolation' that it is not great participation in ethical emancipation but 'greater involvement with the messy business of man's natural life of labour, production, interaction with nature, industry and material consumption' (Waldron 1987: 122). I attempt to draw different roles of human rights under different socio-economic structures from Marx's historical materialism.

First of all, Marx's materialism (or economic determinism<sup>6</sup>) provided the basic propositions for his views on rights. He considered the basic productive process

in a society as one of the key variables to judge the nature of that society. In this way, abolishing the capitalist mode of production, which is based on the bourgeois exploitation of the proletariat, is a prerequisite for the full enjoyment of human rights. In 'The German Ideology' (1845) (Marx and Engels 1976), he wrote that the nature of individuals depends on the material conditions of society. Marx (1962: 23) insisted that rights 'can never be higher than the economic structure of society'. Marx's materialist approach to the nature of society has been developed in Marxist states as the stress on material conditions of the working class and the prioritisation of socio-economic rights over civil liberties.

His historicism, on the other hand, suggested that rights would be transcended, not transformed, in a higher phase of communism and indeed the need for the protection of human rights would become obsolete and eventually disappear when a superior mode of production, presumably communist, came into being (Buchanan 1982: 68). Marx (Marx and Engels 1968: 324–5) wrote that 'after labour has become not only a means of life but life's prime want . . . only then can the narrow horizon of bourgeois rights be crossed in its entirety and society inscribed on its banners'. Marx's approach indicated that under different socio-economic circumstances human rights would take on a different nature and place in society. In other words, he rejected all talk of rights under capitalist society; he chose some of them tactically under revolutionary and post-revolutionary processes (the so-called pre-communist society); and he predicted there would be no need for a system of human rights in a communist society.

Marx believed that abstract terms like liberty, freedom, justice, and fairness were employed as a political tool by the ruling class in capitalist society (Nordahl 1992: 164). In other words, rights, for Marx, were inherently illusionary language used in capitalist society and served to protect the social relations of the existing class order (Lukes 1982: 342). Marx was particularly hostile to the notion of the rights of man, distinguished from the notion of the rights of the citizen, stipulated in the 1789 French Declaration.<sup>7</sup> He claimed that the rights of man sprang from a concept of human beings as selfish and isolated individuals. In 'On the Jewish question' (1843), Marx (1975: 162) said that the rights of man 'are nothing but the rights of egoistic man, of man separated from other men and from the community'. Buchanan (1982: 60–61) clarifies the difference between the rights of man and the citizen that it is a division between man's existence and his 'idealised life as a citizen, a moral agent'. Marx's citizen was a legitimised agent in communal life, but could also suggest an implication of class status as a member of the working class.

Hostility towards the notion of the rights of man in a capitalist state is obvious in the DPRK's human rights discourse. As we will see in more detail in Chapter 4, the government differentiates human rights from 'human rights protection' or 'human rights issues', which they condemn as a manipulative political tool of capitalist countries in order to attack socialist states.

The second distinctive feature in Marx's views on human rights is a rejection of human rights as a moral claim during revolution. Marx regarded all attempts to base revolutionary practices on juridical or moral notions as 'ideological shuffle'

and ‘outdated verbal trivia’ (Lukes 1982: 339). One reason for Marx’s rejection of human rights ideals was his activism in the revolutionary movement. In the *Communist Manifesto* (1848), Marx stressed that communists ‘preach no morality’ and made it clear that the proper role for communists was to educate the masses so that they perceived their own interests more clearly, and to channel the resulting revolutionary efforts into the most efficient course of action. Marx (Marx and Engels 1976: 49), in the *German Ideology*, said ‘We call communism the real movement which abolishes the present state of things’. In ‘The Civil War in France’, Marx (1942: 504) pleaded to the working class that ‘They have no ideals to realise, but to set free elements of the new society with which old collapsing bourgeois society itself is pregnant’. Therefore, for Marx, it was of the utmost practical importance that the workers’ movement not be sidetracked by a pre-occupation with the attainment of ‘justice’ and ‘equal rights’ (Wood 1980: 30–31).

On some occasions, Marx did use normative language and mention equal rights and duties when helping draft the General Rule of the International Working Men’s Association in 1864 (Lukes 1982: 338). Marx (Marx and Engels 1962: 386–7) announced to the First International that ‘the emancipation of the working classes means not a struggle for class privileges and monopolies, but for equal rights and duties’ and that all societies and individuals ‘will acknowledge truth, justice, and morality as the basis of their conduct towards each other and toward all men without regard to colour, creed, or nationality; that it acknowledges no rights without duties, no duties without rights’. However, in a letter to Engels in November 1864, Marx (Marx and Engels 1987: 18) confessed why he employed the language of duties and rights: he felt obliged to insert ‘duty’ and ‘right’ into the preamble, believing that they could do no harm. This suggested that he was not genuinely interested in this kind of normative language although he then acknowledged certain roles that the language of rights and justice could play during the revolutionary period. As Donald C. Hodges (1970) points out, Marx’s use of moral language, including his comments on duties, was a matter of tactics designed to ‘accomplish non-ethical ends’.

As noted earlier, Marx (1968: 325–31) criticised, in the ‘Critique of the Gotha Programme’, that ideas of rights were ‘obsolete verbal rubbish’ and ‘ideological nonsense of right and other trash’. He criticised the Gotha Programme as a whole because its political demands contained ‘nothing beyond the old democratic litany’. For Marx, the demands were ‘a mere echo of the bourgeois’. As stated in ‘The German Ideology’ (Marx and Engels 1976: 323), ‘appeal to rights is only a means of making them take shape as a revolutionary, united mass’, having rights for no objective status but political efficacy (Elster 1985: 218).

The DPRK, on the contrary, recognises the normative role of human rights in its revolutionary period. In contrast, Kim Jong Il focuses on the humanitarian or normative side of the ‘Ten-Point Platform of National Liberation’ (*choguk kwangbok siptae kangnyŏng*) that he claims was made in 1936 during his father, Kim Il Sung’s revolutionary movement against the Japanese. The government later insists that its 1946 Twenty-Point Party Platform was originated from the Ten-Point Platform, which was, in fact, largely copied from the Soviet model.

Kim Jong Il believes that this document is the origin of North Korea's 'virtuous politics', which I will describe in Chapter 6.

Third, Marx believed there was a specific role for human rights in post-revolutionary society, in the so-called lower phase of communism,<sup>8</sup> and saw it as a transitional means to enhance people's lives. As Buchanan (1982: 66) explains, Marx's thesis that rights would not be needed in communism did not preclude the possibility that they would be useful in some stages of the transitional period prior to communism. The concrete roles of Marx's rights in post-revolutionary society vary according to the opinions of different scholars: 'distributive functions' by Weatherley (1999: 83, 87); 'social regulations' by Richard Miller (1984: 79); and a projection of the potentialities of social arrangements by Shlomo Avineri (1968: 240).

The nature of rights in post-revolutionary society is also needs-focused. Nordahl's formulation of three types of rights, derived from Marx's implicit three types of fundamental needs, provides a good starting point (1992: 167). According to Nordahl, the human species has three fundamental needs: first, basic physical life needs such as the need for food, shelter, warmth, rest, and fresh air; second, autonomy and freedom needs; and third, community/social needs. Nordahl further speculates that all of these rights are contingent on the availability of the necessary resources and a society's first obligation is to provide for the basic needs of physical life. If we are to take Nordahl's formulation of Marx's three abstract needs, it is perfectly possible to reformulate them in a contemporary human rights framework. The first basic physical need might well be interpreted as socio-economic rights such as a right to fundamental subsistence including food, housing, clothes, or medical care. The second need essential to personal autonomy and freedom could be reformulated as civil and political rights such as a right to vote, and the freedom of speech, press, or assembly. The third need implies the so-called third-generation collective solidarity rights such as a right to a clean environment or a right to self-determination.

More concretely, Marx stressed socio-economic rights in post-revolutionary society. In 'Critique of the Gotha Programme', Marx (1968: 324) said that one of the solutions for conflicting interests among different groups could be treating rights as a means for enhancing people's lives. Included in Marx's ten concrete steps to be undertaken by a proletarian government (Marx and Engels 1962: 53–4) were: the abolition of property in land and application of all rents of land to public purposes; the abolition of all rights of inheritance; and the confiscation of the property of all emigrants and rebels. Other provisions indicated a primitive version of the protection of a right to education, and a right of free education for all children in public schools, and abolition of children's factory labour. Both were socio-economic rights closely related to human needs. Economic development was necessary in order to provide sufficient resources so that everyone's needs could be adequately met (Marx and Engels 1976: 49). This resembles the Chinese communist government's claim to the right to development in the 1980s. Similar steps to a proletarian government were promulgated in the Reform Plan by *Tonghak* peasants in the late nineteenth century *Chosun* Korea, and in the

post-revolutionary Land Reform Law of the DPRK in 1945–8, which I will cover in the next chapter. Other domestic legislation in post-revolutionary North Korea included gender equality, labour rights, and social insurance.

The second concrete right Marx also recognised was universal suffrage in post-revolutionary society. The vote had been restricted to those (males) having adequate property and wealth. In 1852, Marx (Marx and Engels 1979: 335–6) wrote that ‘universal suffrage was the equivalent of political power for the working class of England, where the proletariat would form the large majority of the population’. To Marx, universal suffrage was a far more socialistic measure than anything else and its inevitable result was the ‘political supremacy of the working class’.

The lengthy list of human rights in the post-revolutionary period of North Korea included both socio-economic rights and political rights. The right to vote and stand for election were two of the major human rights newly given to Korean people who had been politically repressed under Japanese colonisation. What is distinctive in North Korea was that these measures were suggested not only in a post-revolutionary but also in a post-colonial context, dominating the entire Korean population in 1945–8, and which will be described in Chapter 3.

Third, Marx’s rights in the lower stage of communism were collective in nature. Rights, according to Marx, could be possessed not only by individuals, but also by communities, institutions, and groups (Nordahl 1992: 169). Marx saw an individual as a ‘species being’ and a ‘*zoon politikon*’, not only a social animal but an animal that could develop into an individual only in society. This collective perception of the nature of man has been seriously undertaken later in Marxist states as a totalitarian means to foster economic development and to repress individual demands. Marx himself did not specify the idea of collective rights, but his concept of the social being has been used by Marxist practitioners to stress collective rights.

Kim Il Sung also said that human beings are social beings as we will see in Chapter 5. Similarly, his son Kim Jong Il created the ‘theory of socio-political beings’ and stressed the collective nature of human society that is composed of each individual working as one organic unit, as described in Chapter 6. Collectivism is one of the most important features in North Korean rights thinking. More fundamentally, however, it pre-existed in Korea’s indigenous philosophies long before the introduction of Marxism in Korea. Through various ways of implementing socialist practices in the DPRK, collective mentality has penetrated deeply into North Korean society. This will be explained in Chapter 4.

The fourth feature in Marx’s concepts of human rights is that he believed the end of class society would mean the end of the social need for a state mechanism and juridical institutions, within which concepts like ‘right’ and ‘justice’ would have their place. Even though some participatory rights for members of the proletariat may be valuable during the transition from capitalism to communism, Buchanan (1982: 65–6) concludes that both the rights of man and the citizen will have no value and hence no place under communism. Marx (1968: 324–5) wrote that ‘after the enslaving subordination of the individual to the division of labour . . . ; after labour has become not only a means of life but life’s prime want . . .

only then can the narrow horizon of bourgeois rights be crossed in its entirety and society inscribed on its banners'. Marx's notion that there would be no need for a system of rights meant that human rights would be fully realised in communist society once communism was achieved through socialist revolution. According to Marx, since the revolution would abolish this defective system of capitalist society and the proletariat government would implement all the necessary steps to make societies classless, there was no need for a state or a system of human rights in communist society: human rights would have been fully implemented and realised at this stage.

North Korea, on the other hand, officially abandoned communism in its amended 2009 Socialist Constitution. It deleted communism from its economic structure while still maintaining socialism (Article 29). Therefore, the system of human rights did not disappear in North Korea and is still being actively implemented since its 1972 Socialist Constitution. The government has been putting more effort into amending domestic legislation in accordance with international human rights standards and enacting new laws to comply with them under Kim Jong Il's 'our style' of human rights as we will see in Chapter 6.

### ***Rights contingent upon a person's class status***

The real situation of post-revolutionary states has been strikingly different from what Marx had pictured in his theory. In other words, upon the establishment of Marxist governments, most post-revolutionary countries were confronted with mass poverty and an urgent need to establish a strong state for rapid economic development. This differed significantly from Marx's vision of communist society where material resources are abundant and the role of rights is only transitional.

The rest of this section will describe four distinctive features of human rights in Marxist states, notably the former Soviet Union and the PRC. The first is that the entitlement to human rights is strictly contingent upon a person's class status. Weatherley and Song (2008) explain that the denial of rights to the bourgeoisie is part of a much wider struggle to eliminate all remaining remnants of bourgeois power from post-revolutionary society and facilitate the victory of the proletariat over their previous oppressors. This class antagonism and class struggle often appear to define who are the working People and who are the enemies in deciding whether that person is entitled to the protection of human rights. The Marxist principle of class struggle provides a legitimate reason for the exclusionary characteristic of rights in post-revolutionary states, namely that the full entitlement of rights would only be granted to the proletariat while the government can legitimately deprive the enemies of the working People, the bourgeoisie and imperialists, of the previous rights they enjoyed. This significantly differs from the concept of universal human rights, which ensures that every person has the same human rights and that every society should implement a system to guarantee human rights of each person as a universal value.

The first Soviet constitution in 1918 stipulated that rights would be accorded only to the 'toiling and exploited peoples'. This category of people consisted of:

- (a) all those earning their livelihood by productive and socially useful work, and also persons engaged in domestic pursuits that enable the former to undertake productive work such as workers and employers of all kinds and categories engaged in industry, trade, agriculture, etc., peasants and Cossack farmers not employing hired labour for profit;
- (b) soldiers of the Soviet army and navy; or
- (c) citizens coming under the categories specified in sections (a) and (b) of the present article who have to any degree lost their capacity for work.

Conversely, no one defined as a member of the bourgeois ‘exploiting classes’ was enfranchised with constitutional rights (A.L. Unger 1981: 36–7). This category of people included:

- (a) persons employing hired labour for profit;
- (b) persons living an unearned income such as interest on capital, revenue from enterprises, income from property, etc.;
- (c) private traders and commercial middle-men;
- (d) monks and clergymen of all religious denominations; or
- (e) employees and agents of the former police, of the special gendarme corps and secret service as well as members of the former ruling dynasty of Russia.

Similarly, the PRC also limits full entitlement to the members of the People, namely the working class and other ‘class allies’, whereas all the hostile elements are deprived of their rights ‘until they are believed to be fully reformed as members of the People, usually after a lengthy period of forced labour’ (Weatherley 1999: 3). Weatherley (1999: 10–13, 91, 102) points out that the interconnectedness of class status to the entitlement of right remains an integral part of rights thinking in China, long after the proletarian revolution. A person’s class status or social status is important in deciding who is a member of the People and who is an enemy in order to pursue government policy. For example, the 1949 Common Programme of the PRC, i.e. immediately after the Chinese revolution, allowed full rights to both the petty bourgeoisie and the nationalistic bourgeoisie as part of the Chinese Communist Party’s (CCP) United Front policy (Nathan 1986: 26), whereas the 1954 constitution revoked the political rights of ‘feudal landlords’ and ‘bureaucratic capitalists’. During the 1957 Anti-Rightist Campaign and the Cultural Revolution (1966–9), intellectuals lost their membership of the People and consequently their entitlement to political rights while their rights were partly recovered after the death of Mao Zedong.

The DPRK follows the same track as the PRC in this regard. As set out in Chapter 3, the entitlement of human rights was contingent on a person’s past experiences during the Japanese colonial period, whether s/he had been a collaborator with the Japanese. Chapter 4 explains how North Korean people were divided into three classes (core, wavering, and hostile) depending on a person’s family background and loyalty to the regime. Like the PRC, the DPRK’s class identity is so flexible that the government has changed the membership of the

People over time using it as a political means to repress dissidents and remove potential opposition forces.

### ***Collective interests over individual rights***

The second characteristic of rights in Marxist states is the prioritisation of collective interests over individual human rights. The idea of collective rights is in contrast to Western liberal thinking that is based on a belief that each individual is entitled to the protection of human rights. As explained above, Marx saw an individual as a 'species being' and a '*zoon politikon*', and therefore believed that rights belonged not only to the mere individual, but also to communities, institutions, and groups. When Marxist states adopted this collective perception of human rights along with the idea of class struggle, the ideas of both collective rights and class struggle came to justify the party's dictatorship over national plans and repression of the pursuit of individual interests. Consequently, in Marxist states, the interest of a nation as a collective sovereign entity took priority over individual concerns. Any right considered harmful to the collective interests of society can be immediately withdrawn.

All constitutions of Marxist states clearly stipulate the collective principle over individual interests. An official commentary on the rights of citizens stipulated in Chapter 10 of the 1936 Soviet constitution<sup>9</sup> hinted that freedom of speech, the press, of assembly, street parades and demonstrations were fully guaranteed by the state in the USSR 'only if' they were exercised in accordance with the collective goals of the state (A.L. Unger 1981: 117). Similarly, Chapter 7 of the 1977 Soviet constitution<sup>10</sup> listed a wide array of individual rights and freedoms, but the actual enjoyment of these rights was qualified by Article 39 which stipulated that 'Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens'. An official Soviet commentator, V. Karpinski (1970: 146), insists that 'in the USSR there is no conflict between the interests of the working people and those of the state. The interests of both coincide completely.'

Similarly, Chinese Marxists accepted the legitimacy of individual rights but only in a limited sense. In other words, individual rights should be subordinate to the higher interests of the party, the class, and the society. The notion of the 'natural rights' of man was explicitly rejected by Mao Zedong (Huang 1980: 66). Mao explained that since 'the individual is an element of the collective', when collective interests are increased, 'personal interests will subsequently be improved' (Nathan 1986: 141). Therefore, for Mao, 'at no time and in no circumstances should a Communist place his personal interests first: he should subordinate them to the interests of the nation and of the masses' (Weatherley 1999: 106).

Article 51 of the 1982 PRC constitution states that the exercise of freedoms and rights 'may not infringe upon the interests of the state, of society and of the collective'. If a person's enjoyment of his rights is seen as harmful to society, the rights are not legitimate. The author of an article published in *Enlightenment Daily* (*Guangming Ribao*), Ma Boxuan (1980: 3), insists that 'the moral legitimacy of a

right depends upon the consequences that the exercise of that right has for the collective welfare of society' (Weatherley 2000: 108).

The DPRK constitution also explicitly stipulates the collective principle. 'One for all, all for one' is prescribed in Article 49 of the 1972 Socialist Constitution and remains in the 1992, 1998, and 2009 amended constitutions (Article 63 in each one). Article 68 of the 1972 constitution states that 'citizens must cherish their collective organisation and establish the revolutionary trait of working devotedly for the sake of society and the people and for the interest of the homeland and the revolution' (Foreign Languages Publishing House 1975: 21). Similarly, Article 82 of the amended 1992 constitution stresses that 'collectivism is the basis for socialist lifestyle. Citizens shall cherish their organization and collective and work devotedly for the good of society and the people.'

In practice, selflessness in Chinese political culture serves as an ethical form of social and moral behaviour in order to prioritise collective interests over individual rights (Weatherley 2000: 108). Selflessness promotes collectivism by encouraging individuals' voluntary consent to concede their own interests for the greater benefit of society. Mao condemned those who are selfish and attention seeking as contemptible while praising 'selflessness, working with all one's energy, wholehearted devotion to the public duty and quietly working hard'. The CCP seeks to inculcate an attitude of selflessness into the masses by equating it with the exemplary behaviour of the communist role model (Munro 1977: 135–57). By setting up a selfless communist role model for everyone to admire and follow, the authority makes it easy to control people for social mobilisation. Some of the most celebrated role models are Comrade Lei Feng, Qu Yuan, and Liu Yin (Nathan 1986: 138–9).

The same 'role modelling' culture exists in the DPRK. Extensive efforts have been made to instil an attitude of selflessness into the general public, primarily as part of what are referred to as 'learn from heroes' campaigns (*yǒng'ung ttarabae'ugi*). In each campaign, the role model is portrayed as supremely self-sacrificing, working for the good of those around him as well as for the party, the revolution and the nation. The public are encouraged to learn from and imitate this behaviour in an effort to create a genuinely socialist society (Weatherley and Song 2008).

As the Chinese government decided to open the market and compete with other capitalist countries, it reinforced the concept of collective rights in the form of the nation's right to development. The PRC has utilised the languages of collective rights and economic development and created a new theme in the international human rights discourse, the right of a nation to development. Chinese scholars perceive national rights to be human rights in the sense that they are a necessary prerequisite to the full enjoyment of human rights so that the rights of each member of society can be guaranteed once the right of the nation is protected.

The DPRK is using a similar language of the right of the nation or the right of the state which we will see in more detail in Chapter 3 on post-colonial People's rights and in Chapter 6 on Kim Jong Il's 'our style' of human rights. The government does not explore the concept of the right to development very much since survival is more an emerging issue for North Korea than development. Still, the

right of the state or the nation marks the collective idea of the DPRK as equivalent to the Chinese right of the nation. The DPRK adamantly supports collective rights ahead of individual human rights. The generation of emphasis on collective rights in the DPRK is a continuum of thought and identities about self and others in society. In other words, Korea's deeply embedded traditional Confucian values in harmony and unity, the post-colonial right to self-determination, the Marxist antagonism against egoistic individualism, and various collective components of *Juche*

Ideology by Kim Il Sung and 'our style' of human rights by Kim Jong Il have all constituted and reconstituted collective ideas of human rights in the DPRK.

### ***Socio-economic rights***

The third formative characteristic of human rights in Marxist states is its prioritisation of socio-economic rights over civil and political rights. For Marx, rights in post-revolutionary society have a particular role in enhancing people's lives and satisfying human needs. The stress on socio-economic rights, and rejecting individuals' property rights, was apparent although Marx, at the post-revolutionary stage, did not prioritise any of the two types of rights. Marx's traditional concern for human needs and material well-being has survived through the revolutionary period and merged with the urgent need to build strong states and overcome mass poverty. Marx's notion of fulfilling human needs fitted well with the state-led economic plan for industrialisation and further material development, and this is the main reason for Marxist states' preference for socio-economic rights.

Stalin stressed the importance of basic subsistence in human nature saying that real liberty 'exists only where man is not haunted by fear that tomorrow he may lose his job, home or bread'. As a constitutional base, the 1936 Soviet constitution included five articles on the provision of welfare rights (Articles 118–22): the right to work (Article 118), the right to rest and leisure (Article 119), the right to material security for the elderly and the ill (Article 120), the right to education (Article 121), and the rights of women (Article 122). Weatherley (1999) points out what was also significant about the presence of welfare rights in the 1936 constitution was that they appeared before the list of civil and political rights (Articles 123–9) and this indicates the former were prioritised over the latter.

In the PRC, a Marxist commitment to the welfare of society meets with traditional Confucian thought, reinforcing the priority of the right to subsistence and more recently the right to development. The constitutional guarantee of socio-economic rights followed in China. The 1975 PRC constitution includes the right to work, the right to rest, and the right to material assistance in old age and in case of illness or disability, all in Article 27. The 1982 constitution divides these rights into separate articles – the right to work (Article 42), the right to rest (Article 43), the right to material assistance from state when citizens are old, ill, or disabled (Article 45), and the right to education (Article 46) – and adds the right of citizens to participate in scientific research, literary, and artistic creation (Article 47).

The DPRK's use of the term 'subsistence rights' follows the same patterns as those of the USSR and the PRC. Like the USSR, the DPRK has already set forth basic welfare rights in the first People's Constitution of 1948 as well as the subsequently revised socialist constitutions. The DPRK prefers the term 'subsistence rights' to 'welfare rights' or 'socio-economic' rights since the former covers more broadly the rights relating to basic living conditions such as food, housing, or medical treatment. What is significant in the DPRK's use of 'subsistence rights' is that it conflates subsistence rights of the individual with the security and sovereignty of the nation. All rights are converged, and indeed subordinated, to security and sovereignty in the end.

### *Citizens' duties before rights*

Fourth and finally, Marxist states pay special attention to citizens' duties as the offspring of rights, which Marx said he only felt obliged to include in a manifesto for the First International because he believed the language of duties would do no harm. After the revolution, the party leadership in Marxist states perceived that the party mechanism in the system of the proletariat dictatorship could secure its leading position only under the condition of monolithic unity (Markovic 1982: 388–9). The dictatorship of the proletariat turned out to be incompatible with democracy. As a result, duties prevailed over rights, prohibitions and sanctions over liberties.

Articles 130–34 of the 1936 Soviet constitution listed the duties of citizens. Article 130 stated the obligation of every citizen to be honestly concerned with public duties and to respect the rules of socialist community life. Article 131 stipulated the duty to safeguard public socialist property and Article 132 to do military service. Article 133 insisted that the defence of the USSR was the sacred duty of every Soviet citizen. The Preamble to the 1977 constitution stated that the USSR was a society 'of genuine democracy, whose political system ensures . . . the combination of real citizens' rights and liberties with their duties and responsibilities to society'. Article 59 said that 'the exercise of rights and liberties is inseparable from the performance by citizens of their duties' (A.L. Unger 1981: 245). Nine articles of the 1977 constitution dealt with the duty to undertake socially useful work (Article 60), the duty to preserve and strengthen socialist ownership (Article 61), and the duty to safeguard the interests of the Soviet state (Article 62) (A.L. Unger 1981: 245).

An official Soviet commentator, formulating the relationship between rights and duties, explains that 'there are no rights without duties just as there are no duties without rights' (Karpinsky 1970: 146). Others, stressing the distinctive feature of the Soviet law, claim that 'the linkage of rights and duties is the special quality of socialist law' (Sawczuk 1979: 88), and that 'the most important feature of the Soviet citizen's legal status is the organic unity between their rights and their obligations' (Chkhikvadze 1980: 18).

As in the USSR, duties receive heavy emphasis in the PRC. Individuals' responsibilities toward society are reciprocated by the care of society for the

individual (Huang 1980: 66). The constitutions have stipulated a considerable number and variety of civic and national duties, the fulfilment of which is invariably seen as a precondition for an entitlement to rights. Chapter III (Articles 26–9) of the 1975 constitution<sup>11</sup> lists citizens' duties before rights. This short chapter, consisting of only four articles, starts with Article 26 which states 'It is the lofty duty of every citizen to defend the motherland and resist aggression. It is the honourable obligation of citizens to perform military service according to law.' The 1982 constitution,<sup>12</sup> which is considered the most radical and includes the provision of individual human rights, devotes Chapter II to the 'Fundamental Rights and Duties of Citizens'. Here, the duty provisions are placed after rights and include the duty to safeguard the unity of the country and the unity of all its nationalities (Article 52), the duty to keep state secrets, protect public property, observe public order, and respect social ethics (Article 53), the duty to safeguard the security of the motherland (Article 54), the sacred obligation to defend the motherland and perform military service (Article 55), and the duty to pay taxes (Article 56). Articles 42 and 46 state that to work and to receive education are both the duty and the right of citizens of the PRC, respectively.

North Korea also explicitly states the duties of citizens in its constitutions. Chapter II of the 1948 People's Constitution, for example, designates five articles for duties (Articles 27–31). Chapter IV of the 1972 Socialist Constitution includes six articles for duties (Articles 67–72). Subsequently, Chapter V of the 1992, 1998, and 2009 amended Constitutions contains seven (Articles 80–86) and six (Articles 81–86) for duties, respectively. Duties stated in the 1972 Socialist Constitution, for example, are abiding by socialist laws (Article 67), respect for collectivism (Article 68), the duty to work (Article 69), preservation of public assets (Article 70), the protection of national secrets (Article 71), and national defence (Article 72). Detailed constitutional changes in rights and duties of citizens in the DPRK will be explained in Chapter 6.

## **Universalism versus cultural relativism**

The debate of universalism and cultural relativism needs to be understood comprehensively since the DPRK generally takes the cultural relativistic view. The North Korean government also tends to refer to universality and the divine concept of human rights when counterattacking the human rights situations in the US, Japan, or South Korea. The universality of human rights is a belief that the value of inalienable human rights is shared in every country and therefore they ought to be safeguarded with appropriate domestic legislation and practice. The Universal Declaration of Human Rights (UDHR) enshrines, by definition, rights that apply to all humans equally, whichever geographical location, state, race, or culture they belong to. On the other hand, cultural relativism supports the view that every culture and society, according to their own circumstances, has different views and priorities in relation to human rights and consequently, that there is no shared value of human rights.

Tim Dunne and Nicholas Wheeler (1999: 4) put contemporary social theories of human rights into four separate groups of thoughts according to their ontological

(universalism/cultural relativism) and epistemological (foundationalism/anti-foundationalism) positions. In other words, if a social theory of human rights puts one foot on cultural relativism and the other on anti-foundationalism, it would be communitarian pragmatism; however, if one foot is on cultural relativism but the other on foundationalism, then it would be traditional communitarianism. If a human rights theorist stands on universalism and anti-foundationalism, then he/she would be a cosmopolitan pragmatist; and if one believes universalism and foundationalism, then he/she would be called a liberal natural rights theorist.

### ***Liberal natural rights***

The approach presented as liberal natural rights is actually a combination of ontological universalism and epistemological foundationalism. In other words, scholars in this group deem that human rights are ontologically universal and hence, should be universally applicable to every society. Each liberal natural rights theorist, despite being in the same group, tends to have distinct ideas and theories. Donnelly (1985c: 35; 1998: 1, 20), one of the most notable liberal rights theorists, argues that internationally recognised human rights have become like a new international ‘standard of civilisation’, a concept borrowed from the English School which he seems to understand as European in origin, indigenous only to the modern Western tradition of political thought. According to Donnelly, traditional societies ‘wherever located’ have no place for human rights. David Forsythe shares the same view (Forsythe 2000: 25). Both Donnelly and Forsythe see human rights from a power-driven perspective in international relations, describing human rights as part of the ‘soft power’, a term first coined by Joseph Nye, that has enabled the West to achieve an ideological victory over non-Western states (Forsythe 2000: 219).

Donnelly and Forsythe’s approach significantly underestimates the impact of grassroots democratic processes in other regions and cultures where a willingness has been shown to adopt these universal human rights values. Similarly, most Western liberal scholars are caught in an ideological bind, arguing contradictorily that human rights are universal, but that human rights are indigenous only to the West. By so swiftly dismissing other value systems that might successfully be incorporated into an international concept of human rights, such scholars are working against the very universality that they want to achieve.

This type of fallacy is also found in criticism made against North Korean human rights. Critics and some conservative anti-North Korea human rights activists, most notably the Citizens’ Alliance for North Korean Human Rights and the approach of the current conservative ruling party of South Korea, the Grand National Party, argue that they believe in universal human rights. However, these groups often dismiss the important signs and meaningful changes that have taken place inside North Korea. In my introduction, I have already addressed the problems presented by this culturally and historically insensitive approach to North Korean rights thinking. It is my belief that the growing number of market-oriented economic activities and the creation of civil society, although relatively limited in

comparison to external standards, can help form a civil society, resistant to the autocratic regime in North Korea.

Rhoda Howard's belief in the liberal contribution of Western human rights is similar to that of Donnelly, but ironically she is rather closer to the traditional communitarians. She argues that the concept of human rights is not universal (although it might be universally applicable), since it is Western in origin. Howard argues that all societies have an underlying conception of human dignity and social justice, but that these are different from human rights. Most rights-protecting societies are explicitly 'a product of the liberal tradition' that evolved after the eighteenth century in Europe (Howard and Donnelly 1986: 805–7; Howard 1992: 81–2, 91; Mitchell *et al.* 1987: 921–7). Therefore, the concept of human rights is *not* universal and cannot be located in most other societies (Howard 1992: 99). She dismisses an anthropological approach to human rights and tends to confine her analysis to her own liberal perspective (Milne 1986; Nickel 1980: 43).

Micheline R. Ishay (1997; 2004) is categorised in the same lower left corner cell as Howard. She makes a historical and anthropological observation of the development of the Western concepts of human rights from old religious, philosophical and political texts, arguing that the human rights legacy of the socialist tradition is today widely dismissed. Her argument is less convincing once one considers the welfare system in Scandinavian countries, in which socialism or social democracy prevails. In addition, if the Bible, and Judaism especially, gave the world the concept of human rights (2004: 9), one could equally argue that this is true of other religious teachings such as Hammurabi's Code, Hinduism, Buddhism, or Confucianism. Ishay's bibliographical selection is not well balanced.

Arthur Schlesinger's confession is rather more honest, open-minded, and constructive:

As a historian, I confess to a certain amusement when I hear the Judeo-Christian tradition praised as the source of our concern for human rights. In fact, the great religious ages were notable for their indifference to human rights in the contemporary sense. They were notorious not only for acquiescence in poverty, inequality, exploitation and oppression but for enthusiastic justifications of slavery, persecution, abandonment of small children, torture, and genocide. Religion enshrined and vindicated hierarchy, authority and inequality.

(Schlesinger 23 July 1989: 26)

By pointing out the exploitative exercises of the past Christian authorities and the consequential inequality for slaves, women and children, Schlesinger warns against the misleading plea that ancient Christian influences are solely responsible for shaping the modern concept of human rights. While I would by no means denounce the Judeo-Christian tradition, what we perceive today as human rights is undoubtedly different from ancient religious morality. Therefore, to say that contemporary ideas of human rights spring from Judaism is neither a well-balanced nor a well-informed opinion and can even, at worst, be seen as a provocative attack upon other religious cultures.

***Traditional communitarians***

Traditional communitarians perceive that, as societies have different normative systems of understanding and prioritising human rights, the concept of universal human rights is impracticable. Adamantia Pollis and Peter Schwab are keen exponents of this position. They (1979: 8) focus on the post-1945 development of human rights and believe that the current concepts of human rights in international legal documents, especially the UDHR, are Western in nature, and they accuse the West of cultural imperialism. In their view (1979: 15), although all societies manifest cross-cultural and historical conceptions of human dignity and human rights, the human rights laid out in the UDHR reflect only Western concerns.

The only difference between Pollis and Schwab as traditional communitarians and Howard and Ishay as exponents of liberal natural rights is that the former emphasise that ideas about human rights do exist in traditional societies. However, each of them denies the universality of human rights. Though it is true that the West was dominant when the UDHR was created, Western concepts of human rights have since become not only 'internationalised' but also 'universalised'. The former implies a mere diffusion without full commitment, whereas the latter has real ramifications in terms of respect and tolerance towards human rights values in growing numbers of countries around the world. This is evident if you look at the increasing number of national human rights institutions and states that have signed or ratified international human rights treaties. Pollis and Schwab have failed to recognise that the UDHR and other international human rights conventions are no longer solely the ideational possession of the West.

Some authoritarian political leaders adopt the traditional communitarian position. At the Bangkok Conference on human rights in March 1993, Asian governments stressed that human rights 'must be considered in the context of a dynamic and evolving process of international norm setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds', while simultaneously reaffirming that human rights were universal. This does not mean that all Asian governments deny human rights. In his reply to the former Singaporean Prime Minister Lee Kuan-yew in *Foreign Affairs*, the former South Korean President Kim Dae-jung (1994) points out that Asia had a rich heritage of democracy-oriented philosophies and traditions long before John Locke, including the ideas of Mengzi, Confucianism, Buddhism, and Korea's *Tonghak*. As Kim concluded, 'Culture is not necessarily our destiny. Democracy is.' Many democratically elected political leaders in Asia support human rights and democracy. There are a growing number of national institutions that protect human rights and equal opportunity and grassroots civil society organisations are clamouring to be heard.

The DPRK takes a cultural relativistic stance on the universality of human rights. A *Rodong Sinmun* article criticises the 'politicisation and double-standards of human rights' and opposes the application of 'block politics' (9 March 1995). It also denounces any Western challenge that ignores different traditions, cultures,

and economic conditions of countries in other regions, that unilaterally forces its own values on others, and that tries to universalise these values as 'internationally recognised principles'. The DPRK authority maintains this position in response to external allegations of human rights violations.

### ***Communitarian pragmatists***

Like other anti-foundationalists, communitarian pragmatists do not believe that there is any solid and static concept of human rights and therefore assert that universal human rights do not exist. Chris Brown is the best-known Western scholar representing communitarian pragmatists. According to Brown (1999: 103–27), the existence of the human rights standard is itself the problem. Rights are a consequence of the civilised practices of liberal politics and not the cause of these practices. Brown, therefore, does not argue for a universalist position, and instead seeks to go beyond the debate between relativists and universalists. He argues that the problem with both relativist and universalist positions is their dependence upon epistemological foundationalism. For Brown, like Richard Rorty, the idea that reason or science can access 'justified true belief' is merely a myth. According to this view, there is no eternal truth in values or beliefs, a similar concept to Bernard Lewis's 'imagined history'. While this sounds like an interesting theory, if true, the anti-foundationalist approach to human rights is itself no more than a myth.

### ***Cosmopolitan pragmatists***

Cosmopolitan pragmatists similarly do not believe in a solid and static concept of human rights, but, unlike communitarian pragmatists, they advocate that universal consensus can be made through constructive and cross-cultural dialogue between different cultures and value systems. Bhikhu Parekh falls squarely within the category of cosmopolitan pragmatism. Parekh (1999: 128–59) believes that universal values are possible but have to be decided through argumentation. He argues that there are certain 'universal constants' such as human dignity, worth, equality, and fundamental interests, which generate appropriate universal values. This view is shared by many contemporary human rights scholars, especially among those elites who, despite being non-Western born, have obtained a Western education. Abdullahi An-Na'im<sup>13</sup> is one such scholar, emphasising the importance of cross-cultural dialogue about human rights. In this way, he believes, trans-cultural understandings of human rights can be acquired and the universality of human rights more firmly verified.

### ***An-Na'im's cross-cultural dialogue***

My belief is that human rights are now a universal concept. Human rights norms have been universally accepted in theory, if not completely in practice, by a large number of countries that have signed and ratified various international instruments put in place to safeguard human rights.<sup>14</sup> Human rights are enshrined in the

constitutions of virtually every modern state<sup>15</sup> and many political leaders do take human rights seriously. As Andrew Hurrell (1999: 277–302) points out, a good government finds it difficult to ignore its human rights obligations. This can be attributed to the fact that the international human rights regime, by operating through a system of naming and shaming, manages to make states increasingly sensitive to reputational concerns.

Anthropologist Ruth Benedict (1959) defines cultural relativism as ‘the acknowledgement of equal validity of diverse patterns of life’. By this she means that no superiority or inferiority exists when judging different cultural practices. Cultural relativists therefore encourage ‘the need for tolerance of conventions though they may differ from one’s own’ (Herskovits 1950: 76). It should be noted that, when compared to respect, tolerance is a significantly less demanding approach to understanding the range of alternative lifestyles that may be cohabiting in one society, a distinction that is missed by Ignatieff (2001b). Tolerance does not require wholly acknowledging or embracing other cultures within a society, but only non-interference with others’ value systems and cultural practices.

Critics of early relativism argued that it had little virtue in it and the theory was rejected throughout the academic world (Barnes and Bloor 1982: 47; Cooper 1978: 99) for being ‘intellectually irresponsible’ (Murphy 1943: 152). Elvin Hatch (1983: 12, 103) noted that cultural relativism was charged with neutralising moral judgement and thereby impairing action against injustice. G. de Laguna (1942: 141) regarded relativism as perplexing and self-refuting. F. Hartung (1954: 21, 118) characterised cultural relativism as ‘a peculiarly crude form of ethnocentric morality’.

Furthermore, the problem with the early cultural relativists, according to Alison D. Renteln, was that they transformed tolerance into a ‘prescriptive’ theory. Like An-Na’im, Renteln attempts to make human rights more universal by finding cross-cultural values in other regions that are analogous to Western human rights. Renteln (1990: 9, 11) believes that it is possible to create a universal concept of human rights through a cross-cultural approach, which, to some extent, requires cultural relativism. Renteln herself (1990: 13) suggests two alternative methods for the correct version of cultural relativism: a ‘descriptive’ rather than ‘prescriptive’ theory and enculturation.<sup>16</sup> For Renteln (1990: 86–7), relativism is a meta-ethical theory and is compatible with the existence of ‘cross-cultural universals’,<sup>17</sup> which is similar to P. Schmidt’s ‘cultural invariants’ (1955: 783, 90) or Chris Brown’s ‘lowest common denominators’ (1999: 118). The presumption of universality, a common Western conjecture, must be shed and then, Renteln (1990: 139–40) concludes, the way will be clear to discover cross-cultural universals. An-Na’im goes further than simply understanding other cultures’ interpretations of human rights. An-Na’im (1992: 3) proposes a ‘process of retroactive legitimation’ of the existing international human rights standards, arguing that through cross-cultural dialogue, it may be possible to influence the direction of evolving Western ideas about human rights. In this way, An-Na’im (1992: 5–6) believes that the true universality of the existing human rights standards can be verified.

In my view, some degree of cultural relativity is necessary in the field of international relations, and sensitivity to cultural diversity is vital for the international

protection and promotion of human rights. This equally applies to understanding North Korean rights thinking. One of Kant's greatest contributions to philosophy was the idea that our perception of the world is filtered through our pre-existing conceptual categories. By the same token, North Korean rights thinking has also been filtered through its pre-existing conceptual categories of human rights in the indigenous Korean philosophies, the colonial and post-colonial experiences, and through the adoption of Marxism as an official ideology. More recent cultural relativists emphasise a cross-cultural approach, an approach that I share when dealing with North Korean human rights issues. In so doing, one can avoid the all too simplistic view that the West implies universal, individualistic, civil, and political rights and that the non-West prefers non-universal, collective, social, and economic rights.

However, one should not be overly optimistic about the cross-cultural approach and open-endedness of culture. Culture is the key to understanding contemporary international relations. When two cultures meet and a clash occurs, the situation can be as contentious as other political debates, potentially leading to diplomatic conflicts. Consider the December 2007 case of a British schoolteacher who, with good intentions, went to teach in Sudan and named the class teddy bear Mohammed. As a result of this action, she was sentenced to 15 days in jail and some Sudanese even gathered to demand that she be put to death.

There has been an absence of constructive cross-cultural dialogue with the DPRK in regard to human rights issues. The US government and a number of human rights NGOs are adamant in arguing against alleged human rights violations in the DPRK. I doubt whether any of these groups is ready to adopt a culturally sensitive approach in order to understand the influences of history, politics, and indigenous cultural traditions on the formation of human rights ideas in the DPRK. I, therefore, seek to resolve this lack of cultural sensitivity by explaining multi-faced factors that have, over time, impacted upon the constitution and reconstitution of human rights ideas in the DPRK.

## **Individual versus collective rights**

### *Different names of collective rights*

The idea of collective utility can be traced back to the eighteenth century utilitarianism of Bentham and Burke's ideas, in opposition to the Enlightenment and the French Revolution. Their concepts were then later taken on by continental social theorists, Marxists, idealists, communitarians (traditional and liberal alike), and critics of conventional liberalism. In the post-war and post-colonial international environment, the idea of collective rights has been varied to include other concepts such as group rights (Honoré 1973; McDonald 1992), the right to self-determination (Taylor 1986), or minority rights (Dyke 1985).

Among other definitions, collective rights are often referred to as group rights. Honoré (1973: 2) clarifies the term 'group rights', explaining that 'a major aim of the rights in question' is 'to benefit the group itself by providing collective benefits'. As a condition, 'group rights' should involve the collective exercise of rights

through the use of a collective decision-making mechanism. Furthermore, for a group to function as a rights-holder, its members must see themselves as normatively bound to one another so that ‘each does not act simply for herself or himself, but rather each plays her or his part in effectuating the shared normative understanding’. For example, the right of a group of customers at Northern Rock to collectively withdraw their savings in response to the company’s financial crisis would not be considered as a group right. This is despite the fact that their right to do so is a perfectly justifiable legal right of consumers, in accordance with the company’s own regulation and guaranteed by the English legal system.

Western countries have implemented certain collective rights. In the US, for instance, affirmative action provides extra credits for Black and Asian students who wish to be admitted to Ivy League universities and law schools. Another example is the Australian Human Rights and Equal Opportunity Commission that operates a separate bureau for the protection of the rights of the aboriginal people. Furthermore, in England, the Immigration Removal Centre treats a family of illegal migrants as one unit with one family representative, normally the father. If it is decided to deport the family, this happens collectively without considering the individual case of each family member.

The North Korean government uses various concepts that are related to collectivity: the collective spirit, the collective principle, or collectivism. While these are different from group rights, they are rather similar to the right of self-determination. Immediately after the national liberation in 1945, a strong desire for a sovereign independent right of ‘the People’ existed in North Korea. While this was perceived as a collective entity, it excluded pro-Japanese collaborators. This can be seen as the same post-colonial right to self-determination as claimed in other post-colonial states. Under Marxism, class rights formed the basis for collective rights: rights were only given to the working class, not to enemies of the working class. Kim Il Sung created the right of man as a social being, reconstituted from Marx’s concept of ‘species being’, and turned it into that of the nation. He then further developed this concept into the right of the state. The result of this development was the replacement of group rights by state sovereignty.

In recent years, the DPRK government has actively developed group rights, such as rights of disabled persons, mothers, and children as I will explain in Chapter 6. These groups are categorically entitled to special attention, and protected by government welfare rights. Similarly, the UN has a unit that is operating under the title ‘Groups in Focus’ of the Special Procedures Division. This unit sub-classifies different vulnerable groups, such as children, women, minorities, migrant workers, trafficked persons, and contemporary forms of slavery, and works on these issues through Special Rapporteurs. Group rights within a given territory of a state, such as minority rights, are human rights.

### ***Proponents of collective rights***

According to Yael Tamir (1999: 158–80), two types of groups favour collective rights:<sup>18</sup> liberal social thinkers and leaders of traditional communities. The first

group, which I would refer to as liberal communitarians, observe the social and cultural disintegration of their societies and wish to re-establish communal life in order to combat alienation and apathy. The second group, on the other hand, fear the destruction of their own communities and want to ensure the 'stability, continuity, and often the economic prosperity of their communities'. Tamir's traditional communities refer to tribal societies that lack a formal, democratic decision-making process. This definition may include North Korea.

I would add a third group – the communitarian idealists. Thomas H. Green (1986), a leading exponent of British idealism in the late nineteenth century, rejects the existence of any rights prior to and against society. This approach is strikingly similar to the collective characteristic of human rights in post-revolutionary Marxist states, including North Korea. He argues that no one can acquire a right, except as a member of a society in which some common good is recognised by all members. Therefore, to Green, rights can only be justified because of their contribution to the common good. This is similar, as will be further elaborated in Chapter 4, to North Korea's Marxist rights thinking, where the full enjoyment of human rights is only guaranteed to members of the proletariat society who share the same goals as the surrounding society, the party, and ultimately the leader. Another British idealist, Francis H. Bradley, also rejects the concept of individual rights, and instead emphasises community. He writes that 'the rights of the individual are today [1894] not worth serious consideration (. . .) the welfare of the community is the end and is the ultimate standard' (cited in Claude and Weston 1992: 16).

The criticisms of contemporary proponents of conventional liberalism are worth studying in more detail, in order to understand Western liberal communitarians while, at the same time, proving that the ideas of some critics of Western liberal concepts of human rights overlap significantly with those of the DPRK where the collective and communitarian nature of human rights is emphasised. Shapiro (1986: 277–8) asserts that liberal writers have held misleading accounts of the concept of a right. He states that the standard view of freedom in the Cartesian liberal tradition lies in the negative freedom of a private sphere that cannot be entered without the individual's consent. However, the liberal scholarly treatments of these rights reveal much of the utilitarian conceptions of values and ends, best understood in terms of the ideology of 'liberal corporatism'. Legal philosopher and positivist Herbert L.A. Hart (1979: 77) supports the argument that the philosophy of government in England and America has indeed been based on a widely accepted and outdated faith in utilitarianism. Similarly, Richard Flathman (1976: 87, 185) insists that the practice of rights has intrinsic individualistic aspects. However, they are not atomistic, as some critics have suggested, since they involve deliberate participation in patterned interrelationships and interdependencies among people. Flathman (1976: 188) particularly focuses on the communitarian nature in the practice of rights, arguing that rights provide an individual with some elements of place, identity, and role in the social milieu. The practice of rights therefore produces social relationships and arrangements, qualities that traditional communitarians have valued. Michael Sandel (1982: 133–83)

suggests that contemporary liberals should develop an even stronger notion of community, if they are to forge a promising theory of justice and human rights. These inner critiques within the Western liberal tradition have helped shape Western ideas of human rights, and are still influencing current generations to further develop these ideas in line with other issues such as justice and good governance.<sup>19</sup>

One of the strongest supporters for collective rights is Vernon van Dyke (1985), who argues that collective rights are often a precondition for the protection of individual human rights. This is identical to the official statement of the DPRK, as we will see in Chapters 5 and 6. He insists that peoples or nations can enjoy human rights, citing various cases of recognition of collective rights historically and internationally. The Common Article 1 of both UN human rights covenants states that ‘all peoples have the right of self-determination’. This idea is also supported by Charles Taylor (1986: 49), who argues that cultures are the property of certain communities and are reflected in differing political traditions.

The notion of collective rights is also popular amongst Chinese rights-theorists, especially in relation to the right of a nation. This is one of the main characteristics of human rights in the DPRK under *Juche* Ideology, described in detail in Chapter 5. In a similar vein to van Dyke, many official Chinese scholars perceive the right of a nation as a collective entity to be the same as human rights. This is based on the argument that the right of a nation as a collective entity is a necessary prerequisite to the full enjoyment of human rights, as the rights of each individual can only be guaranteed once the right of a nation is protected by a strong party and a state from foreign invasion or the previously ruling bourgeoisie. It is on these grounds that collective rights of a nation are prioritised over individual rights in Chinese thinking as well as that of the DPRK. North Korea extensively uses a collective language of rights. This is partly as a result of post-war Marxist influences, but is also deeply grounded in Korea’s indigenous philosophies, most significantly Confucianism.

In non-Western countries, the implementation of collective rights is generally considered more important. A brief list of non-Western countries that favoured and implemented collective rights includes: the Ottoman Empire’s millet system,<sup>20</sup> which provided a system of group rights (Dyke 1985: 74); many autocratic states such as Czarist Russia, which have also provided some *de facto*, if not *de jure*, protection for minority groups; nineteenth- and twentieth-century European colonial regimes, which protected minority ethnic rights (Dyke 1985: 351–53); socialist governments in the Soviet Union and Yugoslavia that made provisions for various sorts of group rights (McDonald 1992: 133); the 1981 African Charter on Human and People’s Rights which includes collective rights (Articles 19–24), pertaining to colonialism; and Chinese rights theorists who perceive national rights to be human rights in the sense that they are a necessary prerequisite to the full enjoyment of individual human rights.

The DPRK would undoubtedly be one of the first countries in this list to so adamantly support collective rights over individual human rights. The emphasis on collective rights in the DPRK is the outcome of the combination of various

factors. It has been deeply embedded in pre-modern traditional values such as the Confucian virtue of harmony and unity, which will be covered in the next chapter. Furthermore, the pre-modern communal virtues have been transformed into the post-colonial right of the nation or a right to self-determination described in Chapter 3, and the Marxist antagonism against egoistic individualism explained in Chapter 4. Most recently, various collective components of *Juche* Ideology as formulated by Kim Il Sung, and ‘our style’ of human rights, introduced by Kim Jong Il, have been reconstituted as the contemporary ideas of collective human rights in the DPRK. This will be further outlined in Chapters 5 and 6, respectively. The combination of all of these factors has reinforced the collective characteristic.

### ***Critics of collective rights***

There are many Western critics of the idea of collective interests and collective rights. Dworkin believes that collective rights have negative implications. Dworkin (1977: xi) states that individual rights are ‘political trumps held by individuals’ and that collective goals such as welfare, prosperity or security are not sufficient justification for denying rights or for imposing some loss or injury upon individuals. Therefore, to Dworkin, any government plan for economic development and national security that aims to benefit the greater interests of a society or a nation should not prevent the enjoyment of human rights by an individual member of that society. Individual human rights cannot be subsumed by the needs and interests of the collective society. His principle is that a right must be ‘individuated’, based on individual dignity and equality of respect (Dworkin 1977: 91–2).

Donnelly is even more adamant. Donnelly (2003: 25) rejects any form of collective rights, insisting that human rights can only be applied to the rights of individuals since only individual people are human beings. According to him, collective entities can have rights, but these are not and cannot be human rights. Donnelly (1985c: 96) prioritises ‘personal rights’<sup>21</sup> over collective rights because, without the former, economic and social rights are of little value, reducing people to ‘hostage of fortune and patronised victims of tyranny’.

Howard (1992: 97–8) points out that there is a potential incompatibility between human and collective rights. Since collective rights give precedence to the collective entity such as the nation, community or family, they are radically at odds with the idea of individual human rights. She warns that a danger exists in assuming that collective rights are compatible with individual rights because the former can so easily become exclusive. Howard (1992: 97–8) notes that the inclusion of people’s rights in the African Charter on Human and Peoples’ Rights, for example, risks legitimating Sierra Leone’s denial of citizenship to native-born non-Africans, usually of Lebanese ethnic origin. She also mentions Nazism, which she regards as an extreme example, as proof of the non-inclusive character of collective rights.

Collective rights can potentially contain fascist elements if they are too heavily focused on the nation, especially a superiority of one particular nation over others. However, Howard’s example of Nazism as an extreme form of collective rights is

an ahistorical judgement. Nazism was the tragic outcome of a complex mixture of geopolitical calculations, territorial obsession, ethnic bias, and political paranoia. The theory of collective rights, on the other hand, emerged largely after the end of World War II and was a product of decolonisation in third world countries.

North Korea experiences this danger to some extent. This is evident if you consider the ‘theory of the Korean nation as number one’, which we will see in more detail in Chapter 6 under Kim Jong Il’s ‘our style’ of human rights. It is probable that the government wanted to use this theory publicly in order to unite all Korean people, North and South as well as those residing overseas. However it has raised unnecessary hostility toward the regime from foreigners and has had even more serious consequences as the regime was subsequently accused of being fascist and anti-foreign.

### *Leary’s personalism*

Virginia Leary introduces an alternative approach to collective rights, based upon the personalism of three Western philosophers, Emmanuel Mounier, Jaques Maritain, and Robert Unger. All are critical of the individualist and property-oriented approach of Western liberalism, while also rejecting Marxist collectivism. Mounier’s conception of a personalist and communitarian revolution, Maritain’s elaboration upon political humanism, and Unger’s visionary programme of empowered democracy, all point toward the concept of ‘personalist’ rights. The concept of the ‘person’ is distinguished from that of the ‘individual’. The ‘person’ implies relationships with others in a community as well as the relations between persons and society, rather than atomised individuals existing in isolation (Leary 1992: 111). Mounier’s personalist approach was reflected in the revision of the French ‘Declaration of the Rights of Persons and Communities’ (the 1946 French Declaration hereafter), which was partially adopted as the Preamble to the 1946 French constitution. For example, Part 1 of the 1946 Declaration relates to the ‘Rights of Persons’ and Part 2 is labelled ‘Rights of Communities’. The concept of group rights was an essential aspect of Mounier’s personalist perspective (Leary 1992: 116–20). Maritain (1952: 104) called the two types of rights individualistic and communistic and saw them as ‘the clash between incompatible political philosophies’. He then defined the third type of society as personalist and identified himself as an advocate of this group.

In comparison to the other two, Unger’s personalism was much broader. He elaborated a concept of rights as part of his visionary programme of ‘empowered democracy’. Unger (1987: 508–39) proposed four kinds of rights to support his personalist ideal of empowered democracy: market rights,<sup>22</sup> immunity rights,<sup>23</sup> destabilisation rights,<sup>24</sup> and solidarity rights.<sup>25</sup> Among these, ‘the chief goal of the system of immunity rights is to afford the citizen a safety that encourages him to participate actively and independently in collective decision making’, which demonstrated his commitment to the concept of personality in the context of communal life (R.M. Unger 1987: 528–9). The rights he called for include most

socio-economic rights, such as welfare entitlements and access to the material and cultural resources for nourishment, housing, health care, and education. Unger (1987: 525) criticised defenders of conventional liberal democracy, arguing that their ideas were too myopic in defining forms of participation. Furthermore, he consolidated property rights as an indispensable condition of freedom. His communal approach became increasingly distinctive within his vision of solidarity rights, which 'form a part of social relations enabling people to enact a more defensible version of the communal ideal' (1987: 535).

As seen above, the collective view of rights are thus not confined to the non-Western world. Collective, communitarian, or personalist approaches have long existed in Western philosophy and have been implemented with real political impacts in Western countries. Gradually, migration, refugees, human-trafficking, and minorities are becoming more highly prioritised subjects in international relations. Most of these problems can be closely connected to and understood within a collective rights perspective.

### **Civil/political and economic/social/cultural rights**

The third topic that represents a major development in the twentieth century history of Western human rights ideas is the emergence of a distinction between civil and political rights and economic, social, and cultural rights. Classical liberal ideology, based on eighteenth century Enlightenment philosophy, emphasises the freedom of individuals and personal property rights. Western Marxism, on the other hand, stresses a socio-economic foundation to guarantee the rights of citizens and the socialist approach, more generally, believes that human needs are the basis for rights and that rights are to be viewed as instruments in order to satisfy those needs (Nordahl 1992: 162–87). These two ideologies have occupied centre stage in discussions of human rights in the West, each discussion prioritising one or the other.

### ***Three generations of human rights and negative/positive rights***

Civil/political rights and socio-economic rights are often termed first- and second-generation human rights (Vasak 1977) or as negative and positive rights, respectively. First-generation human rights refer to civil and political rights including liberty and participation in political life. They fundamentally serve to protect an individual citizen from arbitrary state intervention. Specific rights include freedom of speech, assembly, or religion, the right to due process, or the right to vote and stand for election, as enshrined in Articles 3 to 21 of the UDHR and the International Covenant on Civil and Political Rights (ICCPR). Second-generation human rights, on the other hand, deal with equality and socio-economic rights. They embrace most welfare rights including the right to food, housing, education, free medical care, or social security, as covered in Articles 22 to 27 of the UDHR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Third-generation human rights, 'people's' rights or 'rights of solidarity', are presented as a new

category of human rights. They include the right to self-determination, the right to development, the right to a common heritage of mankind, the right to peace, the right to a healthy environment, and the right to humanitarian relief.

The distinction between civil-political rights and economic-social/cultural rights is sometimes referred to as that between negative and positive rights. Negative rights impose a notion that a state should not ‘interfere’ with individuals’ private lives. The standard view of positive rights holds that a state has a moral and legal obligation to provide basic subsistence for its citizens, which necessitates extensive and costly governmental action on their behalf.

### *The emergence of socio-economic rights*

As a consequence of early socialism and intense political struggles against capitalism in the nineteenth and twentieth centuries, an extended range of economic, social, and cultural rights have been recognised such as the right to social insurance, a minimum wage, and/or equal pay for equal work. These have culminated in the twentieth-century European welfare society. For example, the 1946 French Declaration, whose ideas were partially adopted as the Preamble to the 1946 French Constitution, enshrined economic and social rights. However, the inclusion of socio-economic rights has been criticised by many in the West as lacking logical and philosophical coherence. French legal philosopher Jean Rivero (1984), for instance, said ‘human rights no longer have a theoretical unity in France’, adding that ‘what they have lost in theoretical purity they have gained in scope’.<sup>26</sup>

The general philosophical and political trend since World War II is that people have come to recognise economic and social rights as being of equal importance to civil and political rights. Maritain (1952: 101) argues that the right to existence<sup>27</sup> or to the pursuit of happiness is ‘absolutely inalienable’, whereas the right of association or of free speech is ‘inalienable only substantially’.<sup>28</sup> To Maritain (1952: 104), ‘a new age of civilisation will be called upon to recognise and define the rights of the human being in his social, economic, and cultural functions’.

Politically, the creation of the UDHR was a hallmark for a new and significant conceptualisation in the history of human rights. Although it contains primarily civil and political rights, it includes provisions for economic, social, and cultural rights (Articles 22–7). The main reason for the dominance of civil and political rights in the UDHR was that by the time it was promulgated, the membership of the drafting committee of the UDHR, the Commission on Human Rights, and the UN as a whole were predominantly Western. It was not until the 1950s that anti-colonialism prevailed, leading to the formation of new African and Asian states. The Soviets and their socialist allies opposed the preponderance of Western civil liberties and pushed to include socio-economic rights. In spite of their relatively small number, the inclusion of economic and social rights in the catalogue of the UDHR was an intellectual product of the debates among liberals and socialists in the West and the political influence of socialism in the former Soviet Union. Some Western countries and libertarians were against the inclusion of socio-economic rights since they believed economic rights could infringe upon others’ property

rights by enforced taxation. However socialists, not only from the former Soviet Union and Latin America but also from the US and the United Kingdom (UK), all agreed on the basic principle that welfare rights had to be placed in the UDHR. The draft committee for the UDHR took eight meetings over two years to decide the definitions and provisions of the UDHR. The former Soviet Union pushed adamantly for more insertion of socio-economic rights and even proposed abolition of the death penalty, which was opposed by Western countries. In the end, the Soviet Union abstained from signing the UDHR.

### ***Different categories of economic/social/cultural rights***

There are several similar terms that derive from economic, social, and cultural rights. Economic, social, and cultural rights are often referred to as welfare rights, justified by human needs. Alan Gewirth (1978) and Raymond Plant (1988) support welfare rights that, they believe, are grounded in our basic human morality just like civil-political rights. Rodney Peffer (1990) equates welfare rights with basic human needs, asserting that such rights qualify as human rights ‘because they fulfil the material needs that we require if we are to operate properly as human beings’. Christian Bay (1982: 67) and Reginald H. Green (1981: 55) also hold this position, saying that needs establish human rights. Stanley I. Benn (1967) sees human rights as statements of basic needs and interests. Jeremy Waldron (1987: 157) insists that material needs generate moral imperatives.

Henry Shue uses the term ‘subsistence rights’, which, along with security and liberty, are a ‘basic right’ in the sense that it is necessary to the enjoyment of all other rights, protecting basic economic needs. According to Shue, subsistence rights are rights to ‘what is needed for a decent chance at a reasonably healthy and active life’ (Decew 1985: 127). They include rights to unpolluted air and water, adequate food, clothing, and shelter, and minimal preventive public health care. Shue is indeed one of the few Western scholars who support socio-economic rights as a basic right, and his theory on subsistence rights is a compatible Western counterpart to the Chinese or North Korean preference for subsistence rights. The current use of subsistence rights by the DPRK government indicates that subsistence rights take priority over civil-political rights as the former mean existence, survival, or subsistence (*saengjon*) in the Korean language. Under the official North Korean ideology *Juche*, the right to a basic living standard (*saenghwalgwön*), was used and developed as the right to subsistence, which we will see in Chapter 5. The idea was transformed under ‘our style’ of human rights into the right to national survival with strong collectivism attached to it, as described in Chapter 6.

The right to development is relatively new terminology, first recognised by the UN Commission on Human Rights in 1977 and then enshrined by the General Assembly in the 1986 Declaration on the Right to Development. It was one of the third generation of solidarity rights illustrated by Vasak (1979: 3) along with the right to peace, the right to a clean environment, the right to the ownership of the common heritage of mankind, and the right to communicate. The right to development is not a favoured concept in Western human rights discourse for

several reasons. First of all, as Dworkin mentions above, individual rights cannot be subsumed in the needs or interests of the collective right to development. Second, the right to development is already confirmed as part of the right to self-determination (Donnelly 1985b: 482) and therefore there is no need to recognise the same right under a new title.

North Korea does not often employ this terminology, unlike China, since a more important emerging issue for North Korea, under the current domestic and international environment, is survival rather than development *per se*. Considering the near-collapse situation of the DPRK in the mid-1990s, what is more important to it is subsistence and national security. Consequently, it is the rights to food and national survival that are more urgent than the right to development.

The right to self-determination and the right to development are supported by a number of third-world developing and Eastern European countries (Alston 1991: 218). Georges M. Abi-Saab<sup>29</sup> (1980: 163) distinguishes two approaches to the right to development: one as the aggregate of the social, economic, and cultural rights of all individuals constituting collectivity, and the other as the economic dimension of the right of self-determination. The latter right to self-determination was largely recognised by the international community and enclosed in both of the international covenants as an outgrowth of post-colonialism. It includes the right of a nation to freely choose its own political, economic and cultural system. According to Abi-Saab, the right to development is a necessary precondition for the material satisfaction of any individual rights.

### ***Critics of socio-economic rights***

The distinction between ‘negative’ and ‘positive’ rights provides a conceptual ground for the denial of economic and social rights for some Western rights theorists. Maurice Cranston (1964: 38), a famous opponent of the recognition of economic and social rights, suggests that negative rights deserve priority because their violation involves the direct infliction of injury (an act of commission), whereas violating positive rights usually involves only the failure to confer a benefit (an act of omission). Cranston (1964: 40, 54) offers three human rights criteria for the inappropriateness of socio-economic rights as true rights: practicality, universality, and paramount importance.<sup>30</sup> Cranston even claims that such rights ‘do not make sense’ and he suggests that claims to such rights probably are not even ‘intelligible’ (1973: 65, 69).

Michael Freedon (1991: 33) opposes Cranston’s reasoning for the non-recognition of socio-economic rights. He points out that Cranston seems to confuse the existence of a right with its implementation by failing to recognise the distinction between the possession and the exercise of socio-economic rights, which was first explained by Maritain (1952: 102). Possessing socio-economic rights guarantees the entitlement of the rights, differing from an assertion that a person who possesses socio-economic rights can always exercise his rights since they are contingent upon a country’s socio-economic situations. Freedon points out Cranston’s failing to see the difference between these two concepts.

Donnelly (2003: 28–33) criticises Cranston for a different reason. Donnelly insists that ease of implementation is irrelevant to determining moral paramountcy. More fundamentally, he argues, the conventional dichotomy between negative and positive rights should be abandoned so that one can see their manifold interrelationship. However, although he stresses the interrelationship between the two types of rights, his implicit prioritisation of civil and political rights is apparent. For example, he says ‘even if bread comes first,’ meaning needs and economic rights are more important rights than political rights, ‘civil and political rights may be the best, or at least the most peaceful way to get bread’ since poverty is a social and political not a natural product (Donnelly 1985a: 46). His main explanation for the violations of economic and social rights is the collusion of elite-controlled political mechanisms. Therefore, to him, poverty is a political phenomenon. However, unlike Thomas Pogge (2002) who argues that the main cause for world poverty is global injustice imposed by the developed West, Donnelly does not expand his arguments to global poverty and the developed countries’ responsibilities.

### ***Interrelatedness of civil/political rights and socio-economic rights***

Which one of these two types of rights is more important than the other is still a lively topic in the international human rights community. The distinction of these two types of rights helps understand the concrete characteristics of different types of rights. However, this discussion is meaningless when it comes to the real protection and realisation of human rights since these two types of rights are closely interrelated and indivisible. To most activists working in the field, when it comes to implementing these rights of less privileged people in the third world or in countries characterised by dictatorial governments, all rights, whether they are political, economic, social, or cultural, have to be considered in a comprehensive manner.

### **Rights and duties**

The final topic I would like to examine is the relationship between rights and duties. There are two types of duties. One is the term used for correlative duties in response to rights claimed. For example, under the UK Disability Discrimination Act 1995, a disabled person has a right not to be discriminated against, and the corresponding employer therefore has a duty to make adjustments for the disabled. The other type is a citizen’s duties to society and state. An example would be the ‘citizenship oath and pledge’ for registration or naturalisation to become a British citizen according to Article 26 of the UK Nationality, Immigration, and Asylum Act 2002. It consists of a requirement to ‘respect the rights and freedoms of the UK, . . . uphold its democratic values, observe its laws, and fulfil the duties and obligations of citizenship’. Citizens have a duty to pay taxes and in some countries everyone has to do national service.<sup>31</sup>

Both types of conceptual categories for duties are extensively used in the DPRK official discourse of human rights. Concepts of rights are formulated in a

duty-based language under Kim Jong Il's 'our style' of human rights. In relative terms, the second use of duties as the offspring of rights is stressed more than the first since North Korea followed other Marxist states' constitutional practices. Both Soviet and Chinese constitutions emphasise citizens' duties and the DPRK, still officially one of the last remaining socialist states, is no exception to the inclusion of duties in its constitutions. Deeper and longer than the Marxist tradition, it is the role-based Confucian tradition that was grounded in Korean culture long before Marxism came and that concentrated on people's duties to society.

### ***Duties as a correlative term of rights***

The first type of duty was for many years the one that most interested philosophers such as F.H. Bradley (1927), W.D. Ross (1930), S.I. Benn and R.S. Peters (1965), and Richard B. Brandt (1959). Brandt (1959: 433–41), for example, asserts that rights and duties are correlatives and the only difference between A's right against B and B's duty to A is the passive and active voice. In other words, that a person has a right to have social services protected is to imply that a government agency has a duty to guarantee and protect his right to social services. This means the same action of protecting social services is described in a passive and active voice, respectively. Many classic scholars use the language of duties instead of rights. Grotius divided what he called 'the duty which regards another' into three: the duty of benevolence, the duty of keeping faith, and the duty of making amends for wrongdoing, mainly to do with property (Tuck 1979: 67–73). For him, the law of nature was in effect the obligation of men to preserve social peace and respect for one another's rights, which was not merely the principal condition for a peaceful community but also one of the chief points of leading a social existence. As an alternative to the confrontational distinction between negative and positive rights, Shue (1980: 53) suggests the categorisation of duties into three: those that avoid depriving people (corresponding to negative rights), those that protect people from being deprived, and those that aid the deprived (corresponding to positive rights).

This traditional view that rights can be explained entirely in terms of duties has been rejected by a number of Western scholars. David Lyons (1970: 54–5), for example, insists that the right of free speech or the right of a California motorist to turn right on a red light (which he does not have in New York State) has no clear duty associated with it. McClosky (1976: 104) points out that the right of the conscientious objector imposes no corresponding duty on the part of others. However, Lyons and McClosky fail to recognise governments' duties not to interfere with the right to turn right or the right to keep faith, provided with appropriate regulations and policies, in order to protect human rights of individuals. Feinberg argues that charitable duties can go without correlative rights. Hart (1961: 93) implies that our duty not to mistreat animals and babies involve no rights against us. Hugo A. Bedau (1969) says a duty to rescue a person in danger does not indicate that the person has a correlative right to the rescuer. Feinberg's, Hart's and Bedau's duties are a personal choice about moral obligations within an ethical formulation with no legally binding mechanism.

Renteln (1990: 43) believes that rights and duties are just ‘flip sides of the same coin’. She says that the framing of moral claims other than rights is ‘not necessarily problematic and the recognition of an obligation may well signify the presence of an implicit right’. Morally and philosophically, there cannot be any objection to supporting the ethical duties of people to one another. But, once the language of duties is employed, a duty-bearer must be specified. Otherwise, a mere focus on duties cannot bring effective implementation and realisation of human rights, and can easily be misused to circumvent a state’s responsibilities and transfer them to the society and individuals. A state must be a prime duty-bearer to protect the human rights of its citizens.

### ***Duties as the offspring of rights***

The second usage of duties as a citizen’s obligations toward government draws a completely different picture in the rights discourse. The DPRK uses the concept of duties as the offspring of rights widely in its constitutions as well as in various policies. Citizens’ duties are enshrined in all of its constitutions clearly and they have grown in number as seen in the chart in Chapter 6. Indeed, it is based on the theory of social contract initiated by Hobbes and Locke who emphasised a citizen’s duties and responsibilities toward the state, which in turn protects his/her security and property. In their view, if the agencies of government are to protect rights and advance the common good, then citizens must stand by their undertaking to support them. The idea of a citizen’s duties was then developed by conservatives like Burke, who believed that sovereign and subjects are coordinate parts of the state, and thus neither may legitimately alter the distribution of rights and duties.

Harold Laski (1938) emphasised people’s duties towards society and presented a more social-oriented theory of rights. Laski viewed the nature of rights as social conditions, given to the individual as a member of society. To him, human rights are social because they never exist without the emergence of society. Most importantly, rights go along with duties and, in fact, duties are superior to rights and the exercise of rights implies the exercise of duties. Laski’s duties can be understood within the conceptual framework of citizenship. According to Charles Tilly (1997: 600), citizenship has the character of a contract, involving rights and obligations that are defined so that either party is able to take corrective action if the other fails to meet expectations built into the relationship. For example, Tilly lists frequent means of obligations as compulsory military service, eligibility for public office, voting rights, payment of taxes, and access to public services.

The emphasis on citizens’ duties is not only in traditional communities. Modern Western political leaders have explicitly employed duty-language, varying in degree from Soviet or East Asian contexts. Two of the most famous US Presidents from the Democratic Party, John F. Kennedy (1917–63) and Barack H. Obama (1961–), appealed for citizens’ responsibilities in their respective inauguration speeches. In 1961, Kennedy made the famous statements to his fellow Americans:

Ask not what your country can do for you – ask what you can do for your country. My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man.<sup>32</sup>

More recently, in his inauguration speech in January 2009, Obama put the stress on a ‘new era of responsibilities’ as well as loyalty and patriotism. He said:

What is required of us now is a new era of responsibility – a recognition, on the part of every American, that we have duties to ourselves, our nation, and the world, duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit, so defining of our character, than giving our all to a difficult task.<sup>33</sup>

Obama also encouraged people to face various challenges the US had with loyalty and patriotism, old true values that have been the ‘quiet force of progress’ throughout its history. The emphasis on citizens’ duties and obligations can also be found in the British New Labour’s policy on anti-social behaviour, which has its roots in the motto of Third Way politics, ‘no rights without responsibilities’. A principle of conditionality applies to eligibility for certain basic welfare entitlements that should be dependent on an individual’s compulsory duties or patterns of behaviour (Deacon 1994). For instance, New Labour introduced anti-social behaviour orders in the Crime and Disorder Act (1998) and proposed a conditionality for welfare rights based on a beneficiary’s record of anti-social behaviour under the Housing Benefit (Loss of Benefit, Pilot Scheme) Regulations (2007). The pilot scheme indicates that a housing benefit sanction is to be imposed for anti-social behaviour.

### ***Citizens’ duties: a universal condition for citizenship***

The emphasis on the citizen’s duties is thus far from limited to the government propaganda imposed by the former Soviet Union, African or certain Asian countries, or North Korea, in order to subordinate human rights to citizens’ duties. Western governments also recognise the wider responsibilities of citizens and respect for others as a central notion of citizenship. New studies on citizenship and human rights have to be examined empirically, in much greater detail, as the subject is becoming more and more important socially and politically as a result of globalisation and migration.

## **Conclusion**

This chapter has covered a number of Western and non-Western rights theorists and identified the essential characteristics of Western ideas on human rights as Christian-oriented, property-based, and legal positivistic, which are different from those of North Korea. The development of Western liberal ideas of human rights was largely buttressed by the seventeenth- and eighteenth-century growth

of wealth and mercantilism in Western states and the subsequent birth of the individualistic conception of the right to property. The Lockean liberal perception of the protection of personal property and liberty in capitalist states was never able to grow in North Korea because of its official political stance in Marxism against Western liberalism since its establishment in 1948.

The second assumption for this chapter was that North Korean rights thinking could be understood in the overall development of international human rights and that there would be rights theorists whose ideas, to some extent, might have some 'cross-cultural universals' or 'lowest common denominators' with those of the DPRK in the past or within contemporary scholarship. I have shown that there were some conservatives in the West who were critical of the normative language of the rights of man. Hobbes, Burke, and Bentham are among the classic examples of this group who more or less supported absolute monarchism, social contract theories, country-specific, and utilitarian ways of promoting the rights of citizens. Marx was and still is 'Western' to most 'East' Asians geographically as well as philosophically in terms of his philosophical ideas of historical materialism and socio-economic structure of society. Both these Hobbesian and Marxist followers support collective interests, socio-economic rights, and citizens' duties in return for the government's protection of human rights. Contemporary critical theorists and liberal communitarians are also in favour of a communitarian approach to human rights. Many Western political leaders, including the US President Barack H. Obama in his inaugural address, began emphasising citizens' responsibilities, loyalty and patriotism. Other Western political philosophers such as Shue and Pogge support welfare rights and believe that needs establish human rights.

In conclusion, in an effort to prove the feasibility of An-Na'im's cross-cultural dialogue, the evolution of international human rights described in this chapter shows that collective interests, the primacy of socio-economic rights, and citizens' duties before rights not only mark the major components of the concepts of human rights in the DPRK but also have an important place in the development of international human rights discourse too. Now, we can move onto the Korean side and examine what kinds of philosophies dominated Korean society, starting long before Korean division from the seventeenth century late *Chosun* dynasty.

## Notes

- 1 Maritain (1952) adds a heritage of Greek thought, Cicero (106 BCE–43 BCE), Stoics (third century BCE), and the great moralists and poets of antiquity, particularly Sophocles (496 BCE–406 BCE).
- 2 *Noachidae* means the sons or posterity of Noah, but in Selden's philosophical theory on natural law and positive law refers to the whole human race. For more on this topic, see J.P. Sommerville (1984).
- 3 'Utile' means useful. The term is Middle English from Old French and from Latin *utilis*.
- 4 Hobbes's *Leviathan, or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil*, commonly called *Leviathan* of 1651, deals with the structure of society and legitimate government, and is regarded as one of the earliest and most influential examples of social contract theory. In the book, Hobbes argues for a social

contract and rule by an absolute sovereign and a strong central government, denoted by the term Leviathan.

- 5 Waldron defends Burke on the ground that his intention was not to attack human rights as such, but to vindicate the 'real rights of man' against 'the pretended rights', explaining that there are a number of writers who try to interpret Burke as a proponent of natural law and Lockean philosophy. Waldron also explains that Burke's religious conservatism might have come from his mother's Catholic beliefs, and political scepticism from his own unpropertied Irish background (1987: 77–81).
- 6 Economic determinism implies that the most important features of a society are ultimately determined by its mode of production, that is the relations of control, the modes of cooperation and the technology that govern material production (Miller 1984: 8–9).
- 7 Declaration of the Rights of Man and the Citizen at <http://www.yale.edu/lawweb/avalon/rightsof.htm>.
- 8 The lower phase of communism in this sense covers the post-revolutionary socialist society whereas the higher phase of communism indicates the near end of communism when it is almost achieved.
- 9 Chapter 10 of the 1936 constitution of the USSR at <http://www.departments.bucknell.edu/russian/const/36cons04.html#chap10>, last visited on 24 January 2008.
- 10 Chapter 7 of the 1977 constitution of the USSR includes the freedom of conscience and religion (Article 52) and the right to lodge complaints against officials and state and social organs (Article 58). See the chapter at <http://www.departments.bucknell.edu/russian/const/77cons02.html#chap06>, last visited on 24 January 2008.
- 11 The 1975 constitution of the PRC at <http://www.etext.org/Politics/MIM/classics/mao/cpc/constitution1975.html> last visited on 24 January 2008.
- 12 The 1982 constitution of the PRC at <http://english.peopledaily.com.cn/constitution/constitution.html> last visited on 24 January 2008.
- 13 An-Na'im was originally from Sudan and the former Executive Director of the African bureau of Human Rights Watch. He is a law professor at Emory University in the United States as of December 2007.
- 14 As of July 2007, 160 countries are parties to the ICCPR, 157 countries to International Covenant on Economic, Social and Cultural Rights (ICESCR), and 193 countries to the Convention on the Right of the Child (CRC). As is well known, the United States of America is not a party to the ICESCR or the CRC (<http://www2.ohchr.org/english/bodies/ratification/4.htm>, last update: 7 December 2007).
- 15 According to Louis Henkin, there were 150 states in his 1979 book, *The Rights of Man Today* (1979: 32) and 170 in his 1990 book, *The Age of Rights* (1990: ix).
- 16 Enculturation is 'the idea that people unconsciously acquire the categories and standards of their culture' (see Renteln, 1990: 13–14).
- 17 Renteln (1990: 71) explains a cross-cultural universal is a value that 'if it can be empirically shown to exist, is a value which is shared by all cultures in the world'.
- 18 Tamir (1999) herself does not believe in collective rights and says 'granting rights to collectives rather than to individuals too often leads to the violation of basic individual rights and the language of collective rights should be abandoned'.
- 19 Sandel's Fall 2007 course on justice at Harvard University was well attended: the number of students reached 1,115. See, for example, his sample lecture at <http://athome.harvard.edu/programs/jmr/>.
- 20 Millet is an Ottoman Turkish term for a confessional community in the Ottoman Empire. The millet concept has a similarity to the concept of autonomous territories that has long been the European norm for dealing with minority groups. The millet system has a long history in the Middle East, and is closely linked to Islamic rules on the treatment of non-Muslim minorities. The Ottoman term specifically refers to the separate legal courts pertaining to personal law under which minorities were allowed to rule themselves (in cases not involving any Muslim) with fairly little interference from the Ottoman government.

- 21 Donnelly does not seem particularly to indicate Jacques Maritain's 'personalist' right, which is a different concept from an 'individual' right. According to Virginia A. Leary (1992), personalists appear to be conceptualising the 'person' as essentially part of a community, thus distinguishing the 'person' from the 'individual' regarded as an isolated entity.
- 22 According to Unger (1987: 520), 'market rights are the rights employed for economic exchange in the trading sector of the society'.
- 23 'Immunity rights protect the individual against oppression by concentrations of public or private power, against exclusion from the important collective decisions that influence his life, and against the extremes of economic and cultural deprivation' (Unger 1987: 524).
- 24 Unger (1987: 530–1) explained that destabilisation rights 'protect the citizen's interest in breaking open the large-scale organisations or the extended areas of social practice that . . . sustain insulated hierarchies of power and advantage'. The primary respondents to the citizens of this right are non-governmental organisations or individuals who are legally competent to reconstruct the objectionable arrangements.
- 25 Solidarity rights 'give legal form to social relations of reliance and trust' (Unger 1987: 535).
- 26 More on critics of socio-economic rights will be covered under the section on Cranston.
- 27 Maritain's right to existence is a similar interpretation to the present form of subsistence rights in the DPRK. The translated 'subsistence' (*saengjon*) in Korean means 'existence' or 'survival'.
- 28 'Inalienable' is originally a term borrowed from English common law meaning that some property rights by their nature cannot be transferred from one person to another. 'Inalienable rights' were used in the 1776 American Declaration of Independence and the preamble of the 1948 Universal Declaration of Human Rights. The latter asserts that rights are inalienable; 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'.
- 29 Georges M. Abi-Saab is an Egyptian born international law specialist and Honorary Professor of International Law at the Graduate Institute of International Studies in Geneva, having taught there from 1963 to 2000. He was ad hoc Judge of the International Court of Justice and Judge of the Appeals Chamber of the International Criminal Court for the former Yugoslavia and Rwanda. He is currently Chairman of the Appellate Body of the World Trade Organization. Many rights scholars of non-Western origin are educated and influenced in Western countries, then develop their own ideas of human rights, and ultimately become influential in shaping the evolving concepts of international human rights. However, no matter how westernised they are epistemologically, they can hardly be named as Western because of their ontological backgrounds.
- 30 On universality, Cranston (1964) notes that socio-economic rights refer directly to a particular class of people rather than to all human beings. On paramountcy, he says most socio-economic rights are less important than other political rights. On practicality, socio-economic rights can rarely be secured by legislation only, and realising these rights is utterly impossible and enormously costly.
- 31 'National service' refers to compulsory government service programmes, but often means mandatory military service in the twentieth century. It remains in various countries including Austria, Mexico, Denmark, Germany, Greece, Israel, Malaysia, Russia, Singapore, Taiwan, South Korea, Norway, Sweden and Switzerland as of February 2008 (source is wikipedia at [http://en.wikipedia.org/wiki/National\\_service](http://en.wikipedia.org/wiki/National_service)).
- 32 John F. Kennedy Library at <http://www.jfklibrary.org/>, last visited on 12 February 2009.
- 33 BBC News, Barack Obama's inaugural address in full at <http://news.bbc.co.uk/2/hi/7840646.stm>, last visited on 12 February 2009.

## 2 Late *Chosun* philosophies and human rights

In the previous chapter, I have shown the ideas on human rights from some of the classic Western conservatives and contemporary liberal communitarians and how their ideas have common denominators with North Korean rights thinking in many ways. This chapter explains some of the *Chosun* philosophies, namely Confucianism, *Sirhak*, and *Tonghak*, and extracts their conceptualisation relating to human rights. The main reason and assumption, as a social constructivist, is that these primitive ideas about human rights have become intertwined with other contemporary concepts of Marxism and finally affected the formation of ideas and identities about human rights in the DPRK.

Other schools or historic events, broadly since the end of the *Chosun* dynasty and before the official establishment of the DPRK in 1948, were relevant to human rights but did not affect the process of ideational formation of human rights in North Korea very much. First, the *Kabo* reform was enacted in 1894 by the Japanese during colonisation. Its ideas resembled contemporary liberal rights ideas closely but failed to survive in the DPRK after national liberation. Second, many Western-educated independent movement activists based in the US, including the first president of the ROK, Syngman Rhee, and Philip Jaison Suh, had some liberal ideas on democracy and human rights but their political activities were limited to the southern part of Korea and therefore did not have much impact on North Korean thinking. Third, nationalists like Kim Ku or Cho Man-sik, both born in North Korea, only focused on the nation's independence and probably grasped the ideas of the right to self-determination in regional or international politics, but they all kept a relatively conservative perspective on individual or liberal concepts of human rights. Both Kim and Cho were widely respected and admired by the general masses in Korea, but both were assassinated after 1948: the former by the South and the latter by the North.<sup>1</sup>

First of all, Confucian characteristics – such as a virtuous ruler's duty to his subjects, his primary duty for people's material well being and security, and an emphasis on social harmony and collective unity – are noticeably prevalent in the contemporary rights thinking of the DPRK. Second, *Sirhak*, a particular form of Korean neo-Confucianism in the seventeenth-to-nineteenth-century *Chosun* dynasty, was different from conventional Confucianism in terms of its revolutionary and practical elements, stressing people's material well being and philosophical independence

from China. Third, *Tonghak*, a late nineteenth-century radical Korean school of thought that has led nation-wide peasants' rebellion movements against the upper class, had many revolutionary ideas on human rights, including social equality, anti-slavery, and gender equality, as well as criminal justice and land reform. A religious form of *Tonghak*, *Ch'ōndogyo* (Religion of the Heavenly Way), still remains in North Korea but only because of its contribution to national independence movements. *Tonghak* even managed to form a political party in the DPRK, *Ch'ōng'udang* (The Party of the Young Friends of the Heavenly Way or the *Ch'ōndogyo* Youth Party), but again it has never played a major role in North Korean politics or in the promotion of human rights in reality.

### **Chosun Confucianism and human rights**

Confucianism is a central part of Korean cultural identity. It was imported into Korea from China during the Three Kingdoms period (57 BC–668 AD) and became Korea's state ideology for conducting state affairs throughout the *Chosun* dynasty (1392–1910) (De Bary 1985). The neo-Confucian thought of the Song dynasty China (960–1279), epitomised in the writings of Zhu Xi, became the basis of ritual practice, family organisation, and ethical values as well as of the civil service examination system for Korean society.

The colonial experience divided Korean society. Among Confucian scholars, some adamantly opposed Japanese-style modernisation and developed more nationalistic views of Confucianism. Others advocated learning from the Japanese and other Western imperial forces' modernisation and practicality while keeping traditional Confucian norms such as filial piety. The former depicted Korean history as a story of foreign aggression and nationalist resistance, commonly expressed as the 'history of suffering' (Duncan 2002: 433). Both in South and North Korea, many people still live under this kind of historical conception and emotion of victimhood, blaming the causes of tragedies in Korean history on foreign aggression. This is also a prevalent world-view of the DPRK in its public discourse.

This section introduces some of the basic tenets of Korean Confucianism before *Sirhak* in the seventeenth century and attempts to relate traditional Confucian influences in the rights thinking of the DPRK. At the end of the section, it explains how the DPRK interprets *Chosun* Confucianism.

#### ***The role-based normative system***

Confucian culture is based on role-based ethics and on a relational normative system for social harmony, which define its fundamental difference from the Western liberal tradition. In the Confucian system, each individual in social relations has different roles and responsibilities: the husband has his responsibilities and the wife hers, for example. Each member of society has multiple relationships within society and, within these multiple relationships, one is supposed to act upon their social status and subsequently attached obligations to other members of society. As the Chinese philosopher Zhu Xi suggested in *Xiaoxue* (elementary

learning), Confucianism contained the ‘elementary rules of personal conduct and interpersonal relationships’ (Deuchler 1992: 21). Rites were principles that came from human relationships and formed part of the entire normative socio-political order. Therefore, as Cheng Chung-ying (1979: 16–17) pointed out, human rights in a Confucian context were ‘not substantive but relational’, in other words, the range of rights is contingent on a person’s status in social relations; rights were exercised with a genuine concern for others within these multiple social relationships.

The principle of role-based relational ethics and social harmony leads to other characteristics of Confucianism. It creates the philosophical basis for (i) respect for hierarchy and authority including deference to such authority, (ii) the centrality and cohesion of the family, (iii) social consensus including an avoidance of overt conflict in social relations, (iv) an emphasis on stability to promote economic and social development, and (v) an emphasis on education and self-discipline (Chan 1998; Weiming 1998). More concretely, examining Confucian influence over the formation of human rights in the PRC, Weatherley (1999: 11) summarises the Confucian features in Chinese rights thinking as (i) stress on the duties rather than the rights of individuals, (ii) prioritisation of welfare and subsistence rights, and (iii) the ultimate authority that is given to the interest and rights of collectivity, such as the state, society, and the nation. Weatherley concludes that the dominant ideas and practices of Confucianism were incompatible with a notion of rights, especially Western liberal rights, since people were unequal in terms of their moral status in the Confucian social and familial hierarchy.

Critics of Confucianism such as Kenneth Christie and Denny Roy (2001: 235) also consider the role-based normative social structure as highly hierarchical so that Confucian tradition cannot be compatible with the egalitarian idea of contemporary human rights. David Hall and Roger Ames suggest that Confucian heritage is inherently authoritarian and prone to hierarchy and elite control with an emphasis on the rights of society over those of the individual (Hall and Ames 2003: 153). Some representatives of Asian civil society also strongly assert that authoritarian political leaders in Asia have tried to use Confucian values in order to legitimise their corrupt regimes (Asian Cultural Forum on Development 1993).

Role-based Confucian culture does not automatically lead to repressive and abusive governments and corrupt regimes. In contrast, the Confucian tradition can put moral and political pressure on those who are in higher positions in social relations so that they can take good care of other members within their respective social relations. As we have seen in Chapter 1, duties and rights are the flip sides of the same coin. In Confucian culture, duty-based language is preferred, and duties of responsible governments can be framed as citizens’ rights in the contemporary application of Confucianism in rights practice.

North Korea has also used the role-based duty-language extensively in its public discourse on human rights since 1948, especially under Kim Jong Il’s ‘our style’ of human rights, covered in Chapter 6. One might see it a Marxist constitutional tradition to place citizens’ duties in their respective constitution, as we will see in the next chapter. However, this can also be understood as a Confucian culture that has long been embedded in North Korean society and before the adoption of Marxist

political ideology. The role-based Confucian understanding of what should be protected by the virtuous ruler is dealt with in the following section.

### ***Duties of the ruler and rights as ‘grants’***

The most notable Confucian interpretation of human rights is the conception of the heavenly-appointed duties of the ruler. *The Record of Rites*, one of the Five Classics of Chinese Confucian literature, makes far greater demands on the ruler than the ruled. The Confucian maxim ‘great peace under heaven’ also showed an appreciation for responsible and thoughtful governance by the ruler. The ruler, *The Record of Rites* says, ‘should aspire to be humane, protect the people like infants, appreciate what they desire, and shun what they are averse to’. Confucian teachings for kings particularly encouraged civility, humane concern, mutual respect, and benevolence (Henkin 1998: 310; J.-e. Kang 2003: 13).

Joseph Chan (1999: 218) and Daniel Bell (2000: 50) suggest that the Confucian concept of ‘benevolence’ can be equated with a belief in human rights, or at least can be used to discount the theory that Confucianism was hostile to the notion of human rights. As many Western scholars, such as Brandt (1959), Shue (1980), and Renteln (1990), recognise duties as a correlative term of rights, as explained in Chapter 1, so the ruler’s duties are correlated to the rights of the ruled. Indeed, the language of duties for a specified duty-bearer is an active way of claiming human rights, since a right-holding individual has a designated government to turn his claim to in modern politics, within a framework of good governance and political legitimacy.

The term ‘virtuous politics’ has been widely used in the DPRK since Kim Jong Il coined the term in his idea of ‘our style’ of human rights in the 1990s, as we will see in Chapter 6. A traditional Confucian society had a system of checks and balances through scholar-officials who held relevant government posts, but this does not happen in contemporary North Korea. The notion of Confucian ‘virtuous’ rulers’ duties was particularly intended to provide the king with his responsibilities to stabilise society through benign ruling and care for the people’s material conditions. This has not taken place in North Korea either since the near-collapse stage of famine and malnutrition in the mid-1990s.

As seen briefly, in Confucian culture, those who hold higher positions in one of the five relations (sovereign–subject, parent–child, husband–wife, elder–younger siblings, and friend–friend) normally have more demanding duties and responsibilities than those in lower positions. For example, the eldest person in a group is normally given responsibility to take care of other members. Furthermore, elder brothers (*oppa*) or elder sisters (*unni*) do not only refer to those in a family but also to a greater society such as in a school or workplace, making the entire society one big extended family.

A proper Confucian elder brother normally gives more to his younger brother. It works as an invisible social contract. This is similar to what happened between China and Korea throughout history. Korea, as a tribute state to Ming China, did indeed receive far more ‘gifts’ (silk, tea, or silver) from China than what they sent through

envoys as tributes (horses or cotton) (N.-j. Pak 2008). Once, the Ming Chinese had to tell *Chosun* to stop sending envoys because the former was losing rather than gaining in a material sense in Ming–*Chosun* relations. The Sino–Korea tribute system was an integral part of Confucian philosophy and was seen as equivalent to the familial relation of elder brother and younger brother by devoting part of their wealth, assets, or goods to that purpose. In this way, those who are in higher positions could establish and maintain their political legitimacy over those in lower positions.

A subsequent characteristic of human rights, following the idea of the ruler's duties, is that rights were conceived as a reward granted by authority. The ruler was responsible for protecting the people from foreign invasion and for guaranteeing material well being. In return, the ruled were supposed to be loyal and faithful to the ruler for his protection of proper subsistence and security. The difference between Confucian-granted rights and Western social contract theory is that the passive form of rights granted in Confucian culture is depicted as a positive and constructive way to promote trust between ruler and the ruled in harmony and mutual respect, whereas in the latter the relation is often seen as fundamentally conflicting and adversarial (Svensson 1996: 87).

As I will explain in more detail in Chapters 5 and 6, the current relationship between the leader and the citizens of the DPRK is similar to the Confucian conceptualisation of the relationship between the ruler and the ruled. Therefore, rights in the DPRK are still understood as something that can be bestowed or protected by the leader.

### ***Collective unity and social harmony***

If both the ruler and the ruled play their respective roles and carry out their respective duties, a Confucian utopia for harmonious society will be achieved. The Confucian emphasis on role-based relational ethics is often used to mobilise collective unity and promote harmonious social atmosphere within society. As Tu Weiming (1998: 299) explains, the underlying assumption of Confucianism is to see a society 'as a community of trust rather than merely a system of adversarial relationships' and therefore to believe that human beings are duty-bound to respect their family, society, and nation. The ultimate objective of the rites, as spelled out in the *Analects*,<sup>2</sup> is to achieve harmony in society (Chang 1998: 129). As Twiss (1998: 40) explains, Confucianism sheds light on reciprocal social relationships and roles 'as fundamental to communal flourishing and its shared vision of the good'.

Consequently, Confucian moral and political thought emphasises the fact that a human is essentially a social being, giving primacy to the duties of people for the common good of the community and the virtues needed for the fulfilment of these duties.

This Confucian communitarian concept is not very different from the idea of 'community' featuring prominently in Kant's (and Adam Smith's) strong commitment to a cosmopolitan political ideal (Weiming 1998: 300), or other contemporary personalists or liberal communitarians in the West as covered in Chapter 1. Communitarianism is one of the core cross-cultural values in the contemporary

global community. The difference between communitarianism and Confucian collective unity is that the former was born in the Western liberal tradition so that it holds the view of fundamental respect for human beings as possessors of equal moral worth, whereas the latter considers individuals as potential resources for the state's ends and has the potential danger to be manipulated by dictatorial Asian leaders to repress individual human rights.

The Confucian idea of man as a social being is a similar concept to Marx's notion of man as a species being. Marxist countries also focused collective interests of state and nation over individual human rights. In North Korea, the collective principle has remained since the 1972 Socialist Constitution. Kim Il Sung used the language of man as a social being and Kim Jong Il developed it further to that of man as a socio-political being.

Although Confucianism is officially rejected by the Korean Workers' Party (*chosun rodongdang*, KWP), Kim Il Sung used the traditional Confucian consciousness of collective interests and harmonious society among ordinary North Koreans and to mobilise people's labour forces to revolutionise the country as used in the *Ch' ŏngsanni* spirit or *Tae'an* Work System (*Tae'anŭi sa'up ch'egye*). Kim Jong Il maximises the ideational impact of the collective idea and describes the whole society as one organic unit.

### ***Material welfare and security***

Among other duties of the Confucian ruler, the guarantee of basic subsistence and security from foreign invasion was a prerequisite for a qualified ruler. *The Record of Rites* said the ruler should implement measures to provide the common people with the means of livelihood, refrain from overtaxing and making excessive demands on people's labour, and cut down on government expenses and luxuries for the ruling class (Chang 1998: 129). *The Record of Rites* also stated that the ruler should make sure that people would not go hungry, even during drought and flood, and cultivate himself and make himself a model for the people. Most of the concepts are associated with the welfare of the people.

Summer Twiss (1998: 41) argues that the most important duty of the ruler was, historically, to ensure the subsistence, livelihood and education of the people for political legitimacy. Confucians believed that the state had an obligation to secure the conditions necessary for people's basic material welfare, an obligation that had priority over other competing political goods (Bell and Hahm 2003; Nathan 1986; Weatherley 1999). The ruler, heavily surrounded by Confucian scholar-officials, was supposed to satisfy the proper needs of people and therefore grant subsistence to the ruled.

The Mencian notion of benevolent government imposed a sacred obligation on the emperor to govern exclusively in the interests of the populace known as the doctrine of 'the people as the basis of the state' (*minwei bangben*) (Legge 1970: 173, 300). This obligation applied in particular to their welfare interests (Weatherley and Song 2008). In his frequent consultations with Chinese feudal kings, Mencius underlined the paramount necessity of providing food, shelter and employment for

the people of a state. Indeed the legitimacy of the emperor was deemed to be contingent upon his ability to guarantee the sustenance and livelihood of his people.

Taking Mencius's influential view on social welfare as the basis for discussion, Joseph Chan has argued that Confucians endorsed the idea of a multilayered system of welfare assistance in which the family, social networks, and government all had a specific role to play (Bell and Hahm 2003: 16–17).

As such, although welfare rights are a common feature of Marxist states, in North Korean rights thinking their importance seems to be enhanced by the tradition of thought that sees the provision of welfare rights as not just one of the state's obligations to the people but as its principal obligation. For the post-colonial DPRK between 1945 and 1948, when the entire country exerted a special effort to establish a strong and independent nation-state after 35 years of colonisation, the socio-economic condition of the country was the foremost emerging task. A large part of North Korean rights thinking on the primacy of socio-economic rights came from other Marxist countries, as explained in Chapter 4. Kim Il Sung focused on the right of people to basic living conditions, described in Chapter 5, and this was inherited by Kim Jong Il as the right to basic subsistence. Kim Jong Il failed in this duty to protect people's basic subsistence but came up with a different means to stay in power, covered in Chapter 6.

### *The value of family*

In Confucian culture, a family is perceived as an end in itself, an 'essential part of the good life', and an initial source of social impetus (Bell and Hahm 2003: 22). It is a very cohesive private area so no one dare intervene in its internal affairs no matter how serious they are. In many cases, domestic violence has been neglected by the public sector since it had to be dealt with within the family in trouble.

Therefore, an individual exists in the context of family, each holding respective duties and rights with respect to one another. A voice of conflicting individual interests is deemed unfortunate and disrespectful for a higher authority who is in charge, and an internal and no-litigation solution would be sought rather than publicising a case outside the family. An old Confucian saying, 'a happy and harmonious family makes you successful in every occasion' (*kahwamansasöng*), is still prevalent in most Confucian traditions. The family is not a nuclear unit but part of the extended family, friends, and wider society – a nation. This reinforces the communitarian and collective aspect of human nature.

The importance of the family in society has also been recognised in other philosophies such as in Aristotle's *Politics*, Locke's *Second Treatise*, Rousseau's *Social Contract*, Kant's *Rechtslehre*, and Hegel's *Philosophy of Right* (Weiming 1998: 302). John Rawls, for example, explores the role of the family as a fundamental unit of moral education. All these philosophies provided thought-provoking accounts of the crucial role of the family in society, but in Confucianism it is much more organically unified and closed than in other cultures.

The Confucian usage of familial images is notable in North Korea. As we will see later in Chapters 5 and 6, Kim Il Sung and Kim Jong Il have extensively

employed familial metaphors, describing themselves as ‘parents’, the party as a mother, and the entire population as ‘children’. When the entire country is depicted as one family unit with a parental leader and the people as his children in the ideational framework of Confucianism, it is hard for an external power to break the unity and cohesiveness of the society just as a Confucian family’s domestic violence emanating from problematic parents is not tackled easily by its neighbours. Strong unity within a Confucian family often leads to resistance to foreign relations, which is what has happened in North Korea for the past century or so.

### ***The DPRK’s interpretation of Confucianism***

Although the DPRK denies any Confucian influence over its official ideology, many Confucian traditions and its conceptualisation still remain in North Korea. According to the official definition (Science Encyclopedia Press [Kwahak beakwasajŏn ch’ulp’ansa] 1982):

Confucianism is a religion which believed in ‘Heaven’ and theologised the feudal kingdom. Confucianism was created in China around the fifth century B.C. and spread into other parts of Asia. Like other religions, Confucianism was also a heresy, somewhat like opium. Confucianism was used as an ideological tool of the feudal ruling class since it arrived in Korea and had a poisonous impact on the People’s ideology, psychology and ethics as well as on economic culture and technological development.

The DPRK sees the teachings of Confucianism as an epistemology that has given the privileged feudal ruling class absolute power, embedded with anti-scientific and anti-revolutionary ideas, during the *Chosun* dynasty. Confucianism is officially considered an intellectual or ideological property of the feudal ruling class of *Chosun* (I.S. Kim 1930–45/1979b: 233).

Kim Il Sung believed that Confucian ethics had resulted in the negligence of others’ wrong-doings (I.S. Kim 1950–51/1980: 352–3; 1952–3/1980). In Korean Confucian culture, Kim said, picking up others’ mistakes, criticising them in public, and making them lose face was considered as the unethical behaviour of an ideal man since it would create a hostile social environment. He continued that Confucianism then taught people to be generous about others’ mistakes and only strict on your own. Kim condemned this Confucian principle as it prevented people from criticising any misconduct of the government. Kim argued that this delayed social development in North Korea and that Korean people should not be afraid of criticising others’ misconduct in public. As we will see in Chapter 5, Kim Il Sung tried abolishing all these face-saving ideas in Confucian culture and adopted revolutionary weekly criticism sessions. However, over time this practice has become mundane and formal under Kim Jong Il.

Confucianism was also criticised for its inactiveness, negligence on armed forces, and over-emphasis on literary skills. Kim Il Sung accused *Chosun*’s feudal Confucianism of imposing a mentality to worship big powers (*sadae chuŭi*<sup>3</sup> or

flunkeyism in the DPRK's terminology) in that the *Chosun* Confucian scholars used Chinese letters and names in public documents, feared too much to build any single palace bigger than a Chinese one, and failed to protect the nation from Japanese invasion (I.S. Kim 1967/1983c: 252). This was in line with the government search for a Korean identity in the 1960s, independent from China or the USSR, while strengthening *Juche* Ideology in domestic politics.

The government tried to re-evaluate the roles of Confucianism in society as their roles were thought to be the sources of cultural development in Korea by North Korean historians (I.S. Kim 1968/1983e: 52). Between 1966 and 1968, the government launched an ideological raid on Confucian thinking. Some party officials were blamed for distributing Chŏng Yag-yong's (1762–1836) *Mongminsimsŏ* ('Handbook for Tending the People') to party members and making it compulsory reading for members of the KWP. The names of the accused persons were not disclosed but it was announced that they were all persecuted at the fifteenth Plenary Session of the Fourth Central Committee of the KWP (I.S. Kim 1970/1983c: 154). In 1967, there were rigorous political campaigns against various ideologies in order to consolidate Kim Il Sung's *Juche* idea. The purged ideas ranged from opportunism,<sup>4</sup> *sadae chuii*, through capitalism, feudal Confucianism, factionalism<sup>5</sup> and regionalism<sup>6</sup> to familism (*kajok chuii*)<sup>7</sup> (I.S. Kim 1967/1983d: 446; 1967/1983e: 505; 1967/1983f: 356, 60).

Campaigns against Confucianism continued in the 1970s. The Three Revolutions (in Ideology, Technology, and Culture) were launched to demolish capitalism, feudal Confucianism, revisionism,<sup>8</sup> *sadae chuii*, opportunism, bureaucratism, conservatism<sup>9</sup> and 'inactivism'<sup>10</sup> (I.S. Kim 1975/1985b: 25). This time, Confucianism was particularly targeted as an old and poisonous ideology not only for KWP members but also for ordinary workers in North Korea (I.S. Kim 1970/1983a: 327, 49). This shows how influential Confucian influence was over the whole North Korean population. In rural areas, where Confucian tradition could be easily revived, any sign of Confucian influence was strictly controlled and re-evaluated by the local authority (I.S. Kim 1968/1983a: 485).

He called for the re-evaluation of Confucian values on filial piety, since he saw some conflicting identities between Confucianism and Marxism. Kim sometimes prioritised loyalty to the nation over personal filial piety. In an anecdote of Li Lin-young, who was one of the heads of guerrilla groups against the Japanese in the 1930s and who went home for his father's funeral in the middle of critical attacks against Japanese, Kim Il Sung said Li was not a truly faithful son because 'a truly faithful son should take care of both the country and the family. If he cares only about his family and abandons the country, he cannot be called a dutiful son' (I.S. Kim 1930–33/1996: 325).

Kim Il Sung deemed that Confucian norms were not very practical for mobilising people for labour or military force for the country's nation-building process. For example, the role of women in traditional Confucian society was to be faithful to their husbands and country. When the country faced foreign invasion, a lot of women chose to commit suicide instead of fighting against the foreign aggressors. Kim asked 'if everyone chooses to die in a time of national crisis, who will protect

the country from its enemies?’ (I.S. Kim 1912–30/1996: 187). The Confucian role of women as ‘*hyŏnmo yangch’ ō*’ (a wise mother and gracious wife) was then re-examined in the DPRK (I.S. Kim 1968/1983b: 438). Confucian women who had not been involved with many activities outside the home were given opportunities to pursue careers as writers, philosophers, engineers or political activists, at least in theory. The Confucian way of living a peaceful and idle life was opposed since it was not suitable for compulsory national economic plans for socialist construction in the DPRK (I.S. Kim 1969/1983a: 30).

Overall, Confucian values are denied by the DPRK in its official discourse. However, contradictorily, as we will see in later on Kim Il Sung’s *Juche* and Kim Jong Il’s ‘our style’ of human rights, many characteristics of human rights in the DPRK show similar attitudes to the Confucian way of metaphor in the benevolent ruler’s duties, granted rights, concern for the people’s welfare, and collective harmony over individual interests. Kim Il Sung was a big fan of the idea of filial piety and tried to link this with communist ethics and ideals (I.S. Kim 1975/1985b: 464). Kim Il Sung described his son Kim Jong Il as a loyal servant of the country and the people, and a devoted son to himself (I.S. Kim 1988–9/1995f: 142).

### ***Sirhak* and human rights**

*Sirhak* refers to a reform-minded group of scholars within the Confucian framework between the late seventeenth and early nineteenth centuries in the *Chosun* dynasty in Korea. Before this period, Korean Confucian ethicists had considered that good government was ‘simply a problem of the moral conversion of sinners to saints, to borrow a Christian phrase’ which then was left to active officials in public affairs (Palais 1996: 6). It was a critical response to the metaphysical nature of Confucianism and its strict adherence to ‘formalism’ and ‘ritual’, which had been disconnected from rapid agricultural, industrial, and political changes in Korea after the Japanese and Manchu invasions in the sixteenth and seventeenth centuries.

*Sirhak* scholars called for the transformation of rigid Confucian social structure, land reform to relieve the plight of peasant farmers, redefinition of the traditionally submissive relationship with China, the promotion of Korea’s independent national identity and culture, and the introduction of Western commerce, industry, and technology. Members of *Sirhak* have been described as the ‘harbingers of modernity’ because they seemed to ‘presage the beginnings of a materialist rejection of Confucian moral idealism’ in their investigation of the problems of real life (Palais 1996: 9). They adopted realistic and experimental approaches to social problems in consideration of people’s welfare and human equality, which might have been a threat to the solid unity of values in holistic Confucian philosophy.

Members of the *Sirhak* School also took a more nationalistic view of Korean history in a search for the uniqueness of Korea and a national identity that was different from that of its big Chinese neighbour. Considering Confucianism as a universal and cosmopolitan philosophy in *Chosun* society, *Sirhak* might appear as a radical and nationalistic idea. In this sense, *Sirhak* is similar to the contemporary trend in North Korea’s revolutionary and nationalistic ideas.

***Primary concern for people's welfare***

*Sirhak* scholars identified the most pressing issues in the *Chosun* dynasty as the need to feed the growing population and subsequently proposed comprehensive and innovative solutions. They suggested a populist attack on hereditary privilege, breaking the stranglehold of Confucian physiocracy, and an unleashing of the forces of production and the market in their concern for the welfare of ordinary people (Palais 1996: 9). Furthermore, Yi Ik and Chŏng Yag-yong supported social reforms, the application of science and technology, and the adoption of Chinese and Western learning based on a belief that these measures and approaches would advance people's lives by increasing efficiency and productivity in the areas of agriculture and commerce.

Chŏng was the most well-known *Sirhak* scholar who believed learning had to contribute to an improvement in people's lives. He influenced many other *Sirhak* scholars. Chŏng charged the then existing neo-Confucian scholars with being engaged in endless philosophical backbiting instead of focusing their energies on the more practical study of sciences and the country's penal system. Chŏng designed the Suwon castle by employing mathematical techniques to save on construction expenses and labour power (J.-e. Kang 2003: 402). The core of his thought on good governance was 'enriching and strengthening the country' (J.-e. Kang 2003: 403–4). Among Chŏng's writings, *Kiyeron* (theory of technology) and *Ch'ollon* (theory of rural society) were particularly designed to promote the necessity for technological innovation (Grayson 2002: 133). The works of Chŏng Yag-yong and his contribution to the reform-minded Confucian scholarship have been widely recognised both in South and North Korea. However, Chŏng's strong attachment to traditional Confucian norms was the major reason for the DPRK's criticism of him.

There were more radical *Sirhak* scholars who urged the direct importation of Western technology to aid in the development of the nation. Choe Han-gi (1803–79) tried to relate traditional Confucian values to the question of modernisation and especially the need to learn Western science and technology. Pak Un-sik (1859–1925) also called for a modern revitalisation of Confucianism through the application of the teaching of the Wang Yang Ming School which emphasised unity between intuitive knowledge and direct action. Pak saw no conflict between Confucianism and modern scientific, industrial society (Duncan 2002: 442). However, they hardly appeared in North Korean official discourse due to their leaning toward Western and Chinese civilisations.

***The emergence of commerce***

Some *Sirhak* scholars saw the importance of commerce and the role of merchants in society in terms of material distribution and economic development. This could be developed as the growth of mercantilism and individual rights to property, as was the case in the West. In the seventeenth century there were debates about the emergence of a commercial economy, and Yu Hyŏng-wŏn (1622–73) expected

commerce to play a more active role in the economy and welcomed the introduction of copper cash (coins) to promote a more fluid exchange system. Pak Che-ka (1750–1805) understood Yu and wrote *Pukhagi* (Northern Learning) to support learning from China. Pak suggested that water transporters or merchants should be assisted with funds or shops and emphasised the importance of commerce. Pak submitted three proposals to King Jeongjo in January 1786: first, the development of sea routes for foreign trade; second, an invitation to Western Jesuit missionaries from Beijing to teach the children of the nation ‘a way to make beneficial use of things and enrich life’; third, the allocation of aristocrats without government posts to suitable professions to prevent idleness. His ideas were well received by King Jeongjo, but when the king suddenly died, Pak was faced with serious political challenges from his opponents and died a year after his return from exile.

*Chosun* society was too rigid to accept the growth of a wealthy middle class. Although *Sirhak*’s ideas on the importance of commerce were a significant philosophical movement, shared among the upper class within the power structure, they could not overcome mainstream antipathy to commercial activities. Traditional Confucian asceticism oppressed industrial and commercial development as well as disdaining artisans and merchants (J.-e. Kang 2003: 443–4). The civilian officials and families had supported a policy of suppressing the development of commerce because they considered commerce ‘the worst profession’ among the four professions: scholarship, farming, manufacturing and commerce.

Furthermore, suggestions on the role of commerce by Pak Che-ka and other *Sirhak* scholars were to enhance the state’s economic power, not to promote individual rights to life and property or to limit the king’s authority over his subjects. In other words, *Sirhak*’s vision for growing economic activity was to serve the state’s end in a collective and patriotic way, not to grant an inherent entitlement of rights to life, liberty, and property to each member of *Chosun* society against the king. *Sirhak* scholars all served the king.

In the eyes of the DPRK, an official endorsement of active commercial activities is not acceptable due to its ideological basis on anti-capitalist Marxism since the beginning of the state formation. The DPRK did not have a proper opportunity to try industrial or commercial development.

### ***Equality and anti-slavery***

*Sirhak* scholars’ ideas on social equality among different classes provided cultural and philosophical grounds to accept Marxist thoughts on the abolition of the capitalist class system after 1945. *Sirhak* scholars argued that all classes should be equal. Pak Che-ka thought that scholars, farmers, artisans and merchants were all equal (J.-e. Kang 2003: 391–5). This was not a coincidence. North Korean scholars, all in line with the KWP, deliberately brought *Sirhak* scholars back into the contemporary discourse of human rights to ensure that Korea had a tradition of social equality long before the influence of Marxism. Kim Il Sung and Kim Jong Il both emphasised that North Korea had to revive more of its own traditions and not just borrow concepts from the USSR or the PRC. After that, they all agree

that *Sirhak* had some aspects of social equality that were traditional in Korean philosophy.

*Sirhak*'s attitude toward social equality was important in explaining the decline of Korean slavery (Palais 1996: 210). *Sirhak*'s anti-slavery ideas were important in their appeal for a humanitarian approach to all people. Between the early seventeenth and the late eighteenth centuries, about 30 per cent of the Korean population were slaves (Y.-h. Choe *et al.* 2000: 157–8). Yu Hyŏng-wŏn launched a blistering attack on hereditary slavery on the grounds that it was inconsistent with the moral teachings of the Confucian classics and the institutional precedents set by the sages of Chinese antiquity. Yu also advocated an egalitarian emphasis on academic instruction and suggested education for the mass of the population to provide a minimum level of moral education for all. This stems from Korea's long tradition of the focus on education, which still affects both South and North Korea.

Other scholars such as Yi Ik and Yu Su-wŏn (1694–1775) also indicted the evils of slavery in Korean society. Yi wrote a brief essay on slavery and stressed the inhumane and unpractical aspects of the hereditary slave system. He explained the absence of any precedent for the Korean slave law in ancient times and focused on the endless harsh labour conditions of slaves. Yi also made a point from an utilitarian perspective that the hereditary slave system represented a loss of resourceful talent that might otherwise serve society's ends more constructively (Palais 1996: 252).

This practical, rather utilitarian approach to the overall *Chosun* slave system has affected North Korean rights thinking on collective interests and individuals' duties to society. *Sirhak* scholars' anti-slavery advocacy was based on a perception of a human being as a potential resource to serve the betterment of society and the nation. *Sirhak* scholars were also reluctant to advocate an immediate change and revolution for society or a total abolition of slavery. Instead, they called for an end to inherited slavery only and justified slavery for criminals. This resembles the DPRK justifying alleged human rights violations, including those old slavery practices of torture and forced labour, against political prisoners in North Korea as a 'rightful method' to dictate to class enemies (i.e. political prisoners) for the greater collective interests of people.

### ***The DPRK's interpretation of Sirhak***

Unlike Confucianism, which is constantly criticised as a philosophy of the ruling feudal class, the DPRK's assessment of *Sirhak* is, overall, positive. Recently, deliberate efforts by North Korean philosophers have been made to connect *Sirhak* with Marx's historical materialism. The DPRK recognises the major contributions of *Sirhak* to late *Chosun* society through its patriotism, progressiveness in opposition to *sadae chuŭi*, and primacy of technology and science over abstract ethical teaching from China. In relation to human rights, the progressiveness in social equality and a preference for science and technology can be largely seen as the primacy of socio-economic rights, whereas the patriotic attitude of *Sirhak*

scholars is equivalent to modern North Korean rights thinking on collective sovereignty against foreign influence.

Studies of *Sirhak* in the DPRK were more active than those in the ROK until those in the late 1960s by Choe Ik-han (1897–?), a historian of the *Sirhak* School, who defected to North Korea from the South in 1948. Choe particularly focused on the work of Chŏng Yag-yong. Choe wrote a book called ‘*Sirhakp’awa Chŏng Yag-yong*’ (the *Sirhak* faction and Chŏng Yag-yong) in 1955, which was banned from being published or read in the ROK until the late 1980s. Since then, *Sirhak* has been studied by various historians. The DPRK defines *Sirhak* as follows:

*Sirhak* is the school of progressive scholars whose backgrounds were mostly aristocrats (or *yangban*) in the seventeenth to nineteenth centuries. The *Sirhak* School played an important role in the ideological and cultural development in the late feudal period of *Chosun*. The *Sirhak* School opposed ‘empty theory and empty discourse’ (*kongni kongdam*) and sought to find truth through substantial objects or practices, based on a belief that learning must help and benefit the enforcement and development of the feudal state of *Chosun*.

(Science Encyclopedia Press [Kwahak beakwasajŏn ch’ulp’ansa] 1982)

The DPRK explains the contribution of *Sirhak* scholarship to society in the following way:

The *Sirhak* School studied history, geography, language, traditions, and social structure as well as the newly arrived natural sciences and technology [from China and the West]. *Sirhak* scholars suggested various progressive reform plans for land, tax, social status and military systems that had been illogical or inefficient. Furthermore, they criticised the opinions and attitudes of *sadae chuŭi* which was ignorant of one’s own history and cultural traditions, although not strongly enough.

It then explains the limitations of *Sirhak*:

The *Sirhak* school could not get away from rotten feudal Confucianism due to the class and environmental circumstances, and therefore was not able to represent the interests of the working People.

Leading *Sirhak* scholars recognised by the DPRK are Yi Su-kwang, Yu Hyŏng-wŏn, Yi Ik, Pak Chi-wŏn, Hong Tae-yong, Pak Che-ka, and Chŏng Yag-yong. The DPRK interpreted Chŏng Yag-yong’s *Mongminsimsŏ* as an ethical textbook for local officials who supported the feudal ruling order. The DPRK is still critical of the impact of Chŏng’s work in that he was still consistent with feudal Confucianism.

Throughout the 1960s, academic efforts have been made to reassess the role of the *Sirhak* school in Korean history, in line with the search for an indigenous

Korean identity against *sadae chuŭi*. Kim Il Sung (1963/1982a: 551) suggested that ‘in the field of history, not only the origins and development of capitalism but also slavery and racism should be studied. *Sirhak* scholars should also be appraised properly.’ Kim (1967/1983b) also emphasised the fact that the *Sirhak* school had opposed *sadae chuŭi* in the past and that it played a progressive role in society. Kim asked, when he visited a local school and found several photos of Alexander Pushkin (a Russian romantic poet) or Vladimir Mayakovski (also a Russian poet and play-writer) hanging on the wall, ‘why are there so many photos of foreigners? We have prominent writers and *Sirhak* scholars too’ (I.S. Kim 1981/1990a).

At the same time, Kim was cautious about overemphasis on the role of *Sirhak* by saying that ‘one needs to know why they [*Sirhak* scholars] opposed [it] and on what grounds. *Sirhak* was not based on materialism and most of the time it was closer to a metaphysical epistemology. That is why they failed’ (I.S. Kim 1968/1983e: 51). Kim (1969/1983b) also warned that the ideas of Dasan (Chŏng Yag-yong’s pen name) could ‘badly influence ideological education for workers and students’.

Once again, in the 1980s, *Sirhak* was back in the public discourse, this time for a different reason. In the 1980s, especially the mid and late 1980s, the revival of *Sirhak* was to stress Korea’s traditional interests in science and technology. In an interview with the head of the *National Herald*, a newspaper agency in India, Kim mentioned that *Sirhak* scholars ‘have tried to develop the technology and industry of Korea, but they were repressed by the feudal ruling class’ (I.S. Kim 1981/1990b: 328). Later, talking about technological revolution, Kim stressed the *Sirhak* school’s emphasis on science and technology and the role of reformists (*kehwap’a*) such as Kim Ok-kyun who attempted a bourgeois reform and industrial revolution (I.S. Kim 1985–6/1993b: 311–12).

More recently, North Korean philosophers have emphasised the progressiveness of the conceptual theory of *Sirhak* based on materialistic naturalism. Pak Kyong Hee (2003: 45) explains that *Sirhak* scholars recognised the nature of materials and the interrelation between them. Pak focuses on materialism and objectivism of the world, seeing the world basically from a materialistic perspective. Hong Tae Yon (2000: 42) argues that Chŏng Yag-yong prioritised the stability of material conditions for people over any ethical enlightenment, which was a progressive idea acting against conventional *Chosun* Confucianism. Han Song Rok (2007: 43) points out that Hong Tae-yong also emphasised the materialistic aspect of human nature by saying that politics and morality would depend on a person’s economic relations with society.

The North Korean monthly philosophical magazine, *Ch’orhak Yŏn’gu* (‘Philosophical Studies’), publishes a considerable number of articles on *Sirhak*, on its progressiveness as well as its limitations. In 2007, Pak Kuk Chol (2007: 37–9) extensively summarises the contribution of *Sirhak* to *Chosun* society and Korean history as a whole. Pak insists that *Sirhak*’s progressiveness was represented in its patriotism, its criticism of feudal values and norms, and finally its materialistic perception. In particular, he introduces Ryu Hyeong-won’s criticism against slavery for its treatment of people as a commodity, both unequally and inhumanely.

Pak continues by saying that Hong Tae-yong denounced the *yangban* class and that Chŏng Yag-yong demanded the abolishment of the *yangban* class.

### ***Tonghak* and human rights**

*Tonghak's* influence over the formation of Korean rights thinking was crucial since it included pre-modern and relatively indigenous concepts of human rights in Korea. *Tonghak* was first formulated by Ch'oe Che-u in the 1860s in Korea. Ch'oe Che-u (1824–64) was the illegitimate son of a *yangban* man and a twice-married concubine and was thus refused access to important social positions. In 1860, he claimed that he had had a spiritual revelation in which God told him that he should rescue Koreans from corrupted Confucianism. Ch'oe believed that all other religions were wrong, that all humans had God within them, and that all humans were equal, including women and servants. *Tonghak* was a claim for social equality not to be discriminated on the basis of sex or social status. The government beheaded Ch'oe for 'deluding the world and deceiving the people' (Joe 1972: 419). However, *Tonghak* survived amongst Ch'oe's followers. Among them, peasants set in motion a chain of peasant uprisings starting in 1862.

Son Byeong-hui (1861–1922), the third successor of *Tonghak*, changed the name from *Tonghak* to *Ch'ŏndogyo* in 1905. *Ch'ŏndogyo* is a religious form of *Tonghak*, which used the Catholic word for God, *ch'onju* (Grayson 2002: 202). *Ch'ŏndogyo* still remains as a religion in the DPRK, and also as a form of a political party, the *Ch'ŏndogyo* Youth Party. *Tonghak* was a syncretic belief, rooted in Korean Buddhism, Confucianism, Daoism and shamanism, and had rituals with some Christian overtones. *Tonghak's* concept of rights was divine and spiritual in that it advocated 'man is Heaven' and that one must serve man as one does Heaven (D.-J. Kim 1994). As we saw in Chapter 1, the divine religious concept of rights was one of the influential factors for the evolution of human rights thinking and it was Christianity in the Western tradition. Likewise, in Korea, it was *Tonghak* that provided a divine concept of rights for the first time in pre-modern Korean history.

*Tonghak* rebellions were radical social movements that were led by peasants during the late nineteenth century and provided an indigenous cultural ground for Marxist notions of the abolition of the class system in Korea. *Tonghak's* fundamental material concern for poor lower-class people – social equality for slaves and women, criminal justice for *yangban* backed by noticeably strong, sometimes violent, social rebellious movements – bore a lot in common with Marxist ideals. The DPRK certainly does not undermine these key revolutionary features of *Tonghak* in its formation of the official discourse of human rights, as we will see later in this chapter.

### ***Tonghak's* material concerns**

*Tonghak's* major concerns were people's basic material conditions, especially those in the lower classes. *Tonghak* stressed helping ease the suffering from poverty and exploitation and this was why a great number of peasants and

‘lowborn people’ (or *ch’ŏnmin*) were attracted to the idea. As a result, it inspired nearly half a million peasants in 1894, who revolted against exploitation by the feudalistic ruling class both internally and by imperialistic forces externally.

### ***Social equality, anti-slavery, and gender equality***

Ian Neary and Norman Jacobs find that *Tonghak* movements had an insistence that all human beings should be accorded the utmost respect, equality and concern (Jacobs 1985; Neary 1998). *Chosun* was a ‘rigid, caste-like’ society (Breen 1998: 87). There were four strata depending on profession and family background. The country was run by *yangban*, a scholarly upper class of civilian and military officials who passed civil service examinations to hold government posts. *Yangban* represented the top 10 per cent of the population and they did not participate in any labour or economic activity, which was widely considered to be lower-class work. ‘Middle people’ (or *chung’in*) were those between *yangban* and commoners (or *sang’in*), and included people with technical skills such as doctors, translators, or lower functionary clerks. *Chung’in* were not allowed to apply for the civil service examination mainly due to their family background. Over half the population were *sang’in*, who were farmers, fishermen, merchants, and craftsmen. *Ch’ŏnmin* were the lowest class or slaves and were butchers, shamans, exorcists, entertainers, and the Korean equivalent of Japanese geisha (*kisaeng*).

Like *Sirhak*, *Tonghak*’s most pronounced human rights concern was social equality, in its strong advocacy towards anti-slavery. It provided a cultural and historical foundation for the formation of human rights ideas in Korea, especially in the field of social equality, among different classes. Ch’oe Si-hyŏng (1827–98), the successor of Ch’oe Che-u, preached openly against social discrimination: ‘human beings are heaven (*innaech’ŏn*) and all are equal; there are no differences among humans, so distinctions of high and low violate God’s will’ (Y.-h. Choe *et al.* 2000: 229–30). Ch’oe Si-hyŏng’s advocacy of social equality clearly reflected the increasingly vocal popular resentment of *yangban* privileges in the aftermath of the peasant rebellions of the 1860s, and the opening up of the country in the 1870s.

*Tonghak* also promoted gender equality. All converts to *Tonghak* as a new religion ‘were morally obligated to treat each other as equals regardless of age, sex, and social status’ (Jacobs 1985: 239). *Tonghak* leaders criticised discrimination against women, and spoke for women’s right to equal respect (Noh 1997: 10, 13). Before *Tonghak*’s influence, young widows had been socially forced to stay unmarried and remain faithful towards their dead husbands. Young widows were allowed to remarry under the manifesto of peasants’ movements, which was highly unconventional and revolutionary in late nineteenth-century *Chosun*.

### ***Criminal justice and land reform***

*Tonghak* was more revolutionary than *Sirhak* in terms of social movements. *Tonghak* had an indigenous element for radical social movements against the ruling class before independent movements under Japanese colonisation or revolutionary socialist

struggles. The DPRK government focuses on *Tonghak*'s revolutionary aspect. The 1894 peasants' rebellion ('peasants' war' in the DPRK's terminology) was a series of peasant uprisings led by *Tonghak* activists (Y.-h. Choe *et al.* 2000: 261) and it is still highly praised by the DPRK. The *Tonghak* peasant army manifesto at Mujang (Y.-h. Choe *et al.* 2000: 264–5), allegedly written by Chŏn Pong-jun, the leader of the peasant army, reiterated the people's grievances against misgovernment and corruption. The Reform Plan (*p'echŏng kaehyŏk'an*) proclaimed by the *Tonghak* Overseer's Office (*chipgangsŏ*) declared egalitarian social reforms that went beyond redressing tax grievances. Many of them had provisions on the liquidation of past crimes by corrupt officials and the *yangban* class (i.e. criminal justice):

- crimes committed by greedy and corrupt officials shall be investigated and severely punished;
- the wrongdoers among the rich and powerful shall be severely punished;
- the wicked among the Confucian literati and the *yangban* class shall be ordered to mend their ways; and
- persons who are in league with foreign enemies shall be severely punished.

As you can see from the last proviso of the Reform Plan, *Tonghak* was based on patriotic nationalism and sometimes even stretched to anti-foreign sentiments, especially against the Japanese, which has affected North Korean rights thinking. Ch'oe Che-u's introduction of democracy was from an idea that the best way to counter foreign influence on Korea was to establish democracy and human rights. Ch'oe insisted that democracy and human rights would create a 'paradise on earth' independent of foreign interference. It is no wonder that among the 33 signatories of the Declaration of Independence in 1919, 15 were members of *Ch' ŏndogyŏ*.

The abolition of over-taxation and regionalism, and land reforms were also part of the peasants' movements' manifesto:

- improper levies in the form of sundry taxes shall be completely terminated;
- in recruiting officials, regionalism shall be eliminated and talented persons shall be appointed, irrespective of their birthplace;
- all past debts, private or public, shall be declared null and void; and
- farmland shall be equitably redistributed for cultivation.

The land reform and the termination of tax bore a strong resemblance to the post-revolutionary Marxist measures taken by the DPRK after 1945. When Kim Il Sung introduced these policies and implemented them under his leadership, they were not new to most Korean people, who remembered the *Tonghak* peasants' movements. They had all been there before.

### ***The DPRK's interpretation of Tonghak***

The government has reformulated the ideas of human rights within *Tonghak*, selectively choosing its revolutionary and nationalistic aspects. First of all, *Tonghak*'s

primary concerns were with the poor material conditions of slaves and women in *Chosun* society. In this respect, North Korea has attached a high degree of historical importance to the *Tonghak* peasants' movements, unlike their treatment of *Tonghak* ideology, in searching for the origins of peasant-based revolution in North Korea. Like *Sirhak*, *Tonghak* refuted the abstract and idealistic aspect of Confucianism and promoted a more realistic and revolutionary approach to fundamentally changing the socio-political structure of society. This ideological trend continued in Korean Marxism as we will see in Chapter 4. The nationwide peasants' uprisings in 1894 have been extensively studied by North Korean historians. In an attempt to identify the *Tonghak* peasant rebellions as the origin of class-conscious socialist movements that originated in North Korea, the DPRK stressed the first agrarian uprising in Pyong'an (now in North Korea) led by Hong Kyŏng-nae, an impoverished scholar-official, dating further back to 1811. Kim Il Sung (1992–4/1996a: 423) has emphasised the militant characteristics of peasant rebellions against the upper class and foreign influence and focused on the anti-Japanese sentiment among peasants.

Second, *Tonghak*'s nationalistic ideal has survived as a right to national survival in the contemporary rights thinking of North Korea. A North Korean philosopher Chong Chang Hak (2001: 36) sees *Tonghak* as a nationalistic religious ideology based on the class of peasants and failed Confucian students, reflecting their anti-feudal and anti-foreign sentiments in the late nineteenth century. *Ch'ŏndogyo* was also considered a nationalistic religion and its members as being those who had high anti-Japanese sentiments (I.S. Kim 1992–4/1996b: 134). Kim Il Sung also (1988–9/1995b: 201) recognised *Ch'ŏndogyo* as 'Korea's own national religion'.

Third, Kim Il Sung (1988–9/1995b: 201) praised *Tonghak*'s fundamental principle of *Ch'ŏndogyo* 'Each Human Being is Heaven'. Kim emphasised this point again in his formation of human rights ideas under *Juche*. Kim Jong Il inherited this under his 'our style' of human rights.

*Tonghak* still exists as a religious form, *Ch'ŏndogyo*, and as a political party, the *Ch'ŏndogyo* Youth Party in the DPRK, but with no significant attachment to human rights. The Party was established during the colonial period, in 1919, by Kim Ki-chŏn. Kim Il Sung (1912–30/1996) claimed that he reorganised the party in February 1946. However, the more likely truth is that the impact of *Ch'ŏndogyo* over North Korean society was recognised by the Soviet military authority that consequently persuaded Kim Dal-hyun, head of a local *Ch'ŏndogyo* group, to establish the party. The party was re-established again in 1950 when the members of the South Korean *Ch'ŏndogyo* Youth Party joined the North Korean one. Kim Chul, Head of South Korean *Ch'ŏndogyo*, said that by 1950 the party was already occupied by the Workers' Party and many *Ch'ŏndo* believers left the party, including himself.<sup>11</sup> Kim Dal-hyun was then persecuted by the North Korean authorities. Now, the main activities of the party are to support the party line of the KWP, having no role in protecting human rights in the DPRK.

The principle of equality and other forms of social reforms in the *Tonghak* ideology and peasant movements prove that there were certain elements of human rights in Korea before national liberation. However, there was little awareness of

the need to consider the importance of human rights within Korean society (Shaw 1991). Japanese colonial rule also blocked the spread of liberal human rights ideas. After liberation, the need to create an effective state, promote economic development, and protect the state from external aggression overtook the *Tonghak* ideology, which might otherwise have infused some human rights norms among Koreans. *Tonghak* as an ideology was superseded by colonial circumstances and the need to create a strong state.

## Conclusion

This chapter has identified some of the rights characteristics within *Chosun* Confucianism, *Sirhak*, and *Tonghak* that were, in many ways, later revived in Kim Il Sung's *Juche* and Kim Jong Il's 'our style' of human rights.

First, the Confucian influence over the formation of rights thinking in the DPRK included: (i) the role of the 'virtuous' ruler for his country and people, particularly in the area of people's material well-being; (ii) the passive form of granted rights rather than the active form of claiming rights; (iii) citizens' duties in return for granted rights; and (iv) the ultimate goal of achieving collective unity and social harmony by emphasising the respective roles and duties of both the ruler and the ruled. It is significant that 'virtuous politics' is the term used under Kim Jong Il's 'our style' of human rights. The family was the basic social unit but maintaining a stable family also implied significant responsibilities for each member of the family. As we will see later, in Chapters 5 and 6, the DPRK government employed familial images depicting the entire society such as the parental leader, motherly party, and thus, by implication, citizens as children.

Second, *Sirhak* contained some revolutionary reform-minded thoughts that advocated anti-slavery and social equality. It also devised practical measures to enhance people's living conditions, which can be interpreted as the basis for the prioritisation of the right to subsistence for ordinary people in Korean rights thinking. In this sense, *Sirhak* was revolutionary and also quite nationalistic compared to conventional Confucianism, which at that time was copied from highly theoretical and metaphysical Chinese Confucianism. *Sirhak*'s advocacy for commerce could not survive in the DPRK because the DPRK was attached to its Marxist ideology opposing a market economy.

Third, *Tonghak* is the most influential Korean traditional basis for the formation of North Korean rights thinking in that it survived in two forms, a religion and a political party, although that was only owing to its contribution to national independent movements. The direct political outcome of *Tonghak*, the peasants' rebellion movement, is still highly recognised by the DPRK government for its revolutionary ideas on social equality and opposition to *Chosun*'s feudal system. This means that Korea had already had some indigenous elements of human rights ideas in a pre-modern stage, especially in the field of social equality among difference classes and gender equality, which became the cultural foundation for accepting Marxist ideas on the abolition of the class system. *Tonghak* was also extremely nationalistic and anti-foreign and this has provided a conceptual ground to understand the right to

self-determination after Korean liberation, and developed as a right to national survival under Kim Jong Il's 'our style' of human rights. *Tonghak* is the closest ideational factor to contemporary North Korean rights thinking.

All contemporary characteristics of human rights in the DPRK can be found in the traditional Korean philosophies and in the country's post-colonial experiences. The next chapter will discover the core human rights provisions that were being intensively institutionalised in North Korea under the immediate post-colonial setting, and analyse the main characteristics of People's rights engraved in DPRK's legal and political documents during this period.

## Notes

- 1 Kim Ku was shot by one of his followers, Ahn Doo-hee, who allegedly confessed that the assassination was masterminded by the Rhee administration, and Cho Man-sik was killed by the KCP in a prison in Pyongyang.
- 2 *Analectis* is a record of the words of Confucius and his disciples, written during the Spring and Autumn Period through the Warring States Period (479 BCE–221 BCE). It represents the work of Confucianism and has tremendously influenced Chinese and East Asian thought and values.
- 3 *Sadae chuüi* is the word used in both South and North Korea to describe a mentality of small nations' worship of big powerful countries. Historically, *sadae chuüi* usually referred to an attitude of those who made close alliances with China and demonstrated to follow the Chinese model. After 1945, *sadae chuüi* in a North Korean discourse also means pro-American South Koreans. Hereafter, it is referred as *sadae chuüi*.
- 4 The opportunistic or highly pragmatic attitude of those who switch their political ideologies.
- 5 The political or ideological profiling of people and discrimination on the basis of a person's political faction.
- 6 The act of forming a group based on a person's birthplace.
- 7 The act of prioritising a person's own family.
- 8 i.e. from orthodox Marxist ideology.
- 9 An attitude or belief attaching to conventional traditions including Confucianism.
- 10 One of the 'ism'-ised terms created by the DPRK, just meaning a passive lifestyle or attitude.
- 11 Minjok 21, Interview with the head of Cheondogyo of the Republic of Korea, Kim Chul, <http://www.minjog21.com/news/articleView.html?idxno=4>.

### 3 Post-colonial people's rights: 1945–8

As we saw in the previous chapter, collective interests, the primacy of socio-economic rights, and citizens' duties before rights, already existed in traditional Korean philosophies such as Confucianism, *Sirhak*, and *Tonghak*, prevalent in the late *Chosun* period. They intertwined with Marxist ideas to shape contemporary ideas of human rights in the DPRK.

Another strong ideational factor for the formation of human rights concepts throughout the North Korean history is post-colonialism. This chapter, therefore, focuses on the rights characteristics during the so-called interim government period of the DPRK from August 1945 to September 1948, which included a wide range of institutionalised human rights. It shows the domestic and international factors that influenced the formation of early rights concepts in the DPRK: the post-colonial nation-building process, the Soviet influence, and the Kim Il Sung factor. Accordingly, these factors affected certain rights characteristics in North Korea: (i) the 'negative' People's rights intended to undo the repressive Japanese colonial practices and the 'positive' People's rights that would create an exclusively human rights-friendly independent nation-state, (ii) People's rights imported from the Kremlin, and (iii) the 'koreanisation' of People's rights.

#### **Establishing rights in the nation-building phase**

##### *'Negative' rights: memory of the Japanese colonial past*

One of the most important influences on North Korean rights thinking in 1945–8 was the memory of the Japanese colonial past. The domestic context for the promulgation of the full range of human rights, which will be noted below, was liberation from Japan, a process of national catharsis upon which the new regime sought to build its political legitimacy. Whereas the need for a strong state had some elements of 'positive' rights in the process of nation-building, the rights that were intended to undo the repressive Japanese colonial past had a tendency to be 'negative' rights, in other words, the newly established government should 'not' do what the Japanese had done to the Korean people.

'The People' (*inmin*)<sup>1</sup> in People's rights did not include Japanese colonialists or Korean collaborators, which means that rights were not universal, but were strictly

conditioned on ‘who you are’. In line with the overall discriminatory policies against pro-Japanese elements, the Provisional People’s Committee approved an agreement on the classification of pro-Japanese and national traitors on 7 March 1946. Some of the definitions of pro-Japanese elements were as follows (I.S. Kim 1946/1979g: 113–14):

- traitors (*maegungno*) who sold the Korean nation to Japanese imperialists during the colonial period;
- those who were titled and ranked as nobility with the Japanese authorities;
- high-ranking officials in the Japanese police and security forces, or judges and prosecutors in charge of prisoners of conscience;
- those who killed or persecuted national (independent movement) activists and revolutionary forces who participated in national or class-based liberation movements inside and outside the country;
- philosophical and political leaders who consciously supported the ‘Movement to Create Imperial Subjects’<sup>2</sup> (*hwangguk sinminhwa undong*) as part of the Japanese assimilation policy; or
- spies and propagandists from anti-revolutionary organisations who disrupted the formation of the National United Front (*minjok t’ong’il ch’önsön*) after 15 August 1945.

These ‘pro-Japanese elements’ were classified as enemies of the state and, accordingly, deprived of rights, especially property rights that they had previously enjoyed. The party claimed that it had ‘rightfully’ deprived pro-Japanese Koreans of their right to vote and stand for election, and confiscated land from landlords, which they distributed to the peasants in order to do justice and realise People’s rights immediately after decolonisation. However, as Kim Il Sung (1958/1981f: 208–10) revealed his real purpose, he disposed of all rights of anti-revolutionary elements ‘who rejected and opposed’ the newly-established regime.

At the same time, the agreement on the classification of pro-Japanese and national traitors included a supplementary provision adding that ‘exemptions from being classified as a pro-Japanese element can be made to those who no longer engage in bad behaviour or to those who actively participate in the state-building process’ (I.S. Kim 1946/1979g: 114). It was the regime’s political intention to include as many people as possible in national construction. The 1946 Twenty-Point Programme (*ysisipgae ch’önggang*) was also clear legal evidence of the delineation between ‘the People’, who were entitled to their rights, and ‘enemies’ who were not.

### **‘Positive’ rights for building an independent Korea**

At the end of Japanese colonisation in August 1945, collective sentiment for state power and nation-building was overwhelmingly widespread among ordinary Koreans. People’s rights were created in this historical context so that a strong state was expected to protect the rights of Korean people against foreign invasion.

With a hostile American presence in South Korea, and Japan and the US support in neighbouring China for the nationalist Guomindang (GMT) in its war

with the CCP, the Kim Il Sung regime deemed it necessary to embrace as many people as possible into the new post-colonial order in an effort to make North Korea strong and so able to resist the threat of foreign intervention. This meant that rights were accorded to the vast majority of the populace irrespective of factors such as gender and, significantly at this stage, social class.

Upon arriving in Pyongyang and backed by the Soviet military, Kim Il Sung started a state-building process followed by a series of new pieces of legislation to asserting human rights within the framework of a 'people's revolutionary democracy'. Starting in March 1946, Kim pronounced the Land Reform Law, the Regulation for the Composition of the Court and the Prosecution Office, the Twenty-Point Party Platform, the Labour Law on Labourers and Office Workers, the Gender Equality Law, the Government Programme, and finally the People's Constitution. The rights characteristics within these legal and political documents will be explained in detail in the following sections. All the above clearly bore the Soviet hallmark.

However, this process can also be interpreted as North Korea trying to initiate a modern government structure that Korean people had never experienced before. Kim Il Sung's political manifestation of national construction at this level represented people's desire for a stronger independent state resilient to foreign invasion. This sometimes combined with anti-imperialism, anti-colonialism and especially anti-Japanese sentiments.

### ***The interdependence between negative and positive rights***

As demonstrated in Chapter 1, 'positive' and 'negative' rights are closely inter-related and indivisible from each other. Therefore, negative rights, not to be abused or exploited by the authorities, were normally followed by positive rights to offer proper protection from the newly established government. For example, Kim Il Sung (1946/1979h: 84) said in a speech to members of the security forces that, 'The Japanese police officers have ill-treated people and violated the rights of people. The People's security forces, now under the newly-liberated national environment, should not act like the Japanese police'. He then emphasised that the People's security forces should be fully responsible for the protection of People's rights. Kim thus proposed that police officers should implement and realise fairness and justice in society through the promotion and protection of People's rights. Kim (1946/1979f: 537) also specified that the fundamental duties of prosecutors and police officers were to defend the establishment of a democratic sovereign independent country and protect human rights.

## **Institutionalising human rights: copying the Soviet model**

### ***Programme of Action for People's Sovereignty***

As a function of constructing a new government, the Programme of Action for People's Sovereignty (*inmin chukwŏn haengdong kangnyŏng*) was proposed in August 1945. This is one of the first North Korean references to the concept of human rights (I.S. Kim 1930–45/1979a). It was intended primarily as an ethical

guideline for state officials, especially for those working in the justice and police departments, many of whom had become accustomed to Japanese colonial practices. The Programme of Action included a broad range of basic human rights:

- freedom of the press, publication, assembly, association and religion;
- rights to vote and stand for election;
- rights to gender equality;
- rights to a guaranteed eight-hour working day and a minimum wage; and
- rights to a vocational guarantee for the unemployed.

Expressing his resentment of the old Japanese practices and creating a new and different role for the police meant that Kim Il Sung acknowledged the problems within the security forces, which still used old Japanese colonial-style practices.

### ***Gender Equality Law***

The Gender Equality Law, established in 1946, aimed particularly to eliminate the remaining discriminatory practices against women, to reform the feudalistic relations between men and women, and to give women equal opportunities with men to participate in various cultural, social, and political activities (I.S. Kim 1946/1979e: 326–8). It extended to comprehensive rights never previously enjoyed by women in North Korean:

- to vote and to stand for election (Article 2);
- to equal pay for equal work (Article 3);
- to social insurance and education (Article 4);
- to marriage and divorce (Article 5); and
- to inherit from parents (Article 8).

Adultery, forced prostitution, polygamy, and the trafficking of women were considered to be feudalistic and male-chauvinistic, and were all prohibited (Article 7). The contents of the Gender Equality Law were largely copied from the Soviet equivalent, but the main purpose of the law was to embrace women as former victims of human rights violations under Japanese colonial rule in order to mobilise them as a solid labour force for the process of nation-building.

### ***Land Reform Law***

Policy measures that the DPRK adopted to liquidate the Japanese social structures included two documents, the Land Reform Law and the Regulation for the Composition and Duties of the Justice Ministry, Courts and Prosecution Offices, adopted in March 1946. It was made clear in Article 1 of the Land Reform Law that ‘Its aim is to demolish the land ownership of the Japanese and Korean landlords and to guarantee the right of peasants to use their land’ (I.S. Kim 1946/1979d:

111). The Land Reform Law was a critical part of the nation-building process to give peasants proper rights to land.

The land reform initiated by the Land Reform Law was not only revolutionary socialist policy, but also anti-feudal and anti-colonial, similar to the nineteenth-century *Tonghak* ideals that we saw in Chapter 2. *Tonghak* particularly focused on peasants' land issues in the late *Chosun* period, and therefore this was not completely new revolutionary thinking to Korean people. The government confiscated all land owned by pro-Japanese Koreans and nationalised it (W.-b. Kim 2001: 3–5). The authorities seized all land owned by traditional landlords, capitalists, and religious organisations as well as other private property including livestock and houses without any monetary compensation. It was all allocated to peasants according to the number of family members and labour capacity. While poor peasants who worked for local landlords welcomed the government's decision, rich ones, who possessed a fairly large amount of land, did not.

### ***Regulation for the Composition and Duties of Justice Ministry, Courts, and Prosecution Offices***

On the role of newly-established courts and prosecution offices, the North Korean government said that it 'aims to completely demolish the old legal system that the Japanese imperialists had forced upon us . . . and to build a new democratic *Chosun* and establish a democratic legal system that pursues the interests of the People' (I.S. Kim 1946/1979b: 110).

### ***Twenty-Point Party Platform***

The Twenty-Point Party Platform was drafted in March 1946 as an interim measure to protect the human rights of Korean people before the promulgation of the 1948 constitution (I.S. Kim 1946/1979a: 125–6).<sup>3</sup> The Twenty-Point Party Platform made a clear distinction between 'the People' who were entitled to the rights contained in the document and 'the enemies' who were not. The latter, described as 'reactionaries, fascists and anti-democratic forces' (*bandong p'asisūt'ŭ, banminju seryōk*), were in the main 'pro-Japanese elements' (*ch'inil punja*), namely those who collaborated with the Japanese authorities during the colonial period. They were not entitled to human rights protection.

The Platform comprised a broad range of human rights including (Baik 1973: 107–8):

- freedom of the press, publication, assembly, and religion for all;
- unrestricted activities for democratic political parties, trade unions, peasants, or other democratic organisations;
- duties and rights to establish local People's Committees that would conduct a secret voting system in a form of direct election with equal opportunities to all;
- equal legal rights for all;

- guarantee of an eight-hour working day for workers;
- guarantee of a standard minimum wage;
- prohibition of work-permits to persons under the age of 13 and the implementation of a six-hour working day to persons aged between thirteen and sixteen;
- a compulsory education system; and
- free medical treatment for the poor.

As explained earlier, this broad range of human rights was set up on the basis of eliminating past practices under Japanese colonial rule and fighting against anti-revolutionary, fascist, or anti-democratic activities in post-1945 Korea. In this regard, the abolition of all legislation and the court system practised during the Japanese colonial period was under way. Consequently, the establishment of a new court system was carried out with the aim of serving the ‘best interests of the People’. In order to support the implementation of the right to education, detailed programmes were suggested in the Twenty-Point Party Platform including:

- expansion of national primary schools, middle schools, and universities;
- educational reform in harmony with the state’s overall efforts to democratic reforms; and
- establishment of professional schools for training students who would serve as state officials or economy specialists within the government after graduation.

As for medical services, an increase in state-sponsored hospitals and the elimination of all kinds of infectious diseases were encouraged. Most notably, the regime allowed and even encouraged individuals to run their own small businesses. All these rights and new democratic measures were later included in the 1948 People’s Constitution.

### ***Labour Law for Labourers and Office Workers***

Following the Twenty-Point Party Platform, the Labour Law for Labourers and Office Workers was promulgated in June 1946. Kim Il Sung (1946/1979c: 261) stated that the law was designed to ‘emancipate Korean workers from past oppressive colonial forced labour, guarantee the improvement of working conditions and material living standards, and pave a way to establish new happy lives for workers in Korea. Korea, as a unique colonial territory of Japan, had been confronted with an absence of political rights, economic bankruptcy, and cultural darkness because of the unprecedented cruelty and exploitation on the part of Japanese imperialists.’ The beneficiaries of the law included all labourers and office workers of national social organisations, corporations, individual entrepreneurs, and business institutions. The Labour Law was based on the earlier Twenty-Point Party Platform that listed the tasks needed to liquidate the remaining Japanese exploitative colonial practices; it was to establish democratic rule for workers in North Korea. The law included:

- an eight-hour working day (Article 1);
- a six- or seven-hour working day for persons aged between 14 and 16 (Articles 2 and 3);
- no labour for persons under the age of 14 (Article 4);
- no labour outside working hours (Article 5);
- collective bargaining and labour contracts (Article 6);
- equal pay for equal work (Article 7);
- paid holidays for at least two weeks a year (Article 12);
- maternity leave (Articles 14–7); compulsory social insurance (Article 18); and
- trade unions and the obligation to abide by work regulations (Articles 22–6).

These were largely adopted from the Soviet Union's Labour Codes of 1912 and 1922.

### ***Government Programme***

On the executive side, the Government Programme was introduced at the first meeting of the Supreme People's Assembly in September 1948, aiming to abolish previous Japanese practices. The Programme clearly had two clear targets: the first being to abolish the exploitative Japanese colonial past, and the other to establish a strong independent government. Moreover, these measures had to be done 'according to the Soviets' suggestions' (I.S. Kim 1948/1979b: 437–8). The Programme's main tasks were to (i) 'take every measure to abolish the past egregious colonial-style policies of the Japanese and to punish, by law, pro-Japanese Koreans and national traitors who had betrayed the interests of *Chosun* people and collaborated with Japanese imperialists', (ii) to 'nullify all anti-democratic and anti-people rules and regulations that the Japanese imposed during the colonial period', and (iii) to 'liquidate the national economy's colonial dependency and oppose the foreign imperialists' forceful dependent economic policies'. It declared a reinforcement of the newly-established democratic reforms including land reform, the nationalisation of industry, labour-related legislation, and the Gender Equality Law and the construction of a sovereign national economy that could guarantee the nation's independence and prosperity.

### ***Rights and duties in the 1948 People's Constitution***

The preliminary source for North Korea's institutional building for human rights was the Soviets. The process and contents of the 1948 People's Constitution, shown in this section, were heavily influenced by the Kremlin over the course of the DPRK state-building process. Both the constitution itself and the procedures used in enacting it closely followed the Soviet model. First, according to Andrei Lankov, a Russian expert on North Korean studies who examined declassified Soviet materials, the process of drafting and amending the first DPRK constitution was heavily controlled by the Soviet generals in Pyongyang, who were given instructions by the Kremlin. Second, the contents of the constitution were almost identical to those of previous USSR constitutions.

The process of drafting the constitution was initiated by Kim Il Sung. In April 1947, the Korean Democratic Party (*chosun minjudang*), established by a nationalist, Cho Man-sik, on 3 November 1945, held its Second Party Congress and restructured its programme to parallel the Twenty-Point Party Platform, thus providing the basic foundation for the 1948 constitution. In the autumn of 1947, North Korea created a committee to draft a constitution, and on 6 February 1948 the drafted constitution was presented to the fourth session of the People's Assembly. The draft was based on the Soviet 1936 constitution and adapted to the concept of the 'People's democratic revolution'. Instead of promulgating it straight away, the People's Committee was encouraged (by the Soviet generals) to conduct a national survey and public discussion about the drafted constitution (I.S. Kim 1948/1979a: 275). According to Kim, 55,000 suggestions were received by letter from the public (I.S. Kim 1948/1979a: 275). A decision to conduct a public discussion was made in the Kremlin by the Soviet Politburo (Lankov 2002: 42).<sup>4</sup> Nevertheless, 'democratic procedures' were all the more important because the DPRK at this time was in a bitter competition for legitimacy with the ROK, a state following similar procedures (Scalapino and Lee 1972: 791). In this way, everything, down to the agenda of the People's Assembly session, was confirmed in advance by Moscow after the International Department of the Soviet Central Committee proposed a dozen amendments (Lankov 2002: 43).<sup>5</sup> On 24 April, the Soviet Politburo approved the draft presented by Pyongyang with three amendments: Articles 2 and 14 were fully rewritten in Moscow, while Article 6 was extended.<sup>6</sup>

The rights covered in the first constitution of the DPRK were largely based upon the constitutions of the USSR although there were some local adaptations. The drafted ten-chapter, 104-article constitution in February 1948 was adopted on 8 September. As a statement of its commitment to rights, the section on rights was set out towards the front of the document in Chapter 2 and was extremely broad-ranging in scope, stipulating no fewer than 16 rights (and four duties), many of which were lifted directly from earlier documents such as the Programme for Action and the Twenty-Point Party Platform, both modelled by the USSR.

Articles within the 1948 constitution, as seen in Table 3.1, include equal rights in all fields of politics, the economy, and social life regardless of gender, ethnic origin, political opinion, religion, personal property, or education; also freedom of religion, press, publication, assembly, and association (Articles 11–13). In order to abolish remnants of Japanese colonial rule, the constitution provides clauses that called for the confiscation of assets and land owned by Japanese and their collaborators, and for depriving them of their civil rights (Articles 12).

As part of Kim Il Sung's non-class specific approach, DPRK citizens were given the freedom to maintain medium and small-size industrial and commercial enterprises (Article 9). This more relaxed approach to allowing certain capitalist classes to enjoy rights was not altogether unusual in newly-established Marxist states (Weatherley and Song 2008). The CCP adopted a similar position in the 1949 Common Programme, a temporary constitution of the newly founded PRC issued prior to the promulgation of the 1954 Constitution. As part of the CCP's 'united front' policy, the Common Programme extended the enjoyment of rights

Table 3.1 Rights and duties in the 1936 USSR and the 1948 DPRK constitutions

<i>Constitution of the Union of Socialist Soviet Republics of 1936</i>	<i>Constitution of the Democratic People's Republic of Korea of 1948</i>
<i>Chapter X. Basic Rights and Duties of Citizens</i>	<i>Chapter II. The Fundamental Rights and Duties of Citizens</i>
<p>[Rights]</p> <p>Article 118. Right to work</p> <p>Article 119. Right to rest</p> <p>Article 120. Right to material security</p> <p>Article 121. Right to education</p> <p>Article 122. Women's equal rights with men</p> <p>Article 123. Equality of the rights of citizens irrespective of their nationality or race</p> <p>Article 124. Freedom of conscience/freedom to perform religious rites and freedom of anti-religious propaganda</p> <p>Article 125. Freedom of speech/freedom of the Press/freedom of assembly and meetings/freedom of street processions and demonstrations</p> <p>Article 126. Right of combining in public organisations: trade unions, co-operative associations, youth organisations, sport and defence organisations, and cultural, technical and scientific societies</p> <p>Article 127. Inviolability of the person</p> <p>Article 128. Inviolability of the homes of citizens and the secrecy of correspondence</p> <p>Article 129. Right of asylum to foreign citizens</p>	<p>[Rights]</p> <p>Article 11. Equal rights irrespective of sex, nationality (or race), religion, skill, property, and educational level</p> <p>Article 12. Right to vote and stand for election (age 20 or over) irrespective of sex, nationality, social origin, religion, length of residence, property, or education (persons deprived of the electoral right by the decision of a court, insane persons, and the pro-Japanese elements, not included)</p> <p>Article 13. freedom of speech, the press, association, assembly, mass meetings, and demonstrations</p> <p>Article 14. Freedom of religious belief</p> <p>Article 15. Right to equal pay for equal work</p> <p>Article 16. Right to rest</p> <p>Article 17. Right to material assistance</p> <p>Article 18. Right to education</p> <p>Article 19. Freedom to maintain medium and small size industrial and commercial enterprises</p> <p>Article 20. Freedom to engage in scientific and artistic pursuits</p> <p>Article 21. Inviolability of the home of the citizen and the privacy of correspondence</p> <p>Article 22. Women's equal rights with men</p> <p>Article 23. Protection of marriage and the family</p> <p>Article 24. Inviolability of persons and protection from arbitrary arrest</p> <p>Article 25. Right to petition</p> <p>Article 26. Protection of foreign citizens</p>
<p>[Duties]</p> <p>Article 130. Obligation to observe the Constitution/. . ./to respect the rules of the socialist community</p> <p>Article 131. Obligation to safeguard and consolidate public, socialist property</p> <p>Article 132. Universal military service</p> <p>Article 133. Defence of the Fatherland/ treason against the Fatherland</p>	<p>[Duties]</p> <p>Article 27. Obligation to observe the Constitution and socialist principles</p> <p>Article 28. Defence of the Fatherland</p> <p>Article 29. Payment of taxes</p> <p>Article 30. Engagement in work</p> <p>Article 31. Protection of minority nationalities within the DPRK</p>

beyond the traditional boundaries of the proletariat to include certain bourgeois classes, primarily the ‘petty bourgeoisie’ (*xiaozhanchan jieji*), which consisted of professional people, small traders, students and intellectuals, and the ‘national bourgeoisie’ (*guomin zhichan jieji*) which comprised small-scale factory and shop holders (Nathan 1986: 97). By 1954, however, only the proletariat were constitutionally entitled to rights (Nathan 1986: 105).

One of the strongest indicators that the DPRK constitution was closely modelled upon that of the USSR constitution is Article 31 of the 1948 constitution. Article 31,<sup>7</sup> which provided protection for ethnic minorities, was copied from Article 123 of the 1936 Soviet constitution.<sup>8</sup> The former Soviet Union included this provision in order to protect ethnic minorities and prevent conflicts between different ethnic groups but this was not a relevant social issue in ethnically homogeneous North Korea. As a result, the DPRK regime deleted Article 31 from the 1972 Socialist Constitution.

### **‘Sovietisation in form’**

Overall, the DPRK inherited the essential political system and legal structure for rights from the Kremlin. Democratic reforms including land reform, nationalised industry, the Gender Equality Law, the Labour Law, the Electoral Law, and the agricultural policies were all the same as the policies introduced in Eastern Europe, which the former Soviet Union had occupied. The Soviet military, stationed from March 1947 until December 1948, provided detailed economic and political guidelines to Kim Il Sung. As Lankov (2002: 7) claims, ‘it was politics and not the economy which was most important to the Soviet authorities in Korea’ and ‘the Soviet Union had to conduct what in the Western and South Korean literature is often called the “communisation” of the country, namely the establishment of a pro-Soviet government’.

Among other elements of Soviet Marxism–Leninism imported in this period, the theory of ‘people’s democracy’ and ‘people’s democratic revolution’ undertaken by the Soviet Civil Administration in Korea needs to be taken into account. According to this theory, ‘people’s democratic revolution’ on the basis of a united front is followed by ‘general democratic reforms’, such as radical land reform, partial nationalisation of industry and banking, the declaration of gender equality, and the establishment of democratic freedoms, which was exactly what was happening in the DPRK during 1945–8. Meanwhile, ‘people’s democratic revolution’ did not include radical socialist reforms and therefore it did not present any radical socialist rights based on class-consciousness. For example, rights to private property in industry could be retained and the rights of non-communist parties could also be tolerated. Socialist rights in a Stalinist sense were to be introduced at a later stage, after the ‘people’s democratic revolution’ had laid the necessary foundation for a genuine socialist transformation.

### **People’s rights in the People’s Democracy**

People’s rights had a distinctive post-colonial characteristic that not all Marxist states shared. People’s rights during 1945–8 was a transitional means to include as

many people as possible, such as the petty bourgeoisie, for national construction and at the same time exclude pro-Japanese elements from the protection of human rights. It was the People not the proletariat who were entitled to rights granted by the new government. Distinguishing 'People' who are eligible for proper human rights from enemies who are not has been a constant ideational construction process in the DPRK since 1945, depending on changing domestic and international environments. This section tries to identify who the People were at this stage.

### ***Nationalism and communism in pre-1945 Korea***

The communist ideology of this time confirmed the need to build a strong independent state. As William G. Carleton (1950: 436–7) pointed out, 'Under Communism, the mass of Asiatics in some countries may come into close contact with their governments for the first time in their history.' Communism was introduced to Korea during the colonial period in the 1920s. When it first came in, most Korean communists did not draw a sharp line between nationalism and communism. According to Nym Wales' interview with Kim San, then a revolutionary communist in China's Yanan region, many Koreans were in fact drawn to communism because of its appeal as an ideology of national liberation and as a vehicle for their anti-colonial struggle (Wales and Kim 1972). Similarly, when the Korean Communist Party was established in 1925, the goal was first to lead the nation to independence and second to enact social revolution (Scalapino 1997; Suh 1967).

Nationalism and communism were closely intertwined with each other during Japanese colonisation. Both had the same purpose – to be free of the Japanese. Japanese 'imperialists' and Korean collaborators were the privileged bourgeoisie. For Korean communists, who were both independent movement activists and revolutionary communists, anti-colonialism and anti-capitalism naturally and logically went together insofar as both aimed to abolish Japanese colonial control and establish an independent nation-state in Korea.

There were some early Korean orthodox international communists who were against nationalism (G.-W. Shin 2006). These orthodox Korean communists took the Marxist view that nationalism is a bourgeois ideology, not that of land for all people,<sup>9</sup> the nation is not an 'eternal being' but a historical product related to capitalist development,<sup>10</sup> nationalism is part of a worldwide trend in the growth of fascism,<sup>11</sup> and nation-based particularism has to be replaced by class-based universalism.<sup>12</sup> As yet, the ideas of the Korean orthodox Marxists on human rights remain unexamined, chiefly because these orthodox communist ideas failed to survive in North Korea after 1948.

### ***Nation, People, and class***

At this stage, it is important to determine who exactly 'the People' were in this context. In the post-colonial revolutionary environment, the People could mean both the nation and the proletariat. That means the rights featured in North Korea in 1945–8 had both concepts of post-colonialism and Marxism–Leninism, which

still remain as the two biggest themes in the DPRK's official discourse of human rights. The former along with the right to self-determination was incorporated into *Juche*, creating the idea of the right of man to choose his own destiny and the sovereign right of the nation. The latter Marxist component has been transformed and reconstituted over time, but still works as the political and ideological ground for rights thinking in the DPRK.

Carlton Hayes (1960: 5) defines nationality as 'a cultural group of people who speak a common language (or closely-related dialects) and who possess a community of historical traditions' (religious, territorial, political, military, economic, artistic, and intellectual). North Korea's ethnic and linguistic homogeneity, its geographical location in between powerful countries, its collective memory of colonisation, and its anti-Japanese national unity were to produce a distinctive form of nationality in the post-colonial context. According to an official DPRK *Dictionary of the Works of Great Leader Kim Il Sung* (Science Encyclopedia Press [Kwahak beakwasajön ch'ulp'ansa] 1982):

Nation (*minjok*) is a group of people who are historically established with the commonality of blood, language, territory or culture. The Korean nation is a homogeneous nation that has five thousand years of history, a brave nation that has fought against foreign invaders and anti-revolutionary forces, and a talented nation that has contributed to the scientific and cultural development of mankind.

Similarly, in an attempt to connect nationalism and communism:

National-consciousness (*minjok ūisik*) is an ideological emotion that is created by perpetual history and customs, and therefore reflects fundamental interests of the nation . . . national consciousness is one of the fundamental subjects that critically affect the victory of revolution and the advancement of the nation. Therefore, it should be closely related to the class-consciousness of the working class so that it can encourage social development, revolution and construction.

As a small experiment, this section sets out a quantitative analysis in order to identify who the People in People's rights were in the post-colonial post-revolutionary period of the DPRK. Such linguistic variants are 'nation', 'national-consciousness', 'nationalism', 'patriotism', 'People', and 'class'. Interestingly, Kim Il Sung perceived 'nationalism' as a myopic and selfish bourgeois ideology; although his hostility towards nationalism was somewhat muted at the time, he formed the united front. For this reason, terms such as 'nationalism' or 'nation' were less favoured than 'patriotism' or 'People' in the Works of Kim Il Sung from 1930 to 1948. While 'nationalism' (*minjok chuui*) only appeared five times in the Works of Kim Il Sung, 'patriotism' (*aeguk chuui*) appeared 27 times. Instead, the language of 'People' (*inmin*) as a revolutionary term was employed more often than that of 'nation' (*minjok*) as a nationalist term: the former occurs 1,425 times (387 times in volume 1,

334 times in volume 2, 399 times in volume 3, and 305 times in volume 4 of the works of Kim Il Sung, respectively) whereas the latter appears only 773 times (268 in volume 1, 190 in volume 2, 164 in volume 3, and 151 in volume 4, respectively).

The frequency of the phrase 'class' (*kyegŭp*) in the works of Kim Il Sung between 1945 and 1948 is also revealing. 'Class' did not appear much in this period (only 272 times in total: 122 in volume 1, 67 in volume 2, 32 in volume 3, 51 in volume 4, respectively); in contrast, 'People' and 'nation' occurred 1,425 and 773 times in the same period, respectively. In sum, in this small quantitative frequency-test experiment, it was 'People' that appeared most frequently, 'nation' second, and finally 'class' came last. This means that People's rights were a post-colonial rather than a Marxist class conception at this stage.

### ***People's democracy and socialist patriotism***

'People's democracy' was one of the Soviet-derived communist concepts used to mobilise people. 'People's committee' (*inmin wiwŏnhoe*), 'People's regime' (*inmin chŏnggwŏn*), 'People's sovereignty' (*inmin chugwŏn*), and 'People's rights' (*inmin 'ŭi kwŏlli*) were widely used in North Korean public discourse, and followed by extensive legislative democratic measures such as the Land Reform, Labour Law, Gender Equality Law, and finally the People's Constitution in 1948.

According to Walker Connor (1984: 19–20), there are three strands of nationalism in Marxism. The first strand, 'classical Marxism', focuses on the primacy of class over nation and is therefore irreconcilable with nationalism. Lenin's position on nationalism and international socialism best expressed this position. The second strand, 'strategic Marxism', acknowledges the power of national sentiments and offers formal support for the right of national self-determination at the abstract level, but it is tactical and selective. The third strand, 'national Marxism', recognises the role of nations as principal historical forces working against classical Marxism.

Kim Il Sung's nationalism in 1945–8 can be situated between the second and the third, 'strategic' and 'national', strands of Marxism. Indeed, Kim Il Sung was reluctant to give actual endorsement to nationalism. Kim (1958/1981h: 10–11) preferred the use of 'socialist patriotism' (*sahoe chuŭijŏk aeguk chuŭi*) to 'national communism' (*minjok kongsan chuŭi*). According to the official definition:

Socialist patriotism is an ideology that is designed to instil love for the socialist Fatherland when a proletariat dictatorship, a socialist system, and an independent national economy are established as a result of revolution.

National communism is a fake terminology that is created by capitalist puppet publishers in order to demean the authority of socialist countries.

For the first five years after Korean liberation (1945–50), North Korea did not claim to be a socialist country. Rather, it proclaimed itself to be a 'People's Republic' (*inmin konghwaguk*) and its party, the KWP, was not really a workers'

party as its name suggested. Instead, the party was populist in character and was open to people from various sectors of society. When the DPRK was officially established in 1948, for example, 62 per cent of KWP members were from the peasant class and only 20 per cent were workers (Armstrong 2003: 242).

### ***The Kim Il Sung factor***

The personality of Kim Il Sung played a minor role at this stage since so far he did not have full political power and knowledge. However, it is worth mentioning here his personal background and experiences, since all of these would appear in later stages, in one way or another, in the making of conceptions about human rights in the DPRK. The Kim Il Sung factor consists of three elements: his Christian family background, anti-Japanese guerrilla activities, and Soviet connections.

First of all, he was raised in a Protestant Christian family. Kim Il Sung's maternal grandfather was a Protestant minister and his father went to a missionary school. Both of his parents were very active in the religious community. Kim's Christian family background seems to have inspired him to present the state ideology *Juche* almost as a surrogate state religion and to pose as a God-like figure in the personality cult he later fostered. More details about Kim's Christian background will be covered in Chapter 5 and the religious aspect of human rights under *Juche*.

Second, he moved to Manchuria for the first time in 1919. In 1926, he became involved in an anti-Japanese guerrilla group called the Down-With-Imperialism Union (*t'ado cheguk chu'ii tongmaeng*). Kim fought against Japan as a commander of the Northeast Anti-Japanese United Army of the CCP. His personal experience of the *Minsengdan* incident first sparked his interest in nationalism. *Minsengdan* (People's Livelihood Corps, also known as the MSD) was a pro-Japanese Korean group residing in Manchuria, organised shortly after the Japanese takeover of Manchuria. The CCP wrongly suspected its own Korean CCP members were affiliated with the MSD. The CCP purged alleged MSD members and killed as many as 2,000 Korean communists in a two-and-a-half year period. Kim Il Sung himself was arrested by the CCP as an MSD suspect and was said to have been 'only a hair's breadth away from execution' (H. Han 1999: 17). This experience left Kim with a deep sense of distrust towards the CCP as well as his anti-Japanese sentiment, which originated Kim's nationalistic approach to human rights.

Third, a political choice left for Kim was obviously Soviet military and political support. He returned to Pyongyang from the USSR where he had been trained as a captain of the Soviet Red Army at the end of the Second World War. He received political and military education directly from Soviet generals while he was staying in the USSR, learning basic knowledge of Stalinistic communism and witnessing the operation of the Soviet socialist system (J.-s. Lee 1995: 188–94). Kim Il Sung established vital contacts with Soviet generals who later chose him as the leader of North Korea after liberation. The Soviet influence provided not only an institutional basis for human rights but also the Marxist features of human rights, which I will explain in the next chapter. However, he was fundamentally an

anti-Japanese rebel adopting communist ideology as a political tool to free the country from the Japanese imperial power.

### ***'Koreanisation in content'***

Kim Il Sung's personal background has affected what Charles Armstrong (2003: 241) calls the 'koreanisation' of Soviet communism. Kim Il Sung made heavy use of the Soviet model in order to mobilise people and build a Marxist–Leninist state in North Korea while demonstrating to the domestic audience that Korean democracy differed from Soviet democracy. Kim (1930–45/1979a: 457–8) announced to the North Korean people that their democracy was 'new and the most suitable for Korean people'. He emphasised and used rights language as early as November 1945, saying that the newly created Marxist–Leninist North Korea 'should make every effort to give people political freedom and rights, to depend on the People's power, and to guarantee the People's interests and happiness by implementing our true democracy' that was most suitable to Koreans.

People's rights in the period of People's democracy were 'sovietisation in form' and 'koreanisation in content' though as Armstrong (2003: 245) has noted, in this period North Korea was 'Stalinist in form' but 'nationalist in content'. From a social constructivist perspective, the DPRK was in a serious ideational formation process to set up an ideal system of human rights for the newly liberated country. There were not many choices before political leaders of North Korea, other than Soviet Marxism on which they depended heavily in terms of military aid and political assistance. Inevitably, the modern institutional basis of human rights was comprehensively borrowed from the Kremlin, the extent of the DPRK's then limited international society.

However, there were still domestic indigenous factors that affected this formation process. Between August 1945 and September 1948, the DPRK emphasised the vocabulary of familial images and national unity over the language of class struggle, and social distinction and hierarchy over an egalitarian ethos of socialism, which can be seen as a continuation of traditional Korean philosophies such as Confucianism (see Chapter 2).

### **Conclusion**

'People's rights' was exactly the right slogan to secure support from the masses in post-colonial and post-revolutionary North Korea. This chapter has found that People's rights had several constitutive factors. First of all, People's rights were born of an anti-colonial and anti-Japanese context: in other words, rights were not given to pro-Japanese elements. Rights were 'negative' in the sense that government officials in the police and justice department should 'not' repeat previous Japanese practices of abusing power and exploiting the general public. Second, they were also 'positive' rights for the same people, protective measures provided by the newly-established government. Third, People's rights were categorically influenced by the Soviets in the way that legal and political structures were extensively imported from the Kremlin.

Fourth, however, the introduction of the Soviet model might be considered the deliberate outcome of Kim Il Sung's political calculations, and this possibly should not be underestimated. In later years, Kim's personality became one of the chief factors in the formation of *Juche* rights. People's rights in post-colonial North Korea were the historical product of a post-colonial strategy that Kim Il Sung employed for tactical reasons. The rights were 'sovietisation in form' and 'koreanisation in content'.

As we have seen in this chapter, the role of human rights in post-revolutionary North Korea was simply far beyond Marx's original transitional means. As other Marxist states went through similar post-revolutionary phases, North Korea also adopted a 'united front' strategy to mobilise as many people as possible for the nation-building process. In addition to these post-revolutionary efforts, North Korea was also recovering from its colonial past and, thereafter, North Korea's post-revolution and post-colonisation were happening at the same time in this critical interim government period.

After the official inauguration of the Kim Il Sung's communist government in September 1948, the DPRK extensively adopted Marxist ideology in its daily politics and discourses. The next chapter will illuminate some of the most distinguishable Marxist features of human rights in the DPRK. It will show how some Marxist characteristics have been deliberately adopted by the North Korean communist regime while others have been abandoned.

## Notes

- 1 The capital letter 'the People' (*inmin*) is a socialist term to refer to workers and peasants in a post-revolutionary state whereas 'people' only indicates a plural form of a person.
- 2 Robinson (2001), p. 53.
- 3 Kim Il Sung himself later denied the fact that the Twenty-Point Party Platform was derived from the Soviet model and insisted that the Programme was a revised version of the Ten-Point Platform of the National Liberation Association, which he had announced on 5 May 1936.
- 4 Decisions of the Soviet Politburo on Korea-related questions. Politburo decisions of 3 February 1948. A copy of the documents is in Lankov's private collection.
- 5 For notes on and assessments of the DPRK constitution draft, see the declassified former Soviet document, Centre for Preservation and Study of Documents for Contemporary History (Moscow) (RTSHINDNI), fond 17, opis 28, delo 1173, list 51, cited in Lankov 2002: 43.
- 6 For details about the amendments, see Shtykov's diary of 24 April 1948 as follows:

A phone call from V.M.[olotov][Soviet foreign minister][who ordered me] to come urgently to the [Foreign] Ministry. Comrade Stalin wants to discuss all Korea-related questions . . .

On constitution. Re-wrote the second article. Who has the power.

On religion. Left only that freedom of conscience is guaranteed.

[Stalin] suggested changes concerning land. Added that private holdings might have been from 5–20 ha.

On decisions. Constitution should not be called provisional. [It] will become effective after the elections in the South. Create a government with the participation of the Southerners.

(Shtykov diaries. A copy is in Lankov's personal archive.)

- 7 Article 31. Members of minority nationalities within the Democratic People's Republic of Korea who hold citizenship of the Democratic People's Republic of Korea shall be accorded all the rights of Korean citizens. They shall have the freedom to use their own language and may develop their own national culture.
- 8 Article 123 of the 1936 Soviet constitution states that: 'The equality of the rights of citizens of the USSR, irrespective of their nationality or race, in all fields of economic, state, cultural, social and political life, is an irrevocable law. Any direct or indirect restriction of these rights, or conversely the establishment of direct or indirect privileges for citizens on account of the race or nationality to which they belong, as well as any propagation of racial or national exceptionalism or hatred and contempt, is punishable by law.'
- 9 An article published in *kyegŭp t'ujaeng* (*Class Struggles*) in December 1929 pointed out the bourgeois characteristic of nationalist movement, saying that 'Even if nationalism pretends to represent the interests of the entire nation, it is after all to represent the interests of the landlords and petty bourgeois only. It can't be revolutionary' (cited in Y. Yim 1985: 474; G.-W. Shin: 2006).
- 10 An article published in *pip'an* (*Critics*) in April 1932 refuted that 'The rise and fall of a nation is correlated with the rise and fall of capitalism and a nation is not permanent' (Pak 1932: 4; G.-W. Shin 2006).
- 11 An article published in '*singyedŏn*' (*New Steps*) in February 1933 illuminated this point: 'Fascism has already become a global phenomenon and the bourgeois worldwide are excited about the arrival of the new "weapon"' (Nam 1933: 25; G.-W. Shin 2006).
- 12 An article in *pip'an* (*Critics*) in December 1935 argued that 'The so-called Korean philosophy is neither authentic nor indigenous but rather imported from China. Moreover, what we call "modern thoughts" is not an offshoot of Korea's ancient philosophy but still another imported good from the West . . . Korea did not have its own original history of philosophy' (U. Han 1935: 50; G.-W. Shin 2006).

## 4 The Marxist rights thinking of the DPRK

In the previous chapter, I examined aspects of post-colonial and post-revolutionary People's rights in North Korea between August 1945 and September 1948. The mood for the creation of human rights emerged through the nation-building process with its strong anti-Japanese undercurrent. Many of the institutional arrangements for the protection of human rights in this period were imported from the Kremlin. Therefore, it was 'koreanisation in content' and 'sovietisation in form'. People's rights had both indigenous Korean and Soviet-Marxist elements.

This chapter particularly focuses on the DPRK's Marxist characteristics in its interpretation of human rights. Many of the Marxist features existed in traditional thinking in Korea. First of all, conforming to Marxist orthodoxy, the DPRK has been fundamentally hostile to the notion of human rights in capitalist society. The second Marxist feature of rights thinking in the DPRK is that rights are strictly contingent upon one's class status, as in other Marxist states. The third characteristic of Marxist rights is the supremacy of collective interests, which sees individual claims for human rights as selfish egoism. The fourth Marxist feature is the prioritisation of subsistence rights and material welfare of the society over civil-political rights. Finally, unlike Marx's own reluctant use of the language of 'duties' but as in other Marxist states, the DPRK deliberately treats rights as the offspring of citizens' duties.

### **An overview of pre-1945 Korean communism**

Shortly after the Bolshevik revolution in Russia, two organisations of Korean expatriates were formed in the hope of spearheading socialist revolutionary movements in Korea (Y.-h. Choe *et al.* 2000: 353). One was the Korean Socialist Party led by a well-known radical revolutionary, Yi Tong-hwi; it was organised in Khabarovsk in June 1918. In 1919, Yi was named premier of the Korean Provisional Government in Shanghai, the so-called 'Shanghai group'. By January 1921, Yi formally adopted the name 'Korean Communist Party' (KCP) for the Shanghai group, which received significant funding from Moscow. The other organisation, known as 'the Irkutsk group', consisted mostly of Korean émigrés. It began as a Korean section of the Irkutsk Communist Party, castigating the Shanghai group as bourgeois nationalists feigning Marxist convictions in the hope of obtaining aid from the Comintern, a *bona fide* Communist.

### ***KCP slogans of 1925***

A large proportion of the KCP slogans, dated 1925, included Soviet-style welfare rights as well as nationalistic anti-Japanese clauses, including (Y.-h. Choe *et al.* 2000: 358):

- establishment of an eight-hour labour law (a six-hour law for minors);
- establishment of a minimum wage, unemployment compensation and relief;
- establishment of a social security system;
- political, economic, and social equality for women;
- payment of maternity benefits and the granting of a set period of rest with pay prior to and after the birth of a child;
- compulsory education and vocational education for all at the government's expense;
- freedom of speech, press, assembly, and association;
- abolition of colonial slave education;
- compulsory elementary education;
- use of the Korean language in elementary schools, the replacement of principals of elementary schools with Koreans, universities primarily for the benefit of Koreans (the so-called 'Korea for Koreans'); and
- freedom of student association for high-school students.

Not surprisingly, the slogans used during the Japanese colonisation period included a provision for the boycotting of Japanese goods. However, members of the KCP also warned that the nationalistic advocacy of *Ch'ōndogyo* was too strong, noting that 'a great danger to the victory of the Korean revolution is the fact that the toiling masses of the country still have illusions about *Ch'ōndogyo* and other so-called nationalistic organisations' (Y.-h. Choe *et al.* 2000: 359).

### ***The NCKIL Platform of 1942***

Similar to the 1925 KCP slogans, the Executive Committee of the North China Korean Independence League (*hwabuk chosun tongnip tongmaeng*), headed by Kim Du-bong, who later established the Korean New Democratic Party (*chosun sinmindang*) and merged with the KCP in 1946, issued programmes and platforms on 15 August 1942 (Y.-h. Choe *et al.* 2000: 365). The Platform of the league included various democratic measures and human rights:

- establishment of a democratic government by popular election with all people voting;
- freedom of speech, publication, assembly, organisation, religion, thought and occupation;
- establishment of a social system wherein the human rights of the people are respected;
- the equality of the sexes in their livelihoods, in society, and in law;

- eight-hour labour laws and assurance of the rights of labourers in society;
- abolition of forced labour systems and miscellaneous taxes on the people and the establishment of a uniform tax system; and
- a compulsory education system supported by the state.

Both the 1925 KCP slogans and the 1942 Platform of the North China Korean Independence League provided the cornerstones for the communist form of guaranteeing human rights in 1945–8 in North Korea, as previously explored in Chapter 3. These early communist ideas have survived in the official discourse of human rights in the DPRK, as will be shown in the following sections.

### **The denial of human rights in capitalist society**

Like Marx, the DPRK is fundamentally hostile to the notion of human rights used by Western liberals under capitalism. Marx opposed the bourgeois concept of the rights of man under an exploitative capitalist economic structure and insisted on abolishing the system in order to emancipate working people fully. Similarly, the pattern of DPRK official discourse of human rights normally starts with a criticism of capitalist society as follows: ‘capitalists talk about the rights of man, but there is no right to work, no right to food, no right to medical treatment, and no right to education in capitalist countries’ (1963/1982b: 91).

### ***Human rights, ‘human rights protection’, and ‘human rights issues’***

The DPRK’s hostility towards the notion of human rights in capitalist states is apparent in its definitions of ‘human rights’ (*in’gwŏn*), ‘human rights protection’ (*in’gwŏn poho*), and ‘human rights issues’ (*in’gwŏn munje*). The *Dictionary of the Works of Great Leader Kim Il Sung* (Science Encyclopedia Press [Kwahak beakwasajŏn ch’ulp’ansa] 1982) broadly defines human rights as ‘political, economic, cultural and social rights granted to citizens’. In keeping with Marx’s theory of historical materialism, it starts with an idea that ‘concepts of human rights are different from one society to another, depending on the class characteristics of a society and the state’s socio-economic structure’. Second, the range of North Korean human rights is very broad, covering almost every field of human rights – political, economic, cultural, and social. Third, however, the wide range of human rights becomes unavoidably ambiguous, providing no concrete human rights to any individual person in society. Fourth, only a person whose class status is justified as a member of the working People can be a legitimate citizen and thus entitled to proper rights.

The regime shows an obvious hostility towards the idea of the ‘protection of human rights’: this is defined as a ‘deceitful slogan aiming to destroy revolutionary struggles and demean the superiority of the North Korean socialist system’. It sees the language of human rights protection as mere political rhetoric used by Western ‘imperialists’ and thereby it is a ‘hypocritical manifestation of the ruling bourgeoisie in capitalist country’. The DPRK insists that capitalists pretend to be

interested in the human rights of the working class, but their real purpose is to serve the interests of the bourgeoisie by taking advantage of the working class through manipulation of the concepts of human rights.

There has been a significant change in the DPRK's perception of human rights since the end of the Cold War. The *2004 International Law Dictionary* develops a more articulated definition of human rights. It explains the philosophical and institutional development of international human rights since the 1948 Universal Declaration of Human Rights. 'Human rights issues' are defined as 'those related to the protection and promotion of the fundamental rights of human beings and to struggles against violations of rights'. Furthermore, human rights are 'important issues with respect to human dignity, human values, and social status'. It states that 'international human rights treaties have been adopted in order to protect human rights of all people and that these include all rights related to the existence of human beings such as a right to subsistence, a right to dignity, a right to free press, a right to work, a right to preservation, a right to self-determination, and a right to education, all of which are inalienable and inviolable'. The US is depicted as a country using human rights rhetoric in order to attack and isolate revolutionary and progressive governments from being members of international society. It does not specify which countries the US is criticising, but from a political context it is apparent that the DPRK is one of them.

In the definition of human rights issues, the institutional development of international human rights treaties is explained in an objective and neutral tone. Again, the range of human rights is very broad although the primacy of economic rights and collective rights such as a right to subsistence and a right to self-determination are more prominent than other rights. In fact, the only political right included is a right to a free press. The DPRK employs the 'naming and blaming' strategy, with the accusation that the US interest in international human rights institutions and treaties is only to serve, instrumentally, the interests of a few capitalists and to isolate socialist countries. In doing so, the DPRK seems to believe that 'the best defence is a good offence'.

### ***Human rights of capitalists and imperialists***

The difference from Marx's historical materialism is that, for the DPRK, it is not only capitalists but also imperialists who cannot provide the basic conditions for the protection of human rights. Although Kim Il Sung uses imperialists and capitalists almost interchangeably, the main reason for his criticism of the US is its capitalist socio-economic structure (1977/1986: 532–4):

There is no democracy in capitalist countries. Countries without democracy cannot protect human rights. In capitalist countries, the working People cannot be guaranteed human dignity or political rights or even a right to subsistence. If there is any 'human right' in capitalist countries, it would be a 'human right' to exploit, repress, and disrespect the working masses by a handful of the privileged social stratum.

At other times, he criticises the US for being ‘imperialists’ and for the ‘worst form of social inequality and human rights violations’ taking place in the US and its ‘puppet countries [i.e. South Korea]’. Kim (1977/1986: 532–4) said:

Imperialists deceive people by saying that they have ‘equality for everyone’ or ‘personal freedom,’ but they are all lies that can never come true . . . The democracy defined by imperialists is a fake democracy and the ‘equality’ or ‘freedom’ they praise is all camouflage in order to deceive the working People and hide the inhumane origins of anti-revolutionary capitalism.

The conflation of capitalists and imperialists is not a random mistake. It is also part of the continuation of the post-colonial and post-revolutionary rhetoric used to mobilise and unite people against foreign influence. In other words, the authority used both anti-capitalist and anti-imperialist language so that it can appeal to the working class and bourgeois nationalists when they are needed.

### ***The repression over the anti-party movement***

In practice, the DPRK’s denial of human rights was used to repress the domestic anti-party (anti-Kim Il Sung) movements in the 1950s. The anti-Kim movements in North Korea were ignited by the Twentieth Party Congress of the Communist Party of the USSR when Khrushchev denounced Stalin and initiated a process of de-Stalinisation in his ‘secret speech’ in 1956. Throughout the Soviet bloc in Eastern Europe, domestic communist parties protested, there were campaigns against the personality cults of their respective party leaders, and general secretaries who modelled themselves after Stalin were subsequently deposed. For example, the 1956 Hungarian Revolution was a spontaneous nationwide revolt against the Stalinist government of Hungary and its Soviet-imposed policies.

The anti-Soviet and anti-Stalin international communist movements in the mid-1950s influenced some of the North Korean communists. Some of the anti-Stalin political slogans included, to a considerable degree, democratic principles and human rights. They contained ‘equality before the law’ or the ‘protection of human rights’ and were soon espoused by anonymous Korean critics of Kim Il Sung’s Stalinistic rule. The KWP was alarmed by this movement and immediately responded by declaring that the party’s political aim was ‘to promote the rights of the working People including workers and peasants’ (I.S. Kim 1958/1981f: 208–10). The DPRK claimed that ‘the political manifesto of the anti-Stalin movements that “the law should be equal for everyone” was originally bourgeois propaganda that was aimed to deceive the working People’. Furthermore, to the DPRK, the main reason for what were called the ‘anti-party sectarian elements’ (*pandang chongp’a punja*) wanting to bring back this bourgeois propaganda was to attempt to perpetuate the interests of human rights violators (i.e. the bourgeoisie) while hijacking the very concept of human rights of the DPRK that had already been grounded for its political and legal framework during the post-colonial period of 1945–48. Kim Il Sung argued that the sectarian argument against the party was

‘absolutely out of class interests and proletariat dictatorship, aiming to protect the interests of landlords and capitalists’.

Kim Il Sung also believed that the 1956 Hungarian Revolution had diffused the ‘bourgeois’ idea of human rights into North Korea and agitated North Korean ‘revisionist sectarians’. Siding with the Soviet invasion of Hungary, Kim condemned North Korean cabinet members and especially the members of the Ministry of Justice for ‘abandoning the seriousness of revolution and giving up the inalienable fight against anti-revolutionary forces in the guise of human rights protection’. The background of the ‘revisionist sectarians’ that Kim (1957/1981a: 159) identified was ‘the imperial US that attempts to destroy socialist allies, and the [South Korean] Syngman Rhee administration that is increasing its military power to attack the DPRK’. The ‘anti-party sectarian elements’ were criticised since they were believed to ‘contaminate other ideologically-ill party members by spreading revisionist internationalism disguised with the protection of human rights’.

The ‘August Incident’ (*p’arwŏl chongp’a sakkŏn*) in 1956 was one of the few anti-regime political coups against Kim Il Sung, little known to the outside world. Several members of the Central Party Committee, the ‘Yanan’ and ‘Soviet’ factions, criticised Kim Il Sung’s dictatorial leadership at a party plenum while Kim was away in Moscow in the summer of 1956. The two groups accused Kim Il Sung of violating human rights. The incident was indirectly influenced by Khrushchev’s denouncement of Stalin’s personality cult and dictatorship followed by other Eastern European countries’ protests against their dictatorial political leaders. The anti-Kim Il Sung forces criticised him for developing a personality cult and distorting the ‘Leninist principle of collective leadership’ (see more on this Lankov 2002; Scalapino and Lee 1972; Suh 1967). Kim Hak-chul, a North Korean novelist in northeast China, in his non-fiction political treatise entitled, *The Myth of the Twentieth Century*, denounced the destruction of democratic principles and violations of human rights as the result of a personality cult and dictatorship by Kim Il Sung in the DPRK.<sup>1</sup> The ‘August Incident’ however ended up being a total failure because of a strong defence from pro-Kim Il Sung factions and those who participated in criticising the regime were all purged or fled to China. Nonetheless, it was significant in a sense that the anti-regime factions introduced a human rights discourse into domestic politics, which Kim completely rejected as ‘ill-thought’ capitalist ideas. ‘Anti-party sectarians’ or ‘revisionists’ who were considered to have been influenced by bourgeois ideas have been frequent political targets and subjected to purges.

### ***Anti-capitalist education***

Kim Il Sung paid particular attention to the class-conscious anti-capitalist education designed for soldiers and workers. The idea of class struggle against capitalism is one of the main themes in North Korean education. As you can see from the anti-US posters in Figure 4.1(a)–(c), anti-capitalist/anti-imperialist propaganda has been an ongoing subject in North Korean public discourse. Kim (1963/1982b: 86–7) suggested that people abhor the entire capitalist class, not just some individual



(a) 'Bloody enemy, century's adversary, death to the US imperialists'.



(b) 'Cruel punishment for the US imperialists'.



(c) 'I'll show the People's rock 'n' roll to imperialist bastards'.

Figure 4.1(a)–(c) North Korean 'anti-US/anti-imperialist' propaganda posters.

landlords or entrepreneurs, and should fight against the exploitative capitalist structure. He constantly repeated the contrasting conditions between capitalist and socialist countries. Although he admitted that North Koreans could not live as wealthy as landlords or capitalists, he emphasised that they had no worries about food or clothes, and could work, study, and receive proper medical treatment.

North Korean anti-capitalist education takes several forms. First of all, Kim Chang Ryol, a North Korean human rights commentator (1990a) argues philosophically that the Western concept of human rights, when it started in the seventeenth and eighteenth centuries, was nothing to do with 'People's sovereignty', which he believes holds the true meaning of human rights. He continues:

The protection of human rights was demonstrated by the bourgeoisie in their anti-feudalist revolutionary movements. It did have a certain impetus to reform the previous social structure. However, their slogans were devoid of truly meaningful human rights such as the sovereign right of the People. Consequently, the bourgeois idea of human rights has become absolutely irrelevant to the genuine protection of human rights.

Second, Kim Il Sung has used a rights discourse to criticise human rights situations of other capitalist countries. Whenever the DPRK is under attack because of



its bad human rights record, it responds with a long list of anecdotes about ethnic North Koreans who are discriminated against by the Japanese government based on their ethnic origin and cultural heritage, the conditions of jobless and part-time irregular workers because of financial crises and subsequent structural adjustments in South Korea, racial discrimination and jobless or homeless people in the US. Using rights language, the DPRK claims ‘the right to have decent living standards should be guaranteed to North Koreans in Japan. The Japanese government must provide them with jobs, the right to return home to North Korea, and other democratic freedoms and rights’ (I.S. Kim 1956/1980c: 374). The DPRK’s selection of extreme human rights violation cases in South Korea is exaggerated in an intimidating manner:

Today’s South Korea is in a state of absolute poverty, non-existence of rights, and is full of colonial slaves . . . [it is] the land of darkness where all democratic freedoms and rights are annihilated and the killing field of the People where terror and slaughter are taking place everyday.

(I.S. Kim 1961/1981d: 243)

In South Korea, an uncountable number of homeless people are holding empty cans in the street, begging money and frozen or starving to death, eventually, somewhere under nameless bridges. Many students do not have the chance to learn and some even have to sell their blood to save money for their tuition fees.

(I.S. Kim 1963/1982b: 89)

or

In Seoul, twenty per cent of the population eat only one meal a day and ten per cent hardly eat. While the South Korean bourgeoisie waste food and drink every night, each one drunk along with tens of prostitutes, the majority of people are starving all the time.

(I.S. Kim 1975/1985a: 216)

Third, since the late 1980s, the anti-capitalist campaign patterns have been slightly amended. The government has admitted that the country was not more wealthy than most capitalist countries but instead started emphasising ‘the growing gap between rich and poor’ in capitalist countries (I.S. Kim 1989–90/1995b: 393–5). The regime insisted that:

It is true that the production levels of socialist countries are not higher than those of capitalists. We can import capitalist technology but not the capitalist system. The high technology in capitalist countries does not mean that their system is superior. In order to develop technology, People’s creativity should be encouraged, keeping in line with socialist principles

(I.S. Kim 1988–9/1995b: 203–7)

and continued with self-promotion about its own socialist system:

Our society's democratic characteristics lie in the fact that everyone practices a completely equal political right, enjoys sound and stable material and cultural life, leads one another based on like-minded love and faith, and strives for common interests and collective betterment.

(I.S. Kim 1991–2/1996a: 51–2)

These rather defensive and solipsistic arguments partly came from its own inferiority to capitalist South Korea. The leadership has also admitted several times that capitalist countries were economically more advanced than North Korea. Still, the DPRK regime did not want to lose face and the logical conclusion was to focus on certain aspects of human rights that they thought capitalist countries could not fully guarantee: a universal right to basic subsistence.

Ordinary North Koreans are taught by political propaganda that true protection of human rights can only be fully achieved under North Korean socialist democracy. According to a North Korean defector who used to be a teacher in a middle school in 1995–9, every morning North Korean schools begin with an ideology lesson about 'corrupt capitalist societies' and the superiority of North Korean socialism.<sup>2</sup> However, due to the economic crisis in the mid-1990s, schools in North Korea have not been able to function properly and have failed to provide a minimum level of public education including morning ideology lessons. More people realise that the government cannot provide basic subsistence to them. According to recent reports from Good Neighbour, a Seoul-based NGO working in the field of humanitarian assistance to North Korea, ordinary North Koreans, especially women on street stalls, are rapidly learning market principles as a matter of survival while the government constantly but unsuccessfully tries to control capitalist elements.

### ***Socialist democracy: a prerequisite for human rights***

Following Marx, the DPRK makes it explicit that socio-economic structure is the most important factor for judging the true nature of a society. The DPRK government perceives that a society's socio-economic structure is not only an important aspect to determine the nature of a society, but also a critical element for the protection of human rights. It claims that socialist democracy is the perfect system for that purpose. To Marx, having a system of human rights in post-revolutionary society was only a transitional means to enhance people's lives and a system that would eventually disappear when communism was achieved. However, to the DPRK, the protection of human rights is taken not only as a transitional means but also as an end in itself.

The government defined its own socialist system as 'socialist democracy' (*sahoe chuijök minju chuui*) claiming that it is the most suitable for North Koreans. According to Kim Il Sung (I.S. Kim 1977/1986: 532–4):

Democracy is the politics that represent every demand from the masses of the working People. In other words, democracy is a system under which a state

establishes policies according to the working People including workers and peasants, implements policies according to People's interests, and guarantees true freedom, rights, and decent lives to the People.

Although the 1972 Socialist Constitution did not specifically codify class rights, various statements by Kim Il Sung confirmed that North Korean rights thinking was based on a Marxist class conception, which emphasised a socio-political condition to guarantee all human rights under a proletariat dictatorship against class enemies of the working People. Kim Il Sung (1977/1986: 532–4) made socialist democracy a prerequisite for the protection of human rights, insisting that socialist democracy was ‘the most supreme form of democracy that can only provide true freedom and rights’. He was confident that ‘social and political rights as well as happy material lives of the People in the DPRK are not only protected legally by the Socialist Constitution but also by the advanced socialist system and the strong self-reliant national economy’. His confidence continued in the 1980s, focusing more on free education and a state-funded medical service (I.S. Kim 1982–3/1992: 183–4): ‘Under our socialist system, our people are guaranteed true democratic freedom and substantial welfare. In our country, all people participate in politics freely, work as full-time and permanent employees, exerting their talents and skills, and enjoy free medical treatment and free education. These are the very independent and creative lives our people benefit from in our socialist system.’

### **Human rights contingent on a person's class status**

The second Marxist characteristic of human rights in the DPRK, as in other Marxist states, is the conditionality of the entitlement to human rights contingent upon a person's class status. In contrast to the established liberal position which perceives human rights as the universal entitlement of all human beings, as derived from our innate moral value or worth (Vlastos 1970), the enjoyment of rights under Marxist regimes has traditionally been contingent upon an individual's class status; in other words, using Marxist terminology, each person's socio-economic relationship to the means of production (Weatherley and Song 2008). In practice, this has often meant that the bourgeoisie, who owned the means of production under the pre-revolutionary order, are deprived of their rights in the post-revolutionary state. Conversely, the proletariat, who were previously forced to sell their means of production, are accorded a full range of rights. As we saw in Chapter 1, the idea of class struggle against the bourgeoisie and the establishment of a proletariat dictatorship has affected the exclusionary characteristics of human rights in the USSR and the PRC. As a result, both the 1918 constitution of the USSR and the 1954 constitution of the PRC restricted the rights of the bourgeois ‘exploiting’ classes.

### ***The weak indication of Marxist class rights in constitutions***

Notwithstanding the official establishment of the DRPK as a Marxist state on 9 September 1948, there was no ‘class’ distinction in the 1948 Constitution between

classes, and the same was also true of the 1972 Constitution suggesting an absence of any class conditions to the enjoyment of rights. Article 6 of the 1972 Constitution appears to confirm this assumption by declaring the end of class struggle (*kyekūp t'ujaeng*) in North Korea: 'in the Democratic People's Republic of Korea, class antagonism and all forms of exploitation and oppression of man by man have been eliminated for good'. Logically and also according to Marx's ideas on the disappearance of the need for rights in a communist society, it was not necessary to use social class as a measure of who should or should not enjoy rights.

### ***The national census: 'three strata and fifty-one subcategories'***

Regardless of the weak indication of Marxist class rights, the first profiling of the entire domestic population was set up between December 1958 and December 1960 through a series of 'political examinations' by the central party in order to identify 'impure elements' of the society (Ministry of Unification 2003: 327). Since then, there have been several national registration or renewal projects (April 1966–March 1967, April 1967–June 1970, February 1972–1974, January 1980–December 1980, November 1983–March 1984, October 1989–December 1990, and February 1998–October 1998) (KINU 2007b: 116). There were other investigative projects for identifying naturalised foreigners, South Korean defectors, and Korean–Japanese in 1980–81. The English version of the White Paper on North Korean Human Rights of the KINU (2007a: 162) states that they were 'family background investigation projects', which means that DPRK's national census is not particularly associated with Marxist class perceptions.

Most significantly, the 1967–70 classification project that divided the North Korean population into three 'classes' (core, wavering, and hostile) has received particular attention from outside.<sup>3</sup> According to the KINU (2006: 87–108), the 'core class' is essentially the North Korean ruling class and comprises approximately 28 per cent of the population, including relatives of Kim Il Sung and Kim Jong Il as well as high and mid-level cadres: they are called the 'clean judicial cases' (H. Kang 2007: 19–20). The 'wavering class' comprises about 45 per cent of the population made up of urban and rural workers who are not KWP members. The 'hostile class' comprises about 27 per cent of the population and consists of those individuals deemed to be enemies of the KWP (Weatherley and Song 2008). They include people who owned land or business prior to the establishment of the DPRK, public officials who worked under the Japanese colonial government, religious activists, persons of South Korean origin or family members of those who fled to the South, family members of South Korean soldiers who were taken prisoner during the Korean War, and other 'unreliables' (see Hunter 1999: 3–11; H. Kang 2007: 19). Members of the 'hostile strata' are denied rights in such areas as education, employment, housing, and medical benefits.

The hostile strata category did contain certain Marxist aspects of judging people based on their property or land ownership at the beginning. One of the clearest examples of the class-based approach was Kim Il Sung's accounts on alleged

human rights violations over political prisoners in North Korea. Kim (1977/1986: 535–7) explained that the imprisonment and forced labour of political prisoners was ‘a legitimate measure to protect the country’s democracy from its hostile and impure elements who have abused democratic order and attempted to destroy our socialist system’. He further stated:

Our communists are not hiding the Party’s identity or class-consciousness in implementing democracy. Socialist democracy is not supra-class democracy that can provide freedom and rights to hostile elements who oppose socialism or impure elements who act against the interests of the People. The type of democracy which can guarantee freedom and rights to the People, including workers, peasants, and the working intelligentsia and at the same time which can punish a small number of class enemies, is the type of socialist democracy we have in our country.

Those categorised as members of the ‘hostile class’ are invariably made so by reference to their family background or class origins in keeping with Maoist definitions of class but in contrast to the conventional Marxist understanding of class as relative to a person’s socio-economic relationship to the means of production (Weatherley and Song 2008). For example, even though two generations have passed since the ‘socialist liberation’ of North Korea, an individual can still be classified as a member of the ‘hostile class’ if his or her grandparents owned land or business under the pre-socialist system or were in government during the Japanese colonial period. This method of determining class status derives from a belief that class is a ‘state of mind’. The objective here has been to cast the net wide enough to ensure that both actual and potential opponents of the regime are identified and duly deprived of their rights.

This Marxist characteristic has become so minor in determining the entire population’s class status that now most of the ‘core strata,’ especially those living in big cities, possess property and accumulate wealth.<sup>4</sup> Since the end of the Cold War, the Marxist concept of class rights in the DPRK has significantly weakened and been replaced by other categorisations such as a person’s political beliefs or, more crudely, a person’s loyalty to the party and the leader. Therefore, the ‘three classes’ and alleged discrimination by the DPRK government, which it totally denies, are based on profiles of family backgrounds and a current generation’s personal loyalty in the course of reinforcing the party and promoting Kim’s leadership. This perception of personal loyalty, with rights bestowed in return, already existed in late *Chosun* Korean philosophies before the arrival of Marxism in Korea. Confucianism focused on the hierarchical social order and subjects’ loyalty to the king, as covered in Chapter 2. Further traditional elements were added when the government officially introduced *Juche* Ideology and adjusted its interpretation of human rights accordingly, as will be shown in Chapter 5. In discovering a person’s ‘true’ class status, the KWP is seeking to identify those who are loyal to the nation and the nation’s aims and objectives. Only those who are deemed to be loyal to the nation are entitled to rights.

## Collective interests over individual rights

The third Marxist feature in DPRK rights thinking is its prioritisation of collective interests over individual human rights. The collective nature of human beings as ‘species beings’ or ‘*zoon politikon*’ was emphasised by Marx and the rights of man as an isolated and egoistic individual were denied, whereas the rights of the citizen were given room to some extent in the post-revolutionary period. The prioritisation of collective interests over individual rights was also desperately needed for the mass mobilisation of building a new national economy and proletariat dictatorship. For this reason, both Article 39 of the 1977 USSR constitution and Article 51 of the 1982 PRC constitution state that the exercise of freedom and rights must not infringe upon the interests of the state, of society, and of the collective as we saw in Chapter 1.

The implementation of collective mentality over individual interests was not new to Korean people. It had been in indigenous Korean philosophies long before the introduction of Marxism to Korea. Confucianism, being a role-based ethical system, had long been preaching an ideal of harmonious society and individuals’ duties for their respective community, described in Chapter 2. This ideal was not different from Marxist collectivism under a highly centralised party leadership. Marxist collective practices are extensively implemented in various fields of society, in agriculture, industry, and most importantly in school education, deeply penetrating society with solid collective mentality.

### *Collectivism and individualism*

The DPRK’s preference for collectivism over individualism is clear in the definitions of individualism and collectivism. According to the North Korean *Dictionary of the Works of Great Leader Kim Il Sung* (Science Encyclopedia Press [Kwahak beakwasajŏn ch’ulp’ansa] 1982):

Individualism is an ideology of the exploitative class who hope to live well only for themselves regardless of others’ interests within society. Individualism is based on the exploitative characteristic of capitalism . . . Individualism is the biggest obstacle for a collective lifestyle and is the fundamental reason for all the rotten philosophies such as liberalism, individual heroism, egoism, and ambition for individual fame and success.

As seen above, individualism is equated with liberalism, capitalism, or selfish egoism, the biggest enemy of communist lifestyle. Therefore, any claim for individual rights might not only be against communism but an unethical social vice. On the other hand:

Collectivism aims to prioritise collective interests over individual rights and to struggle for society, the People, the Party and revolution. In other words, collectivism is a revolutionary idea under the communist principle ‘one for

all, all for one', encouraging personal attitudes to help and lead one another in society.

Collectivism is believed to be the 'fundamental characteristic of the working class, the basis of socialist and communist lifestyle for workers united and the principal action for communists'. Collective interests come before individual human rights under this social and political context.

### ***The collective principle in the 1972 Constitution***

The significance attached to collectivism and the rights of the collective is particularly apparent in post-1948 DPRK constitutions. The DPRK's propaganda for the collective principle, 'one for all, all for one' (*hananŭn chŏnch'erŭl wihayŏ, chŏnch'enŭn hanarŭl wihayŏ*), is prescribed in Article 49 of the 1972 Socialist Constitution (Article 63 of the amended constitutions in 1992 and 1998, accordingly), the first article before any rights are stipulated. The first DPRK constitution of 1948, the so-called People's Constitution, did not indicate this collective spirit.

Article 68 of the 1972 constitution stressed particularly that citizens should enhance the collective spirit (*chipdan chuŭi chŏngsin*). It states that 'citizens must cherish their organisations and establish the revolutionary trait of working devotedly for the sake of society and the People, and for the interest of the homeland and the revolution' (Foreign Languages Publishing House 1975: 21). Similarly, Article 82 of the amended 1992 constitution stresses that 'collectivism (*chipdan chuŭi*) is the basis for socialist lifestyle. Citizens shall cherish their organization and collective and work devotedly for the good of society and the people'. Surprisingly, however, this collective principle disappears in the amended 1998 constitution.

The collective interests of the family also feature strongly, with the 1972 Constitution and each of the 1992, 1998 and 2009 amended Constitutions declaring that 'the state pays great attention to consolidating the family, the basic unit of social life'. Indeed the preface to the 1998 document lauds praise on Kim Il Sung for transforming the whole of North Korean society 'into one big united family'.

In contrast to the Soviet and Chinese constitutional traditions, there is no explicit provision in DPRK constitutions that rescinds an individual right if it is exercised in a manner deemed to be harmful to the welfare of the collective (i.e. state, society and the nation).<sup>5</sup> Notwithstanding this, the priority given to collective rights in North Korean rights thinking is borne out by reference to the broad-based and overriding nature of the provisions discussed above and also by reference to the overriding principle of 'one for all, all for one' contained in all four post-1948 DPRK constitutions.

### ***Cooperative farms***

In practice, the emergence of collectivism and the suppression of individual rights in North Korea have been implemented at the same time through its collective

management system in agriculture and industry. As Marx was particularly critical of the right to private property, seeing it as the right of egoistic individuals, Kim Il Sung was also cautious about the danger of widespread preference for private property among North Korean peasants in the late 1950s and considered it the biggest obstacle to the communist victory in the country (I.S. Kim 1958/1981d: 407–8). Some peasants did not sell rice to state-run public markets but instead piled it up in their private barns so that they could sell it at a higher price when demand increased. Kim tried to abolish this individualistic sentiment among peasants driven by market value. As a consequence, a nationwide ideological education scheme was introduced as a means of preventing this individualistic ‘bourgeois’ element among peasants. The situation was perceived by Kim as a battle of ‘the new vs. the old’, ‘the progressive vs. the conservative’, ‘the active vs. the passive’, ‘collectivism vs. individualism’, and ‘socialism vs. capitalism’ (I.S. Kim 1958/1981e: 591–2).

The government made a decision on collective farming policy in August 1953 and finalised the scheme by 1958 via several steps. In this process, there was considerable resistance by affluent peasants or traditional landlords against the socialist government’s agricultural policies on collective farms. According to Kim Seong-bo and Kim Yeon-chul who extensively examined primary materials of the DPRK, rich peasants and local landlords opposed the government’s policy by collectively withdrawing from collective corporations, not cooperating with the national plan of purchasing rice, slaughtering their own livestock, or conducting sabotage (S.-b. Kim 1988: 322–3; Y.-c. Kim 1996).

The ‘profit-driven individualism’ among North Korean peasants was still a big problem for the DPRK socialist regime throughout the 1960s. Kim Il Sung introduced tighter programmes in the North Korean agricultural structure and state control mechanism in addition to the introduction of compulsory state ideology lessons by local councils. In small agricultural areas, peasants were used to possessing their own farming land, and local officials and party cadres had little experience in practising the newly-adopted socialist cooperative agricultural structure in North Korea. These affluent peasants and blood-based tribal landlords who had accumulated leadership and technical skills (S.-b. Kim 1988: 338–40) were in favour of individual farming. They then still occupied major posts in collective corporations and played important roles in them but not all of them had a strong commitment to the KWP’s communist ideology. Kim Il Sung (1960/1981: 133) commented on those local party officials that they ‘are all very nice people, but still seriously lack Marxism–Leninism and collective ethic so that it is difficult to run a massive agricultural society’. His solution for this was to place well-trained central party officials, mostly those who participated in revolutionary struggles, families of the People’s army, or discharged soldiers, in local cooperative farms above these peasant-based local party officials (S.-b. Kim 1988: 342–3). In this way, local officials were hierarchically under the strict control of selected appointees from the central party. Under this new collective agricultural scheme, individual peasants were no longer able to seek personal profit and were forced to learn the ‘Marxist collective lifestyle’.

**Tae'an Work System**

The collective system was introduced not only in rural farms but also in urban workplaces in North Korea. The so-called 'Tae'an Work System' was provided as a role model for collectivism in workplace in 1961. The *Tae'an Work System*, Kim Il Sung (1962/1982a: 497) explained, would run in a collective way whereby senior office workers 'lead and help the work of junior labourers within the strong fraternal comradeship under the collective principle of "one for all, all for one"'. The *Tae'an Work System* was named after a city called *Tae'an* in South Pyong'an province in North Korea. Kim Il Sung visited a power plant in December 1961 and ordered special instructions on how a 'factory party committee' (*kongjang dang wiwŏnhoe*) should operate the respective factory's work system. Since then, Kim Il Sung's collective methods of running factories have been called the *Tae'an Work System* and implemented not only in factories but in every field of industry, becoming the model management system of a socialist society.

The *Tae'an Work System* was meant to check the bureaucratic practices of factory managers through guaranteed collective guidance by factory party committees. However, in reality, the *Tae'an* model has systematically placed workers in a collective work environment and prevented them from developing personal skills or personalities in a workplace constantly checked and evaluated by party secretaries on the 'factory party committee'. According to North Korean defectors who gave their testimonies to *Daily NK*, a Seoul-based daily newspaper on North Korean affairs,<sup>6</sup> the *Tae'an Work System* was welcomed by workers at the beginning but has become a repressive totalitarian management system that is operated predominantly by party cadres who interrupt and force workers and administrative officials in factories, especially since the emergence of Kim Jong Il's leadership. Party secretaries control the supervision of all productive activities by factory managers and engineers and even try to monitor the latter's private lives. Party secretaries often abuse their power to arrest people arbitrarily and send them to labour camps as scapegoats when their factories cannot reach a yearly target that had been set too high by the party secretaries themselves in order to show their loyalty to Kim Jong Il. *Daily NK* reports that, sometimes, party secretaries randomly persecute people just because the chosen people are not loyal enough to Kim Jong Il or simply because the former have a personal grudge against the latter. The *Tae'an Work System* has created enormous social conflict and tensions between party members and administrators and significantly discouraged workers from pursuing individual skills and talents.

***Collective communist education and mass games***

The collective spirit is particularly stressed in youth education. The party instructed teachers in preschools and orphanages that they should teach children to be selfless communists, full of collective spirit. Kim Il Sung (1961/1981b: 76–8) emphasised that 'the most important part of communist education is to teach our children the spirit of love of the People, friends, affiliated organisations,

and communities'. The ideal communist society depicted by Kim (1961/1981b: 76) was the one in which 'people all work and live well together . . . have common interests and aims to achieve, and help one another closely in fraternal relation . . . like one big family under the banner of "one for all, all for one"'. He asserted that selfish ideas should not be endured in a communist society. Kim continued:

In order to be a communist, you should cherish your parents and siblings at home, your teachers and peers at school, and your colleagues in the work-place. Those who like playing alone and hate getting along with other friends are careless people and they cannot be communists. In order to be a communist, you should care for the interests of People first, not your own. You are often closer to your revolutionary comrades than your family. Individual heroism brings individualism and dogmatism and is a dangerous selfish idea of capitalists to harm collective unity and harmony in communist society. In order to abolish this kind of ill-thought capitalist idea, everyone should learn communist collectivism from a young age. From preschool, you should learn that collective power is so enormous that it can solve almost every problem beyond a level that one single individual cannot even imagine.

As part of collective school education, the DPRK introduces mass games in order to train young children with an aim to improve 'organisational skill, discipline and collectivity' (I.S. Kim 1979/1987b: 191). Mass games are a form of gymnastics in which tens of thousands of performers take part in a highly regimented performance that emphasises themes of political propaganda and group dynamics rather than individual prowess. Mass games are often accompanied by a background of card-turners occupying the seats on the opposite side from viewers. They embody youth, strength, militarism, and unity. Kim explained that the merit of mass games is that the youth can build their physical strength, advance their artistic skills, and most importantly learn the party's policies more effectively.

### ***Collectivism and labour mobilisation***

The main purpose of the government's promotion of a collective spirit was to mobilise people's labour power. Kim Il Sung (1954–5/1980a: 264) stressed that 'labour is the essential part of human lives'. Members of the party were told to prioritise the interests of the Party and society over their own. 'Popular heroism' (*taechungjŏk yŏng'ung chuŭi*), which means heroes among ordinary workers, was encouraged to help attain better performance in daily economic and military activities whereas 'individual heroism' (*kae'injŏk yŏng'ung chuŭi*) was suppressed as a form of selfish individualism (I.S. Kim 1968/1983c: 281). The *Ch'ŏllima* movements, state-sponsored movements in North Korea analogous to the Chinese Great Leap Forward, also aimed to promote rapid economic development with collective spirit.

The 1972 Socialist Constitution praises labour in a socialist country as 'the most divine and honourable activity' (Article 2). It also states that labour should be the workers' collective activity for the common interest under the principle of

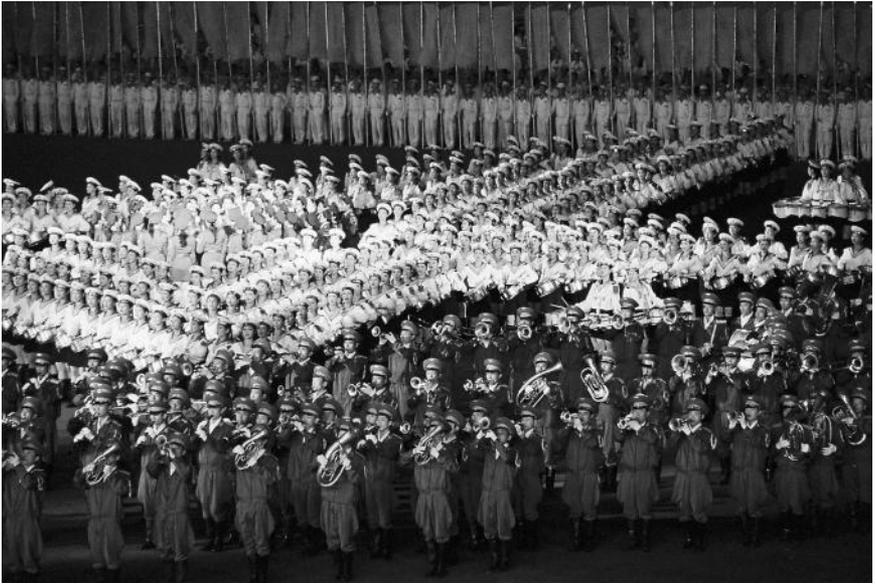


(a)



(b)

Figure 4.2(a)–(f) Mass games at the Arirang Festival in Pyongyang.



(c)



(d)

(Continued)



(e)



(f)

*Figure 4.2 continued.*

‘one for all, all for one’ (Article 3). Working is both a duty and a right in DPRK constitutions. The 1972 constitution claims that there are two ways of promoting collectivism in the workplace: ‘team-based management system’ (*punjo kwallije*) and ‘the premium system’ (*chaköppan uteche*) (Article 44), both of which are to encourage workers’ labour and therefore increase the amount of national production and the country’s material capacity.

The rationale behind the emphasis of collective spirit and selflessness was to mobilise collective labour to build a strong state economy and military. It was also to fight against the bourgeoisie and imperial capitalists and achieve proletariat dictatorship. As briefly indicated earlier, these collective ideals had already existed in indigenous Korean thinking, they were seen particularly in the Confucian emphasis on social harmony and the collective unity of society. Such collective measures, like the land reform launched by the DPRK government in the 1950s, were strongly supported by the late nineteenth century *Tonghak* followers and, especially, poor peasants and people in the lower classes. The prioritisation of collective interests over individual human rights has continued in the public discourse of the DPRK to enhance the *Juche* leadership by Kim Il Sung, and to foster the ‘military-first politics’ by Kim Jong Il, which will be explained in Chapters 5 and 6, respectively.

### **Primacy of socio-economic rights**

The fourth Marxist characteristic in DPRK human rights thinking is its primary concern for material conditions and stress on socio-economic rights. Marx’s historical materialism shed some light on fundamental problems with poor material conditions of the working class and continued to provide an ideational foundation for Marxist states’ primacy of socio-economic rights as described in Chapter 1. Both the 1936 USSR constitution and the 1975 PRC constitution include an extensive range of welfare rights including the right to work and rest, the right to education, and the rights of women. Like other Marxist states, the DPRK also included a considerable list of welfare rights in its constitutions. However, as we have already seen in Chapter 2, the primary concern for people’s material well-being was the basic qualification of a benevolent ruler in Confucian society, and also the chief motivation for reform-minded *Sirhak* scholars and *Tonghak* followers. One of the most important duties of a ruler in traditional Confucian Korea was to take good care of people’s basic subsistence and this is the contemporary right to subsistence including the right to food, housing, and health.

### ***Welfare rights in the 1972 Constitution***

Each of the five DPRK constitutions contains a wide range of welfare rights, including the rights to work, rest, free medical care and education as well as certain welfare benefits enjoyed by mothers, although it is extremely questionable as to whether such rights are provided in practice. The 1972 Constitution in particular focuses on the ‘happy material and cultural lives’ of citizens of the DPRK as well as their true democratic rights and freedoms (Article 50), which were

newly added to the ‘socialist’ constitution. This provision remains in the amended 1992 and 1998 constitutions (both in Article 64). The 1972 constitution lists five general welfare rights:

- the right to work (Article 56);
- the right to rest (Article 57);
- the right to free medical services (Article 58);
- the right to education (Article 59); and
- freedom to engage in scientific and artistic pursuits (Article 60).

The constitution pays particular attention to revolutionaries and the families of revolutionary soldiers and bestows special protection upon them (Article 61). It also guarantees equal rights of women with men (Article 62) and protection of marriage and the family (Article 63). Notably, the constitution contains a provision of legal protection for overseas Koreans (Article 65), which covers Koreans in Japan.

### ***Human rights in the 1971 Three Revolutions***

The Three Revolutions in ideology, technology and culture (*sasang, kisul, munh’wa, samdae hyōngmyōng*) contained Marxist features of promoting labour rights of the working class.

On 24 June 1971, at the sixth Party Convention, Kim Il Sung (1971/1984c: 207–8) announced the Three Revolutions in ideology, technology, and culture: that they existed not merely to pursue economic development but also to provide decent lives for the People and to realise the sovereignty of the working people in North Korea. Kim explained:

The Three Revolutions in Ideology, Technology, and Culture are to make every person in North Korea a *Juche*-style communist, to renovate the entire society into a working-class society, demolishing differences in class, and to increase production levels in order to realise ‘distribution according to his demand’. The Three Revolutions are . . . the fundamental method of realising *Jucheisation* (*Juche sasang hwa*) in society.

The Three Revolutions are important in that they established North Korean rights concepts in terms of sovereignty, labour rights, and the right to education. First, the Revolution in ideology, according to the DPRK, was to realise sovereignty. The DPRK believed that ideology would make society revolutionary and class-conscious while culture provided a higher level of knowledge and skill (I.S. Kim 1988–9/1995b: 203–7). Second, the government said that the Revolution in Technology was launched in particular to ‘abolish the fundamental differences in labour conditions, permanently release people from hard labour, and increase productivity’, that is, it was designed to reduce the gap between hard labour and light labour and between agricultural and industrial labour, and to release women from

the heavy burdens of house chores. Third, the Revolution in Culture was to end the cultural backwardness of North Korean workers, to provide university-level education in culture and technology, and to increase the level of productive culture among North Koreans so that they could be sovereign and creative social beings in society along with nature.

In order to implement the Three Revolutions, the government launched the Three Revolutions Team Movement (*samdae hyŏngmyŏng socho undong*), inaugurated in February 1973. Under this movement, which Kim Jong Il actively led, the Three Revolutions teams were sent to factories, enterprises, and rural and fishing villages for the implementation of Kim Il Sung's 'on-the-spot' guidance in close consultation with local personnel. Kim Jong Il was able to use this opportunity to show his leadership in looking after the country's economy as well as people's material conditions.

### **National economic plans**

The DPRK has produced several national economic plans along with other national programmes in order to proceed with the country's economic development and fulfil people's needs for subsistence by 'creatively applying Marxism–Leninism' (I.S. Kim 1956/1980d: 42). The organising principle for national economic plans was, officially, Marxism. However, it was a continuum of thoughts for caring for people's material conditions more than anything else, from Confucian Korean rulers' fundamental duties to *Sirhak*'s reform-minded practical thinking and from *Tonghak*'s radical rebellions to changing feudal *Chosun* into post-colonial efforts to build the nation again after Japanese colonisation.

Since 1956, the DPRK has pursued several national campaigns for rapid economic advancement: the first five-year national economic plan in 1957–61; the *Ch'ŏllima* movement<sup>7</sup> in 1958; the *Ch'ŏngsanni* spirit and the *Ch'ŏngsanni* method<sup>8</sup> in 1960; the first seven-year national economic plan in 1961–67; and the *Tae'an* Work System in 1961. At the same time, endless government rhetoric and propaganda have been put out along with national economic plans on the improvement of people's material conditions. These include:

The struggle for socialism is to make the People in the DPRK work fewer hours and produce more output so that they can live prosperous and happy lives

(I.S. Kim 1957/1981b: 38)

We have very strong foundations to live well and this is the inalienable right of all

(I.S. Kim 1962/1982a: 513)

All political rights, freedom and happy material cultural lives are guaranteed in the DPRK. Equal rights are protected to the People, including workers and peasants. Rights to food and clothes are guaranteed by the state and

society, as well as eleven years of free education and free medical treatment

(I.S. Kim 1983–4/1992: 155)

or

Our socialist system is the most supreme form of socialism that guarantees political freedom, democratic rights, and happy material and cultural lives for all.

(I.S. Kim 1986–7/1994b: 215)

As briefly demonstrated earlier, governments' primary concern for people's material well being and economic development of the nation pre-existed in indigenous Korean philosophies. Korean Confucianism focused on the role of a benevolent ruler to protect the people's welfare and security. Reform-minded *Sirhak* scholars stressed the importance of commerce to enhance people's lives. *Tonghak* was borne out of fundamental concerns for poor and lower-class people in pre-modern Korea. Therefore, this Marxist material concern was nothing new to Koreans and the DPRK government has incorporated Marxism with these indigenous Korean ideas.

### **Citizens' duties**

The fifth and final Marxist characteristic of the DPRK's rights concepts is the primacy of citizens' duties in return for the guaranteeing of rights by the government. The DPRK extensively emphasised the duties of different groups of people far more than their rights. The duty of youth, for example, is to learn new skills and technology (I.S. Kim 1958/1981g: 194) rather than describing it as a right of the youth to education.

The primacy of duties is one of the most significant features in Marxist states. Both the 1936/1977 USSR constitutions and the 1975/1982 PRC constitutions list a number of citizens' duties, the fulfilment of which is invariably seen as a precondition for the entitlement of rights. Duties as the offspring of rights are not a uniquely Marxist characteristic. The idea of citizens' duties existed within the framework of Hobbes' and Locke's social contract theories and modern citizenship, as we saw in Chapter 1. What is different from the Western notion of duties is that those duties in Marxist states have been written down with rights in their respective constitutions, and they work as a prerequisite to enjoying proper rights. In other words, in Marxist states, duties come before rights.

### ***Duties in the 1972 Constitution***

As the constitutional basis for the primacy of duties, the DPRK set out the provisions on rights and duties of citizens distinctively pronounced in the constitutions. The purpose of imposing the duties of citizens, stated in the 1972 Socialist

Constitution, 'is to reinforce socialism and make the country richer and stronger' (I.S. Kim 1972/1984b: 608). Eighteen articles are allocated to rights (Articles 49–66) and six to duties (Articles 67–72). Details of the duties are as follows:

- abiding by the Constitution and socialist principles (Article 67);
- respect for collective spirit, sacrifice for the interests of the People, the Fatherland, and revolution (Article 68);
- labour as the divine duty (Article 69);
- the preservation of public assets (Article 70);
- a revolutionary spirit and protection of national secrets (Article 71); and
- defence of the Fatherland and duty to military service/punishment for treason against the Fatherland and the People (Article 72).

Article 72 particularly emphasises that citizens should defend the fatherland and serve in the army, and that betrayal of the country is the ultimate crime.

Chapter V of the 1992 amended constitution of the DPRK also allocates a part to the rights and duties of citizens. Again, 18 articles are allocated to rights (Articles 62–79) and seven to duties (Articles 80–86). The duty of protecting the unity and solidarity of the People (Article 80) was newly added and the duty of protecting national security (Article 85) replaced the duty to keep national secrets, which was Article 71 of the 1972 constitution.

More fundamentally, citizens' duties in return for the protection of rights by a ruler were deeply embedded in Confucian thinking as we discussed in Chapter 2. Confucianism is basically a role-based ethical system where everyone living in the society is expected to conduct their respective duties toward the society s/he belongs to. North Korea's stress on citizens', women's, or children's duties under Kim Il Sung's *Juche* is better understood in this long historical and cultural Confucian context rather than just a Marxist influence. Kim Jong Il's formation of the duty-based language of rights is more intriguing. Kim Jong Il prefers the language of duty both as an offspring of human rights protection and a correlative term of rights (see the difference explained in Chapter 1), this will be shown in Chapter 6.

### ***Duties of 'communist mothers'***

The duties of women are particularly emphasised. The role of 'communist mothers' is described as teaching children to have collective identities and not to pursue individual interests: 'whoever abandons selfishness and follows the party line can be a communist mother or father' (I.S. Kim 1961/1981a: 344–5). In 1961, Kim Il Sung named Mun Jong Suk a role model for selfless communist mothers. Mun was a single mother and also a member of the KWP who lost her husband during the Korean War but refused financial help from her rich siblings who wanted her life to be easier. One day, at one of local party meetings, she publicly criticised the local school principal's wife. Mun called the principal's wife 'a human parasite' because she was not working and just stayed at home as a housewife. Kim Il

Sung praised Mun's courage and stubbornness, abandoning selfishness and following the party line, and gave Mun an honorary credit for being a true communist mother.

Criticising a school principal's wife publicly is notably unconventional in Confucian ethics because, first of all, she is the respected headmaster's wife and second, public condemnation is not appreciated no matter how wrong an accused person's misbehaviour is. What Kim Il Sung was trying to do was to impose what he believed were communist ethics onto North Korean society. This is not certainly a preferred ordinary measure that North Koreans would take. Public condemnation or even in some cases public execution is still believed to be a working method implemented by the DPRK regime. It is one of the most vicious policies, violating fundamental and universal human rights and human dignity. Criticising respected elders, talking of a 'human parasite', would not be acceptable to Confucians, either.

On women's duties, Kim Il Sung (1958/1981a: 543) explicitly said that women should work so that society could increase the female labour force. Women should learn the socialist ideology that emphasises labour being a 'divine duty'. The right to work is indeed one of the most important rights of all in the history of the evolution of international human rights. Kim Il Sung described labour as women's duty, not their right, just as education was children's duty not their right, as seen above.

North Korean women have multiple duties at home and at work. At home, women are encouraged to be communist mothers to look after house chores and childcare (men are never given this official and public duty to raise children). Furthermore, all women who finish university education have a 'legal' duty to work for at least five years (I.S. Kim 1961/1981a: 351–3). However, in reality, women from rich family backgrounds do not work normally after college graduation.<sup>9</sup> Until 1961, North Korea had not produced any female who held a doctoral degree. Kim once publicly condemned women who thought staying at home as full-time housewives was better than becoming full-time workers (I.S. Kim 1961/1981a: 351–3). For him, a woman holding a university degree who wished for a better chance to marry a rich and powerful husband was utterly 'bad'.

Emphasising citizens' duties had several purposes as we have seen above. Children's duties were aimed at imposing a collective mentality and selfless behaviour on the younger generation. Women's duties were used to mobilise the female labour force. Both groups are internationally recognised as the most needy and vulnerable people who need to have their rights protected by their respective governments. In the DPRK, the government loads even more duties onto their shoulders. Rights to education and work are translated as duties. Other Marxist states had a similar conception about duties prior to their entitlement of human rights, which consequently provided a modern concept of citizen's duties. However, what made this conception acceptable in the DPRK was Korea's deeply embedded Confucianism, which focused extensively on the respective duties of each individual.



(a)



(b)

*Figure 4.3(a)–(b)* Images of ‘communist mothers’.

## Conclusion

As examined above, the hostility to the capitalist notion of human rights and the importance of the socio-economic structure for the protection of human rights were conventionally grounded in Marx's original views on rights. Others, shared with Marxists states, included the entitlement of rights contingent upon a person's class status, the prioritisation of collective interests over individual rights, the primacy of subsistence rights over other rights, and citizens' duties before rights. All of these Marxist characteristics of human rights in the DPRK serve to provide the ideological ground to mobilise national unity, the labour power for economic development, and loyalty to the party's leadership. More importantly, all these Marxist features in human rights had already existed in indigenous Korean philosophies including Confucianism.

The next chapter will analyse how concepts of rights under its official state ideology *Juche* (self-reliance) are conceptualised in North Korea's public discourse.

## Notes

- 1 Kim Kwan-woong, 'A study of Kim Hak-chul's "The Myth of Twentieth Century": its international political background' is at [http://www2.yb.jl.cn/woori/bbs/board.php?bo\\_table=supir&wr\\_id=283&page=6&page=6](http://www2.yb.jl.cn/woori/bbs/board.php?bo_table=supir&wr_id=283&page=6&page=6), last visited on 2 January 2008.
- 2 All interviews with North Korean defectors quoted here were confidentially recorded, without full real names, for privacy and security reasons. Interview with Kim (anonymous) on 5 November 2008, Seoul, South Korea.
- 3 Take note of the differences between 'class' and 'stratum'. The national census actually referred to 'stratum' (*kyech'ŭng*) instead of 'class' (*kyekŭp*): the latter implies the Marxist notion on the revolutionary antagonism between the bourgeoisie and the proletariat whereas the former simply distinguishes the different social status according to a person's family background, profession, or loyalty to the party and the leader, as well as property ownership.
- 4 Interviews with K (anonymous) and J (anonymous) on 18 November 2008 and 25 November 2008, respectively, Seoul, South Korea.
- 5 Each of the three Soviet constitutions (1918, 1936 and 1977) and each of four PRC constitutions (1954, 1975, 1978 and 1982) contained such a provision. For analysis of Soviet constitutional rights see A.L. Unger, *Constitutional Development in the USSR* (1981). For analysis of Chinese constitutional rights see Nathan, 'Political Rights in Chinese Constitutions'.
- 6 Lee Joo-il, '*Dang'i mangch'in nara, kim jong il'i mangch'in dang* (The Country destroyed by its Party and the Party destroyed by its leader, Kim Jong Il),' *Daily NK* at <http://www.dailynk.com/korean/keys/2003/37/05.php>, last visited on 3 January 2008.
- 7 The *Ch'ŏllima* movement is a long-term mass movement for enhancing rapid economic construction and achieving socialism in North Korea. According to Kim Il Sung, the *Ch'ŏllima* movement is 'one of the communist ideological programmes to make people actively participate in socialist construction and communist progressive movements to make people realise popular heroism for socialism' (Kim 1968/1983c: 261). The *Ch'ŏllima* movement was initiated by Kim Il Sung in December 1956 with the slogan of a mythical symbol *Ch'ŏllima* (1,000-ri Horse), 'Let us run with the spirit of riding *Ch'ŏllima*'. It was jointly coordinated with the Three Revolutions (ideological, technological, and cultural) that were also taking place in order to improve the country's material conditions. Since then the Movement has been comprehensively imple-

mented almost in every field: industry, agriculture, construction, health, science, and education, and still continues.

- 8 *Ch'ōngsanni* is a small village in South Pyong'an Province where North Korea's agricultural policy in the late 1940s was successful after the Land Reform. According to Kim Il Sung, there were only 120 houses in *Ch'ōngsanni* but 40 of them were receiving newspapers and everyone who was of school age was going to school. Furthermore, almost every house owned livestock including cows, pigs or chickens, and no one starved even in the hardest time of the year, which was usually June. The *Ch'ōngsanni* method generally refers to this method that was used in *Ch'ōngsanni*.
- 9 Interview with P (anonymous) on 6 November 2008, Kyunggi, South Korea.

## 5 Human rights in *Juche* Ideology

The previous chapter has examined certain Marxist features of North Korean human rights thinking and suggested that the particular form of human rights in the DPRK is as much a continuation of Korea's cultural and historical context as it is a legacy of North Korea's more recent Marxist legacy. The rights thinking of Marxist states and that of the Confucian tradition do indeed have many aspects in common: both focus on the rigid social structure, collective interests over individual human rights, the prioritisation of socio-economic rights over individual freedom, and citizens' duties before rights.

This chapter examines the characteristics of human rights in *Juche* Ideology (the North Korean official ideology, *Juche sasang*) and shows how these rights elements in *Juche* have been reflected in domestic policies. The first section of this chapter gives an overview of *Juche* and how it has developed.

It is important to study the origins of *Juche* before moving onto the main characteristics of *Juche*'s rights since it combines all the historical, political, and cultural aspects of the ideational roots in the DPRK. *Juche* is the key to understanding North Korean mentality and its development. It includes four key elements: post-colonial nationalism, Marxism–Leninism, Confucian monarchism, and some religious aspects.

Based on the key features of *Juche*, the rest of the chapter more specifically deals with the main characteristics of *Juche*'s human rights which include: the divine concept of rights and the role of leader, the sovereign right of man and the nation, the right of man as a social being, the right to basic living standards, and citizens' duties. Each discourse contains elements of human rights in theory and practice, which are certainly different from the Western liberal tradition but understandable within the country's historical, political, and cultural contexts.

From a constructive perspective, the formation of *Juche*'s rights was a core ideational formation process of North Korean state identities and interests starting from the mid-1950s. The country was undergoing a Sino–Soviet ideological conflict internationally and a series of national economic plans were faced with political challenges domestically. Thus, it is no surprise that *Juche*'s rights focused on the sovereign rights of man and the nation, collective interests over individual human rights, the primary concern for the right to basic living standards, duties of citizens including young students, and most importantly the role of

strong leadership in leading the country and protecting the rights of people in the DPRK.

## An overview of *Juche* Ideology

### *The establishment of Juche*

The language of *Juche* first officially appeared in North Korea on 28 December 1955. *Juche* emerged in a speech to the members of the Propaganda and Mobilisation Bureau of the Party, entitled ‘Eliminate doctrinism and formalism in ideology and establish *Juche*’ as the North Korean ideology was lacking ‘*Juche*’ (I.S. Kim 1954–5/1980b: 467). Etymologically, *ju* means ‘a master’ and *che* is ‘a body’ or ‘an entity’. Therefore, *Juche* means ‘being master of one’s body’, which can be interpreted as ‘sovereign autonomy,’ ‘self-determination,’ or ‘self-reliance’. The theme of *Juche* started from ideological independence, which means that the country must have an ideology independent from other foreign thoughts, and was developed into other areas such as political independency (*chachu*), economic self-sufficiency (*charip*), and military self-defence (*cha’wi*) (I.S. Kim 1967/1983a: 424–5; 1980/1987a; KINU 2006: 7–16). Since then, the term *Juche* has been used everywhere in North Korean public discourse: *Juche* agricultural method, *Juche*isation (*Juchehwa*) of the People’s economy, human beings of *Juche* form (*Juchehyōng*), *Juche* ideologisation (*Juchesasanghwa*) of all society, *Juche* industry, the socialist economic management of *Juche*, *Juche* art, and *Juche* national views (*Juche’ui minjokgwan*).

When the concept of *Juche* was being developed in the mid to late 1950s, it was not particularly nationalistic. However, when the DPRK decided to take a break from Marxism–Leninism in the late 1960s and establish *Juche* as the official state doctrine, it became considerably more nationalistic and ‘solipsistic’ to borrow Cumings’ term (2004: 107). Han S. Park (1996: 11) summaries the socio-historical milieu surrounding *Juche* as national independence, Sino–Soviet relations, the global politics of the Cold War era, and national division. The background to the creation of *Juche* ideology was in domestic political challenges as much as it was in the Sino–Soviet conflict. Kim Il Sung (1972/1984a: 421–4) himself said that *Juche* was conceived for two reasons. One, he felt disenchanted with the theoretical debate between communists and nationalists. The other was simply that there were too many factions in North Korea such as Marxist–Leninists, the Tuesday faction (*hwayop’a*)<sup>1</sup> and the North Wind faction (*pukp’unghoep’a*)<sup>2</sup> who all wanted recognition from ‘the International’ (i.e. Moscow).

*Juche* was adopted as the official ideology of the party, on a par with Marxist–Leninism, at the fifth Party Convention in November 1970. The DPRK declared that it had established a socialist industrial country that was equipped with complete political independence, a strong self-sufficient national economy, powerful self-defence, and a glorious national culture under the revolutionary *Juche* Ideology (I.S. Kim 1970/1983a: 331; 1971/1984d: 1). Following the fifth Party Convention, the 1972 Socialist Constitution stated that ‘only *Juche* Ideology that creatively implements Marxist–Leninism will be the guiding principle of running

the State'. In October 1980, the sixth Party Convention declared that 'only Kim Il Sung's *Juche* Ideology' will be the official guiding principle of the party, *excluding* Marxist–Leninism. The amendment of the 1992 Constitution stated that the DPRK 'makes *Juche* Ideology – a revolutionary ideology with a people-centred view of the world that aims toward the realisation of the independence of the masses – the guiding principle of its actions'. The 1998 amended Constitution has not revised this provision. According to the in-depth interviews with 78 North Korean defectors in South Korea conducted by Sejong Institute in 2002–5, 49.4 per cent of them still trust *Juche* Ideology (S.-C. Cheong 2006: 59–61).

### ***Different aspects of Juche***

*Juche* is composed of post-colonial nationalism, Marxism, and other Korean traditional philosophies as well as certain religious aspects. From this we can trace certain rights characteristics of the DPRK. In other words, the elements of human rights in *Juche* can be summarised as (i) a divine concept of rights from *Juche*'s religious aspects; (ii) the right to choose one's own destiny from its post-colonial nationalistic legacy; (iii) the rights of man as a social being from a Marxist political origin; and (iv) the granted right to subsistence from the deeply-embedded Confucian tradition. As *Juche* was being formed more firmly within society, more traditional ideas about granted rights and the role of the leader to grant people's rights has gradually dominated the public discourse of human rights in the DPRK.

First, it is generally acknowledged that *Juche* is a continuing form of post-colonial nationalism, based on the experiences of Japanese colonialism, the paranoid fear of the US, and discomfort from the Sino–Soviet dispute (KINU 2006: 29–31). Carter Eckert (3 February 1996: 40) notes that '*Juche* was, in effect, a passionate and unrestrained *cri de coeur* against centuries of perceived incursion or subjugation by external forces that had sought to weaken or destroy the country. It was also, in that sense, an unequivocal reassertion of Korea's will to national greatness'. Dae-sook Suh (1998: 305) also says that *Juche* is basically a North Korean effort to be self-reliant – a reaction to their previous political subjugation, economic independence and need for military assistance from the Soviet Union and the PRC. Bruce Cumings (2004: 154) explains that from a North Korean standpoint, freedom is 'an independent stance against foreign predators' or 'freedom for the Korean nation': one undeniable freedom in North Korea is 'the freedom to be Korean'.

*Juche* is viewed by some scholars as an 'inadequate exposition' of 'xenophobic nationalism' (Suh 1998: 313) or anti-foreignism (SEE, for example, Harrold 2004: 39–40; Suh 1998: 313), having little relevance to the tenets of Marxism and Leninism. However, Park (1996: 12) is right that *Juche* is 'far more than a form of anti-foreignism' and has acquired 'a quality of self-affirmation', which means that it was used as a positive notion to encourage national pride rather than a negative connotation to spread hatred of foreigners. Selig Harrison (2002: 18) makes the same point. In North Korea, the brand of nationalism preached by Kim Il Sung was primarily inspirational and uplifting, not designed to arouse xenophobic hatred of foreigners. Their keynote was rather the glorification of Korean virtue.

Second, *Juche* ideology bore the heavy print of Marxist–Leninism, more than any other political system at the beginning. The DPRK claimed that *Juche* Ideology was a creative application of Marxist–Leninism when it was first established. However, Marxist elements in *Juche* have become less prominent over time. The best that can be said for Marxist elements in *Juche* since the 1980s is Marx’s conception of man as *homo faber*, humans as makers – ‘I make therefore I am’ – the human creatively interacting with and operating upon his environment, human and natural (Avineri 1968). Kim Il Sung (1970/1983c: 151–2) noted that Marxist–Leninism worked as a weapon for revolutionary struggle and *Juche* as bullets for the weapon, the one and only suitable form for the Korean revolution.

Third, although the DPRK government denies its ideational origin in traditional Confucianism, Confucian culture has provided the root structure of North Korean society. Even for the Chinese, Kim Il Sung was too Confucian. In 1967, the DPRK began to canonise Kim Il Sung’s parents as saints of the Korean revolution and to build monuments to and museums of their supposed revolutionary activities (Suh 1998: 196–7). An article circulated by the Guangzhou Red Guards in February 1968 in their journal *News of the Cultural Revolution (Wenge Tongxun)*, entitled ‘the Korean revisionist clique of today’ (*Jinri Chaoxiu Jituan*), criticised Kim’s show of filial piety to his grandparents and parents (Suh 1998: 192–3, 312). The report stated that Kim’s parents’ graves were decorated with flowers and plants and guarded by special staff. Kim Il Sung’s great-grandfather, Kim Ung Wu, was also praised as a hero in that he had led the people of Pyongyang in an attack on an American ship, the *General Sherman*<sup>3</sup> (Harrold 2004: 23). The sudden promotional campaign for Kim Jong Suk, Kim Il Sung’s first wife and the mother of Kim Jong Il, was another indication of excessive filial piety and promotion of heroic images of the Kim family (Suh 1998: 279).

It was not only Confucianism but also broader Korean feudal tradition that has affected *Juche* Ideology and consequently DPRK’s rights thinking. Hwang Jang Yup (1999: 371–4), the former chancellor of Kim Il Sung University who defected from Pyongyang in 1997, argues in his memoir that *Juche* Ideology is ‘*surŷŏng* (head of state) absolutism’, a combination of ‘totalitarianism’ and ‘feudalism’. The latter is based on traditional Confucianism, in that subjects are supposed to worship and obey the divine king’s absolute rule, which is deeply embedded in Korean society. As Suh (1998: 299) points out, North Korea under *Juche* looks more like a kingdom where the eldest son is succeeding to his father’s throne than the communist or socialist state that all Korean communists have fought for. Modern Korea emerged from one of the most class-divided and stratified societies, almost caste-like in its hereditary hierarchy (Cumings 2004: 128). Cumings (2004: 165) claims that North Koreans are willing to admit that ‘they live under a royal dynasty, as much or more than a communist state’. The personal bonds that held together Kim Il Sung’s comrades-in-arms from the Manchurian guerrilla days and their families had the traditions of chivalry rooted in Korea’s feudal past, just like European medieval chivalry or the eighteenth-century British loyalists.

Cumings uses ‘corporatism’ to define the North Korean system. Corporatism covers Western monarchical traditions, European fascism, Soviet and Chinese

communism, and Japanese emperor worship (Cumings 1993: 204). Masao Maruyama writes that the Japanese emperor was the father of his people and the state was always 'considered as an extension of the family; more concretely, as a nation of families composed of the Imperial House as the main family and of the people as the branch family'. The nation was bound together under the emperor by the principle of eternal Japanese unity, literally meaning 'national essence,' which bears a striking resemblance to North Korea's *Juche* (Maruyama 1969: 36). Cumings' definition of *Juche* is the most precise so far: that it can best be described as 'a peculiar and fascinating form of socialist corporatism' mingling Marxist-Leninism with the Confucian legacy inherited from Korean political history.

For this reason, Western journalists call North Korea a 'hermit kingdom'. The similarities between the *Chosun* dynasty and Kim Il Sung's regime are often noted (Cumings 1997: 79, 88–90). Armstrong (2003: 72–3) says that the rigid social stratification of fifteenth- and sixteenth-century Korea, the purge of neo-Confucian scholars in 1498–1545, and the state's attempts to control and restrict commerce bore a resemblance to the North Korean political system. Szalontai (2005: 3, 218), like Cumings and Armstrong (but much less sympathetically), points out the factional strife, ruthless liquidation of rivals, status-based discrimination, the strictly centralised bureaucracy, and the dominant ideology of neo-Confucianism in the Korean political and social system. Chong-sik Lee (1963: 14–5) also highlights factional struggles, provincialism, and the attachment of more importance to personal relationships than to impersonal and institutional ones in *Chosun*'s political tradition. All bore great similarities to the contemporary North Korean system.

An interesting example of the government's retreat from Marxist-Leninism to traditional Confucianism was its divorce policy. In 1945–9, the North Korean regime took several measures that were more strictly in accordance with Marxist-Leninism than any other East European or even Soviet policies. These measures included the prohibition of acupuncture and the encouragement of divorce. However, as early as the mid-1950s when the idea of *Juche* was first being seriously formed, the government legalised the former and began to discourage the latter (Szalontai 2005: 215–16). The beginning of *Juche* meant the slow departing from Marxism and a reunion with traditionalism.

Fourth, *Juche* Ideology has some religious dimensions (Armstrong 2003: 223–4; Harrison 2002: 16; E.H. Shin 2007: 517). Harrison insists that Kim's childhood exposure to Christianity has helped make Kim aware of the need to replace the 'cold class warfare tense of Marxism' with a more emotionally satisfying ideology (Harrison 2002: 17). His father was a Presbyterian elder in Pyongyang after attending the Sungsil Christian Academy operated by an American missionary. His mother, whose father was also an elder of the Hari Presbyterian Church in Pyongyang, was active in the Namni (hometown of Kim Il Sung) Presbyterian Church established by missionaries. Kim Il Sung (1992: 106–7) himself said that 'I do not think the Spirit of Christianity that preaches universal peace and harmony contradicts my ideas advocating an independent life for man'.

The holy trinity in North Korea still consists of Kim the father, Kim Jong Il the son, and *Juche* the holy spirit (Harrison 2002: 16). After spending four hours with

Kim Il Sung in 1992, Reverend Kwon Ho-hyung, then President of the Christian Broadcasting System in South Korea, said:

Kim understood messianic themes in Christian doctrine, and he ruled the country like a religious leader, casting himself as the fatherly shepherd of his people. It is often said that he utilised the feudal traditions and Confucian respect for authority inherited from the Korean past. But another reason for his effectiveness and the longevity of his rule was that he found his own religion.  
(Harrison 2002: 17)

Many North Korean defectors also find Christian rituals and North Korean practices very similar. A North Korean says:

I knew absolutely nothing about religion . . . the ritual also took place before every meal. It reminded me, strangely, of the ceremonies and political studies sessions of the glory of Kim Il Sung and Kim Jong Il, so I felt uneasy.  
(H. Kang 2007: 184)

Kim Il Sung's exposure to Christianity had a significant impact on his thinking and leadership style. Unlike the Stalinist cult, the personality cult of Kim Il Sung and Kim Jong Il clearly belongs to the realm of supernatural shamanistic phenomena. For example, North Korean propagandists claim that the birth of Kim Jong Il was heralded by a swallow that had descended from Heaven (Carlson 14 May 2003). In 1993, Pyongyang went so far as to claim to have found the remains of Tangun, the mythical founder of the Korean state (Szalontai 2005: 219). Both Kim Il Sung's parental attachment to Christianity and North Korean shamanism allowed the existence of a godlike figure, Kim Il Sung, who is believed in as 'Father' in the sense of being the 'national provider, healer, and even saviour' (E.H. Shin, 2007: 517). Consequently, rights in this sense are given by this holy creature, Kim Il Sung.

## **The divine concept of rights and the role of leadership**

### ***The human-centred Juche Ideology***

The expression of Marxist–Leninism was eliminated from the 1992 amended constitution and instead the philosophical principle of *Juche* was enshrined in the constitution. Article 3 of the constitution states that the DPRK 'is guided in its activities by the *Juche* idea, a world outlook centred on people, a revolutionary ideology for achieving the independence of the masses of the people'. Partly due to the religious aspect of *Juche* we have seen above, the concept of human rights has been understood as a divine right from the god-like figure, Kim Il Sung.

The concept of divine rights in Western Christianity seems to be reflected in the rights thinking of Kim Il Sung's *Juche* in the DPRK. *Juche*'s human rights start from a principle that *Juche* Ideology is a 'human-centred philosophy' (*in'gan chungsim ch'ŏrhak*) or a 'philosophy of humanity', which believes human beings are the most

advanced and powerful beings in the world (I.S. Kim 1974/1985b: 583–6; 1989–90/1995a: 296–7). A North Korean philosopher Choe Chol Ung (1998: 15) insists that *Juche* Ideology is ‘the best form of humanitarianism, which is borne out of respect for equality of humanity, freedom of personality, and human rights’.

The DPRK developed the human-centred idea further after the end of the Cold War, using the language of rights. The DPRK insisted:

*Juche* Ideology considers the People as the master of the state and therefore everyone in North Korea enjoys a happy life with guaranteed political rights, no social vices, no worries over food, clothes, or consumption, no joblessness, no homelessness, free medical treatment and free education under the collective principle of *Juche*.

(I.S. Kim 1992–4/1996c: 39–40)

### **‘On-the-spot’ guidance**

The role of leadership in protecting people’s basic subsistence and security is a particular feature in North Korean rights thinking. ‘On-the-spot’ guidance (*hyŏnji chido*) was widely used to promote the image of a benevolent leader who cares about people’s welfare. It referred to a particular form of North Korean leadership style in which Kim Il Sung or Kim Jong Il visits farms, factories, schools, or military bases to listen to and guide people directly, on the spot. Kim Il Sung (1980/1987b: 253–4) pointed out the danger of bureaucratism (*kwallyo chuŭi*) in socialist society. He accused bureaucratism of abusing ‘the interests of the people’ and concluded that society needed his direct guidance. According to the DPRK’s official newspaper *Rodong Sinmun* (12 April 1998), Kim Il Sung made at least 8,000 ‘on-the-spot’ guidance visits to approximately 18,000 units, travelling 550,000 km over 2,530 days from the establishment of the country until his death in 1994.

As you can see in the North Korean propaganda paintings in Figure 5.1(a)–(d), the government deliberately tried to portray Kim Il Sung in his ‘on-the-spot’ guidance as a benevolent and omniscient, fatherly ruler. The government focused on the humanitarian side of the Kims and how grateful North Korean people should be for Kim, who was protecting the country and taking care of material welfare. These are clear examples of North Korea’s adoption of Mencian benevolent government.

Both the *Ch’ŏngsanni* method and *Tae’an* Work System, which were explained in Chapter 4, were the direct outcomes of Kim Il Sung’s ‘on-the-spot’ guidance. After visiting a hydroelectric power plant and a carbide factory in Sakju (North Pyong’an province) in 1946, Kim Il Sung regularly toured the country so as to demonstrate his concerns for people’s livelihoods, familiarity with local conditions, and control over the state apparatus. During crises, such as the food crisis of early 1960, such tours were numerous. The government used to limit the term ‘on-the-spot’ guidance to the fieldwork activities of Kim Il Sung while naming those of Kim Jong Il as ‘practical’ guidance (*silmu chido*), but since the 1980s, both have been called the same, i.e. ‘on-the-spot’ guidance. Kim Jong Il also uses the same method to meet people, but his visits are generally limited to military bases.

### ***Birthday gifts***

Another example of the focus on the benevolent leader and granted rights is birthday gifts. On important feast days, such as the birthdays of Kim Il Sung (15 April, also called the Day of the Sun) and Kim Jong Il (16 February), the office of food distribution provides people with a bottle of spirits, a handful of sweets and some biscuits, and they are greatly appreciated (Kang and Rigoulot 2002: 133; H. Kang 2007: 47; Treston 2005: 134–5). Some rich Pyongyang citizens receive men's formal suits, doughnuts, sponge cakes, juice, or sausages (Citizens' Alliance for North Korean Human Rights May 2008: 11). Other feast days include 1 January (New Year's Day), 9 September (State Foundation Day), and 10 October (Party Foundation Day). The gifts are always attributed to the 'benevolence of Kim Il Sung, the great leader'. Kim Il Sung paid particular attention to triplets or quadruplets. As a showcase, Kim granted a two-storey house, personal teachers and doctors for a family of quadruplets who performed well in a kindergarten art contest (I.S. Kim 1989–90/1995b: 393–5).

Both 'on-the-spot' guidance and birthday gifts were very widely used as official events in North Korea and each time Kim Il Sung's benevolence and greatness were highly emphasised. These methods were more than a socialist means of central party planning or food rationing to North Korean people. To them, Kim Il Sung was pictured as a fatherly king or god-like figure as in Mencian benevolent government or Plato's philosopher-king guaranteeing people food and security. Many North Koreans were, and still are, convinced that he was a great leader.<sup>4</sup>

## **The sovereign right of man and the nation**

### ***The right of man to choose one's own destiny***

In the Political Dictionary (Social Sciences Publishing House [Sahoe kwahak ch'ulp'ansa] 1985: 920), human rights are described as 'the rights to protect human dignity and enjoy sovereign and creative lives in every aspect of social life as in politics, economy, culture, or ethics'. Sovereignty, creativity, and consciousness are the core ideational elements of *Juche* and, among these, sovereignty is the most important. The government emphasised that *Juche* 'illuminates the way to protect and realize human sovereignty' (I.S. Kim 1973; C. Kim 1990b: 24; Ndjana 1991). As explained earlier, the term *Juche* itself etymologically means 'the master of your body' or simply 'self-reliance'. Therefore, *Juche* has an inherent element of meaning the sovereignty at an individual level, the sovereign right of man.

A cultural relativist approach was applied to the concept of the sovereign right of man. Kim (1985–6/1993a: 206) said that 'every society has different roles and conditions of the People' and explained that the policies he implemented were not something every socialist country could do or something money could do. He focused on whether a society had sovereignty or not and insisted that 'in exploitative countries, the working People have no sovereign power and therefore have no



(a) 'Dear father Kim Il Sung visits a kindergarten'.



(b) Kim Il Sung visiting a steel mill and igniting the workers' *Ch'öllima* spirit.



(c) Kim Il Sung visiting a coal mine.



(d) Kim Il Sung with peasants.

Figure 5.1(a)–(d) Kim Il Sung's 'on-the-spot' guidance.

freedom or rights'. The DPRK claimed that 'people in the DPRK, as the master of the country and society, fought to achieve their rights (*kwöllli*) and sovereignty (*chugwõn*) and solved this issue by establishing the "People's regime"'.

Jong Kyong Sob (1992: 4–6), a North Korean human rights commentator, emphasises the necessity of a '*Juche*-style' (*Juchehyõng*) understanding of human rights. According to the '*Juche*-style' understanding, human rights are the 'rights of man as a social being to have a decent life, . . . , his sovereign and creative life in politics, economy, and culture'. Another North Korean human rights commentator, Cho Song Gon (1998) identifies the fundamental nature of human rights, based on *Juche*'s interpretation. Cho (1998: 34) defines human rights as the 'divine rights of social human beings to live and develop independently and creatively'. From this nature, Cho draws two aspects of human rights: one, human rights is a sovereign right of man as the master of his destiny to development and the other, this right has to be 'socially' enjoyed and guaranteed. The second aspect of right as socially enjoyable will be covered in the next section, on the right of man as a social-being, North Korea's collective feature of human rights.

*Juche*'s focus on seeing people as the major resources for natural and societal transformation was mainly a political means, or some might prefer to say propaganda, to mobilise people for national construction. Kim Il Sung (1977/1986: 526–7) said that 'it is the People who transform nature, develop a society, create material wealth, and cultivate the culture. There is no society without the People. History cannot be developed without the roles of the People.' The government has employed this type of appeasing and inspiring propaganda in its public discourse, often alongside the use of the language of rights.

### ***The sovereign right of the nation***

In addition to the post-colonial feature, the sovereign right of man to choose one's own destiny has exceeded the individual level and stretched the basic unit of holding that right to the nation. Concepts of rights have become more collective and nationalistic, the most crucial features of North Korean rights thinking.

Kim Il Sung encompassed ideological independence, political self-reliance, economic self-sufficiency, and military self-defence in order to expand the idea of the sovereign right of man to a national level. This framework focused on collective national sovereignty without deliberating any kind of individual capability to apply one's creativeness or sovereignty vis-à-vis the state. Sovereignty has become a regular term and the 'fundamental issue' in DPRK's public discourse (I.S. Kim 1977/1986: 526–7). Sovereignty started coming before the welfare of the People after the end of the Cold War (I.S. Kim 1988–9/1995b: 203–7).

On the international front, Kim Il Sung (1988–9/1995e: 247) identified *Juche* with the non-aligned movement (NAM) which he believed was a way to realise the sovereignty of a country in the 1980s and this continued in Kim Jong Il's 'our style' of human rights. According to Kim Il Sung (1972/1984c: 396–7):

National sovereignty is *the right of a nation and a country* to decide and implement domestic and foreign policies without any external intervention . . . Sovereignty is each country's divine right and this can be guaranteed when a country overcomes *sadae chuïi* and dogmatism, establishes *Juche*, and builds a strong self-sufficient national economy and a self-defence system.

Kim (1981–3/1996a: 185–6) strongly emphasises the sovereignty of third-world countries and their subsistence rights, stating:

Today's People in developing countries are opposing imperial invasion and exploitation, especially that of the US, and defending their own sovereignty and natural resources . . . Economic and technical cooperation among developing countries and their united power can . . . protect the national pride and the right to subsistence.

Kim (1974/1985a) explained why *Juche* was well accepted by third world countries. He said it was because the idea of *Juche* met people's desire for independence and sovereignty. Kim (1974/1985b: 583–6) argued that several countries such as Senegal, Argentina, Mozambique, Benin, Nepal, and Panama followed the *Juche* model. Internationally, this right is recognised as the right to self-determination, which is more popular among post-colonial states, but the DPRK government has not used this term. It used the language of sovereignty, which is also a core principle of international law as well as a basic rule in international relations.

### ***The sovereign right of South Korea***

From the DPRK's point of view, the ROK is the half of the nation that is still not liberated from US rule. The ROK is also the biggest competitor of the DPRK over political legitimacy, which provides the major impetus to create an image that the North's sovereignty is better protected than that of the South. Speaking on national unification, Kim Il Sung explained that his version of *Juche* nationalism 'is to see sovereignty as the life of the nation and to thrive for the complete realisation of sovereignty through national unity and prosperity' (I.S. Kim 1991–2/1996c: 169). Kim Il Sung also said '*Juche* of our revolution is the establishment of socialism in the North and revolution in the South' (I.S. Kim 1956/1980a: 327).

In 1956, Kim Il Sung (1956/1980b: 253) criticised 'the fascist Rhee Syngman administration' as the biggest obstacle for peaceful unification with its 'repression of fundamental democratic freedom and rights of the people in the South'. The DPRK advocated freedom of the press, publication, assembly, and religion, and the political freedom of patriotic parties, social organisations, and other individuals for the South as well as the right to vote and stand for election regardless of property, education, religion, or sex.

## The right of man as a social being

### *The right of man as a social being*

Kim Il Sung's concept of man as a 'social being' marked a great similarity to Marx's 'species being' and to that of communitarianism, explained in Chapter 1. Human rights, in this context, are defined as 'the rights of man as a social being' (Social Sciences Publishing House [Sahoe kwahak ch'ulp'ansa] 1985: 920). The distinguishable notion of man as a socio-political being in *Juche* from Marx's man is the former's organic way of explaining the relationship between an individual and a society. For this reason, it is more like the Confucian role-based social relation, discussed in Chapter 2. The unifying principle of *Juche* creates an inter-relational social fellowship: the parts are distinguished by their individual roles and at the same time are all one in their relation. Furthermore, as Park (1996: 12) notes, the 'self' in *Juche* was the nation as 'an indivisible and deified sacred entity' and the notion that individuals were not worthy of living if they were deprived of their nation promoted a belief that complete loyalty to the nation is natural in the DPRK.

Kim Jong Il reconstituted the concept of man from 'a social being' to 'a socio-political being' in July 1986. Under Kim Jong Il's 'theory of a socio-political being' (*sahoe ch'ongch'ijök saengmyöngch'e ron*), *Juche* places both self and other inextricably within the web of socio-political organisms, in which both are completely co-relative and interdependent (E.H. Shin 2007: 520). Criticising Rousseau's social contract theory and the pursuit of freedom and equality based on individualism, a North Korean philosopher, Kim Su Jin (1999: 46), explains that 'claiming an individual's freedom and equality apart from his group is denying the independent demand of human beings united as one socio-political being to live endlessly and enjoy freedom and equality all together'. Individual human rights are annexed to rights and interests of the society in the DPRK.

### *Weekly self-criticism sessions*

One means of promoting collectivism among people is weekly self-criticism (*cha'a pip'an*). This was a popular Maoist measure that has been practised in the DPRK to promote collective mentality, repress liberal individualism, and implement *Juche* Ideology. According to a North Korean defector, Kang Hyok (2007: 17–18), the form of these regular self-criticism sessions consists of reviewing previous work, criticising mistakes, suggesting improvements, and most importantly accusing wrongdoers of dilettantism. Self-criticism sessions are normally followed by reading a *Rodong Sinmun* editorial or one of the Works of Kim Il Sung or Kim Jong Il. Surprisingly, Kang Chol-hwan, the well-known former detainee in a North Korean political prison and now author of *Aquariums of Pyongyang* in Seoul, describes these ideological exercises as being rather peaceful and formal. Kang (Kang and Rigoulot 2002: 127) says that 'nothing much happened if you didn't criticise well enough or happened to criticise too sharply'.

Any sign of liberal or individual thinking is completely banned in these self-criticism sessions. According to Kang, the file of a person accused of ‘liberalism’ can be judged by party officials, who decide whether a ‘bad element’ can or cannot be ‘re-educated’. If a person is judged ‘beyond re-education’, he is sent to the security services and then to a political prison along with his/her immediate family members including under-age children. Szalontai sees this measure of sending immediate family members with a criminal as odd and unique to North Korea, and incompatible with Soviet Stalinism (Szalontai 2005: 212–13).<sup>5</sup> If the crime is redeemable in the eyes of the cadres, the guilty person is sent – alone, without his family – to a camp devoted to re-education through labour for a variable period, depending on his social origin and his family ancestry. The more ‘bourgeois’ his origin is (or if he has a family in South Korea), the more severe the punishment would be.

### ***‘Learn from heroes’ campaigns***

The second method employed to encourage collective mentality among North Korean people is the ‘learn from heroes’ campaigns (see Figure 5.2(a)–(b)).

Selflessness is strongly encouraged in the public discourse of North Korea. In a manner similar to Liu Shaoqi in his ideological guidelines for CCP members,<sup>6</sup> Kim Il Sung wrote at length on the need for party members to subordinate themselves to the greater good of the collective (Weatherley and Song 2008). Kim (1986–7/1994a: 97) said:

Party members should have a strong mental attitude towards the party and the revolution which requires devotion and sacrifice from each member, whilst maintaining a high degree of dignity. Party members should feel proud of the dedicated struggle for the party, the revolution and the nation, and must not seek any personal reward. Each party member should be dedicated to the party’s revolutionary tasks, working as a selfless hero.

Beyond the confines of the party, extensive efforts have been made to instil an attitude of selflessness into the general public, primarily through the use of role models as part of what are referred to as ‘learn-from-hero campaigns’. In each campaign the role model is portrayed as supremely self-sacrificing, working for the good of those around him as well as for the party, the revolution and the nation. The public are encouraged to learn from and (where relevant) imitate this behaviour in an effort to create a genuinely socialist society. In some cases the role model is just an ordinary person going about his everyday activities in an altruistic yet almost heroic manner. In other cases the role model is more extraordinary in his achievements, often breaking new ground for the benefit of the collective.

One example of the ‘ordinary hero’ is Kim Ki Bong, a low-ranking soldier with the Cho Sung Il regiment. According to a report from the Korean Central News Agency (the official DPRK news agency which has the web version based in Japan) in February 2004, Kim died after he threw himself in front of a hand

grenade that had exploded by mistake during a routine military exercise. In sacrificing his own life, Kim saved the lives of numerous others for which he was posthumously accorded the title of ‘hero of the Republic’ (*konghwaguk yǒng’ung*), an award that was created in 1950 to honour acts of supreme military bravery (*Rodong Sinmun* 30 April 2004). Following Kim’s death, the government launched a concerted campaign to ‘emulate Kim Ki bong’ (*Kim Ki Bong ttarabae’ugi*).<sup>7</sup> ‘Extraordinary heroes’ usually comprise nuclear scientists or physicists such as Hyun Yong Ra and Lee Ung Chan who, it is claimed, have contributed to Korea’s military capability.<sup>8</sup> With these campaigns the public are encouraged, more realistically, to admire and appreciate rather than imitate the individuals in question.

These policy measures to promote selfless collectivism among ordinary North Koreans are the outcome of intertwined Confucian and Marxist elements. The Marxist notion of man as a species being and the Confucian conceptualisation not only of man as a social being but also of the entire society as one big family were linked together. The pursuit of individual interests and happiness against the interests of society is strictly prohibited in Marxist states. Similarly, the ideal Confucian man was depicted as prioritising collective interests over his own and sacrificing himself for the greater benefits of the society.

## **The right to basic living standards**

### ***The primary material concern of Juche***

The content of rights featured in *Juche* Ideology is mainly on material concerns and socio-economic development, which bore more similarities to Korean Confucianism, *Sirhak*, and *Tonghak* than to Marx’s historical materialism. First, the DPRK claims that Kim Il Sung had transformed the country from a pre-modern semi-feudal colonial society to an ‘exploitation-free and repression-free’ socialist state under the *Juche* guidance and Kim Il Sung’s mass line (I.S. Kim 1969/1983c: 99; 1971/1984b: 430; 1982–3/1992: 183–4). It was Kim Il Sung’s greatness, not workers’ revolution, that had transformed the society, just as old Confucianism focused on the role of a benevolent leader to look after people’s well-being.

People’s material welfare has always been described as Kim Il Sung’s chief interest in North Korea’s official discourse. In the late 1950s when collective farms were first introduced, Kim Il Sung emphasised that ‘eating white rice [brown rice was considered as mixed with other grain such as barley, which was less nutritious] and meat soup, wearing silky clothes, and living in tiled-roof houses would be the ideal socialist state’ in North Korea. In the early 1960s, however, Kim already started to realise that they could not live like millionaires in capitalist countries (1963/1982b: 86–7) and the country’s material condition was not sufficient to satisfy the entire population (1961/1981c: 621). Kim instead directed people to focus on the provision of universal minimum living conditions in North Korea so that everyone could at least work and study.

Until the early 1970s, DPRK’s main focus was on people’s basic material conditions such as food, medical service, and education (I.S. Kim 1968/1983d:

10–1). Kim Il Sung (1971/1984a: 508) insisted: ‘People in North Korea have no worries about clothes, food, medical treatment, or education. Today with our own defence capability, we can protect people from enemies and guarantee security and socialist achievements.’ Kim Il Sung’s caring images and leadership roles for taking care of the country’s material conditions as well as security exceeded those of a Marxist leader. He has been described as a fatherly figure, protecting people from insecure food and security situations.

### ***The ‘negative’ use of ‘positive’ rights***

This ‘positive’ right to subsistence has been employed ‘negatively’ by the DPRK government for criticising capitalist countries. The language of ‘the right to basic living standards’ (*saenghwalgwŏn*) is adopted to target the poor material conditions of marginalised people in the US and Japan. The right to basic living standards is similar to the right to subsistence but is different in the Korean language (*saengjon’gwŏn*, which means more of ‘the right to survival’ or ‘the right to existence’). The government tends to use both terms interchangeably by defining the right to subsistence as ‘a right to be guaranteed the most fundamental and minimum living standard for workers in food, clothes, consumption, and life’ in the *Dictionary of the Works of Great Leader Kim Il Sung Surŏyng* (Science Encyclopedia Press [Kwahak beakwasajŏn ch’ulp’ansa] 1982). Speaking on food and medical issues, Kim Jong Il (1990/1997: 34–5) insists:

There are no jobs in the US. Several million people are wandering around the city and sleeping on the streets. People cannot go to hospital or school because they have no money. Their fundamental human rights are violated. However, in the DPRK, everyone can go to school or receive medical treatment for free. Our people don’t even know what ‘joblessness’ means.

Similarly, speaking on the human rights condition of North Korean residents in Japan, Kim (1995–9/2000b: 36–7) argues: ‘*ch’ongnyŏn* (the pro-North Korean Association of Korean Residents in Japan) should fight more actively in order to protect the rights of North Korean residents, their democratic national rights and internationally recognised legal rights including human rights, the right to basic living standards, and the right to entrepreneurship’ (*ki’upkwŏn*). The government insists that ‘the Party’s *Juche* ideology’ protects the ‘citizens’ rights of North Koreans in Japan, and defends their human rights and a right to basic living standards’ (I.S. Kim 1970/1983b: 124).

### ***The right to a ‘rich and civilised’ cultural life***

Since the mid-1970s, the government has said that it aims for ‘affluent and civilised lives’ for its people in the DPRK (I.S. Kim 1974/1985b: 583–6). Kim (1988–9/1995a: 294) claimed that ‘since *Juche* is a human-centred philosophy, it serves to release workers from hard labour and provide affluent and happy lives

for people in North Korea'. He also said that 'the reason we fight for establishing socialism and communism is for the working People and the reason we build factories and produce steel is to provide the People with materially and culturally happier lives' (I.S. Kim 1979/1987a: 278).

In 1958, Kim (1958/1981b: 282) explained that the purpose of the cultural revolution in North Korea was 'to provide people with a civilised lifestyle'. In civilised countries, he continued, 'people live clean so that they can live healthy and long. If you are knowledgeable and skilful but not healthy, you are only a useless person who cannot enjoy a happy life'. Once, he complimented one particular form of traditional dance called *ongheya*,<sup>9</sup> which is normally performed by peasants during a barley threshing season in June, accompanied by dance. For Kim Il Sung, life was happy if: 'on holidays, you clean up your house and get together with your neighbours to sing and dance along'. Kim (1958/1981c: 368) encouraged people to be able to sing and dance if they wanted to live a happy life: in this way, he said, 'you will be able to work with joy in a socialist country and our society can develop not only economically but also culturally'.

### ***The government's measures for people's well-being***

The government did pay attention to the hardships that average people coped with and made efforts not to lose contact with the masses in the 1950s and 1960s. Many government orders were made, particularly regarding people's well-being, in an aim to pursue economic development and national unity, thus not particularly revolutionary or Marxist. Szalontai (2005: 249–50) lists a number of 'corrective' measures taken by KWP leaders. Some of them were related to re-examination of the party purge and condemnation of the brutal methods used by cadres enforcing the government's policies. Others focused particularly on people's material concerns and basic living conditions such as the cancellation of rural debts, wage rises, reductions in taxes, price cuts on a range of products, or abandonment of plans to liquidate co-op members' private plots. Kim Il Sung took people's material well being into account and tried to present himself as a benevolent ruler. Analysing the above-enumerated 'corrective' measures, one may find that most of them affected the economic sphere considerably. Economic 'corrections' were aimed at alleviating the financial burden that the state's demands had placed on North Korean people or at raising state expenditure that could improve people's living standards.

In late 1980s, concerning public transportation in Pyongyang, Kim Il Sung also recommended running trolley buses instead of normal buses since ordinary buses discharged gas that was toxic to humans (I.S. Kim 1988–9/1995c: 386–7). Discourse of rights to health or the right to a clean environment was not used. Instead, Kim said nothing should hurt the People. What really triggered his decision to recommend trolley buses is not very clear. By the time he encouraged the running of trolley buses, which was at the end of the Cold War, the DPRK was already finding it difficult to import oil and gas. What I argue here is that *Juche's* humane side was emphasised and it focused particularly on people's

well-being rather than using highly materialistic, theoretical, and revolutionary Marxist philosophy.

Again, the Marxist interpretation of historical materialism and its primary focus on workers' economic conditions and socio-economic rights were intertwined with the material concerns of pre-existing indigenous Korean philosophies, not only Confucianism but also *Sirhak* and *Tonghak*. The continuous post-colonial context also buttressed the focus on improving material conditions for its people through economic self-sufficiency.

## Citizens' duties

### Children's duties

The government stressed the duties of children, a group that international human rights society normally recognises as the most vulnerable in terms of the protection of human rights. Duties of North Korean children are, first of all, to follow strict codes of conduct in school, which are highly hierarchical and collective. First of all, every morning, students gather in one place outside their school and walk in line to their respective classrooms together with a teacher. Individual arrival in school is punishable. At a school entrance, a number of selected student representatives check individual students' school uniforms, badges, and bags as to whether they are appropriate. In class, they learn their own roles and duties depending on their status within a highly hierarchical school structure.

Kang Hyok (2007: 52–5), a teenage North Korean defector, explains the hierarchical duty-based classroom structure in great detail in his memoir.<sup>10</sup> The head of unit (*chul panjang*) wears an armband with a stripe and three stars. In most cases, the head of unit is a girl because the main function of the head of unit is to clean the classroom and boys tend to avoid that kind of duty. The head of class (*hakkŭp panjang*) wears two red stripes and two red stars. He is chosen by a teacher for his high standards of behaviour and his sense of responsibility. 'First in the class' (*pundan wiwŏn*) and also member of the school's Youth Committee has two red stripes and three stars. Three of the pupils in the class have two stars and three stripes: they are the ones who are supposed to perform 'good deeds' and the other pupils have to follow their example. What the school calls 'good deeds' consists of, among other things, showing enthusiasm in the compulsory paper- or copper-collection for recycling. The highest rank (three stripes and three stars) goes to the school delegates, called Head of the Youth Committee (*tan wiwŏnjang*)<sup>11</sup> (see Figure 5.2(a)–(b) for different arm badges with stars and stripes). Although situations differ from school to school, heads of the Youth Committee are normally taken by children of party officials.<sup>12</sup>

Duties of better-performing students are even more onerous. They are asked to be selfless for other students, the society, and the nation. According to Chun Jungsoon,<sup>13</sup> a former North Korean junior high-school teacher, there are customary practices in North Korean schools that pupils whose overall performances are better in a class or who are particularly good at certain subjects, become what they



(a)



(b)

*Figure 5.2(a)–(b)* North Korean children with arm badges. Among a group of North Korean children marching in a street, two in Figure 5.2(b) are wearing arm badges: the boy with three stars and two stripes (First in the Class) and the girl with one star and three stripes (Kang Hyuk, in his memoir, says it is normally a girl who is head of unit wearing three stars and one stripe. In this photo, the girl is wearing one star and three stripes).

call ‘commissioner in charge of class’ (*haksŭp tamdang wiwŏn*) or ‘commissioner in charge of subject’ (*kwamok tamdang wiwŏn*) respectively, as selected by teachers, assist teachers. Sometimes they lead afternoon classes for other classmates so that the former can help the latter with their homework. Better-performing children are encouraged to help others, not pursue their individual excellence in school.<sup>14</sup> In this way, students are encouraged to sacrifice themselves for the interests of greater collective entities – the school, the society, the country, and the nation (I.S. Kim 1962/1982b: 420). This collective sacrificing mentality in schools is prevalent, not only in socialist states but also in other countries deeply embedded in Confucian culture. The best students are expected to show not only academic excellence but also noble ethical behaviour.

Education is seen as an important means to implement *Juche* ideology, ‘the first step for working with people’ (I.S. Kim 1972/1984a: 432). Education was and still is one of the core focus themes in Confucianism, both in South and North Korea. It is not presented as a fundamental right but a duty of all children in North Korea. Ordinary North Korean children are strongly encouraged to conduct endless moral duties for class. These duties are not restricted to follow Marxist learning or the socialist revolution. Rather, many of their duties are about ethics and morality towards elders and among their peers. At the back of the classroom, there is a panel showing the list of pupils on cleaning duty, best pupils, best marks, pupils whose ‘level of morality’ was high, and pupils who did silly things, chatted in class, neglected cleaning duties or forgot to do their homework. North Korean children learn politeness and respect in morality classes.

Up to a certain point, these practices are similar to schools in other countries. However, two subjects they are taught in school are distinguishable in North Korea: they are *The Era of Childhood (I) and (II)*. The first class deals with the childhood of Kim Il Sung and the second with that of Kim Jong Il (H. Kang 2007: 56).

The party’s policy on intellectuals was particularly emphasised since it was believed that intellectuals had a tendency towards anti-imperialistic revolution. However, evidence in the Works of Kim Il Sung shows that North Korean intellectuals including university professors ‘blindly admired’ developed countries in the 1960s (I.S. Kim 1967/1983b). Since then, the government prevented scholars from reading Western scientific publications and curtailed intellectual freedom (Szalontai 2005: 233). Kim Il Sung criticised teaching members in the Hamheung Medical School and the Hamheung Chemical Engineering University for *sadae chuŭi* while praising Lee Seung Ki who invented vinylon for being a ‘true believer of *Juche*’. Academic freedom has been restricted.

More importantly, the school curriculum is totally controlled by the central party, which has become more and more nationalistic since the beginning of the Sino–Soviet dispute in the 1960s. There were a number of examples where the DPRK restricted academic freedom to a myopic and solipsistic worldview that stressed only Korean history and the Korean language. First, Kim Il Sung pointed out that the North Korean school curriculum in 1950–53 contained several hundred hours of world history but only a few hours of Korean history. Kim carried on saying, ‘Why on earth do people have to learn others’ history in great

detail? Unless you're a historian, there is no use in memorising names of other countries' emperors such as Alexandro [Alexander] something or Pyotro [Peter] something' (I.S. Kim 1965/1982: 205). Since then, North Korean history textbooks have included more Korean figures than foreigners. Second, Kim Il Sung also commented, not only in state education but also in publications, that the North Korean encyclopaedia should contain more facts about North Korea and its revolution than mere translations from a foreign encyclopaedia. Third, on reviving the use of the pure Korean language, Kim (1965–6/1982: 347) said:

... we should make people think that those speaking in Chinese or other foreign languages are lacking in national pride and those speaking in Korean are intelligent with high national pride. Therefore, everyone should say '*yŏl ahop sal*' [nineteen years old in Korean instead of '*sip ku se*' [nineteen years old in Chinese with Korean pronunciation].

Kim's direction on nationalistic education in this period was significant in terms of its timing since it was when the Sino–Soviet dispute started.

The nature and characteristics of children's duties are far more than simply those in other Marxist states. The school environment and heavy duties of children in North Korea are better understood in the Korean Confucian culture where hierarchical ethical roles are naturally expected between teachers and students, and among peers. Duties are heavily loaded on children in North Korea. Even one of the most important children's rights, the right to education, is described as a duty in North Korea. Duties include following the hierarchical school structure, ethics classes focused on respect for the Kim family, a highly myopic nationalistic school curriculum, and weekly self-criticism. These measures all serve to promote collective interests and citizens' duties among young North Koreans while repressing the idea of individual human rights.

Furthermore, the use of familial images was also designed to draw on the feelings of duty toward one's parents, seeking to transfer these feelings to a national father figure (Armstrong 2003: 222–3; Harrison 2002: 21). The father–son relationship and the elder brother–younger brother relationship in the Confucian family were changed into the relationship of the fatherly ruler and filial subjects in the state, and of brotherly comradeship in society (T.H. Kang 1994: 123).

## Conclusion

As we have seen in this chapter, *Juche* had four aspects in terms of human rights ideas, notably post-colonial nationalism, Marxism, traditional Korean thought, and some religious aspects. First, *Juche*'s religious aspect promoted the concept of divine right, somewhat similar to the Christian influence over the formation of Western human rights. *Juche* claimed to be a human-centred philosophy and defined people as the master of revolution and national construction. In practice, it has served to endorse the god-like image of Kim Il Sung who was believed to protect the people from foreign aggression and grant material benefits. Second,

*Juche*, as the term itself meant ‘the master of your body’, has reinforced the idea of post-colonial nationalism, which we have seen in Chapter 3. In terms of rights, it implied the concept of the right to choose one’s own destiny or the sovereign right of man. This was transformed to that of the sovereign right of the nation, becoming collective and nationalistic. Third, *Juche* has perceived man as a social being, as Marx did. However, *Juche*’s man existed in an organic society where everyone was connected to one another in society with his respective roles to the society, which was more similar to Confucian role-based social relations. Fourth, *Juche*’s rights were largely about material concerns and socio-economic rights, particularly the rights to food, medical treatment, and education, which has been a continuum of thought from Korean Confucianism to *Sirhak*, *Tonghak*, post-colonialism, and Marxism. In practice, the government has employed various measures to protect people’s material welfare. Finally, the government emphasised citizens’ duties in return for their rights and gifts granted, and the important role of leadership to protect people’s rights while depicting Kim Il Sung as a benevolent fatherly ruler. This is beyond Marxist practice and a clear example of North Korea’s adoption of Mencian benevolent government.

The next chapter will examine the theory and practice of Kim Jong Il’s ‘our style’ of human rights. Kim has actively participated in and led much of the national propaganda to promote collective, duty-based, loyalty-based subsistence rights since he joined the KWP in 1964. By the end of the Cold War, Kim was already operating most of the party organs and controlling the army. After his father’s death, Kim Jong Il announced the implementation of ‘our style’ of human rights along with ‘military-first politics’, and ‘virtuous politics’ facing even harsher international environments.

## Notes

- 1 The Tuesday Faction was re-organised from a leftist academic association called the New Ideas Research Association (NIRA) in 1924. Tuesday was so-named because Marx was born on Tuesday, 5 May 1818. NIRA originally aimed at studying Marxism, organising seminars, and publishing Marxist theories, but when it changed its name to the Tuesday Faction, it focused more on social activities for the socialist revolution. It had approximately 60 members and played a major role in establishing the Korean Communist Party.
- 2 The North Wind was established in 1924 in Seoul as a branch of the North Star, which was a socialist movement and student organisation based in Tokyo.
- 3 In the summer of 1866, the ‘General Sherman’ sailed up the River Taedong and was assaulted by local farmers, who set fire to the ship and killed all the crew. According to James Hoare, the ‘General Sherman’ was a British-owned ship on lease to an American company.
- 4 In an interview with a member of the North Korean elite, an economics graduate from Kim Il Sung University, who defected from Pyongyang in August 2008, testifies that still many young North Korean elites believe Kim Il Sung was a great leader and Kim Jong Il is too since he is a son of the great leader. Interview with P (anonymous) on 6 November 2008, Kyunggi, South Korea.
- 5 This measure reminds me of a British removal policy on illegal migrants. The author visited Yarl’s Wood Removal Centre in Bedford in January 2007 as an interpreter to

the delegations from the National Human Rights Commission of the ROK. If the British police arrest one illegal migrant, they trace the whereabouts of his/her family members through interrogation of the criminal, and send the entire family into a so-called family room with no procedure for an individual member's consent. A child who is born to an illegal migrant couple immediately becomes an unlawful alien.

- 6 Liu Shaoqi wrote: 'every party member should completely submit himself to the interests of the Party and self-sacrificingly devote himself to public duty. He should forgo all personal aims and private considerations which conflict with the Party's interests.' Mao Zedong supported this position insisting that 'at no time and in no circumstances should a Communist place his personal interests first; he should subordinate them to the interests of the nation and of the masses'. Those who are selfish or attention seeking were condemned by Mao as contemptible 'while selflessness, working with all one's energy, wholehearted devotion to the public duty, and quiet hard work will command respect'. See Liu Shaoqi, *Essays on Party Building* (Beijing: Foreign Languages Press, 1980).
- 7 Campaigns to emulate 'ordinary heroes' have also been very popular in China, the most famous was the 'learn from Lei Feng campaign' (*xuexi Lei Feng*), which was launched in the 1960s during the Cultural Revolution and then re-launched in the early 1990s. The story of Lei Feng is provided by Ding Yi, *Xuexi Lei Feng* (Study Lei Feng) (Beijing: Central Publishing House, 1990). For analysis of the use of Lei Feng as a role model during the Cultural Revolution see Anita Chan, *Children of Mao: Personality Development and Political Activism in the Red Guard Generation* (Seattle: University of Washington Press, 1985).
- 8 'The increasing number of heroes in the DPRK', *Rodong Sinmun*, 30 June 2004.
- 9 '*ongheya*' is originally a traditional song popular among peasants in the Southern part of Korea, Youngnam.
- 10 Since the Korean Romanisation in Kang's book is completely inconsistent and many translated words are incorrect, other primary and secondary sources on North Korean education are used for the book.
- 11 The Youth Committee (*sonyōndan*) is a student representative organisation in each school, founded on 6 June 1946. One of its main activities is to promote 'learn from heroes' campaigns, which were described in Chapter 5.
- 12 Interview with P (anonymous) on 6 November 2008, Kyunggi, South Korea.
- 13 Her story appears in a Korean newspaper article at [http://www.njoyschool.net/news/article\\_info\\_print.asp?no=717](http://www.njoyschool.net/news/article_info_print.asp?no=717), last visited on 19 December 2007.
- 14 Normally, teachers encourage well-performing students to help other classmates, however there are some voluntary peer-group activities as well.

## 6 ‘Our style’ of human rights

The previous chapter explained the key features of human rights under *Juche* Ideology. The metaphor for human rights under Kim Jong Il, termed as ‘our style’ of human rights (*urisik in 'gwŏn*) in 1995, has been further developed and more articulated from that of *Juche* rights, and with more traditional and conservative values such as those of the family or the military. All post-colonial, Marxist, and Korean traditional thinking exists in ‘our style’ of human rights. What is noteworthy here is that some of these characteristics have disappeared while others have become stronger.

This chapter introduces the background and major components of Kim Jong Il’s ‘our style’ of human rights under his broader framework of ‘our style’ socialism. ‘Our style’ of human rights is supported by two other ideational discourses of ‘our style’ socialism: ‘virtuous politics’ and ‘military-first politics’. The chapter shows (i) how a sovereign right of man became a sovereign right of the state and the right to national survival, (ii) how class-conscious Marxist rights have withered away, and (iii) how the duty-based language of human rights in ‘military-first politics’ has saved the failure of Kim Jong Il to protect people’s subsistence rights in ‘virtuous politics’. The chapter also describes provisions for human rights in the DPRK’s 2009 amended constitution and other domestic legislation as examples of tactical concessions to the international human rights community.

What is distinctive about ‘our style’ of human rights is that it has shown some pragmatic approaches towards international society and left the door open for new departures in this area. The government has cooperated with various international human rights agencies since the late 1990s. According to Sikkink, Risse, and Ropp’s five-spiral model, this was DPRK’s tactical concession. Internally, however, the regime stresses citizens’ absolute loyalty to the king-like figure, Kim Jong Il, depicting the entire society as one family or military unit. From Sikkink, Risse, and Ropp’s perspective, whether or not the government can move to the next stage, which is a prescriptive phase, depends on how the activities of transnational networks in the field of human rights are guaranteed in action.

### **An overview of Kim Jong Il’s ‘our style’ of human rights**

Kim Jong Il’s ideas on human rights are officially referred to as ‘our style’ of human rights, which first appeared in a *Rodong Sinmun* article published on

24 June 1995 under the title, ‘For the protection of true human rights’. The article states:

In order to protect and fully realise ‘our style’ socialism along with ‘our style’ of human rights, one should thoroughly comprehend *Juche* Ideology and *be loyal to the KWP and the leader*, by whom the *greatest rights and true human rights can be granted* (emphasis added).

The main characteristics of ‘our style’ of human rights, as you can see above, are citizens’ duties and loyalty to the party and the leader in return for the protection of basic subsistence rights and security, and the conception that rights are granted, not entitled inherently when a person is born. In order to understand ‘our style’ of human rights more thoroughly, one needs to comprehend their broader ideational framework, ‘our style’ socialism, and two other concepts, ‘virtuous politics’ and ‘military-first politics’.

### **‘Our style’ socialism**

‘Our style’ of human rights should be understood within the wider ideological framework of Kim Jong Il’s ‘our style’ socialism (*urisik sahoe chuui*). The ‘our style’ socialism of the DPRK is the self-proclaimed Korean socialism which, the government insists, is the most appropriate form of socialism for the North Korean people. The idea was originated by Kim Jong Il in December 1978 when he said, ‘let us live in our own way’ to senior officials of the Central Committee of the KWP. After the end of the Cold War, this was upgraded to a theory of ‘our style’ socialism and, since then, this phrase has been widely used in the public discourse of North Korea.

‘Our style’ socialism was designed to reinforce the implementation of *Juche* Ideology. There are two particular themes within ‘our style’ socialism, namely ‘virtuous politics’ and ‘military-first politics’, which have significantly contributed to the ideational formation of ‘our style’ of human rights since the end of the Cold War. According to the *Rodong Sinmun* article that first introduced the concept of ‘our style’ of human rights in June 1995 (24 June 1995), ‘whether human rights are to be protected or violated depends on the kind of politics and how well the political system is realised in society’. Furthermore, the article insists that ‘it is virtuous politics that can protect human rights to the highest degree’.

### **‘Virtuous politics’**

‘Virtuous politics’ refers to a particular governing style of Kim Jong Il that focuses on the benevolent role of the leader. The DPRK government first introduced the term ‘virtuous politics’ in a *Rodong Sinmun* article on 28 January 1993, insisting that Kim Jong Il had implemented the best ‘virtuous policies’ with dignity and love for the People. The article added that ‘virtuous politics’ could not be realised automatically but practised only when people paid endless loyalty to the leader

who would take care of his people with love and trust, making citizens' duties superior to human rights. Therefore, 'virtuous politics' is not a universal socialist concept but a unique governance style of the DPRK. Examples of 'virtuous politics' were listed with activities such as sending birthday gifts to those who turn 60 or 70, congratulating the birth of quadruplets, or delivering a special emergency service to remote areas.

As set out in Chapter 2, the benevolent and caring role of a political leader is a typical Confucian influence and this has affected Kim Jong Il's 'our style' of human rights, much more noticeably than for Kim Il Sung's *Juche* rights. The government officially denounces Confucianism as belonging to a negative feudal past. However, there are numerous examples of Confucian influence in North Korean rights thinking, particularly 'virtuous politics' where the protection of human rights is considered as a reward bestowed by the leader. Kim Jong Il (1970–72/1993b: 215–16) insists: 'writers and artists working in the movie sector enjoy high political trust and enormous care endorsed by the Great Leader. In the past, they were neglected and downgraded with no proper protection of fundamental human rights or freedom. Now, they are even given honorary titles as revolutionary artists.'

The Confucian notion of 'virtuous politics' is prevalent in the constitution. The message of 'virtuous politics' is clear in the preface of the 1998 Constitution, which stated: 'Comrade Kim Il Sung regarded "believing in the people as in heaven" (*wimin'ich' ōn*) as his motto, and that he was always with the people, devoted his whole life to them, took care of and guided them with a noble politics of benevolence, and turned the whole society into one big and united family.'

Kim Jong Il explains that the origin of 'virtuous politics' derives from Kim Il Sung's anti-Japanese guerrilla movements in the 1930s, and is reflected in the 'Ten-Point Platform of National Liberation', since it broadly embraced people from different social backgrounds. The Platform stated that 'not only peasants or workers but anyone who is patriotic can participate in anti-Japanese struggles', which were based on Kim Il Sung's 'believing in the people as in heaven', 'the best form of humanitarianism' (C.-w. Choe 1998: 18). This was one of the strongest themes in *Tonghak*, and Confucianism also provided a concept of Mencian benevolent government, as explained in Chapter 2. Therefore, 'virtuous politics' is certainly a strong traditional or cultural element that has been affected by indigenous Korean philosophies.

The DPRK insists that Kim Jong Il inherited the 'believing in the people as in heaven' tradition from his father and has made it the basis for his politics on human rights. The DPRK also argues that its 'General' [i.e. Kim Jong Il, who has never served in the army] is 'the leader who believes in and worships his people like Heaven, always thinks of his people first, and treats their happiness and wounds like his own' (Institute for Philosophy [*Ch'ŏrhak yŏnguso*] 2000: 15). Following this discourse, 'virtuous politics' is also defined as a political belief 'to treat people with love and trust without any kind of discrimination', 'to protect people's political lives', and 'to embrace even those who have made mistakes in the past' (Dakasi 2000: 115).

The DPRK government argues that Kim Jong Il's 'virtuous politics' protects the rights of the People, which is arguably an equivalent concept to Plato's philosopher-king in *The Republic* or the benevolent king in Confucianism (Song 2006: 41). Kim Jong Il (4 November 1994) says in his article 'Socialism is Science':

Virtuous politics of the Party is to provide everyone in society with equal love and trust . . . The party would not abandon misbehaving people but guide and direct them to the right way. The party would look after and encourage misbehaving people so that they can continue their socio-political lives eternally. For the implementation of virtuous politics, a political leader with endless love for his people must lead the socialist ruling party as a 'mother party'. *Under this leadership, political freedom and human rights of the People can be genuinely protected* (emphasis added).

The role of *suryŏng* is the most important factor for the protection of human rights in the DPRK since he is a supreme being in 'virtuous politics', who can realise the interests of the party and the rights of the People. Not only domestically but internationally, the DPRK insists that 'the entire people are united with a single heart around their Leader and the whole country turned into a harmonious large family' (Permanent Mission of the DPRK at Geneva 15 April 2004). The DPRK insists that *suryŏng* is not just a simple individual, but also the spokesman of the People's desire and representative of socialist politics. Kim Jong Il explains that *suryŏng* has set the principles not only for the Socialist Constitution but also for other major welfare legislation including the Law on Nurseries and Upbringing of Children, the Public Health Law, the Labour Law and the Land Law. Most of them focus on socio-economic rights, and human rights are explained as duties of the virtuous leader as a correlative term of rights in this context (Anonymous 1991: 48).

### **'Military-first politics'**

Kim Jong Il's 'virtuous politics' to protect people's basic subsistence rights failed in the mid-1990s. Millions of people died of hunger and malnutrition. The North Korean government was not able to feed its own people and asked the international humanitarian community for help. At the same time, the government started to lay a greater emphasis on 'military-first politics'. Kim Jong Il has not been successful in performing his duties as a virtuous leader to guarantee a right to food even within its own conceptualisation, and several million people have died from hunger and malnutrition. 'Military-first politics' was born out of this context. It is now an official policy of the DPRK that prioritises the Korean People's Army (KPA) in state affairs and allocates national resources to the army first. Initially, the authority announced that 'military-first politics' began on 1 January 1995 when Kim Jong Il visited Tapaksol military base. However, the DPRK retroactively changed the inauguration of 'military-first politics' back to 25 August 1960 when Kim Jong Il accompanied his father to the Yugyongsu tank division in order to legitimise its historical grounds (*Rodong Sinmun*, 15 August 2005). According

to a former North Korean security officer, since 2002 the central party has directed the local party apparatus to use 'military-first politics' instead of *Juche* Ideology in official documents.<sup>1</sup> Another former North Korean diplomat also says *Juche* Ideology has been replaced by 'military-first politics'.<sup>2</sup>

Since the breakdown of state welfare and the famine of the mid-1990s, the 'family' metaphor in 'virtuous politics' has no longer been convincing. The government supplemented another set of 'military' metaphors through 'military-first politics' in order to produce a sense of collectivity among North Korean people and, more significantly, to induce absolute loyalty to their leader. In the domestic political context, 'military-first politics' serves as one of political creations of Kim Jong Il to safeguard the regime's security.

Familial Confucianism has not faded away completely in 'military-first politics'. Like the use of familial images, militarising society prevents people from developing individual and liberal concepts of human rights since it also focuses on the role of the leader and the cohesiveness of society. 'Familism' frequently reappeared in 'military-first politics' in that 'the people are fathers and mothers to the army and the army is sons and daughters to the people' (C.U. Kim 2002: 17).

In practice, the discourse of 'military-first politics' leads to extreme loyalist propaganda such as a 'do-or-die spirit for safeguarding *suryŏng*' (*suryŏng kyŏlsa'ongwi chŏngsin*) or 'the spirit of guns and bombs' (*ch'ongp'okt'an chŏngsin*) (Institute for Philosophy [*Ch'ŏrhak yŏnguso*] 2000: 26–9). The DPRK demonstrates that, under 'military-first politics', human rights are fully protected by the 'Great Leader' and the party. In return, North Koreans should defend him by paying endless loyalty and showing filial piety to the 'Great Leader' and the 'Dear Leader' (K.-s. Jong 1992: 74–5). The government controls people in the domestic discourse of human rights with a strong emphasis on personal loyalty and collective interests over individual and liberal concepts of human rights.

On the other hand, in response to the international human rights community, the DPRK has shown signs of behavioural changes by revising a large quantity of domestic legal provisions and enacting new laws in accordance with international human rights standards under Kim Jong Il's leadership. Domestic legislation amended since the end of the Cold War includes the 1998 and 2009 Constitutions, the Criminal Law, the Criminal Procedure Law, the Law on Composition of the Court, and the Lawyers Law. There is also newly enacted legislation relating to human rights such as the 2005 Narcotic Drugs Control Law, the 2005 Food Sanitation Law, the 2005 Law on the Prevention of Communicable Diseases, the 2003 Law on the Protection of Persons with Disabilities, and the 2000 Law on Complaints and Petitions. The changes to domestic legal provisions, as stated in the DPRK's periodic reports to the UN human rights committees, indicate that the government has made tactical concessions in the area of human rights and showed a willingness to cooperate with the international human rights community.

Under 'military-first politics', the government demonstrates two extreme types of behaviour in the field of human rights. Targeting the domestic audience, the regime stresses the role of the military leader to protect the security of the people, which was also a fundamental duty expected from a Confucian ruler of traditional

Korean society or a strong and independent leader of a post-colonial state rather than just a revolutionary Marxist leader. To the international human rights community, effectively limited to the UN so far, the government puts forwards its efforts to change the domestic legislation consistent with international human rights standards. This pragmatic approach to human rights equates to tactical concessions the regime is deliberately making in order to be socialised within the international system without harming its national security.

‘Our style’ of human rights has almost diverged from the essence of rights thinking in *Juche* and created a new and unorthodox form of human rights discourse in the DPRK. The main characteristics of Kim Jong Il’s ‘our style’ of human rights further developed from *Juche* rights are as follows: (i) the right to national survival, (ii) dictatorship as the protection of human rights, (iii) granted rights by the fatherly leader, and finally (iv) the use of a duty-based language of human rights. Not surprisingly, all represent the antithesis of individual and liberal concepts of human rights.

## **Sovereignty and the right to national survival**

### *State sovereignty prior to human rights*

The first characteristic of ‘our style’ of human rights is the sovereign right to national survival, which originates from the legacy of the post-colonial People’s rights that were explained in Chapter 3. In his article ‘Socialism is Science’, Kim Jong Il (4 November 1994) stresses state sovereignty over the protection of individual human rights:

Imperialists arbitrarily intervene in other countries’ internal affairs and violate their sovereignty under the motto of the protection of international human rights. *Human rights can never be realised without the defence of sovereignty.* People under foreign rule can never achieve the fulfilment of true human rights. Human rights are the sovereign right of the People in every field of society such as in politics, economy, ideology and culture. Human rights of imperialists are merely restricted and privileged rights reserved for the rich, who believe everything is possible with money (emphasis added).

Since 1945, the sovereign right of the People has become the main theme in the discourse of human rights in the DPRK, above all other rights. National liberation is prioritised over revolutionary Marxism. Speaking on Marx and Engels’ Communist Manifesto ‘Workers of the World Unite!’, the DPRK government explains that ‘the World’ here meant capitalist countries only, and therefore international communist movements were short-sighted, merely reflecting workers’ unions in capitalist states, and not including national liberation struggles in colonised countries (Dakasi 2000: 118).

The post-colonial rights thinking of the DPRK often leads to a strong sense of victimhood. In a reply to the then UN Commission on Human Rights (now, the

Human Rights Council) in 2004, DPRK representatives in Geneva stated that it believed North Korean people were 'subject to the suffering of national division by foreign forces' with constant security concerns coming from 'never-ending threats and pressure from outside' (Commission on Human Rights 17 February 2004). Therefore, the DPRK continues to set, as its priority, the 'realisation of the independent right of its citizens' and 'the sovereign right of all peoples'. As we will see in the following sections, the post-colonial nature of DPRK's human rights is often transformed from the human-centred *Juche* Ideology's sovereign right of man to the collective sovereign right of the state.

### ***Politicisation of human rights***

A *Rodong Sinmun* article on 30 August 2007 criticised the double-standard human rights of the US, claiming that they violated 'the sovereign dignity and rights of man by applying their unilateral values onto the global society, exercising its power to dominate the world'. This led to an argument about the 'politicisation of human rights issues' and 'the unfairness of human rights attack by the US' (*Rodong Sinmun*, 17 August 2007). The newspaper continued that the US selectively chose target countries based on its political calculations and intervened in others' internal affairs. It concluded that there were no 'consistent' human rights standards by the US (*Rodong Sinmun*, 13 September 2007). The Foreign Minister of the DPRK, Pak Ui Chun, along with the National Security Agency, reinforced this position at the speech to the Ministerial Talk of the Non-Alignment Movement in Teheran, Iran on 4 September 2007, demonstrating that 'the protection of human rights should not be used as a means to intervene in the internal affairs of other states and the destiny of other nations'.

### ***The right of the state***

Kim Jong Il (1995–9/2000a: 20–21) maintains his father's concept of the sovereign right of man and the nation and develops it further into that of the state whereby:

There is no state that can provide people with such a high degree of sovereign political, cultural, and material life except for the DPRK. Concerning sovereign political life in the DPRK, all people enjoy their rights as a master of state and society, and develop their own socio-political being through the activities of party organs and workers' unions.

Kim Jong Il's interpretation transforms the idea of the sovereign right of man, which still contains an individualistic aspect but with a communitarian feature, into a more collective sense of the sovereign right of a 'socio-political being', depicting North Korean society as one organic entity. Jong Kyong Sob, a North Korean human rights commentator, formulates Kim Jong Il's idea of the sovereign right of a socio-political being to a state level. Jong (1992: 72) insists that the

struggle for the protection of human rights in the DPRK is to protect ‘a right of the state’ (*kukkwŏn*).

The idea of ‘the right of the state’ is similar to that of ‘the right to state development’ (*guojia fazhanquan*) or ‘right to national self-determination’ in the Chinese discourse of human rights (Weatherley 2000: 105). China has developed this collective idea of human rights in that rights can be an entitlement not only of an individual but also of a state or a nation. The right to development was the economic dimension of the right to self-determination, as explained in Chapter 1. Pang Sen argued that, ‘if a nation is unable to enjoy the right to self-determination, the citizens of that nation will not be guaranteed their individual human rights’ (Weatherley 2001: 34). Similarly, in North Korea, it is still the collective nation and the state that are being emphasised rather than the individual.

### ***‘The theory of the Korean nation as number one’***

An extreme example of the DPRK’s post-colonial nationalism is seen in ‘the theory of the Korean nation as number one’ (*chosun minjok che’il chuŭi*), officially endorsed by Kim Jong Il in 1987. The theory isolates a concept of individual human rights from the Korean people while promoting a sense of collective identity among the entire Korean nation. Some foreign and even ethnic Korean scholars see this idea as dangerously ‘fascist’ (G.-W. Shin 2006: 93) or ‘xenophobic’ (Suh 2000), while others sympathetically evaluate it as nationalistic ‘solipsism’ (Cumings 2004). In his 1998 speech, Kim Jong Il (1995–9/2000c: 418) stated that:

The Korean nation is a homogeneous nation that has inherited the same blood and lived in the same territory speaking the same language for thousands of years. All Koreans in the north, south, and abroad belong to the same nation with the same blood and soul of the Korean nation and are linked inseparably with the same national interests and common historical psychology and sentiments.

Gi-Wook Shin explains that the theory offers grounds for the formation of a belief that Koreans are a chosen people, a position that became the epistemological basis for the development of ‘our style’ socialism (G.-W. Shin 2006: 230). In terms of human rights, it also serves to strengthen the idea of the sovereign right of the nation and the state by uniting and mobilising Koreans (both North and South) together under a monolithic leadership internally while resisting international criticism against the human rights situation in the DPRK internationally.

The ‘theory of the Korean nation as number one’ targets the domestic audience and Koreans overseas, including those in the ROK, rather than deliberately aiming to provoke the foreign audience. The government might have expected a positive sentiment among Koreans but, as nationalism often results from an immature, naïve and narrow-minded political calculation, the theory has only given rise to foreign criticism, which now accuses the DPRK regime of being xenophobic and fascist.

### ***The right to national survival***

In the North Korean context, 'subsistence' means 'existence' or rather 'survival', especially after the demise of the Soviet bloc at the end of the Cold War. In this context, a North Korean human rights commentator, Kim Chang Ryol (1990a: 92–6), lists three major concepts of human rights in the DPRK: a right to human dignity, a 'right to survival', and a right to political freedom.

In the field of human rights, the DPRK showed behavioural changes after the end of the Cold War by engaging with the international human rights community and revising its domestic legislation in relation to human rights. This can be understood as what Thomas Risse, Stephen Ropp, and Kathryn Sikkink call 'tactical concessions' in their five-phase spiral model of states' behavioural changes in the field of human rights (i.e. repression – denial – tactical concession – prescription – norm-consistence) (Risse *et al.* 1999). What is critical in their spiral model is the role of transnational advocacy networks. However, in the case of North Korea where any such activity is strictly prohibited, further behavioural change is hardly expected in the process of international socialisation of the DPRK. Consequently, there were some signs of the government's retreat back to a denial stage with even more persistent adherence to sovereignty (Song 2002, 2006). The regime does not recognise the authority of the UN Special Rapporteur on the situation of human rights in the DPRK, saying that 'the sovereign right and dignity are the life of the Republic' (unofficial translation by the author of the Geneva DPRK Mission's Statement regarding the Report of the Special Rapporteur Vitit Muntarbhorn at the Second meeting of the Human Rights Council, 2006).

### **Withering away of class-conscious Marxist rights**

In the early 1990s, immediately after the end of the Cold War, the DPRK government gave out completely mixed messages about its identity. Sometimes, its conception about class rights and the implementation of these rights over class enemies sounded more like orthodox Marxist rhetoric than ever before. On other occasions, especially when it had to counterattack capitalist countries, the government's statements were exactly like a Western natural rights theorist. Kim Jong Il seemed to hint at the final verdict to drop the language of class rights.

### ***Remaining class rights***

To the DPRK, Marx, Engels, Lenin, and Stalin (but not Mao) are still advocates of the repressed working masses (J.I. Kim 1995–9/2000d: 123). In an article in *Rodong Sinmun* on 24 June 1995, entitled 'For True Human Rights', the KWP explains the class-conscious conception of human rights and notably why there are human rights violations against political prisoners in the DPRK:

With regards to anti-revolutionary forces in socialist states, they are rebels and traitors against the People's interests and the scum of society, violating the

human rights of the People. To these anti-revolutionaries, the term human rights itself is completely inappropriate. A socialist country is not a class-transcending society and there is no place for rebels to stay. As we do not conceal or lie about our partiality, we do not obscure our class-consciousness in the context of human rights. Socialist human rights are not class-transcending human rights to grant freedom and human rights to hostile enemies who oppose socialism, or to disobedient traitors who stand against the People's interests. Our human rights are the rights that legitimise the persecution of enemies of the class, violating human rights of the People, workers, peasants, or intellectuals.

According to this class-conscious conception of rights, those who oppose socialism should be eliminated from society in order to protect the greater interests of the working masses. According to this logic, dictatorship against class enemies is justified.

Ideologically, socialism is still the closest political form to which the DPRK adheres. Marx resisted the concept of human rights in capitalist states as we saw in Chapter 1. Kim Jong Il (1992–4/1998a: 347–8) recognises that the original democratic ideal 'had promoted freedom, equality, and human rights by protesting against feudal totalitarianism', but these ideas were 'transformed by capitalists into a form of bourgeois democracy, which then would further exploit and subordinate the working class by the use of capital'.

Jong Song Kuk, a North Korean human rights commentator, takes a particularly Marxist stance on human rights. First, Jong (1995: 41–2) refuses to accept the ideas of human rights that he believes originated in the Western bourgeois tradition. Second, Jong says that an individual cannot exist apart from his class status. Therefore, in class society, there cannot be 'super-class' human rights, the conception of which denies the 'universality' of human rights. Jong sees man as a member of a society who has his own sovereign desires and human rights. Human rights, in this context, are 'divine' rights of the 'social' human being 'who lives and develops his life independently and creatively'. Individual rights, according to him, are respected 'only when they coincide with collective interests and contribute to the subsistence and development of the society he belongs to'. Third, Jong explains that the most fundamental right above all, in a socialist society, is 'the sovereign right of the People' as a collective entity. The fundamental rights of the bourgeoisie, on the other hand, are the rights to freedom and equality, both of which are abstract concepts with no class relations.

The DPRK authority states that the 1215 English Magna Carta was established to regulate the relationship between individual human rights and the power of authority and that the 1789 French Declaration of the Rights of Man and the Citizen was set up to define modern constitutional principles of fundamental human rights as well as citizens' duties. An anonymous author who wrote the theory of the North Korean socialist constitution (Anonymous 1991: 60) says that both the Magna Carta and the French Declaration were to serve the material interests of the newly-established 'property-driven manipulative bourgeoisie'.

Jong also insists that the pursuit of life, freedom, and happiness in the 1776 American Declaration of Independence, and the rights to freedom, property, and security in the 1789 French Declaration were all bourgeois concepts of rights, which reflected the interests of capitalists. He explains that the American Declaration, for example, did not mention anything about anti-slavery or the emancipation of the working class from exploitation and repression. By the same token, the French Declaration included nothing about freedom of assembly or association. One of the KWP's human rights commentators, Pak Tong Kun (1989: 8–9), introduces Shylock, the main character of Shakespeare's *The Merchant of Venice*, in order to describe the 'greedy nature' of capitalist society. This is the interpretation of Western human rights and Western society according to 'our style' of human rights.

Commenting on some contemporary Western human rights theorists, another North Korean human rights commentator, Jong Kyong Sob (1992: 16–25), identifies Richard Flathman, Ronald Dworkin, and Robert Nozick as bourgeois law scholars who represent the interests of imperialists by emphasising a right to private property and abstract norms such as freedom and equality. Jong insists that, in class society, there cannot be 'classless' concepts of freedom or equality; only those who possess national sovereignty and the means of production can enjoy a right to freedom and equality. Second, Jong also criticises Cranston, Flathman, Strauss, and Raphael as reactionary bourgeois scholars who only recognise civil and political rights as true human rights, excluding socio-economic rights. Third, Jong also denies the Christian-based concept of human rights, that rights are given by God.

In practice, the ideological education of the DPRK focuses on the growing gap between the rich and the poor and human rights violations in Western countries (J.I. Kim 1995–9/2000a: 20–1). In fact, a great number of books on human rights violations and social discriminatory cases in the ROK and other Western countries have been published (Oh 1990; T.K. Pak 1989; Association for Human Rights Studies and Exchanges [*Ingwŏn yŏngu mit kyoryu hyŏphoe*] 1993).

The DPRK often makes the protection of human rights conditional upon the socio-political structure of society, which is somewhat similar to Marx's ideas on human rights within his historical materialism, described in Chapter 1. According to Jong (1992: 12–14), human rights is an intrinsic value but it is not automatically protected; people in society must first have national sovereignty, and second the means of production, for the true realisation of human rights. The second condition implies that in order to protect human rights in a society, its socio-political structure has to be based on a socialist system.

Contrasting the differences between a bourgeois and a socialist constitution, the DPRK government (Anonymous 1991: 2, 9, 20–21) argues that the former is to protect the interests of the bourgeoisie while the latter represents the rights and interests of the working people. The government assesses itself on the constitutional development that the 1948 People's Constitution established revolutionary achievements on anti-imperial anti-feudal democracy, set positive conditions for continuing the socialist revolution, created the legal basis for guaranteeing democratic freedom and rights against imperialistic and feudalistic practices of exploitation, and identified imperialists and reactionary collaborators as enemies of the People.

However, it continues that the People's Constitution could not completely eliminate small-scale entrepreneurship and remaining capitalist elements in society, and allowed nationalistic capitalists to pursue their interests in society.

### ***The use of the language of natural rights***

When the DPRK regime attacks the human rights situations of the US or the ROK, it frequently describes human rights as 'heavenly natural rights' and asserts that human rights are both 'universal' and 'divine'. The following quotation is from the KWP's official monthly newsmagazine *Külloja* (Workers), which is almost indistinguishable from Western liberal human rights textbooks:

Human rights are a divine right of the whole of humankind. Human rights should be protected not only within the territory of one specific country but also globally . . . Human rights violations in one country can be a vicious challenge to overall global prosperity and civilisation. Countries, violating human rights, should be the subject of international criticism and exclusion.  
(Ahn 1990: 93)

This completely contradictory and inconsistent principle of the DPRK on the 'divine right of man', which Marx himself strongly refuted, shows that the DPRK is not seriously committed to a Marxist conception of human rights. The DPRK tends to use the liberal concept of rights tactically as a metaphorical device to be adjusted in the post-Cold War international politics of human rights. This is somewhat related to practicality and flexibility in traditional Korean thinking such as *Sirhak*, as explained in Chapter 2.

### ***Disappearance of class rights***

Kim Jong Il (1992–4/1998b: 274) concludes that dictatorship against 'hostile forces' in society is indeed 'the protection of human rights':

The fact that People's regime uses dictatorship against the forces violating the interests of the People is indeed the protection of human rights, not violation of human rights . . . The original meaning of People's Democratic Dictatorship is a powerful function of the People's regime in an aim to guarantee democratic rights and freedom for the People as the master of state and society.

As seen in the above passage, Kim Jong Il does not use any class-conscious language in demonstrating dictatorship against enemies as the protection of human rights. It is the 'People's regime' that he uses to justify dictatorship against enemies in society. The concept of human rights contingent on a person's social class has gradually disappeared since the end of the Cold War.

Instead, strong post-colonial nationalism seemed to overtake class-consciousness in the DPRK's rights thinking after the end of the Cold War (the

DPRK prefers the term, 'socialist patriotism' to nationalism. See Chapter 3 for the DPRK's definitions of nationalism and socialist patriotism.) Kim Jong Il suggests politics are not a struggle between different classes, but a political device to realise people's sovereignty (Dakasi 2000: 21). Kim Jong Il (4 November 1994) states:

Regardless of a person's social class, i.e. no matter whether he is a communist or not, he can be trusted by the DPRK government and the government can cooperate with him only if he has strong patriotism, sharing the same revolutionary interests with the DPRK.

This is the so-called Kim Jong Il's 'virtuous politics', which will be explained in more detail in the following section. In a nutshell, 'virtuous politics' is so broadly applied that the DPRK government can now cooperate with new post-Cold War partners such as South Korean businessmen. In order to decide whether one can be a member of society or not, Kim Jong Il (4 November 1994) suggests:

The barometer to distinguish whether a person can be a member of society or not lies not on the ground of one's social class, but on that of one's ideology. The ideological foundation can incorporate different social classes, and the ideology that the DPRK can accept is no longer only socialism or communism. Anyone who loves our country, our people, and our nation is eligible for serving the People and ultimately for being a member of society. The Party believes that those from different classes or different social backgrounds, who can share the interests of our revolution, are not temporary companions but eternal partners.

This shift in the DPRK's definition of the identities of partners and enemies has resulted partly from the changing international environment after the Cold War which has not been hospitable to the DPRK (Song 2006). The government has had to cooperate with different actors in international society, including the international human rights community, in order to survive in the new post-Cold War environment. In this context, strict class-consciousness would have been of no use to the DPRK's efforts to guarantee the right to survival.

The DPRK has almost completely departed from Marxism and turned its back on class rights. Class-consciousness in its rights thinking was replaced by the loyalty-based social stratification explained in Chapter 5 under *Juche*, and 'our style' of human rights develops this trend further to emphasise citizens' loyalty to the leadership. The DPRK is not a Marxist state any longer and therefore the Marxist rights thinking of the DPRK has withered away since the end of the Cold War.

## **Subsistence rights**

### *Subsistence rights in 'virtuous politics'*

As explained earlier, 'subsistence' has more to do with 'survival' or 'existence' than socio-economic rights in Korean. It is interpreted as 'survival' in the

post-Cold War context in North Korea, transforming the post-colonial idea of state sovereignty to that of the right to national survival. From a constructive point of view, this ideational formation process is intriguing and meaningful in terms of understanding the leadership's identities and interests in facing new international environments. Kim Jong Il uses *Juche* ideas, adds the concept of the right to development at an individual level, and finally defines human rights as the 'rights of a social human-being to live and develop independently and creatively' (Baek 1995: 114). A North Korean human rights commentator, Baek Mun Kyu, reconstitutes this concept into that of the right to subsistence as a socio-economic right, the concept generally understood in international society. Baek (1995: 114) defines subsistence rights as the 'condition for a man to eat and consume'. In this sense, the right to subsistence (*saengjon'gwŏn*) is almost same as 'the right to basic living standards' (*saenghwalgwŏn*), the term used under *Juche* Ideology, as covered in Chapter 5.

Baek goes further with the clarification of definitions. He differentiates the right to life from the right to subsistence. Baek (1995: 115) explains that whereas the right to subsistence is 'what you need for sustaining your life' such as food, housing, and proper medical services, the right to life (*saengmyŏnggwŏn*) is 'what you need for protecting your body and continuing free activities'. Baek says, for example, there is no legal guarantee for the right to life, not to be shot to death, in the US. In this sense, both the right to life and the right to subsistence are more to do with traditional Korean thought, focusing on the 'active' roles of the ruler to provide 'positive' rights and prevent 'negative' rights to the people, rather than the 'passive' rights of the ruled.

Kim Jong Il argues that an 11-year free public education and state medical care are the structural and institutional instruments of 'virtuous politics'. In 'Socialism is Science' in November 1994, Kim Jong Il puts forward four theories, all very much assimilating to Confucian concepts of familism: the theory of a socio-political being, the theory of the mother party, the theory of a big family, and the theory of parental *suryŏng*. Among these, the satisfaction of material welfare by 'virtuous politics' is particularly emphasised (Wada 1998: 247). Another North Korean human rights commentator, Kim Chol (1990b), also emphasises the important role of the Party in protecting the basic needs and interests of the People: 'Basic needs and interests of the People can be protected and realised by the Party's highest strategies.'

The terms of human rights were not often articulated until the early 1990s, although most of them were transferable to contemporary socio-economic rights. For example, the DPRK used 'the right to eat' (*mŏgŭl kwŏlli*) instead of 'the right to food' (*singnyanggwŏn*) (J.I. Kim 1991/1997: 55):

The difference between the pro-People nature of socialist democracy and the anti-People of bourgeois democracy is particularly distinctive in the matter of human rights . . . it is difficult to find a country like ours where every right is guaranteed including the right to work, the right to eat, wear and consume, the right to learn and receive medical treatment.

Kim Jong Il mentioned 'the basic right to live' or 'the right to basic subsistence' (*ch'obochökin saengjonüi kwöllli*) in 'Socialism is Science':

Imperialists do not recognize the right of the jobless to work and the right of the homeless or orphans to food. Western imperialists are not qualified to speak about human rights because they do not provide workers with the basic right to live. Needless to say about a right to basic subsistence for workers, they have anti-People policies, racial discrimination, and colonial policies.

North Korean defectors, who left the country after 1989, and especially after the famine in 1994–6, know that they can appeal to the international community using the language of rights whereas those who defected before 1989 could only broadly refer to liberty and Western liberal democracy when they needed to convince people of their reasons for leaving the country. When asked to define human rights, a 28-year-old North Korean defector, who fled North Korea in 2001, answered, 'I think rights have limitations. Some rights should be restrained and others can be enjoyed. The fact that the [DPRK] government cannot provide enough food rations to its people is not a human rights violation. The government is just not capable of doing so.'<sup>3</sup> This reminds us of Cranston's denial of recognising socio-economic rights as legitimate human rights (see Chapter 1). Ironically, despite the fact that the DPRK prioritises subsistence rights and especially the right to food, people in North Korea do not recognise this as their right that they are entitled to, but something that can or cannot be granted by the government depending on its capacity.

### ***The post-Cold War rights to food and education***

The government propaganda on its superiority regarding the right to subsistence had reached its peak by the end of the Cold War, particularly focusing on food, education, and medical treatment. The government tried to speak in internationally recognised language of human rights such as a right to food or a right to education, which they had never utilised before. The government declared in 1989:

Our socialism is the supreme form of any political ideology. We have no jobless people. The state guarantees all the necessary conditions for workers to eat, wear clothes, consume and live. Most of all, we all have the right to food as a birthright. A rice ration for everyone is an important communist policy. We also have the right to education. Preschool children have the right to go to kindergartens and preschools. The children who reach school age have the right to receive a free eleven-year compulsory education and the right to go to university. All schools and universities are free of charge. We have free medical treatment so that all workers have no worries about receiving proper medical treatment for their illnesses.

(I.S. Kim 1988–9/1995d: 61)

The adoption of internationally recognised human rights language, such as the right to food and the right to education, is an improvement in the sense that the government is now trying to socialise with the international human rights community by speaking the same language. Since the end of the Cold War, North Korean documents on human rights, domestic and international alike, have incorporated a great deal of universal language of human rights and become more articulated and cooperative on the issue. Among them, a right to work, a right to rest, a right to food, a right to education, a right to housing, and a right to medical treatment have appeared more than have civil-political rights.

In an effort to appease people in North Korea, the government announced ‘the Government Ordinance to Raise the Living Expenses of All Workers and the Incomes of All Cooperative Peasants’ on 13 February 1992. It aimed to provide more living expenses for workers, more scholarships for students, and higher incomes for peasants in collective farms. Announcing the ordinance, the government made the statement more strongly than ever before that ‘promoting the welfare of the People is one of the supreme principles of the Republic and a fundamental reason for the establishment of socialism in the DPRK’ (I.S. Kim 1991–2/1996b: 284–7).<sup>4</sup> In reality, however, the state could not guarantee this right for its people.

### ***Kim Jong II's failure to protect subsistence rights***

Despite all this propaganda, Kim Jong II has not, in reality, been able to perform his duties to protect these subsistence rights for his people, failing in his role as a benevolent parental leader in ‘virtuous politics’. Jim Hoare and Susan Pares (2002), who set up the British Embassy in Pyongyang, and who have keenly observed the country since then, say North Korean society is becoming more diverse and unequal since the regime allowed limited forms of market activities. There are golf courses, pet dogs, and private tutors on the one hand, but on the other hand, there are children crossing the border to China in search of food because their parents died of hunger. As seen in Table 6.1, more than 50 per cent of North Korean defectors that left the country since 2000 were basically in search of food.

Since the early 2000s, especially after the 2002 economic reform, there has been widespread materialism and high expectation for the improvement of material conditions among ordinary North Koreans, some of whom direct their complaints against the Kim Jong II regime (B.-r. Kim 2008: 121–30). Signs of market mechanisms have been growing and the majority of North Koreans are now able to sell their products at market.<sup>5</sup> Slowly, North Korean collectivism has also been replaced by individualistic materialism.<sup>6</sup> According to testimonies of North Korean defectors, there are three categories of contemporary rich people in the DPRK: *kanbu* (party cadres), *kwabu* (widows), and *ōbu* (fishermen). A North Korean defector, Kang Hyok (2007: 109) explains that fishermen can always keep fish aside for themselves and sell it in the market to make extra cash; widows are ‘free’ women and some of them are involved in prostitution for money or food.

Table 6.1 North Korean border crossing by types of motivation

	<i>Livelihood difficulty</i>	<i>Fear of punishment</i>	<i>Critical attitude toward the regime</i>	<i>Family reunion</i>	<i>Settlement in China</i>	<i>Family conflict</i>	<i>Other</i>	<i>Total</i>
2000	127	66	52	51	13	2	1	312
2001	293	73	33	171	7	2	4	583
2002	606	93	96	259	37	39	9	1,139
2003	774	80	123	194	46	53	11	1,281
2004	463	44	63	148	2	39	1	760
total	2,263 (55.53%)	356 (8.74%)	367 (9.01%)	823 (20.2%)	105 (2.58%)	135 (3.31%)	26 (0.64%)	4,075 (100%)

Original source: Division of Social and Cultural Exchange, Ministry of Unification. Unofficial translation by the author

Notes: Up to June (unit = persons)

At the beginning of the famine, only 8 per cent of a total of 1,694 North Korean asylum seekers attributed the food crisis of the mid-1990s to Kim Jong Il according to a 1999 survey of North Korean refugees in Yanbian, northern China, conducted by a Seoul-based humanitarian organisation, Good Friends (1999). Others said the economic crisis had been caused by natural disasters (38.6 per cent), inefficient government policies (9.1 per cent), the bureaucratism of government officials (8.7 per cent), the absence of open reform (7.5 per cent), and excessive military expenditure (7.3 per cent). Still, many North Koreans believe the country's economic hardship is due to US economic sanctions or just bad luck for Kim Jong Il.<sup>7</sup>

As the number of North Korean defectors and border-crossing North Koreans grew, so people in North Korea recognised the food crisis as a government failure. Many North Korean defectors, including Kim Sun-ae and Pak Eun-chul who left North Korea in 2003 and 2001, respectively, say that the DPRK authority failed in its 'duties for the medical protection of its people' (Citizens' Alliance for North Korean Human Rights, June 2008: 9). In 2007, although ordinary North Koreans were not yet able to freely criticise the regime or the party, they condemned local cadres for the country's economic failure<sup>8</sup> or indirectly expressed their dissatisfaction with the Kim Jong Il regime by saying, 'I miss the time when our *suryŏng* was alive' (Anonymous 2008). North Koreans who have stable jobs in Pyongyang, know more about the regime, or have experience outside the country, have become more critical of Kim Jong Il and his policies than ordinary North Koreans (K.-d. Lee *et al.* 2007).

Prospects for 'Dear Leader' Kim Jong Il to rebuild the economy and protect the right to basic subsistence for his people in the near future are not very promising. There are signs of dissatisfaction with the leadership among ordinary North Koreans. A confidential source who returned from Pyongyang in July 2008 says that the dissatisfaction level among North Koreans is noticeably high and market activities are uncontrollable by the authority. North Korean people do not consider Kim Jong Il as a benevolent fatherly leader any longer. They do not even use the honorific ending in normal conversation when referring to Kim Jong Il.<sup>9</sup>

**Duty-based language of human rights*****Citizens' duties as the offspring of rights in a Marxist state***

The DPRK government particularly adheres to the idea of the prioritisation of citizens' duties over rights. Citizens' (*kongmin*) duties are described as their 'honour, conscience, and loyalty' (Bang 2004: 33). Similar to what the Soviet commentator V. Karpinski covered in Chapter 1, a North Korean commentator, Bang Myong Suk (Bang 2004), argues that the destiny of the society and that of its citizens are connected as one: if the interests of the collective society are realised well, those of an individual will be automatically realised. The reason for citizens to have duties is because they are reciprocated by the benefits received from the state. The government (Anonymous 1991: 108) says the legal rights and duties stated in its socialist constitution represent a person's social status and that they also differ from one society to another, taking a relativistic perspective. In socialist states, the interests of society and those of individuals completely coincide with each other and therefore the rights and duties of citizens are based on the collective principle of 'all for one, one for all'.

Both Kim Il Sung and Kim Jong Il emphasised citizens' duties, making it explicit that duties come before rights. The difference between the two is that senior Kim still used a Marxist notion of it whereas junior Kim dropped that rationale. Kim Il Sung (1989–90/1995a), for example, prioritised duties over rights in that 'the superiority of a socialist system is realised not automatically but only if the People employ their duties and responsibilities under the ruling party's guidance'. Kim Jong Il (4 November 1994), on the other hand, does not refer to any socialist language but reinforces the emphasis on duties, saying:

The People should perform appropriate duties and responsibilities while being the master of the society. By doing so, the People can maintain their social status and consequently have their rights protected . . . Each individual must take his or her own social obligations *before* enjoying the respective rights and freedom (emphasis added).

There are two issues closely related to the focus on citizens' duties. First, the government continuously emphasises the collective nature of human beings. Bang also insists that citizens are 'social beings who live and develop themselves only as members of a society or a group', and that is why citizens should conduct their respective duties. Second, the government also insists that constitutional rights are the 'permitted action to realise people's social needs, *granted* and *protected* by the State' (emphasis added) whereas duties are 'obligations to follow based on the state's demands'.

Considering all these comments about citizens' duties before rights without any reference to Marxism or socialism, citizens as members of society, with rights granted by the state, the DPRK's conception about rights and duties has become more similar to that of traditional Confucianism. North Korean right thinking is in

line with strictly role-based Confucian culture, each individual having respective duties for society in return for his rights granted by the ruler.

### ***Duties as a correlative term of rights in familial society***

The second usage of duties is government's duties as the correlative term of human rights. In the DPRK, citizens' rights are presented as duties of party officials in the discourse of human rights. The government's duties are included in a number of provisions in the 2009 Constitution: the duties of the Cabinet (Article 125.10) and the Local Peoples' Committee (Article 147.8) to guarantee citizens' rights, and the functions of the Public Procurators' Office (Article 156.3) and the Court (Article 162.1) to protect personal rights as guaranteed by the Constitution.

Kim Jong Il says 'protecting the political life of people and promoting the rights and interests of the People are the duties of party officials trusted by the party and *surŷōng*' (Ryom 1991: 56–9). A North Korean human rights commentator, Ryom Kyong Yun, explains that it is the mother party that takes care of and protects the rights of people in the DPRK. According to Ryom, the mother party gives political life to the People and looks after People's material and cultural lives, whereas party officials' mission and duty is to protect the rights and interests of the People. On top of the duties of party officials and the government, it is ultimately 'Dear Leader' Kim Jong Il who guides and leads them. Ryom explains that Kim Jong Il introduced a political motto 'Serve for the People!', focusing on a prosperous and civilised life, and emphasised that a party official must have a revolutionary mass view for sacrificing oneself and a motherly nature for being selfless.

In Confucian tradition, where family is the most fundamental and cohesive social entity, children of a family or younger members of society hardly ever challenge their parents or senior members. The former are suppressed so as not to express their opinions or pursue their rights and interests. Instead, their rights are described as obligations of the latter, who are to take care of younger members of society (duties as a correlative term of rights as explained in Chapter 1). In societies like North Korea, whose people were successively governed by feudal kings, Japanese colonists, an anti-Japanese guerrilla leader, and finally his filial son, it is much easier to accept duties of the leader as the correlative term of rights than the concept of innate natural rights from a Western liberal tradition.

The DPRK employs familial images in depicting the entire society as one family. 'Our style' of human rights is described as the outcome of the loving and caring fatherly leader and the motherly party. Kenneth Jowitt (1987) characterises North Korea as 'socialism in one family', referring to its socialist system ruled by a single powerful leader and family. This is similar to Alexandre Mansourov's definition of the North Korean system as a 'politics of filial piety' (E.H. Shin 2007: 523). In Confucian 'familism' (*kajok chuŷi*), which places the priority on family above all other social entities, human rights are given by 'the parental leader' (*ōbō'i surŷōng*) and the 'mother party' (*ōmōnitang*). The masses were, by implication, the children of the family (Armstrong in Kim 2001: 54–5).

Family is one of the most difficult and delicate areas in terms of implementing the concept of individual human rights since it is a highly personal and private unit within a society and children are socially indoctrinated not to rebel against their parents. In North Korea, where the entire country is treated as one big family, the privacy of family works as the sovereignty of the state, caring and responsible parents being the leader who protects human rights, and filial children being the people who are constantly asked to perform their respective duties in return for the protection of human rights.

## **New departures for human rights in the DPRK**

### ***Kim Jong Il's recognition of human rights violations in the DPRK***

Kim Jong Il has admitted to human rights violations committed by law enforcement officers, village heads of the People's Committee, and party officials since the 1970s. Kim (1970–72/1993a: 70–1) said in the early 1970s that 'repressing the People with power and privilege is the behaviour of capitalist police officers'. Speaking to the provincial secretaries of the party, Kim Jong Il (1975–7/1995b: 447–8) warned that he was well aware of that fact that some village heads of Peoples' Committees abused their power and violated human rights in the name of 'the Commission for Socialistic Legal Guidance' (*sahoe chuüi pummu saeng-hwal chido wiwönhoe*).

There were several institutions that Kim Jong Il targeted for their use of abusive power and human rights violations. He pointed out the misdemeanours of: (i) 'some dictatorial organs' and members of guidance departments of the People's Committee (J.I. Kim 1975–7/1995a); (ii) party and security officers (1978–80/1995: 10); and (iii) law enforcement and prosecution officers<sup>10</sup> (1987–9/1997: 381–2). To party and security officers, Kim said that 'some party officials destroy the law and economic order of the state. Some do not treat other party members and workers with a motherly attitude. Some law enforcement and security officers even violate people's human rights. They should act like faithful servants and not abuse their power.' To law enforcement and prosecution officers, Kim (1987–9/1997: 381–2) made the criticism that 'some law enforcement and prosecution officers violate human rights and break the law themselves against the interests of the state and the People'.

Details about specific incidents are unknown. It is also not very clear whether these comments were merely an empty political metaphor or whether Kim Jong Il was actually referring to any particular human rights violation committed by party officials, local members of the People's Committee, or law enforcement and prosecution officers and was trying to correct their abusive behaviour. According to a North Korean defector who graduated from Kim Il Sung University and lived in Pyongyang until recently, most human rights violations in North Korea are committed by security forces and law enforcement officers and Kim Jong Il is unaware of this.<sup>11</sup> The widespread practice in the DPRK is that security officers accept bribes from those who commit petty crimes under North Korean laws such as

watching South Korean movies, using mobile phones, fortune-telling, or even crossing the border between North Korea and China.<sup>12</sup>

What is noteworthy here is that Kim Jong Il officially recognised human rights violations and made points about the misconduct of members of the People's Committee and other security officers, naming particular institutions. What is also notable is that when Kim commented on the role of law enforcement, the contents of rights were not unlike Lockean ideas on the right to life and property. The difference was that he employed the language of the duties of law enforcement officers rather than that of the human rights of individual citizens:

Citizens' rights and People's life and property should be actively protected, which is the divine duty of law enforcement and prosecution organs . . . Citizens' rights are a legal expression of the sovereign right that our People enjoy in the DPRK . . . Law enforcement and prosecution officers, especially social security forces, should fight against any sign of a tendency towards human rights violations of working People. Abusive bureaucratism would prevent the working people in the DPRK from fully enjoying their legally protected rights and freedom.

(J.I. Kim 1981–3/1996b: 314–15)

Kim Jong Il's criticism of human rights violations committed by members of the People's Committee and other security officers can also be understood as one of many ambitious political strategies of his to please his father, who was in power at that time, and to seek to justify political legitimacy as the heir apparent. This is apparent when Kim Jong Il (1975–7/1995b: 447–8) used to end his comments with a similar remark to show his filial piety towards his father, 'You, as the provincial secretaries of the party, should conduct your organisational work well and implement today's mission that I have suggested, so that we all can relieve the Great Leader's concerns.' However, his criticism of security officers' human rights violations also serves as a way to distance himself from the failings of the state by creating scapegoats.

The above anecdote is a typical example of Kim Jong Il's Confucian family-oriented 'our style' of human rights. In other words, human rights have to be protected in order not to cause any worries to Kim Il Sung, not because people in North Korea are entitled to them. Kim Jong Il actively brought back more Confucian elements in rights thinking in the DPRK.

### ***Rights and duties in the 2009 Constitution***

The preamble of the 2009 Socialist Constitution maintains the amended constitution, the 'Kim Il Sung Constitution'. Kim Il Sung was idolised as 'the founder of the DPRK and originator of Socialist North Korea' and 'the eternal President of the Republic' (Yoon 2004: 1,300). It lists a wide array of 'democratic national rights' not only of North Korean citizens but also of Koreans overseas (Article 15) and foreigners in the DPRK (Article 16). The contents of Citizens' Rights and

Duties in the 2009 Constitution have not been changed from the 1998 Constitution, which enshrined civil and political rights:

- the right to vote and stand for election (if aged 17 or over), irrespective of sex, nation (race), occupation, length of residence, property or education, political party, political opinions, or religion (Article 66);
- freedom of speech, publication, assembly, demonstration and association (Article 67);
- freedom of religious beliefs (Article 68);
- the right to appeal and petition (Article 69);
- freedom to reside in and travel to any place (Article 75); and
- patent rights (Article 74).

There still is no provision for freedom of thought and consciousness. Article 86 of the 1992 constitution, which stated that ‘Treason against the country and the people is the most heinous of crimes and those who betray the country and the people are punishable with the full force of the law’, was deleted in the 1998 Constitution. Although the collective principle in Article 63 still remains, ‘collectivism as the basis of socialist life’ in Article 82 of the 1992 Constitution was removed.

The 2009 Constitution includes a number of socio-economic rights. Article 64 mentions in particular the material and cultural well being of its citizens, along with genuine democratic rights and liberties, showing the government’s concern for people’s material conditions. Socio-economic rights in the constitution include:

- the right to work (Article 70);
- the right to rest (Article 71);
- the right to free medical services (Article 72);
- the right to education (Article 73); and
- freedom to engage in scientific and artistic pursuits (Article 74).

These rights are presented as more than just statements of intent in that they include clauses that purport to guarantee each right. For example, Article 70 states that those who work ‘are provided with stable jobs and working conditions’. The right to rest is ensured not only by ‘the establishment of fixed working hours, the provision of holidays and paid leave’, but also more extravagantly by ‘accommodation at health resorts and holiday homes’, all at the state’s expense (Article 71). The right to free medical care is guaranteed by ‘an expanding network of hospitals, sanatoria and other medical institutions’ (Article 72). The right to education is provided by ‘an advanced educational system’ (Article 73) and mothers are afforded ‘special protection’ through the provision of ‘maternity leave, reduced working hours for mothers with many children and a substantial number of maternity hospitals, crèches and kindergartens’ (Article 77).

In addition, the Constitution pays particular attention to revolutionary fighters, the families of revolutionary and patriotic martyrs, the families of soldiers of the

People's Army and the disabled (Article 76), and mothers and children (Article 77) for special protection of the State and society. Protection for marriage and the family (Article 78), the inviolability of the person and the home and privacy of correspondence (Article 79), and the right of asylum to foreign nationals (Article 80) remain the same as in the previous constitution. On the other hand, the 2009 Constitution includes citizens' duties in the DPRK as follows:

- to safeguard the political and ideological unity and solidarity of the people (Article 81);
- abiding by the Constitution and socialist principles (Article 82);
- labour as the divine duty (Article 83);
- preservation of public assets (Article 84);
- revolutionary spirit and sacrifice for national security (Article 85); and
- defence of the Fatherland and duty to military service (Article 86).

Many areas of DPRK's domestic legal provisions still remain problematic. The government controls the population heavily through various measures. For example, the 2000 Law on Registration of Citizens demonstrates the duties of citizens to register birth and residence. The law requires that each citizen list his/her name, sex, date and place of birth, address, profession, marriage and divorce (Article 6). The people's security organ is in charge of registration, which raises the question of arbitrary human rights violations of personal privacy. The Law on Public Security Control also raises a concern about the principle of due process of law. According to the law, when there is an assembly or demonstration in the DPRK, security organs may judge whether it 'hinders the healthy maintenance of state security and public order', and take action.

### ***DPRK's constitutional changes of rights and duties***

As you can see in Table 6.2., there have been constitutional changes in terms of including and deleting certain rights and duties for the past sixty years. The biggest changes from the 1948 People's Constitution to the 1972 Socialist Constitution were the deletion of pro-Japanese elements, from banning their right to vote and standing for election (Article 12) to freedom to maintain medium and small-size commercial enterprises (Article 19). Rights of pro-Japanese elements were no longer deprived under the law. Nationalisation of industry and cooperative farms had been established so that no more business was allowed. Equal pay for equal work (Article 15 of 1948) was changed to the right to payment according to one's quality and quantity of work (Article 56 of 1972). Article 50 specified 'happy material and cultural lives' making economic conditions of people superior to other rights and this also remained in the post-1972 constitutions (Article 64). The protection of Koreans overseas was stipulated in Article 65 of the 1972 Constitution, but this was moved to an earlier chapter. Instead, the 1992, 1998 and 2009 constitutions limited the protection of citizens to *kongmin* under nationality law (Article 62). Special protection was given to revolutionaries and

Table 6.2 Constitutional changes of rights and duties in the DPRK

<i>1948 People's Constitution</i>	<i>1972 Socialist Constitution</i>	<i>1992 amended Socialist Constitution</i>	<i>1998 and 2009 amended Socialist Constitutions</i>
<i>Chapter II. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter IV. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter V. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter V. The Fundamental Rights and Duties of Citizens</i>
[Rights]	[Rights]	[Rights]	[Rights]
Article 11. Equal rights irrespective of sex, nationality (or race), religion, skill, property, and educational level	Article 49. Collective principle 'all for one, one for all' Article 50. True democratic rights and freedom, happy material and cultural lives	Article 62. Protection of 'kongmin' under the nationality law. Article 63. Collective principle 'all for one, one for all'	Article 62. Protection of 'kongmin' the nationality law. Article 63. Collective principle 'all for one, one for all'
Article 12. Right to vote and stand for election (age of 20 or over) irrespective of sex, nationality, social origin, religion, length of residence, property, or education	Article 51. Equal rights in every political, economic, cultural sphere	Article 64. True democratic rights and freedom, happy material and cultural lives	Article 64. True democratic rights and freedom, happy material and cultural lives
Article 13. Freedom of speech, the press, associations, assemblies, mass meetings, and demonstrations	Article 52. Right to vote and stand for election (age of 17 or over) irrespective of sex, nation (race), occupation, length of residence, property or education, political party, (persons deprived of the electoral right by the decision of a court, and insane persons, and the pro-Japanese elements, not included)	Article 65. Equal rights in every political, economic, cultural sphere	Article 65. Equal rights in every political, economic, cultural sphere
Article 14. Freedom of religious belief	Article 53. Freedom of speech, publication, assembly, association, and demonstration	Article 66. Right to vote and stand for election (age of 17 or over) irrespective of sex, nation (race), occupation, length of residence, property or education, political party, political opinions, and religion (persons deprived of the electoral right by the decision of a court, and insane persons, not included)	Article 66. Right to vote and stand for election (age of 17 or over) irrespective of sex, nation (race), occupation, length of residence, property or education, political party, political opinions, and religion (persons deprived of the electoral right by the decision of a court, and insane persons, not included)
Article 15. Right to equal pay for equal work	Article 53. Freedom of speech, publication, assembly, association, and demonstration	Article 67. Freedom of speech, publication, assembly, demonstration and association	Article 67. Freedom of speech, publication, assembly, demonstration and association
Article 16. Right to rest			

Article 17. Right to material assistance (benefit of social insurance)	Article 54. Freedom of religious belief	Article 67. Freedom of speech, publication, assembly, demonstration and association	Article 68. Freedom of religious petition	Article 68. Freedom of religious beliefs
Article 18. Right to education	Article 55. Right to appeal and petition	Article 68. Freedom of religious belief	Article 69. Right to appeal and petition	Article 69. Right to appeal and petition
Article 19. Freedom to maintain medium and small size industrial and commercial enterprise	Article 56. right to work and right to be paid according to quantity and quality of work	Article 69. Right to appeal and petition	Article 69. Right to appeal and petition	Article 70. Right to work and right to be paid according to quantity and quality of work
Article 20. Freedom to engage in scientific and artistic pursuits	Article 57. Right to rest	Article 70. Right to work and right to be paid according to quantity and quality of work	Article 70. Right to work and right to be paid according to quantity and quality of work	Article 71. Right to rest
Article 21. Inviolability of the home of the citizen and the privacy of correspondence	Article 58. Right to free medical services	Article 71. Right to rest	Article 71. Right to rest	Article 72. Right to free medical services
Article 22. Women's equal rights with men	Article 59. Right to education	Article 72. Right to free medical services	Article 72. Right to free medical services	Article 73. Right to education
Article 23. Protection of marriage and the family	Article 60. Freedom to engage in scientific and artistic pursuits and right to intellectual property and invention	Article 73. Right to education	Article 73. Right to education	Article 74. Freedom to engage in scientific and artistic pursuits and right to intellectual property, invention rights, and patent rights
Article 24. Inviolability of persons and protection from arbitrary arrest	Article 61. Special protection for revolutionary fighters and their families	Article 74. Freedom to engage in scientific and artistic pursuits and right to intellectual property and invention	Article 74. Freedom to engage in scientific and artistic pursuits and right to intellectual property and invention	Article 75. Freedom of residence and travel
Article 25. Right to petition	Article 62. Women's equal rights with men	Article 61. Special protection for revolutionary fighters and their families	Article 75. Special protection for revolutionary fighters and their families	Article 76. Special protection for revolutionary fighters and their families
Article 26. Protection of foreign citizens	Article 63. Protection of marriage and the family	Article 62. Women's equal rights with men	Article 76. Women's equal rights with men	Article 77. Women's equal rights with men
	Article 64. Inviolability of persons and their home and the privacy of correspondence and protection from arbitrary arrest	Article 63. Protection of marriage and the family	Article 77. Protection of marriage and the family	Article 78. Protection of marriage and the family
	Article 65. Legal protection of overseas Koreans	Article 64. Inviolability of persons and their home and the privacy of correspondence and protection from arbitrary arrest	Article 78. Inviolability of persons and their home and the privacy of correspondence and protection from arbitrary arrest	Article 79. Inviolability of persons and their home and the privacy of correspondence and protection from arbitrary arrest
	Article 66. Protection of foreign refugees	Article 65. Legal protection of overseas Koreans	Article 79. Protection of foreign refugees	Article 80. Protection of foreign refugees

(Continued)

Table 6.2 (Continued)

<i>1948 People's Constitution</i>	<i>1972 Socialist Constitution</i>	<i>1992 amended Socialist Constitution</i>	<i>1998 and 2009 amended Socialist Constitutions</i>
<i>Chapter II. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter IV. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter V. The Fundamental Rights and Duties of Citizens</i>	<i>Chapter V. The Fundamental Rights and Duties of Citizens</i>
[Duties]	[Duties]	[Duties]	[Duties]
Article 27. Abiding by the Constitution and socialist principles	Article 67. Abiding by the Constitution and socialist principles	Article 80. Safeguard the politico-ideological unity and solidarity	Article 81. Safeguard the politico-ideological unity and solidarity and sacrifice for the interests of society and the People
Article 28. Defence of the Fatherland	Article 68. Respect for collective spirit, sacrifice for the interests of the People, the Fatherland, and revolution	Article 81. Abiding by the Constitution and socialist principles	Article 82. Abiding by the Constitution and socialist principles
Article 29. Payment of taxes	Article 69. Labour as the divine duty	Article 82. Respect for collectivism, sacrifice for the interests of the People, the Fatherland, and revolution	Article 83. Labour as the divine duty
Article 30. Engagement in work	Article 70. Preservation of public assets	Article 83. Labour as the divine duty	Article 84. Preservation of public assets
Article 31. Protection of minority nationalities within the DPRK	Article 71. Revolutionary spirit and protection of national secrets	Article 84. Preservation of public assets	Article 85. Revolutionary spirit and sacrifice for national security
	Article 72. Defence of the Fatherland and duty to military service / treason against the Fatherland and the People	Article 85. Revolutionary spirit and sacrifice for national security	Article 86. Defence of the Fatherland and duty to military service

their families from the 1972 Constitution (Article 61), and this stayed the same in the post-1972 constitutions (Articles 75, 76 and 76, respectively). The most significant change in the 1998 Constitution was the inclusion of the freedom of residence and travel (Article 75).

Some notable changes were made in the duty section. Tax payments (Article 29) and protection of ethnic minorities (Article 31) were deleted from the 1972 Constitution. The government insists that Koreans are a homogeneous nation so there are no ethnic minorities.<sup>13</sup> The 1972 Constitution inscribed the collective principle, 'all for one, one for all' (Article 49) before all rights, and this continued in the post 1972 constitutions (Article 63). It also emphasised the collective spirit once again (Article 68), and added protection of state property (Article 70), revolutionary spirit and protection of national secrecy (Article 71), duty to military service and the criminalisation of betrayal of the Fatherland (Article 72). The 1992 Constitution made national unity the first duty (Article 80). Collective spirit was replaced by collectivism (Article 82) in 1992 and then disappeared in 1998. National secrecy was changed to national security (Article 85). The most important notion was that the betrayal of the Fatherland as the most heinous crime disappeared in the 1998 Constitution.

### ***Civil and political rights in domestic legislation***

On civil and political rights, the government has revised essential laws in accordance with international human rights standards. The Criminal Law was extensively amended and supplemented in 2004 in an effort to abolish the application of punishment by inference, containing 303 articles as compared to 161 articles in the previous law in 1999. The Criminal Procedure Law was also considerably amended in 2004 in order to meet international standards by focusing on practical areas such as guaranteeing accuracy, objectivity and prudence in dealing with and disposing of criminal cases (Article 4). Article 5 of the Criminal Procedure Law in particular 'fully guarantees human rights in dealing with and disposing of a criminal case'. Furthermore, two regulations, one on Administration of Detention Chambers and the other on Reform Administration, regulate the procedures and methods for dealing with persons who have been deprived of liberty humanely with their inherent dignity respected. Article 37 of the Regulation on Detention Chamber Management specifies: 'a management official of a detention chamber should not torture, assault or insult the person in detention and should refrain from such acts as complying with any unlawful request of the person'.

The newly established Law on Complaints and Petitions in 2000 guarantees the right to complain against the government. Kim Jong Il (1981–3/1996b: 314–15) emphasises that the 'appeal' (*sinso*) system is 'the voices of the People' and demonstrates that every citizen of the DPRK has the right to appeal: 'The People can appeal to a legal organ when their interests are violated by any state organ or any individual government officer.' The law distinguishes between complaints and petitions (Article 2), stating that the submission of complaints is 'an action aimed at preventing infringement on the rights and interests of the complainant or at

requesting the restoration of rights or interests that have been infringed’, whereas the submission of petitions is ‘an action aimed at remedying undesirable practices of institutions, enterprises, organizations or individual officials’.

Article 1 of the Law on Composition of the Court in 1976 stated that ‘the Court is a political guard for the KWP, implementing legal policies and a weapon of the proletariat dictatorship, legally protecting the interests of workers, peasants, soldiers, and working intelligentsia’. The same article was changed in 1998, ensuring that ‘the purpose of the law is to help accurate solutions of criminal and civil cases by establishing the structure and order of the Court system’, being less ideological and more practical. Similarly, the 1993 Lawyers Law was amended, particularly including the protection of human rights in Article 2. The Lawyers Law also guarantees the right to freely choose a lawyer (Article 4).

### ***Socio-economic rights in domestic legislation***

A relatively large amount of domestic legislation deals with socio-economic rights, especially the right to work, education, and medical treatment. The 1999 Labour Law states both the duty to work (Article 4) and the right to work (Article 5). Other labour-related regulations (for example, the 1993 Labour Regulations for Foreign Funded Enterprises in Free Economic and Trade Zone) include the rights and interests of the employees in their working environments. The 1999 Education Law ensures the right to free education (Article 12), compulsory education (Article 13), a free 11-year education (Article 16), and even government-funded scholarships at university (Article 17). The 2001 Public Health Law mandates complete free medical treatment (Articles 2 and 9), health care for women and children (Article 11), and health care for persons with disabilities, orphans, chronic patients, and elderly persons (Article 13). The 2000 Law on Medical Care guarantees free medical treatment (Article 3) and the section-doctor system (Article 4). Other newly enacted legislation on socio-economic rights, especially on the right to health, includes the Narcotic Drugs Control Law, the Foodstuff Sanitation Law, and the Law on Prevention of Communicable Diseases, all announced in December 2005.

There are several new laws on the environment. They are the Law on Control for the Protection of Land and Environment in 1998, the Law on Prevention of Sea Pollution in 1999, the Law on Protection of Useful Animals in 2000, and the Law on the Protection of the Environment in 2005. However, the terms of these laws state that it is the ‘duty’ of citizens to protect the environment, not the ‘right’ to a clean and healthy environment that all North Koreans are entitled to.

### ***Rights of disabled persons, mothers, and children***

A distinctive feature of ‘our style’ of human rights is the emphasis on the protection of human rights of people in need, and the image of a caring, fatherly leader able to take care of them. Particular attention is given to disabled persons, mothers, and children. The 2003 Law on the Protection of Disabilities ensures respect for the

personal dignity of persons with disabilities and their rights, freedoms, and interests on an equal basis with others (Article 2), a systematic increase of investment for the protection of persons with disabilities (Article 3), and social benefits to persons with disabilities (Article 7). The 1999 Law on Nursery and the Raising of Children stipulates free childcare (Article 2), the provision of food for children (Article 15) and clothes (Article 16), care for mothers (Article 20), special care for twins and triplets and their mothers (Article 21), and the duty of revolutionaries to raise children (Article 22). The 2004 Family Law also provides special protection to mothers and their children (Article 6). The government also introduced 'Guidelines for the Provision of Barrier-free Physical Environment for Persons with Disabilities' and the 'Reference for the Care and Treatment of Epilepsy in order to promote the protection and care of children with disabilities'. According to the government's report to the UN Committee for the Rights of the Child (CRC), two cities were selected to create a barrier-free environment for persons with disabilities.

### ***DPRK and the UN***

The active participation of the DPRK in the UN Universal Periodic Review (UPR) process is significant, in terms of its preparation of the national report and the interactive dialogue with other states on its human rights issues and concerns. The country: (i) has not been recognising the authority of the UN Special Rapporteur on the situation of the DPRK; (ii) has been closed to any international inspection of its human rights problems since the early 1990s by Amnesty International; and (iii) has been denying human rights allegations raised by NGOs. One of the marked changes from the past policy behaviour of the DPRK in the UN is that the state clearly prioritises (i) group rights (children, women, the disabled and the elderly) over individual cases of human rights violations and (ii) subsistence rights (rights to food, education or health) over liberty-based rights (e.g. religious freedom). The DPRK is more likely to cooperate in these prioritised areas, as it depends on continued receipt of international aid and technical support. It is not impossible that the state will invite UN human rights officials or international NGOs in connection with these prioritised areas in the near future.

The main reason the DPRK was cooperative with the UPR process is because the country is facing serious food and energy shortage as well as security and succession problems. As announced in the New Year's editorial in the country's official newspaper, *Rodong Sinmun*, the foremost target in 2010 is for the DPRK to strengthen the country's economy and raise people's living standards by investing more on light industry and agriculture. The previous stress on self-sufficient economy and heavy military industry did not appear this year's new year editorial, which indicates that the DPRK leadership is open to other means of reviving the economy through (1) business deals with South Korean or other foreign companies such as in Kaesong Industrial Complex, Kungang Tourism or Special Economic Zones in Sinuiju or Najin-Sonbong, (2) coming back to the six-party talks, (3) improving bilateral relations with the US (possibly with Japan as well) and (4) inviting more foreign and international aid to the country. DPRK's active participation in the UPR should be

understood as the leadership's tactical concession to the international human rights regime, as one of its many survival strategies.

These critical tactical concessions and survival strategies of the DPRK should meet the long-term vision of the international human rights and humanitarian community. In other words, international society should use this opportunity to actively engage and communicate with North Korean people who have been isolated from joining the international society. The UN has an important role to play in order to establish a firm relation with key North Korean officials working in the field of human rights, starting with those who participated in the UPR session, and to help form transnational networks between people inside and outside the country in the area of human rights.

It is clear from the government's report and interactive dialogue that its interests are in socio-economic rights, material support for children, women, the disabled, and possibly the elderly. Possible areas of further engagement with the DPRK are likely to be in the form of humanitarian assistance and technical support for nurseries, schools, orphanages, or hospitals. The right to food, education, and health are its main interests. This is a good start. Children, women, the disabled, and the elderly are the most vulnerable groups in the society. If the DPRK is willing to cooperate in these areas, then international society should actively encourage this commitment and support humanitarian aid and technical cooperation.

Many countries, including the US, are hoping that the DPRK might join the International Labour Organisation (ILO) since they conceive the DPRK as a socialist state, which might respect workers' rights more than any other groups in the DPRK. This is a mistake. Although the country still officially claims to be a socialist state with its 'our style' socialism, it does not particularly stress workers' rights such as minimum wage or collective bargaining. North Korea is more assimilating to a traditional society, which never experienced any form of modern democracy. Needless to say, the country had a very short period of people's democracy up until the Korean War in 1950. DPRK's Marxism was very short-lived and soon replaced by the former leader Kim Il Sung's *Juche* Ideology in the late 1950s.

Communism is officially deleted by the DPRK in the 2009 amended Socialist Constitution and instead 'military-first politics' is added as an official ideology. Again, this must not be misunderstood. The past constitutional changes show that the amendment does not mean the beginning of a new era, but rather an end to it. The most notable change in terms of human rights is Article 8; the state shall have respect for human rights. If the DPRK joins the ILO, which is not unlikely, it is not because it respects workers' rights in particular but because its concept of human rights is basically collective and subsistence-focused, like many other traditional societies: the core ILO conventions are within this conceptual category such as child and forced labour (Nos 105, 138 and 182). North Korean law officials will examine these conventions, but, in theory, the Constitution, the Labour Law and most other domestic legislation are easy to be amended in compliance with the core ILO conventions mentioned above. Furthermore, most North

Korean people are members of unions in one way or another. Therefore, it is not so difficult for the DPRK to join the ILO in theory.

The DPRK fundamentally opposes the UN country-specific mandates and therefore does not recognise the authority of the special rapporteur on the DPRK, the position of which has gained ground by a few member states, especially those who are listed in the country-specific mandates and China. It is unlikely that the DPRK will change its stance on this issue. Better approaches would be through some of the thematic mandates that the DPRK shows interest in and willingness to cooperate with, for example, on human trafficking, violence against women, or the sale of children. There have been visit requests by some of these mandates in the past. This would be the right time to send a follow-up request.

In terms of treaty-based bodies, the DPRK has been and will be more cooperative with the ICESCR, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all forms of Discrimination Against Women, or the Convention on the Rights of Persons with Disabilities (CRPD) than the ICCPR or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There was one noticeable participant from Pyongyang, Mr Shim Hyong Il, Chief of the Legal Bureau of DPRK Central Court. He is the key scholar-official who has been writing numerous articles on human rights in the DPRK from socialist rights to *Juche* rights to 'our style' human rights in the past decade. There are also other rights theorists in North Korea who have been working to understand the development of international human rights and to shape its own ideas of human rights. More engagement with these scholar-officials by sending more reading materials on human rights through humanitarian aid or inviting them over for conferences or seminars on human rights and humanitarian assistance will help the formation of transnational networks in the area of human rights, which is critical for such isolated countries as North Korea.

## Conclusion

This chapter has examined four main characteristics of 'our style' of human rights, namely (i) sovereignty and the right to national survival, (ii) the withering away of Marxist class rights, (iii) subsistence rights, and (iv) a duty-based discourse of rights and granted rights, which are better understood as a continuum of thought in North Korea's historical political and cultural contexts. From a constructivist perspective, ideas are evolving and therefore 'our style' of human rights are also being reconstituted by various ideational elements including post-colonial nationalism, Marxism, and traditional Korean philosophies. Following Sikkink, Risse, and Ropp's five-phase spiral model, 'our style' of human rights has also shown significant signs of tactical concessions in the field of human rights by enacting new laws in accordance with international standards, for example.

'Our style' of human rights is multi-faceted. First of all, the collective developmentalist right to national survival has evolved from the post-colonial sovereign right of the People since 1945. *Juche* has transformed this idea into the concept of the

sovereign right of man and the nation, and Kim Jong Il subsequently reconstituted it to the sovereign right of the state, becoming more collective and nationalistic. An extreme interpretation of the DPRK's sovereign right of the nation is the 'theory of the Korean nation as number one', serving a propagandistic purpose to unite Korean people. On the other hand, sovereignty also implies the idea of the right to survival and, consequently, has opened up the possibility for the government's tactical cooperation with international human rights society.

Second, Marxist class rights have gradually withered away under Kim Jong Il's 'our style' of human rights and been replaced by more flexible approaches towards capitalists and become more nationalistic. Consequently, the identities of enemies have changed over time. The DPRK government now cooperates with anyone 'who loves the country and the nation'. In fact, the DPRK has worked with South Korean businessmen.

Third, strong Confucian elements laid the concrete foundation for 'our style' of human rights as a form of 'virtuous politics'. The government includes a broad range of socio-economic rights in its domestic laws in accordance with international standards. The regime often employs familial images, emphasising the role of the loving and caring parental leader to take care of people's material welfare. In return, the people's filial piety and absolute loyalty is highly demanded towards him. In this conceptual framework, human rights are understood as rewards bestowed by the fatherly leader.

Finally, the language of duties, both as the offspring of human rights and as a correlative term of rights, is heavily imposed. Since the end of the Cold War, however, the fatherly leader has been unsuccessful in protecting basic subsistence rights for his people, failing in his 'heavenly' duties. This failure has led to a greater emphasis on 'military-first politics', which uses military images depicting Kim Jong Il, who never served in the army, as 'General' and citizens as his subservient soldiers or loyalists. Accordingly, citizens should perform respective duties and show absolute loyalty to their leader.

Any individual or liberal concept of human rights is scarcely accepted in the aforementioned framework of human rights. Outside the domestic discourse, however, the government has been responding to international human rights society by submitting periodic state-party reports to the major UN human rights committees and revising critical domestic legislation consistent with international human rights. In other words, the DPRK regime has made considerable tactical concessions to international human rights society. These two contrasting attitudes of the DPRK demonstrate that the government is in a core process of ideational transformation moving back and forth in the field of human rights. Survival (or subsistence) seems to be the main issue for the regime for the time being.

## Notes

- 1 Interview with P (anonymous) on 12 October 2008, Seoul, South Korea.
- 2 Interview with J (anonymous) on 20 October 2008, Seoul, South Korea.
- 3 Interview with L (anonymous) on 18 February 2004, Kyunggi, South Korea.

4 The full translated text of the Government Ordinance in 1992 by the author is as follows:

The Central People's Committee of the DPRK makes a decision on the ordinance today in order to meet the substantial needs for the establishment of socialism and to raise the living standards of the People in our country as follows:

1. The government will raise the living expenses of all workers, engineers, and office workers, the social pensions of all pensioners, the scholarships of all students, and the incomes of all cooperative peasants as follows:
  - 1) the living expenses of all workers, engineers and office workers will be raised by 43.4%;
  - 2) the social pension of all pensioners by 50.7%;
  - 3) the scholarships of all college and university students by 33%; and
  - 4) the purchasing price for rice by 26.2%, for corn by 44.8%, and for other crops as well; the selling price will remain the same.
2. This ordinance will come into effect from 1 March 1992; and
3. The cabinet will set up practical administrative policies in order to implement this ordinance.

5 Interview with K (anonymous) on 13 October 2008, Seoul, South Korea.

6 Interview with L (anonymous) on 11 October 2008, Seoul, South Korea.

7 Interview with H (anonymous) on 13 October 2008 and with S (anonymous) on 22 October 2008, Seoul, South Korea.

8 Interview with K (anonymous) on 13 October 2008, Seoul, South Korea.

9 Choosing appropriate vocabulary is significantly important in the Korean language system. Same objects or action have different vocabulary depending on who you are talking to (e.g. a meal is '*bab*' when you talk to a junior, but '*siksa*' or '*jinji*' to a senior). Therefore, you have to identify the relationship between the person you talk with and yourself. Similarly, 'did' is '*hasössümnida*' when you refer to a past act of a person who is older than you or socially superior to you, whereas the same 'did' verb is '*haessümnida*' when referring to a person who is younger or has an equal or lower social status than you. In a confidential interview between the author and a foreign diplomat who spent three years in Pyongyang, in general conversations, (s)he noticed, North Koreans were using the non-honorific ending for Kim Jong Il whereas the honorific form was still being used for Kim Il Sung.

10 In North Korea, security officers and prosecution officials are all called '*pöpkwan*' (law officers). Interview with P (anonymous) on 6 November 2008, Kyunggi, South Korea.

11 Interview with P (anonymous) on 6 November 2008, Kyunggi, South Korea.

12 Interview with K (anonymous) on 5 November 2008, Seoul, South Korea.

13 Although the regime officially insists that there are no ethnic minorities, it accepts the fact that there are around 1,000 Korean-Chinese living in the DPRK and they have full access to public education and medical service. Kang Yun Sok, Director-General of the Department of Legislation DPRK Supreme People's Assembly and Chairman of National Coordination Committee for the implementation of the Convention on the Rights of the Child (NCCRC), at the CRC DPRK Third and Fourth combined review sessions, 23 January, 2009.

# Conclusion

## **The place of North Korean rights thinking in an international setting**

The evolution of North Korean rights thinking is not at odds with the broad understanding of 'international' human rights, which I wanted to prove in this book. I support An-Na'im's theory of cross-cultural dialogue and try to find Rentlen's 'cross-cultural universals' even in countries like North Korea where few believe that there are concepts of human rights in its indigenous cultures. As an IR social constructivist, I chose North Korea as a case study for examining a process in the area of human rights in conceivably rights-violating countries. Throughout the book, I maintained a theoretically social-constructivist and cultural-specific perspective.

As I described in Chapter 1, arguments about universalism vs. cultural relativism, individual rights vs. collective interests, civil and political rights vs. socio-economic rights, and rights as inherent entitlement vs. duties before rights, remain ongoing within the international human rights community. Predictably, the DPRK government is inclined to prioritise collective rights over individual human rights, subsistence rights over civil and political rights, and duties before rights. Varying the degree, however, there are communitarian pragmatists, cultural relativists, or anthropologists, internationally, who do not believe in the universality of human rights. It was not only classic thinkers like Bentham or Burke who proposed utilitarianism, but also nineteenth-century British idealists, early twentieth-century social theorists, Marxists, as well as contemporary liberal communitarians like Shapiro, Flathman, Sandel, and van Dyke who have been encouraging communitarianism and supporting collective rights. Among them, Thomas H. Green and Vernon van Dyke stress the notion of community and common good as a precondition for the practice of individual human rights. A great number of scholars hold a view of human needs as a basic component for human rights. Shue makes it clear that subsistence rights are basic rights and, in practice, there are numerous thematic mandates under the UN human rights mechanism focusing on socio-economic rights and group rights. A growing number of academics and politicians are now stressing citizens' duties and responsibilities toward the collective interests of society and state as seen in Britain's anti-social behaviour policy, or 'a new era of responsibility' in US President Obama's inaugural speech. All in all,

DPRK's arguments on human rights are not at odds with the overall development of 'international' human rights.

With respect to this generalised shift, the DPRK's stress on sovereignty, collective rights, subsistence (or survival) rights, and duties before rights is not incompatible with the evolution of 'Western' human rights, either. Simultaneously, Western concepts of human rights, which were the source of international human rights ideas, are not static but constantly changing through various interactions with other actors in international society. The US-led 'war on terror' launched in the wake of the September 11, 2001 terrorist attacks has arguably revised previous conceptions on Western human rights, or at least undermined the moral authority of Western governments to promote them internationally. In the Western liberal tradition, governments used to focus on universalistic and individualistic approaches to human rights, but now are moving towards culturally and historically sensitive, and communitarian approaches. In some cases, human rights even have to concede to emerging security problems, for example, the potentially human-rights-abusive provisions of anti-terrorism acts. Western governments, particularly those of the US and the UK, have started to stress religious tolerance and cultural diversity, comprehensive medical care, better public education, and citizens' responsibilities to society. The gravity of global poverty and the growing gap between rich and poor have stressed the necessity of socio-economic rights for socially vulnerable groups. Under the new leadership of the US Democratic President and the global financial crisis, another ideational transformation in the area of human rights is predictable. How countries like North Korea will react to these changes and reconstitute their own previous understanding of human rights would be a challenging research topic to any IR constructivist.

For this book, I have traced the evolution of North Korean rights thinking back to a pre-modern period of Korea, the late *Chosun* dynasty, and demonstrated the defining features of North Korea's human rights ideas. I have analysed various historical, political, cultural factors that have constituted and transformed the DPRK's concepts and interpretation of human rights. Post-colonialism (Chapter 3), Marxism (Chapter 4), and *Juche* Ideology (Chapter 5) have all contributed to the formation of contemporary ideas of human rights under Kim Jong Il's 'our style' of human rights. Critically, however, understanding of the human rights formed in all of these ideologies had already existed in late *Chosun* philosophies, namely Confucianism, *Sirhak*, and *Tonghak*. As I described in Chapter 2, *Chosun* Confucians focused on the role of the leadership and duties of the ruler in protecting people's subsistence and security, the prioritisation of collective unity and social harmony over individual interests, and the value of family, all of which the contemporary 'our style' of human rights readopt in the twenty-first century. Reform-minded *Sirhak* scholars proposed some practical ideas about social reforms such as social equality, the abolishment of the hereditary slave system, and increasing activities of commerce and technology with China and Western countries. Most of *Sirhak* scholars' proposals were grounded in a state-centric collective developmentalist view within the established Confucian governmental structure of *Chosun*. In other words, the contents of the reform programmes suggested by

progressive *Sirhak* scholars were based on a utilitarian sense of social equality rather than personal liberty. They were all designed to maximise the state's ends rather than to perceive each individual as having equal moral worth. The DPRK's tactical concessions in the field of human rights, by submitting state-party reports to the UN, cooperating with UN human rights agencies, and allowing limited visits from international organisations under 'our style' of human rights, are the revival of the practicality and pragmatic approach from the *Sirhak* tradition.

*Tonghak* was one of the most revolutionary social movements, enormously supported and acted on by lower-class people, in the entire Korean history. Continuing from *Sirhak*'s social reform programmes, *Tonghak* included social equality, anti-slavery, women's rights, criminal justice against the upper class, and the revolutionary land reform, all of which assimilated to Marxist social reform plans. *Tonghak* was also anti-foreign and later became highly anti-Japanese under colonisation, which was the major reason for its survival in both religious and political forms in the DPRK, as *Ch'öndogyo* and *Ch'öndogyo* Youth Party, respectively. The DPRK's current understanding of human rights is most similar to that of *Tonghak* from many perspectives. Therefore, North Korean rights thinking is better understood as a continuum, or rather a relapse to modes of traditional thought that pre-existed in North Korea long before the official establishment of the socialist government of 1948.

Marx's ideas (in the nineteenth to twentieth centuries) were so powerful that they reached Far East North Korea where mass production or industrialisation was far from view. Before the official arrival of Marxism in the DPRK, Marx's ideas on human rights were adopted and adapted in other Marxist states under different domestic and international environments. Marx was not a normative theorist and therefore did not say much about human rights. It has been the biggest analytical challenge for this book to formulate his ideas on the rights of man and the citizen and the different roles of rights Marx had in mind for each historical stage. His broader theoretical framework of historical materialism helped us understand the different roles of human rights under capitalism, revolution, a post-revolutionary period, and finally communism. Like other Marxist states, the DPRK government took whatever was useful for its political legitimation and stability from Marx, and abandoned the rest that was considered too theoretical or incompatible with local cultural and historical contexts. Under 'our style' of human rights, the DPRK government took Marx's hostility towards the rights of man in capitalism and completely ignored Marx's dismissal of rights as moral claims during revolutionary movement, rights as a transitional means in post-revolutionary society, or the disappearance of the system of rights under communism. Institutionally and practically, the DPRK government adopted other Marxist states' perceptions and tools of human rights in its domestic policies. It adopted the entitlement of human rights contingent on a person's class status, collective interests over individual rights, the prioritisation of socio-economic rights, and the emphasis on citizens' duties, which both the USSR and the PRC had in their respective domestic human rights instruments. What was distinctive about North Korea compared to other Marxist states was its memory of colonial past.

## Post-colonial sovereignty: People's rights, a sovereign right of man, the nation, and the state

Historically, the DPRK's modern institutionalisation of human rights began right after national liberation under strict Soviet guidance. As explained in Chapter 3, 'People's rights', put forward in 1945–8, was a timely political slogan to secure mass support in a post-colonial and post-revolutionary context. The Programme of Action for People's Sovereignty, the Twenty-Point Party Platform, the Gender Equality Law, the Land Reform Law, the Labour Law, and finally the 1948 People's Constitution included a wide range of human rights provisions to support the newly-established government. Under heavy Soviet influence, these legal and institutional frameworks of 'People's rights' were categorically imported from the Kremlin, sometimes even without local adaptation (see for example the inclusion of Article 31 of the 1946 People's Constitution on minority rights and the deletion of it in all post-1948 constitutions). The introduction of the Soviet model in North Korea was not only serving Moscow's geo-political interests in the region, but also Kim Il Sung's own political calculation to win domestic struggles he faced from other locally-based nationalists and orthodox communists, and this should not be underestimated. Kim Il Sung was insecure, in that he lacked the nationalistic characteristics by which Cho Man-sik or Kim Ku gained their popularity from the masses. 'People's rights' therefore contained a particularly anti-Japanese nationalistic feature, officially excluding all pro-Japanese Korean collaborators from official entitlement to human rights. People in 'People's rights' did not include pro-Japanese elements but included small or medium-size entrepreneurs. As the short quantitative frequency experiment of the terms 'People', 'nation' and 'class' showed in Chapter 3, the term 'People' in this period was understood neither in nationalist terms, by which the DPRK regime officially defined 'bourgeois', nor by the Marxist class concept. 'People' were in between these two concepts as a transitional means in a post-revolutionary state. In this way, the regime could justify its post-colonial nationalistic nature to the public. 'People's rights' was 'sovietisation in form' and 'koreanisation in content'.

*Juche* Ideology had a strong self-deterministic element from this post-colonial legacy. As the term *Juche* itself meant 'the master of one's own body', it contained the philosophical concept of the right to choose one's own destiny as an individual level. *Juche's* right to choose one's own life was then gradually transformed into the sovereign right of the nation as one organic entity with everyone connected to everyone else, becoming more collective. *Juche* was formulated as ideological independence, economic self-sufficiency, and military self-defence. In this ideational framework, the conceptualisation of rights was framed not as the relation of an individual vis-à-vis the state but that of one's state as one collective entity vis-à-vis that of others. In external policies, *Juche's* sovereign right was applied to attack its rival, the ROK government, throughout the Cold War era, accusing it of not being liberated from US rule, which was part of a mutual denunciation between South Korea and North Korea about each other's political independence from foreign powers. Although the DPRK regime could have taken the internationally recognised term 'right to self-determination', which US President

Wilson endorsed after the end of World War II, it has not (perhaps because of its endorsement by President Wilson) employed the language in its public discourse. The regime preferred the term ‘the sovereign right of the nation’.

Kim Jong Il has reconstituted the sovereign right of man and the nation under *Juche* into the sovereign right of the state, in other words, sovereignty. Sovereignty was finally prioritised over individual human rights in Kim Jong Il’s most well known article ‘Socialism is the Science’, in November 1994 (J.I. Kim 4 November 1994). Seven months later, ‘our style’ of human rights was officially announced in *Rodong Sinmun*, on 24 June 1995. As the term ‘our style’ indicates, it has the most distinguishable cultural relativistic element, claiming that North Korea has its own way of protecting the human rights of its people. ‘Our style’ of human rights has transformed the idea of post-colonial sovereign rights of the People (still collective group rights) into the right of the state, which is no longer a human right.

The worst form of ‘our style’ of human rights in a post-colonial nationalistic manner is the ‘theory of the Korean nation as number one’, which brought ugly allegations of being fascist, anti-foreign, and xenophobic from the outside world and even within the Korean community. The propaganda of the Korean nation as being the best people in the world mainly targets the Korean nation, both South and North, as well as overseas Koreans, for the uplifting of a sense of unity among Koreans. It works for some Korean nationalists, but does not for most others who are, first of all, not Koreans, and second who are not living in North Korea, but becoming more individualised global citizens exposed to twenty-first century information and technology. At a certain level, North Korea’s collective mentality of victimhood and use of post-colonialism is historically understandable since its people have been victims of abusive Japanese colonial policies and national separation deeply involving neighbouring superpowers. However, excluding non-Koreans, pro-Japanese Korean collaborators, and those who do not love the country from an official entitlement to human rights, cannot be justified as a legitimate government policy.

More fundamentally, however, sovereignty and independence have been the most desirable issue for all Koreans, South and North alike, even before Japanese colonial rule. *Sirhak* was relatively more nationalistic than Confucianism. *Sirhak* scholars considered Confucianism highly theoretical and metaphysically Chinese. *Tonghak* was also notably nationalistic and anti-foreign. *Tonghak*’s survival as a religious and political form in North Korea (via *Ch’ŏndogyo* and the *Ch’ŏndogyo* Youth Party, respectively) was due solely to its contribution to national independence movements. The *Tonghak* peasants’ movements were highly praised by the DPRK regime, not only for their revolutionary ideas on social equality and opposition to the *Chosun* Dynasty feudal system, but also for their highly nationalistic sentiments. In this sense, *Tonghak* is the closest ideational factor for contemporary North Korean rights thinking.

### **Collective rights: People’s rights, class rights, and group rights**

During the immediate post-colonial period in 1945–8, institutionalising human rights began with separating the population into groups, those who were ‘the

People' and those who were not. The Provisional People's Committee passed an agreement on the classification of pro-Japanese and national traitors in March 1946. In other words, before the conceptualisation of the contents of human rights, this institutional practice set up different categories of people regarding who would be given forthcoming new rights. The profiling of people was contingent on a person's past colonial behaviour. Simultaneously, the regime allowed small and medium-sized entrepreneurs, signifying that it worked with petty-nationalist capitalists. Kim Il Sung left a supplementary provision for the exemption of a pro-Japanese element provided that a person was no longer engaged in 'bad' behaviour and was actively participating in the state-building process.

The idea of People's rights and identities of the People in 1945–8 was part of Leninist Class Struggles or Maoist United Front strategy. The government prioritised the People (*inmin*) over a class (*kyegŭp*) or a nation (*minjok*), but all collectively. The idea of the rights of man has been void in the DPRK from the very beginning of its establishment.

Set up as an official Marxist state, the DPRK shares most of its rights approaches with other Marxist states. Among them, collective rights are most distinctive. The regime specified the collective principle in the 1972 Socialist Constitution (Article 49), and maintained it in the following 1992 and 1998 amended constitutions (both Article 63). The DPRK has devised extreme forms of institutionalised collectivism while suppressing individual freedom in every social sector of people's daily lives, for example cooperative farms in the agricultural sector, the *Taean* Work System in factories, or mass games in school, which were explained in Chapter 4.

*Juche's* rights were collective too, perceiving man as a social being. The difference between Marx's man and *Juche's* man is that the latter exists in an organic society where everyone is connected to everyone else in society. Kim Il Sung tried a philosophical approach to envision man as having a right to choose his own destiny. Hwang Jang Yup, the highest profile North Korean defector who used to be the Chancellor of Kim Il Sung University, insists that *Juche* as human-centred philosophy was his own creation at the beginning and was distorted by Kim Jong Il. The government further devised collective mechanisms such as weekly self-criticism sessions and nation-wide 'learn from heroes campaigns' to the public to project selfless heroes as their role models. These measures were all designed to promote a collective mentality among ordinary North Koreans.

'Our style' of human rights selectively employs the language of Marxist class rights to justify the regime's dictatorship against its enemies as explanation of why there are human rights violations against political prisoners in North Korea. The government insisted in 1995 that 'a socialist country is not a class-transcending society' and therefore it was perfectly justifiable to persecute class enemies. However, this class-conscious concept of human rights has gradually withered away since the mid-1990s when the country was hit by a series of natural disasters, a malfunctioning economy and foreign trade, and various other related human factors. The international humanitarian community and many South Korean organisations (many capitalists involved from the DPRK's perspective)

helped relieve the famine in North Korea. Since then, this class conception has been significantly dropped and is now replaced by a more flexible approach to human rights under ‘virtuous politics’ or ‘broadly embracing politics’. The post-Cold War ‘virtuous politics’ means that the regime can cooperate with anyone who ‘loves’ the country, such as South Korean Hyundai businessmen for example. Kim Jong Il said in 1994 that it did not matter what your social class was or whether you were communist or not and, so long as you loved the country and the people, you would be a legitimate member of the People. This was a significant change in identity even though it was a tactical one. In reality, however, the more North Korean people have contact with outside people, the less they ‘love’ their country and the more they admire capitalist market economies. The regime can no longer control the marketisation of people’s private activities according to various people who have been to or lived in North Korea.

Externally, the regime is trying to abide by international human rights standards where they are acceptable and safe enough to defend the security of the regime. To the DPRK, a safe start was group rights such as those of children, women or disabled persons. In the most recent review of the state-party report to the UN CRC in January 2009, the DPRK listed numerous laws for the rights of children, women and disabled persons that had been amended or newly-enacted since 2000. Newly-enacted laws are as varied as the Inheritance Law of 2002, the Law on the Protection of Persons with Disabilities of 2003, the Law on the State Budgetary Revenue of 2005, the Law on Tobacco Control of 2005, and the Law of the DPRK Red Cross Society of 2007. The government made it clear in its report that the principles and requirements of the CRC are taken fully into consideration. One government representative to the CRC review session (Jang Il Hun, Section Chief of the Ministry of Foreign Affairs) said that there had been serious internal debates among DPRK officials as to whether to open up more to international human rights society or not and some members opposed the idea, wondering why they would have to show their ‘bad things’ to the outside world.

Internally, however, ‘our style’ of human rights in a close collaboration with ‘military-first politics’ which tries to devise a tougher ideational mechanism than ‘virtuous politics’, and does not seem to inspire anyone very much under harsh economic conditions. The regime puts out extreme loyalist propaganda such as ‘do-or-die for safeguarding *surŏng*’ or ‘the spirit of guns and bombs’, and depicts the entire population as the knights of Kim Jong Il uniting selflessly to protect his regime. Both family and military are extremely solid and unbreakable collective social units emphasising harmonious societal unity while repressing individual freedoms.

This collective unity and social harmony has existed in Korea for a long time as the ultimate goal of Confucianism. *Sirhak* advocated anti-slavery and social equality, but all these progressive ideas were formed within a sturdily hierarchical *Chosun* power structure and therefore all ultimately served to advance a state-centred collective developmentalist perspective, to which individual human rights are subservient. The importance of family has been highly valued in the Confucian framework, contributing to the collective mentality when the entire country was described as one big family.

## **Subsistence rights: welfare rights, a guarantee of happy material lives, a right to basic living standards, and a right to survival**

As one can guess from the title, the downside of the DPRK's economic confidence is well presented in the discourse of subsistence rights. During the interim government period, the regime planned and promised to guarantee a wide range of people's welfare rights. Kim Il Sung realised that the country's economy was not coping well compared to its rival in the South and therefore the discourse and level of subsistence rights were downgraded to a guarantee of happy material lives and a right to basic living standards, while distracting people's attention to cultural lives, rather than being strictly materialistic. Survival has become a national security issue for the DPRK since the end of the Cold War, and the government has put noticeable efforts into tactical concessions to save the country's economy by any means available. Under Kim Jong Il, subsistence means survival in the new international environment.

Upon national liberation, it was not only relieving poverty or taking care of people's basic material conditions but also guaranteeing basic subsistence as constitutional or legal rights of the People that the newly established DPRK regime had to deal with in terms of setting up a new modern competent government. Entire government programmes and legislation were designed to provide more favourable living conditions to peasants and workers in North Korea. One of the first measures taken by the government was confiscating land from landlords and distributing it equally to peasants so that they could have the right to grow what they wanted, which was most welcoming news for poor peasants who had worked under exploitative Japanese landlords. Other legal guarantees included the right to an eight-hour working day, a minimum wage, a compulsory state-funded education, free medical treatment, collective bargaining, equal pay for equal work, and maternal holidays as stated in the Twenty-Point Party Platform and the Labour Law of 1946. The 1948 People's Constitution finally contained all of these welfare and labour related rights, institutionalising modern concepts of human rights in the DPRK.

Most welfare rights remained the same in the 1972 Socialist Constitution. As an official Marxist state, Marx's historical materialism shed light on fundamental problems with poor material conditions of the working class and continued to provide an ideational foundation for Marxist states' primacy of socio-economic rights. The DPRK regime implemented the 1971 Three Revolutions in Ideology, Technology, and Culture. The Revolution in Technology was to 'permanently release workers from hard labour' by advancing the country's technology, and the one on culture was to end the backwardness of workers and provide every North Korean citizen with the opportunity to have university-level education. Various national economic plans along with nationwide campaigns such as the *Ch'ŏllima* movement, *Ch'ŏngsanni* method and *Tae'an* Work System were implemented under a strong socialist state central-planning mechanism of the DPRK. According to Kim Il Sung, the DPRK had already achieved socialism in 1972, and then

it should have followed Marx's theory that there was no need for a system of human rights. In contrast, the DPRK has actively explored adding new areas of subsistence rights, such as a right to food and clothes, internally and externally as well as putting an emphasis on 'happy material cultural lives' to all in the Socialist Constitution.

'Happy material and cultural lives' remains the same in all post-1948 socialist constitutions, clearly asserted in preference to other rights (Article 50 of the 1972 constitution and 64 of all post-1972 amended constitutions). Rights within *Juche* were largely about Kim Il Sung's material concerns. He realised as early as the beginning of the 1960s that North Korea was not doing any better than its capitalist rival in the South. Kim started emphasising a minimum standard of living rather than the country's under-achievement in terms of economic scale. His ideal socialist state was the one where everyone could 'eat white rice and meat soup, wear silky clothes, and live in tiled-roof houses'. The government emphasised rights to basic living standards such as the country's food ration, zero unemployment rate, and free medical care. At the same time, it used the language of the right to basic living standards to attack the poor material conditions of workers in South Korea and the lack of social security in the US. The DPRK has increasingly deployed the language of rights 'offensively' in its propaganda, asserting its moral superiority in order to compensate for its material decline compared to richer South Korea. Kim Il Sung's focus on socio-economic rights did not stop at the economic sphere. He also mentioned in 1958 that *Juche* aimed for 'affluent and civilised lives' for the people in North Korea so that everyone could sing and dance and develop his life not only economically but also culturally. The government took extensive measures in the 1950s and 1960s to relieve people's hardship by cancelling rural debts, raising wages, reducing taxes, cutting prices on a range of products while imposing the humane side of Kim's leadership. This trend in the leadership's primary concern for people's well-being continued in the late 1980s when Kim Il Sung said that gas buses had to be replaced with trolley buses because the former discharged gas toxic to humans and dangerous to people's health although the discourse of a 'right to health' was not used at this stage.

The discourse of the leadership's primary concern on people's well-being under *Juche* continued in Kim Jong Il's 'our style' of human rights and particularly under 'virtuous politics'. The government insists that free 11-year compulsory education and state-funded medical care are the structural and institutional instruments of 'virtuous politics'. Some official North Korean human rights commentators have put noticeable efforts into articulating the concepts of human rights since the end of the Cold War, especially in the area of socio-economic rights. In an article for *Ch'ŏllima*, a monthly magazine read by ordinary North Koreans, Baek Mun Kyu, for example, differentiates and clarifies the concepts of 'a right to life' (*saengmyŏnggwon*) and 'a right to subsistence' (*saengjon'gwon*) which sound very similar to each other in Korean. The regime further complies with the same form of rights languages used internationally, for instance, from 'a right to eat' (*mŏgŭl kwŏlli*) to 'a right to food' (*singnyanggwŏn*) and from 'a right to go to school' to 'a right to education'. Not only terminologically but also in practice, the DPRK government has been responding to

the UN human rights treaty bodies, primarily in the areas of subsistence rights of women, children, and disabled persons. Domestically, the regime pushed more propaganda on the guarantee of equal subsistence rights for everyone in the DPRK, while announcing a new ‘Government Ordinance to Raise the Living Expenses of all Workers and the Incomes of all Cooperative Peasants’, up until the mid-1990s. However, the regime’s failure to guarantee subsistence rights has been gradually recognised by ordinary North Koreans, who started leaving the country temporarily or even permanently by crossing the border to China. The regime tentatively shifted the discourse of human rights from ‘virtuous politics’ to ‘military-first politics’ where it could highlight the security of the regime, the unity of society and, most importantly, people’s loyalty towards the regime, diverting people’s interests from their growing material interests. On the other hand, the regime allowed some market economy elements in society, letting people run their own limited private market activities. Many people who have lived in or been to North Korea since 2000 testify that North Korean economy is no longer operated by the party’s central planning and people are rapidly learning market mechanisms, which no one had ever taught them before. These are all important signs of ideational changes in the official socialist regime of the DPRK, which now seems to be abandoning most of its orthodox Marxist principles.

What I would like to argue for in this book is that, as covered extensively in Chapter 2, primary material concerns for people’s living conditions have long existed in indigenous Korean philosophies. First, in Confucianism, one of the foremost important duties of a Confucian ruler was to guarantee the material well being and security of the ruled. Second, *Sirhak* scholars advocated that learning had to contribute to the improvement of people’s lives and urged that the government should encourage the growth of commercial activities and the import of Western technology to help the development of the nation. *Sirhak* has also indirectly provided the idea of practical (or pragmatic) thinking on human rights in the DPRK so that the regime could cooperate with international society, which has been the case in the area of children’s and women’s rights. Third, *Tonghak*’s main motivation for nation-wide peasants’ rebellions against the upper class in the late nineteenth century was to help ease the suffering from poverty and exploitation of the lower classes.

### **Duty-based language of human rights: duties of the government and citizens**

As I said earlier, People’s rights of 1945–8 were the deliberate outcome of the newly-established DPRK government to set up a wide range of institutionalised mechanisms of human rights for Korean people, whose interests had been repressed under colonial rule. Strong roles of government, to protect the country from foreign invasion and lead the country’s economic development powerful enough to sustain itself to feed the nation, were greatly desired by the people, who had been victims of a series of foreign interventions in the past. The government was active in establishing both ‘positive’ and ‘negative’ rights (see Chapter 1 for these

terms) during this period in order to fulfil its roles and duties. ‘Positive’ rights included the introduction of proper legal, institutional, and political means and mechanisms for the protection of human rights. ‘Negative’ rights meant not violating people’s rights again in the same way as in the past where Japanese authority had abused and exploited Koreans. Compared to the comprehensive range of government duties, the provisions of citizens’ duties were relatively small in the 1948 People’s Constitution. It contained four duties: abiding by socialist laws, defence of the Fatherland, payment of taxes, and engagement in work.

The stress on citizens’ duties is one of the most defining Marxist state features of human rights. As an official Marxist state, the DPRK shares this characteristic with other Marxist states. Notwithstanding Marx’s reluctance to engage in a moral language of duties, Marxist states have actively employed a discourse of citizens’ duties towards society, nation and State. The DPRK government followed this practice. The number of duties stipulated in the DPRK’s constitutions increased from four in 1948 to six in 1972. Deleting one provision, the duty to pay tax from the People’s Constitution, the Socialist Constitution added the following duties: respect for collective spirit, sacrifice for the interests of the People, the Fatherland, and the revolution; preservation of public assets; and protection of national secrets. Betrayal of the Fatherland was, in particular, defined as the most heinous crime. The government greatly emphasised duties of communist mothers to raise children as true communists (no duty of how fathers should raise children was specified). The regime tried to encourage introverted Korean women, who had been accustomed to traditional values, to be tough and outspoken female comrades. Kim Il Sung criticised those who wanted to stay at home married to rich husbands and praised those who were independent and outspoken. What happened in the end in reality is that ordinary North Korean women have to face a heavily loaded double burden at both home and work while women in rich families do not go to work and have domestic workers.

Under *Juche*, both the role of the leader and citizens’ duties were in place. The government claimed that *Juche* was a human-centred philosophy, depicting rights as a divine concept driven by a God-like figure, Kim Il Sung. Kim’s personal background, being raised in a Christian family, seemed to affect the formation of the religious aspect of human rights in the DPRK: human rights is a divine concept from *Juche* that gave people the power to think that they were the master of their own destiny. An official North Korean human rights commentator, Choe Chol Ung, defines the nature of *Juche* as the ‘best form of humanitarianism, born out of respect for the equality of humanity, freedom of personality, and human rights’. At the same time, the role of Kim Il Sung was depicted as a heavenly-appointed God-like fatherly figure in that he protected his people from foreign aggression and provided material benefits. In practice, Kim conducted numerous field visits, ordering detailed ‘on-the-spot’ guidance and distributed gifts to all North Korean people on his birthday and major national holidays. Upon receiving presents, North Koreans are supposed to say ‘thank you, Great Leader Kim Il Sung’. According to North Korean defectors I interviewed, many people in the DPRK still believe Kim Il Sung was a benevolent great leader.

*Juche* also specified respective duties of various social groups within the society and their sub-groups, for example, better performing students having extra duties in their classes. As I covered in Chapter 5, class structure is a typical example to see how hierarchically North Korean society is divided into subgroups, with one's own respective duties within the society to which one belongs. Classroom delegations in North Korea are quite complicated to understand. In a class, there is a 'head of unit', a 'head of class', the 'first in class', and three 'pupils with good deeds', at least. As part of collective education, a 'commissioner in charge of class' and a 'commissioner in charge of subject' (who are normally better performing pupils in a class appointed by the teacher) are expected to help other peers, to show not only their academic excellence but also their selfless noble attitude. Accordingly, the social responsibilities of bright students in the North without seeing any direct interest or economic reward are far better recognised than those of their equivalents in the South, who are highly competitive and individualistic.

Kim Jong Il's 'our style' of human rights has further intensified duty-based rights language. On the one hand, the government reinforces the idea of citizens' duties in return for rights granted by the fatherly and military leader. The regime uses familial images, emphasising the role of the loving and caring parental leader (*ōbbō'i suryōng*) and the 'mother party' (*ōmōnitang*). The masses are, by implication, the children of the family. Kim Jong Il highlights his filial piety towards Kim Il Sung and asks people to pay the same level of loyalty toward him too. In this context, rights are something that can be given according to your performance of duties, not something you are entitled to automatically when you are born. Both Kim Il Sung and Kim Jong Il prioritise citizens' duties over human rights. The difference between the two is that the latter has dramatically reduced the number of references to an ideological language, such as the superiority of socialism.

On the other hand, citizens' rights are presented as duties of party officials in the DPRK, in other words, duties as a correlative term of rights, the flipside of the same coin, as I explained in Chapter 1. The pattern of the discourse has been slightly changed under 'our style' of human rights. Under *Juche*, rights are bestowed by the fatherly leader Kim Il Sung and his human-centred philosophy *Juche*. Under 'our style' of human rights, rights are implemented by party officials. In this regard, Kim Jong Il was criticising a number of government officials for their human rights violations as early as 1970. The targeted officials have included members of the People's Committee, party and security officers, and law enforcement and prosecution officers. There seem to be two reasons for Kim Jong Il's criticism of these abusive officials: one, to please his father, who was in power at that time, and the other, to create scapegoats for his own failing of fatherly duties over his people. Kim Jong Il has abandoned his image as a benevolent fatherly leader and rather depicts himself as a military leader. In fact, he is the Chairperson of the National Defence Committee, which is in direct control of the National Security Agency, the main state organ accused of countless allegations of human rights violations as well as having highly corrupted members who indulge in bribery as their major source of income.

Although the DPRK government strongly rejects Confucianism as its feudal past, the Confucian influence over the formation of rights thinking in the DPRK became more obvious once the ideological construct of the Cold War fell away. It is most obviously manifested in the above-mentioned role of the virtuous fatherly ruler and the passive form of granted rights. 'Our style' of human rights developed under the discourse of 'virtuous politics', a concept similar to Mencian benevolent government under Confucianism. The continuing emphasis on citizens' duties is fundamentally a Confucian influence. As covered in Chapter 2, Confucianism was basically a role-based ethical system, shared among all Koreans, both South and North. Everyone is expected to perform his respective responsibilities toward the society he belongs to and, if all play their roles well, a perfect harmonious society will be maintained. These deeply embedded Confucian ethics have been the basis for North Korean rights thinking.

In a nutshell, the contemporary form of rights thinking in the DPRK, 'our style' of human rights, takes priority in cultural relativism, post-colonial sovereignty, collective interests, materialistic pragmatism and a duty-based language of human rights. All of them pre-existed in the late *Chosun* philosophies, intertwined with the country's post-colonial experiences, Marxism, and other Marxist states' interpretation of Marxism, and were inherited and reconstituted from rights thinking under *Juche* Ideology. The rise of a deeply embedded traditional influence to the surface has become more obvious since the end of the Cold War. Internally, the regime allowed limited market elements for personal property rights in an application of *Sirhak's* materialistic pragmatism. Externally, as the DPRK delegations at the most recent UN CRC review sessions in January 2009 show, the government has tentatively and cooperatively responded to the international human rights society by submitting periodic state-party reports to the UN and answering questions from CRC members. As I covered extensively in the last section of Chapter 6, the government has revised critical domestic legislation and enacted new laws in accordance with international standards. The regime will make further tactical concessions as long as it sees material interests from the international human rights society while perceiving no harm to national security. The pragmatic policy behaviour of the DPRK demonstrates that the government is in a core transformational process of ideas and identities in the field of human rights in the midst of facing up to harsh post-Cold War international environments.

As of February 2009, according to Sikkink, Risse, and Ropp's model, the DPRK regime is in a tactical concession phase (the third out of five stages of the spiral model). Whether it can move forward to the next phase, a prescriptive stage, depends on the feasibility of transnational networks between civil society in North Korea and NGOs outside. The growing cross-border economic activities are positive signs in this respect since not only money comes into the country but also ideas attached to it. The post-colonial socialist *Juche* regime of the DPRK has been in a serious ideational transformation process in the area of human rights, especially since the end of the Cold War, it has been challenged by international criticism and is learning what the norms of international human rights can do for its survival.

Where and how this ideational process will develop for the future while side-tracking how the regime deals with survival issues is a fascinating research topic for any expert on Korean studies. Using this as a case study, an IR social constructivist or cultural historicist may further advance the cultural sensitivity required to understand normative changes or a norm diffusion process of countries in the area of human rights where one can find any equivalent colonial experience, Marxist influence, or Confucian legacy.

# References

- Abi-Saab, Georges (1980), 'The legal formulation of a right to development', *The Right to Development at the International Level* (Hague: Academy of International Law), 159–72.
- Adler, Emanuel (1988), *Cognitive Evolution: A Dynamic Approach for the Study of International Relations and Their Progress* (Cambridge, MA: Harvard University Press).
- Ahn, Myung-Hyuk (1990), 'Michenün saege ch'oedae'üi ingwön yurinja [America is the worst human rights violator]', *Külloja*, 8, 91–3.
- Alston, Philip (1991), 'Revitalising United Nations work on human rights and development', *Melbourne University Law Review*, 18, 216–57.
- An-Na'im, Abdullahi Ahmed (ed.), (1992), *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia, PA: University of Pennsylvania Press).
- Anonymous (1991), *Juche'üi sahoejuyi hönböp riron [The socialist constitutional theory of Juche]* (Pyongyang).
- (2008), 'Han nyösöng dang ilkkungwa'üi daehwa [A conversation with a female party official]', *Imjingang*, 2, 182–83.
- Armstrong, Charles K (1998), 'A Socialism in Our Style: North Korean Ideology in a Post-Communist Era', in Samuel S. Kim (ed.), *North Korean Foreign Relations* (Hong Kong: Oxford University Press).
- (2003), *The North Korean Revolution: 1945–1950* (New York: Cornell University Press).
- Asian Cultural Forum on Development (1993), 'Our Voice: Bangkok NGO Declaration on Human Rights', *Asia Pacific NGO Conference on Human Rights* (Bangkok: Asian Cultural Forum on Development).
- Association for Human Rights Studies and Exchanges [*Ingwön yöngu mit kyoryu hyöphoe*] (1993), *Namjosönnü ingwön silsang [The human rights situation in South Korea]* (Pyongyang: Pyongyang Press).
- Avineri, Shlomo (1968), *The Social and Political Thought of Karl Marx* (Cambridge: Cambridge University Press).
- Baek, Mun Kyu (1995), 'Ingwöni muchami yurindoenün miguk [America where human rights are seriously violated]', *Ch'öllima*, 10, 114–15.
- Baik, Bong (1973), *Kim Il Sung: Biography Volume 1: From Birth to Triumphant Return to Homeland* (Beirut, Lebanon: Dar Al-Talia).
- Bang, Myong Suk (2004), 'Kongminjök üimunün kongminü young'ae yimyö ryangsimigo üiri [Citizens' duties are their honour, consciousness, and loyalty]', *Ch'örhak yöngu [Philosophical Studies]*, 1, 33–34.

- Barnes, B. and Bloor, D. (1982), 'Relativism, rationalism and the sociology of knowledge', in M. Hollis and S. Lukes (eds.), *Rationality and Relativism* (Cambridge, MA: MIT Press), 21–47.
- Bay, Christian (1982), 'Self-respect as a human right: Thoughts on the dialectics of wants and needs in the struggle for human community', *Human Rights Quarterly*, 4, 53–75.
- Bedau, Hugo Adam (1969), *Civil Disobedience; theory and practice* (New York: Pegasus).
- Bell, Daniel (2000), *East Meets West: Human Rights and democracy in East Asia* (Cambridge: Cambridge University Press).
- Bell, Daniel A. and Hahn, Chaibong (2003), 'Introduction, The contemporary relevance of Confucianism', in Daniel A. Bell and Chaibong Hahn (eds.), *Confucianism for the Modern World* (Cambridge: Cambridge University Press), 1–28.
- Benedict, Ruth (1959), *Patterns of Culture* (Boston: Houghton Mifflin).
- Benn, Stanley I. (1967), 'Rights', *The Encyclopaedia of Philosophy* (New York: Macmillan).
- Benn, Stanley I. and Peters, R.S. (1965), *The Principles of Political Thought* (New York: Free Press).
- Bentham, Jeremy (1843), *The Works of Jeremy Bentham*, ed. J. Bowring (London: Simpkin, Marshall).
- Bradley, F.H. (1927), *Ethical Studies* (London: Oxford University Press).
- Brandt, Richard B. (1959), *Ethical Theory: The Problems of Normative and Critical Ethics* (Englewood Cliffs, NJ: Prentice Hall).
- Breen, Michael (1998), *The Koreans: Who They Are, What They Want, Where Their Future Lies* (New York: St. Martin's Press).
- Brown, Chris (1999), 'Universal human rights: a critique', in Tim Dunne and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press), 103–27.
- Buchanan, Allen E. (1982), *Marx and Justice: the Radical Critique of Liberalism* (London: Methuen).
- Bull, Hedley (1977), *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press).
- Carleton, William G (1950), 'The new nationalism', *Virginia Quarterly Review*, XXVI (3), 436–37.
- Carlson, Peter (14 May 2003), '"Dear Leader" is role he was born to play. Saga of North Korean dictator Kim Jong Il is stranger than fiction', *Wall Street Journal*.
- Chan, Anita (1985), *Children of Mao: Personality Development and Political Activism in the Red Guard Generation* (Seattle: University of Washington Press).
- Chan, Joseph (1998), 'Thick and thin accounts of human rights: Lessons from the Asian values debate [1]', in Edmund Ryden (ed.), *Human Rights and Values in East Asia: Proceedings of the Fujen International Conference on Human Rights and Values in East Asia* (Taipei, John Paul II Institute for Research into Dialogue for Peace: Fujen Catholic University).
- (1999), 'A Confucian perspective on human rights for contemporary China', in Joanne R. Bauer and Daniel A. Bell (eds.), *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press), 212–40.
- Chang, Wejen (1998), 'Confucian Theory of Norms and Human Rights', in Wm. Theodore De Bary and Tu Weiming (eds.), *Confucianism and Human Rights* (New York: Columbia University Press), 117–41.
- Cheng Chung-ying (1979), 'Human Rights in Chinese History and Chinese Philosophy', *Comparative Civilizations* 1, 1–20.

- Cheong, Seong-Chang (2006), 'T'ongch'i yinyȫm [Governing Ideology]', in Centre for North Korean Studies (ed.), *Pukhan'üi sasanggwa yöksa 'insik [North Korea's ideology and historical view]* (Seongnam: Sejong Institute), 59–61.
- Chkhikvadze, V. (1980), 'Constitution of true human rights and freedoms', *International Affairs*, October, 13–20.
- Cho, Song Gon (1998), 'Ingwȫnüi bonjil [The fundamnetal nature of human rights]', *Ch'örhak yöngu [Philosophical Studies]*, 3, 34–5.
- Choe, Chol Uung (1998), 'Juche sasang'ün ch'oego'üi indojuyi [Juche Ideology is the best humanitarianism]', *Ch'örhak yöngu [Philosophical Studies]*, 1, 15–18.
- Choe, Yong-ho, Lee, Peter H. and De Bary, William Theodore (eds.) (2000), *Sources of Korean Tradition, Volume II: From the Sixteenth to the Twentieth Centuries* (New York: Columbia University Press).
- Choi, Sung-chul (ed.), (1997), *Understanding Human Rights in North Korea* (Seoul: Institute of Unification Policy, Hanyang University).
- (ed.), (1999), *Human Rights and North Korea* (Seoul: Institute of Unification Policy, Hanyang University).
- Chong, Chang Hak (2001), 'Tonghagüi kyeküpjök kich'o [The class base of donghak]', *Ch'örhak yöngu [Philosophical Studies]*, 4, 36–7.
- Christie, Kenneth and Roy, Denny (2001), *The Politics of Human Rights in East Asia* (London: Pluto Press).
- Citizens' Alliance for North Korean Human Rights (June 2008), 'Pukhan'üi 'üiryö chedo [The Medical System of North Korea]', *NKHR Newsletter*, (123).
- (May 2008), 'Pukhan'üi kungȫtjilgwa 'ümju munhwa [North Korean snacks and drinks]', *NKHR Newsletter*, (122).
- Claude, Richard Pierre and Weston, Burns H. (1992), *Human Rights in the World Community. Issues and Action* (Philadelphia, PA: University of Pennsylvania Press).
- Commission on Human Rights (17 February 2004), 'Questions of the violation of human rights and fundamental freedoms in any part of the world: Situation of human rights in the Democratic People's Republic of Korea' (Geneva: UN Commission on Human Rights).
- Connor, Walker (1984), *The National Question in Marxist–Leninist Theory and Strategy* (Princeton, NJ: Princeton University Press).
- Cooper, D. (1978), 'Moral relativism', *Midwest Studies in Philosophy*, 3, 97–108.
- Cranston, Maurice (1964), *What Are Human Rights?* (New York: Basic Books).
- (1973), *What Are Human Rights?* (New York: Taplinger).
- Cummings, Bruce (1993), 'The corporate state in North Korea', in Hagen Koo (ed.), *State and Society in Contemporary Korea* (Ithaca: Cornell University Press), 197–230.
- (1997), *Korea's Place in the Sun: A Modern History* (New York and London: Norton).
- (2004), *North Korea: Another Country* (New York and London: New Press).
- Dakasi, Nada (2000), *Kim Jong Il sidae'üi chosun [Chosun in the era of Kim Jong Il]* (Pyongyang: Foreign Languages Publishing House).
- De Bary, William Theodore (1985), *The Rise of Neo-Confucianism in Korea* (New York: Columbia University Press).
- (1998), *Asian Values and Human Rights: A Confucian Communitarian Perspective* (Cambridge, MA: Harvard University Press).
- (2003), 'Why Confucius now?' in Daniel A. Bell and Chaibong Hahm (eds.), *Confucianism for the Modern World* (Cambridge: Cambridge University Press), 361–72.

- De Bary, Wm. Theodore and Weiming, Tu (1998), *Confucianism and Human Rights* (New York: Columbia University Press).
- De Laguna, G. (1942), 'Cultural relativism and science', *Philosophical Review*, 51, 141–66.
- Deacon, Alan (1994), 'Justifying workfare; The historical context of the workfare debates', in Michael White (ed.), *Unemployment and Public Policy in a Changing Labour Market* (London: Public Services Institute), 53–63.
- Decew, Judith Wagner (1985), 'Basic rights: subsistence, affluence, and U.S. foreign policy by Henry Shue Rights by Theodore M. Benditt', *Law and Philosophy*, 4 (1), 125–40.
- Deuchler, Martina (1992), *The Confucian Transformation of Korea: A Study of Society and Ideology* (Cambridge, MA: Harvard University Press).
- Ding, Yi (1990), *Xuexi Lei Feng [Study Lei Feng]* (Beijing: Central Publishing House).
- Donnelly, Jack (1985a), 'Human rights and development: complementary or competing concerns?' in Ved P. Nanda and George W. Sheperd (eds.), *Human Rights and Third World Development* (Westport, Connecticut), 27–57.
- (1985b), 'In search of the unicorn: The jurisprudence and politics of the right to development', *California Western International Law Journal*, 15, 473–509.
- (1985c), *The Concept of Human Rights* (London: Croom Helm).
- (1998), 'Human Rights: a new standard of civilization?' *International Affairs*, 74 (1), 1–24.
- (2003), *Universal Human Rights in Theory and Practice. Second Edition* (Ithaca and London: Cornell University Press).
- Duncan, John B. (2002), 'Uses of Confucianism in modern Korea', in Benjamin A. Elman, John B. Duncan and Herman Ooms (eds.), *Rethinking Confucianism: Past and Present in China, Japan, Korea, and Vietnam* (Los Angeles: University of California), 431–62.
- Dunne, Tim and Wheeler, Nicholas J. (eds.) (1999), *Human Rights in Global Politics* (Cambridge: Cambridge University Press).
- Dworkin, Ronald (1977), *Taking Rights Seriously* (London: Duckworth).
- Dyke, Vernon Van (1985), *Human Rights, Ethnicity, and Discrimination* (Westport, CT: Greenwood Press).
- Eckert, Carter (3 February 1996), 'Korean reunification in historical perspective', *Conference on Korean Unification* (Seoul: Seoul Sinmun).
- Elster, Jon (1985), *Making Sense of Marx* (Cambridge: Cambridge University Press).
- Falk, Richard A. (2000), *Human Rights Horizons: the Pursuit of Justice in a Globalising World* (New York: Routledge).
- Feinberg, Joel (1973), *Social Philosophy* (Englewood Cliffs, NJ: Princeton University Press).
- (1980), *Rights, Justice, and the Bounds of Liberty. Essays in Social Philosophy* (Princeton, NJ: Princeton University Press).
- Finnemore, Martha (1996a), 'Norms, culture, and world politics: insights from sociology's institutionalism', *International Organisation*, 50 (2), 325–47.
- (1996b), *National Interests in International Society* (Ithaca: Cornell University Press).
- Finnemore, Martha and Sikkink, Kathryn (1998), 'Norms and international relations theory', *International Organisation*, 52 (4), 887–917.
- Finnis, John (1980), *Natural Law and Natural Rights* (Oxford: Clarendon).
- Flathman, Richard E. (1976), *The Practice of Rights* (Cambridge: Cambridge University Press).

- Foot, Rosemary (2000), *Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press).
- Foreign Languages Publishing House, Pyongyang (1975), *Socialist Constitution of the Democratic People's Republic of Korea* (Pyongyang: Foreign Language Publishing House).
- Forsythe, David P (2000), *Human Rights in International Relations* (Cambridge: Cambridge University Press).
- Freeden, Michael (1991), *Rights* (Buckingham: Open University Press).
- Gewirth, Alan (1978), *Reason and Morality* (Chicago: University of Chicago Press).
- Giddens, Anthony (1998), *The Third Way: The Renewal of Social Democracy* (Cambridge: Polity Press).
- Goldstein, Judith and Keohane, Robert O. (1993), 'Ideas and foreign policy: an analytical framework', in Goldstein and Keohane (ed.), *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY: Cornell University Press), 3–30.
- Good Friends (1999), 'Chungguk Dongbuk Aamsong Jiyok 2,479kae Maul Hyonji Chosa [Fieldwork research in 2,479 villages of northeastern China]' (Seoul: Good Friends).
- Grayson, James Huntley (2002), *Korea-A Religious History* (Surrey: RoutledgeCurzon).
- Green, Reginald Herbold (1981), 'Basic human rights/needs: Some problems of categorical translation and unification', *Review of the International Commission of Jurists* 27, 53–8.
- Green, Thomas H. (1986), 'Lectures on the Principles of Political Obligation', in Paul Harris and John Morrow (ed.), *T.H. Green Lectures on the Principles of Political Obligation and Other Writings* (Cambridge: Cambridge University Press).
- Haggard, Stephan and Noland, Marcus (2005), *Hunger and Human Rights: The Politics of Famine in North Korea* (Washington, D.C.: US Committee for Human Rights in North Korea).
- Hall, David L. and Ames, Roger T. (2003), 'A pragmatist understanding of Confucian democracy', in Daniel A. Bell and Chaibong Hahm (eds.), *Confucianism for the Modern World* (Cambridge: Cambridge University Press), 124–60.
- Han, Hongkoo (1999), 'Wounded nationalism: The Minsaengdan incident and Kim Il Sung in Eastern Manchuria' (University of Washington).
- Han Song Rok (2007), 'Urinara chungse insongnon'esö'ui yumullonjök yoso [The materialistic aspect in the medieval ethical theory of our country]', *Ch'örhak yongu [Philosophical Studies]*, 1, 43–4.
- Han, Ungsu (1935), 'Maejoggün tusang'e ilbong [A Critique of those who are selling the ancestors]', *Pip'an*, December.
- Harrison, Selig S. (2002), *Korean Endgame: A Strategy for Reunification and U.S. Disengagement* (Princeton, NJ: Princeton University Press).
- Harrold, Michael (2004), *Comrades and Strangers* (Chichester, West Sussex: John Wiley & Sons).
- Hart, Herbert Lionel Adolphus (1961), *The Concept of Law* (Oxford: Clarendon press).
- (1973), 'Bentham on legal rights', in W.B. Simpson (ed.), *Oxford Essays on Jurisprudence* (Oxford: Clarendon Press), 198–200.
- (1979), 'Are there any natural rights?' in D. Lyons (ed.), *Rights* (Belmont, CA: Wadsworth), 14–30.
- Hartung, F. (1954), 'Cultural relativity and moral judgements', *Philosophy of Science*, 21, 118–26.
- Hatch, Elvin (1983), *Culture and Morality: The Relativity of Values in Anthropology* (New York: Columbia University Press).

- Hawk, David (2003), *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, D.C.: US Committee for Human Rights in North Korea).
- Hayes, Carlton (1960), *Nationalism: A Religion* (New York: Macmillan).
- Henkin, Louis (1979), *The Rights of Man Today* (London: Stevens & Sons).
- (1990), *The Age of Rights* (New York: Columbia University Press).
- (1998), 'Epilogue: Confucianism, Human Rights, and "Cultural Relativism"', in Wm. Theodore De Bary and Tu Weiming (eds.), *Confucianism and Human Rights* (New York: Columbia University Press), 308–14.
- Herskovits, Melville J. (1950), *Man and His Works* (New York: Knopf).
- Hoare, James and Pares, Susan (2002), 'A brush with history: opening the British Embassy in Pyongyang', *Papers of the British Association for Korean Studies* (9: British Association for Korean Studies), 57–87.
- Hodges, Donald Clark (1970), 'The provisional ethic of the First International', *Philosophy and Phenomenological Research*, 30 (3), 394–402.
- Hohfeld, Wesley Newcomb (1919), *Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays* (New Haven, CT: Yale University Press).
- Hong Tae Yon (2000), 'Chōng Yag-yong'ūi Ryulli Dodōkjōk Kyōnhae [Chōng Yag-yong's ethical and moral thoughts]', *Ch'ōrhak yōngū* [*Philosophical Studies*], 4, 40–42.
- Honoré, A.M. (Tony) (1973), 'Groups, laws, and obedience', in A.W.B. Simpson (ed.), *Oxford Essays in Jurisprudence* (Oxford: Oxford University Press), 1–21.
- Howard, Rhoda E. (1992), 'Dignity, community, and human rights', in Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspective. A Quest for Consensus* (Philadelphia, PA: University of Pennsylvania Press), 81–102.
- Howard, Rhoda and Donnelly, Jack (1986), 'Human dignity, human rights and political regimes', *American Political Science Review*, 80, 801–17.
- Huang, Mab (1980), 'Human rights in a revolutionary society: the case of the People's Republic of China', in Adamantia Pollis and Peter Schwab (eds.), *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger), 44–59.
- Hunter, Helen-Louise (1999), *Kim Il Song's North Korea* (Westport, CT and London: Praeger).
- Hurrell, Andrew (1999), 'Power, principles and prudence: protecting human rights in a deeply divided world', in Tim Dunne and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press), 277–302.
- Hwang, Jang Yup (1999), *Nanūn yōksa'ūi chillirūl boatta* [*I have seen the truth of the history*] (Seoul: Hanul).
- Ignatieff, Michael (2001a), 'The attack on human rights', *Foreign Affairs*, 80 (6), 102–16.
- (2001b), *Human Rights as Politics and Idolatry* (Princeton, NJ: Princeton University Press).
- Institute for Philosophy [*Ch'ōrhak yōnguso*] (2000), *Sahoejuyi kangsongdaeguk kōnsōl sasang* [*An ideology on construction of a great socialist state*] (Pyongyang: Social Science Press).
- Ishay, Micheline R. (2004), *The History of Human Rights: From Ancient Times to the Globalisation Era* (Berkeley: University of California Press).
- (ed.), (1997), *The Human Rights Reader: Major Political Writings, Essays, Speeches, and Document From the Bible to the Present* (New York: Routledge).
- Jacobs, Norman (1985), *The Korean Road to Modernisation and Development* (Urbana: University of Illinois Press).
- Joe, Wanne J. (1972), *Traditional Korea: a Cultural History* (Seoul: Chungang University Press).

- Jong, Kyong Sob (1992), *chegukjuyijadūri ttōbōrinūn ingwōn ongho 'ūi bandongsōng* [*The reactionary aspect of imperialist human rights protection*], (Pyongyang: Korean Workers' Party Press).
- Jong, Song Kuk (1995), 'burūju'a ingwōn rironūi bandongjōk bonjil [The revolutionary nature of bourgeois human rights theories]', *Ch'ōrhak yōngu* [*Philosophical Studies*], (2), 41–3.
- Jowitt, Kenneth (1987), 'Moscow "Centre"', *East European Politics and Societies*, 1, 296–348.
- Kagan, Richard (1988), *North Korea: Human Rights in Korea* (New York: Fund for Free Expression).
- Kang, Chol-hwan and Rigoulot, Pierre (2002), *Aquariums of Pyongyang: Ten Years in a North Korean Gulag* (New York: Basic Books).
- Kang, Hyok (2007), *This is Paradise* (London: Abacus).
- Kang, Jae-eun (2003), *The Land of Scholars: Two Thousand Years of Korean Confucianism* (Paramus, NJ: Homa & Sekey Books).
- Kang, Thomas Hosuck (1994), *Why the North Koreans Behave As They Do* (Washington, D.C.: Center for Dao-Confucianism).
- Karpinsky, V. (1970), *The Social and State Structure of the USSR* (Westport, CT: Greenwood Press).
- Katzenstein, Peter J. (1993), 'Cooping with terrorism: Norms and internal security in Germany and Japan', in Goldstein and Keohane (eds.), *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY: Cornell University Press), 265–96.
- Keohane, Robert O. (2000), 'Ideas part-way down', *Review of International Studies*, 26 (1), 125–30.
- Kim, Byeong-ro (2008), 'Kim Jong Il sitae pukhan chuminū senghwalgwa ūisik pyōnhwa [The Changes in the Conception of North Korean citizens in the Kim Jong Il era]', in Seong-Chang Cheong (ed.), *pukhanūn pyōnhago itnūnga* [*Is North Korea Changing?*] (Seongnam: Sejong Institute), 121–30.
- Kim, Chang Ryol (1990), 'Chegukjuyijadūri ttōbōrigo itnūn ingwōn onghowa kū bandongjōk bonjil [Imperialists' protection of human rights and its anti-revolutionary roots]', *Kūlloja*, 2, 92–6.
- Kim, Chol (1990), 'Inmindaejung'ūi chuyinūrosō ch'egimgwa yōkharūl dahanūn kōsūn sahoējuji chaedo'ūi wuwōlsōng'ūl balyangsikigi wihan chungdaehan yogu [That the People as the master of the society take their duties and responsibilities is an important tool to enhance the superiority of our socialist system]', *Kūlloja*, 8, 24–9.
- Kim, Chol U (2002), *Army-Centred Politics of Kim Jong Il* (Pyongyang: Foreign Languages Publishing House).
- Kim, Dae-Jung (1994), 'Is culture destiny?: The myth of Asia's Anti-democratic values', *Foreign Affairs*, 73 (6), 189–94.
- Kim, Il Sung (1912–30/1996), 'Yizūlsu upnūn hwachōn [Unforgettable Hwachōn]', *Works of Kim Il Sung 45: April 1912–May 1930* (Pyongyang: Korean Workers' Party Press).
- (1930–33/1996), 'Siryōn'ūi hae [The Year of Hardship]', *Works of Kim Il Sung 46: May 1930–February 1933* (Pyongyang: Korean Workers' Party Press).
- (1930–45/1979a), 'Hebangdoen choguk'esō'ūi dang, kugga mit muryōk kōnsōre daehayō [Regarding the Party, the State, and the Defence for the liberated Fatherland]', *Works of Kim Il Sung 1: June 1930–December 1945* (Pyongyang: Korean Workers' Party Press).
- (1930–45/1979b), 'Chosun hyōngmyōnggadūrūn chosun'ūl chal 'arayahanda [Korean revolutionaries should know about Korea well]', *Works of Kim Il Sung 1: June 1930–December 1945* (Pyongyang: Korean Workers' Party Press).

- (1946/1979a), ‘Yisipgaejo chǒnggang [Twenty Point Programme]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979b), ‘Kyoyuk bumun’ape nasǒnūn myǒtgaji kwa’up’e daehayǒ [On some tasks in education]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979c), ‘Rodongbǒmnyǒng ch’o’an’e daehayǒ [On the Draft of the Labour Law]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979d), ‘Pukchosun t’oji kaehyǒk’e danhan bǒmnyǒng [The Land Reform Law of the Democratic People’s Republic of Korea]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979e), ‘Bukchosun namnyǒpyǒngdǔng’e daehan bǒmnyǒng [The DPRK Gender Equality Act]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979f), ‘Kǒmch’al, boankigwan’ilkkǔndǔrūi dangmyǒn immu [Emergent Tasks for Justice and the Police Department Officials]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979g), ‘Ch’inilp’a, minjokbanyǒkja’e daehan kyujǒng [Classification on Pro-Japanese and National Trators]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1946/1979h), ‘Chinjǒnghān inminūi boan’ilkkuni doeja [Let us be true security forces for the People]’, *Works of Kim Il Sung 2: January 1946–December 1946* (Pyongyang: Korean Workers’ Party Press).
- (1948/1979a), ‘Nambuk chosun chǒngdang, sahoedanch’e daepyoja ryǒnsǒkhoeyi’eso han bogo [A Report at the Conference of the Representatives from South and North Korean Political Parties and Social Organisations]’, *Works of Kim Il Sung 4: January 1948–December 1948* (Pyongyang: Korean Workers’ Party Press).
- (1948/1979b), ‘Chosun minjujuyi inmingonghwaguk chǒngbu’ui chǒnggang [Programme of the Government of the Democratic People’s Republic of Korea]’, *Works of Kim Il Sung 4: January 1948–December 1948* (Pyongyang: Korean Workers’ Party Press).
- (1950–51/1980), ‘Inmin kundaenae’eso dangsaenghwarūl kanghwahalde daehayǒ [On reinforcing the party life in the People’s Army]’, *Works of Kim Il Sung 6: June 1950–December 1951* (Pyongyang: Korean Workers’ Party Press).
- (1952–3/1980), ‘Hyǒnsiki dangdanch’edǔlkwa inmin chǒngkwǒn kikwandūl ape nasǒnūn myǒtgachi kwa’ǒbe daehayǒ [On some tasks for the Party organisations and People’s authority]’, *Works of Kim Il Sung 7: January 1952–July 1953* (Pyongyang: Korean Workers’ Party Press).
- (1954–5/1980a), ‘Tangwǒndūl so’esǒ kekūp kyoyang sa’ǒbūl dǒ’uk kanghwahalde deahayǒ [On reinforcing the class education among the members of the Party]’, *Works of Kim Il Sung 9: July 1954–December 1955* (Pyongyang: Korean Workers’ Party Press).
- (1954–5/1980b), ‘Sasang sa’ǒbesǒ kyochojuyiwa hyǒngsikjuyirūl t’oech’ihago jucherūl hwangnipalde daehayǒ [On the elimination of dogmatism and formalism and the establishment of Juche]’, *Works of Kim Il Sung 9: July 1954–December 1955* (Pyongyang: Korean Workers’ Party Press).
- (1956/1980a), ‘Tang che samch’a daehoe kyǒljǒng kwanch’urūl wihan hamkyǒngnamdo dang danch’edūri kwa’up [Missions of the Party organs of South Hamkyong Province for achieving the resolutions of the Third Party Convention]’, *Works of Kim Il Sung 10: January–December 1956* (Pyongyang: Korean Workers’ Party Press).

- (1956/1980b), ‘Chosun rodongdang che samch’ a daehoe’esō han chung’angwiwōnhoe sa’upch’onghwa bogo [A report on the Central Committee at the Third Convention of the Korean Workers’ Party]’, *Works of Kim Il Sung 10: January–December 1956* (Pyongyang: Korean Workers’ Party Press).
- (1956/1980c), ‘Ilbon yomiuri sinmun kijaga chegihan chilmun’e daehan daedap [Answers to the questions by a reporter from the Japanese ‘Yomiuri’ newspapers]’, *Works of Kim Il Sung 10: January–December 1956* (Pyongyang: Korean Workers’ Party Press).
- (1956/1980d), ‘Pyōng’an bukdo dang danch’edürü kwa’up [Tasks of the Party organs in North Pyōng’an Province]’, *Works of Kim Il Sung 10: January–December 1956* (Pyongyang: Korean Workers’ Party Press).
- (1957/1981a), ‘Che yilch’a okenyōn inmin kyōngje kehoek suheng’esō hamkyōngbukdo ape nasōnūn myōtgaji kwa’ōbe daehayō [Some tasks for the implementation of the First Five-Year People’s Economic Plan in North Hamkyung Province]’, *Works of Kim Il Sung 11: January–December 1957* (Pyongyang: Korean Workers’ Party Press).
- (1957/1981b), ‘Nong’ōp hyōpdong chohap’ül dö’uk kanghwahalde daehayō [On reinforcing agricultural cooperative farms]’, *Works of Kim Il Sung 11: January–December 1957* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981a), ‘Sahoejuyi kōnsörü saero’un angyang’ül wihayō nasōnūn myōtgaji munje [Some problems in establishing socialism]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981b), ‘Ryangkangdo dang danch’edürü kwa’up [Tasks of the Party organs in Ryangkang Province]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981c), ‘Sahoejuyi kōnsörü hyōndan’ge’esō pyōng’an bukdo’ape nasōnūn myōtgaji kwa’ube daehayō [On some tasks for the establishment of socialism in North Pyōng’an Province]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981d), ‘Sikun inmin wiwōnhoe’üi dangnyōnhan myōtgaji kwa’ube daehayō [On some tasks for People’s committees in cities and provinces]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981e), ‘Kongsanjuyi kyoyang’e daehayō [On communist education]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981f), ‘Uridang sabōbjōngch’ek’ül kwanch’ulhagi wihayō [To protect our Party’s legal policies]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981g), ‘Sahoejuyi kōnsōresō chōngnyōndürü kwa’ōbe daehayō [On the tasks of the youth in the establishment of socialism]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1958/1981h), ‘Yōnghwanūn hososōng’yi nopaya hamyō hyōnsilboda apsōnagaya handa [Films must be highly appealing and going beyond the reality]’, *Works of Kim Il Sung 12: January–December 1958* (Pyongyang: Korean Workers’ Party Press).
- (1960/1981), ‘Kangsōkundang sa’up chido’esō ‘ōtūn kyohun’e daehayō [On the lesson from a local agricultural area]’, *Works of Kim Il Sung 14: January–December 1960* (Pyongyang: Korean Workers’ Party Press).
- (1961/1981a), ‘Chanyō kyoyang’esō òmōnidürü immu [Mothers’ duties on child education]’, *Works of Kim Il Sung 15: January–December 1961* (Pyongyang: Korean Workers’ Party Press).

- (1961/1981b), ‘Ch’ōnsonyōn kyoyang’esō kyoyuk ilkkundūrūi immu’e daehayō [On the responsibility of educational workers for the youth education]’, *Works of Kim Il Sung 15: January–December 1961* (Pyongyang: Korean Workers’ Party Press).
- (1961/1981c), ‘Urinara’ūi chōngsewa myōtgaji kunsakwa’ube daehayō [On the situation of our country and some military tasks]’, *Works of Kim Il Sung 15: January–December 1961* (Pyongyang: Korean Workers’ Party Press).
- (1961/1981d), ‘Chosun rodongdang che sa ch’a daehoe’esō han chung’angwiwōnhoe sa’up ch’onghwa bogo [A report of the Central Committee at the fourth Korean Workers’ Party Convention]’, *Works of Kim Il Sung 15: January–December 1961* (Pyongyang: Korean Workers’ Party Press).
- (1962/1982a), ‘Tae’anūi sa’ōp ch’ekyerūl dō’uk baljōnsikilde daehayō [On improving the management system of Dae-An]’, *Works of Kim Il Sung 16: January–December 1962* (Pyongyang: Korean Workers’ Party Press).
- (1962/1982b), ‘Pot’ongkyoyuk sa’ōbūl kaesōn kanghwahalde daehayō [On reinforcing the public education policy]’, *Works of Kim Il Sung 16: January–December 1962* (Pyongyang: Korean Workers’ Party Press).
- (1963/1982a), ‘Hyōnsigi uri hyōngmyōng’ūi yogu’e matge sahoekwahakūi yōkharūl dō’uk nop’ilde daehayō [On improving the role of social science to meet the need of revolution]’, *Works of Kim Il Sung 17: January–December 1963* (Pyongyang: Korean Workers’ Party Press).
- (1963/1982b), ‘Uri’ūi inmingundaenūn rodongkekūbūi kundae [The People’s Army is the Army of the Working Class]’, *Works of Kim Il Sung 17: January–December 1963* (Pyongyang: Korean Workers’ Party Press).
- (1965–6/1982), ‘Chosun’ūi minjokjōk t’ūksōng’ul ‘olke sallyō nakalde daehayō [On revitalising the national characteristic of Korean language]’, *Works of Kim Il Sung 20: November 1965–December 1966* (Pyongyang: Korean Workers’ Party Press).
- (1965/1982), ‘Kodūng kyoyuk sa’ubūl kaesōnhalde daehayō [On improving higher education]’, *Works of Kim Il Sung 19: January–October 1965* (Pyongyang: Korean Workers’ Party Press).
- (1967/1983a), ‘Hyōngmyōngga yuchanyōdūrūn abōchi, ōmōnidr ttūsūl yi’ō hyōngmyōng’ūi kkoche’ul kesok p’iwōya handa [Children of revolutionaries should continue blooming flowers of revolution]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).
- (1967/1983b), ‘Uri’ūi int’eridūrūn dangkwa rodong kekūpgwa inmin’ege ch’ungsirhan hyōkmyōnggaga doe’ōya handa [Intelligentia should be faithful revolutionary for the Party, Working class and the People]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).
- (1967/1983c), ‘Tang sa’ōbūl kaesōnhamyō dang daep’yoja hoeyi kyōljōng’ul kwanch’ōlhalde daehayō [On improving the Party’s tasks and preserving decisions by the Party’s representatives]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).
- (1967/1983d), ‘Inmin chugwōnūl kanghwahayō uri hyōngmyōng’ūi chonggukjōk sūngnirūl dō’uk apdanggija [Let us strengthen the People’s sovereignty and achieve the victory of revolution]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).
- (1967/1983e), ‘Kugga hwaldong’ūi modūn bunya’esō chaju, charip, chawi’ūi hyōngmyōng chōngsinūl dō’uk ch’ōlchōhyi kuhyōnhaja [Let us realise the revolutionary spirit for independence, self-reliance, and self-defence]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).

- (1967/1983f), ‘Tangmyōnhan kyōngje sa’up’esō hyōngmyōngjōk daekojorūl irūkimyō rodong haengjōng sa’ubūl kaesōn kanghwa halde daehayō [For the revolutionary climax in economic development and the improvement of labour administration]’, *Works of Kim Il Sung 21: January–December 1967* (Pyongyang: Korean Workers’ Party Press).
- (1968/1983a), ‘Sahoejuyi nongch’on kōnsōrūl dagūch’imyō kunūl chal kkurilde daehayō [On maintaining the socialist agriculture and the military]’, *Works of Kim Il Sung 22: January–September 1968* (Pyongyang: Korean Workers’ Party Press).
- (1968/1983b), ‘Pyōng’an namdonūn sahoejuyi kōnsōrūi modūn chōnsōn’esō apjangsōya handa [South Pyangan Province should lead the frontier of socialist construction]’, *Works of Kim Il Sung 23: October 1968–May 1969* (Pyongyang: Korean Workers’ Party Press).
- (1968/1983c), ‘Sahoejuyi kōnsōrūi widaehan ch’udongryōkin ch’ōllima chagupban undong’ul dō’uk simhwa baljōn sik’ija [Let us reinforce the Ch’ōllima movement]’, *Works of Kim Il Sung 22: January–September 1968* (Pyongyang: Korean Workers’ Party Press).
- (1968/1983d), ‘Sahoejuyi kōnsōrūi sero’un yogu’e matge kisu’ inje yangsōng sa’ubūl kanghwahaja [Let us produce more technocrats according to the demand for establishing socialism]’, *Works of Kim Il Sung 22: January–September 1968* (Pyongyang: Korean Workers’ Party Press).
- (1968/1983e), ‘Haksaengdūrūl sahoejuyi, kongsanjuyi kōnsōrūi ch’amdoen hupidaero kyoyuk kyoyang haja [Let us teach students as successors of the establishment of socialism, communism]’, *Works of Kim Il Sung 22: January–September 1968* (Pyongyang: Korean Workers’ Party Press).
- (1969/1983a), ‘Kugga jaesanūl ‘aeho chōryakhamyō susan’ubūl dō’uk baljōn sikilde deahayō [On saving the national budget and developing fishing industry]’, in Kim Il Sung (ed.), *Works of Kim Il Sung 24: June–December 1969* (Pyongyang: Korean Workers’ Party Press).
- (1969/1983b), ‘Ch’ōngsonyōndūre daehan kongsanjuyijōk kyoyuk kyoyang’ūi myōtgaji munje [Some problems on the Communist education for the Youth] on 5 December 1969’, in Kim Il Sung (ed.), *Works of Kim Il Sung 24: June–December 1969* (Pyongyang: Korean Workers’ Party Press).
- (1969/1983c), ‘“Dar al tahrir” ch’ulpansa ch’onggukjang abdel hamid ahmedhamrushiga chekihan chilmun’e daedap [In answering to the questions by Abdel Hamid Ahmedhamrushi, Head of “dar al Tahrir”]’, in Kim Il Sung (ed.), *Works of Kim Il Sung 24: June–December 1969* (Pyongyang: Korean Workers’ Party Press).
- (1970/1983a), ‘Chosun rodongdang che ‘och’a daehoe’eso han chung’ang wiwōnhoe sa’up ch’onghwa bogo [Report on the Central Committee at the fifth convention of the Korean Workers’ Party]’, *Works of Kim Il Sung 25: January–December 1970* (Pyongyang: Korean Workers’ Party Press).
- (1970/1983b), ‘Che’ilbon chosunin ch’ongyōnhaphoe kyōlsōng sip’ohdore zū’ūmhayō [Celebrating the fifteenth anniversary of the North Korean–Japanese Association]’, *Works of Kim Il Sung 25: January–December 1970* (Pyongyang: Korean Workers’ Party Press).
- (1970/1983c), ‘Kanbudūl sokesō dang’ūi yu’ilsasang ch’ekerūl sūmyō hyōngmyōnghwahagi wihan sa’ubūl kangwhahalde daehayō [On establishing the Party’s monolithic ideology and revolutionising party cadres]’, *Works of Kim Il Sung 25: January–December 1970* (Pyongyang: Korean Workers’ Party Press).
- (1971/1984a), ‘Tang kanbu yangsōng sa’ubūl kaesōn kangwhahalde daehayō [On improving the Party cadre education]’, *Works of Kim Il Sung 26: January–December 1971* (Pyongyang: Korean Workers’ Party Press).

- (1971/1984b), ‘Iraqū kija daep’yodani chegihan chilmun’e daehan daedap [Answers to the questions from Iraqi news reporters]’, *Works of Kim Il Sung 26: January–December 1971* (Pyongyang: Korean Workers’ Party Press).
- (1971/1984c), ‘Chōngnyōndūrūn daerūl yiō hyōngmyōng’ūl kesok hayōya handa [The youth should continue the revolution]’, *Works of Kim Il Sung 26: January–December 1971* (Pyongyang: Korean Workers’ Party Press).
- (1971/1984d), ‘Sinyōnsa [New Year’s Statement]’, *Works of Kim Il Sung 26: January–December 1971* (Pyongyang: Korean Workers’ Party Press).
- (1972/1984a), ‘Ilbon chōngch’i riron chapchi sekai pyōnjipgukjangkwa damhwa [Discourse with the editor of the Japanese political theory journal “sekai”]’, *Works of Kim Il Sung 27: January–December 1972* (Pyongyang: Korean Workers’ Party Press).
- (1972/1984b), ‘Urinara sahoejuyi chaedorūl dō’uk kanghwahaja [Let us reinforce our socialism]’, *Works of Kim Il Sung 27: January–December 1972* (Pyongyang: Korean Workers’ Party Press).
- (1972/1984c), ‘Uridang’ūi juche sasangkwa konghwaguk chōngbu’ūi daenewoe chōngch’ekūi myotgaji munje’e daehayō [On the Party’s Juche Ideology and the Republic government’s domestic and foreign policies]’, *Works of Kim Il Sung 27: January–December 1972* (Pyongyang: Korean Workers’ Party Press).
- (1973), *On Eliminating Dogmatism and Formalism and Establishing Juche in Ideological Work* (Pyongyang: Foreign Languages Publishing House).
- (1974/1985a), ‘P’anama kija daepyodankwa han damhwa [Discourse with Panama news reports]’, *Works of Kim Il Sung 29: January–December 1974* (Pyongyang: Korean Workers’ Party Press).
- (1974/1985b), ‘Osūtūralia kijadūri chegihan chilmun’e daehan daedap [Answers to the questions from Australian news reports]’, *Works of Kim Il Sung 29: January–December 1974* (Pyongyang: Korean Workers’ Party Press).
- (1975/1985a), ‘Pyōngyangsi pyōng’annamdo nongch’on kyōnnii bumun’ape nasōnūn dangnyōnhan myotgaji kwa’ube daehayō [On some tasks at the agricultural management in Pyongang, South Pyong’an province]’, *Works of Kim Il Sung 30: January–December 1975* (Pyongyang: Korean Workers’ Party Press).
- (1975/1985b), ‘Algok p’albaekmanton koji jōmnyōng’ūl wihay [For producing 8 million tons of rice]’, *Works of Kim Il Sung 30: January–December 1975* (Pyongyang: Korean Workers’ Party Press).
- (1977/1986), ‘Inmin chōnggwōnūl dō’uk kanghwahaja [Let us strengthen the People’s regime]’, *Works of Kim Il Sung 32: January–December 1977* (Pyongyang: Korean Workers’ Party Press).
- (1979/1987a), ‘Ch’ungjiinsi’wa hamkyōngbukdo ‘ape nasōnūn chungsim kwa’up [Main duties for Chungjin city and North Hamkyung Province]’, *Works of Kim Il Sung 34: January–December 1979* (Pyongyang: Korean Workers’ Party Press).
- (1979/1987b), ‘Ilbon chayuminjudang sosok ch’amwiwōnkwa han damhwa [A discussion with a member of the Japanese Liberal Democratic Party]’, *Works of Kim Il Sung 34: January–December 1979* (Pyongyang: Korean Workers’ Party Press).
- (1980/1987a), ‘Esūp’anya kongsandang kigwanji mundo obrero chupilkwa el pais chupiri chekihan chilmun’e daehan dedap [Answers to the questions from the Spanish Communist Party]’, *Works of Kim Il Sung 35: January–December 1980* (Pyongyang: Korean Workers’ Party Press).
- (1980/1987b), ‘Olhae nongsa kyōnghōmkwa da’ūmhae yōngnong sa’up banghyang’e daehayō [On this year’s agricultural experiences and next year’s agricultural policies]’,

- Works of Kim Il Sung 35: January–December 1980* (Pyongyang: Korean Workers' Party Press).
- (1981/1990a), 'Mikuk'e itnün choguk t'ong'il ch'okjinhoe hoejangkwa han damhwa (A discourse with the US-based Association for National Unification)', *Works of Kim Il Sung 36: January–December 1981* (Pyongyang: Korean Workers' Party Press).
- (1981/1990b), 'Indo sinmun naesyonal heröldü sajangkwa han damhwa (A discourse with the head of National Herald in India)', *Works of Kim Il Sung 36: January–December 1981* (Pyongyang: Korean Workers' Party Press).
- (1982–3/1992), 'Indo pitiai t'ongsinsa sajang'yi chekihan chilmun'e daehan daedap [Answers to the questions from the Head of the Indian PTI Telecom Company]', *Works of Kim Il Sung 37: January 1982–May 1983* (Pyongyang: Korean Workers' Party Press).
- (1983–4/1992), 'Konghwakuk chöngkwönün ch'amdoen inminüi chönggwön'imyö inmindaechung'üi t'ong'il dankyrüi kich'i'yida [The Republic is the true regime of the People and the origin of the united solidarity for the People]', *Works of Kim Il Sung 38: June 1983–December 1984* (Pyongyang: Korean Workers' Party Press).
- (1985–6/1993a), 'Kongsanjuyijök sich'ek [Communist policies]', *Works of Kim Il Sung 39: January 1985–May 1986* (Pyongyang: Korean Workers' Party Press).
- (1985–6/1993b), 'Kisul hyöngmyöğ'ül dagüch'imyö kümsok kong'up'ül baljön sikilde daehayö [On the development of technological revolution and steer industry]', *Works of Kim Il Sung 39: January 1985–May 1986* (Pyongyang: Korean Workers' Party Press).
- (1986–7/1994a), 'Chosun rodongdang könsör'üi yöksajök kyönghöm [Historical Traditions of the KWP]', *Works of Kim Il Sung 40: May 1986–December 1987* (Pyongyang: Korean Workers' Party Press).
- (1986–7/1994b), 'Sahoejuyi'üi wanjönhan süngnirül wihayö [For the perfect victory of socialism]', *Works of Kim Il Sung 40: May 1986–December 1987* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995a), 'Chönja, chadonghwa kong'up baljön'esö chönhwanül irükilde daehayö [On transforming electronic and car industry]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995b), 'Ayillendü rodongdang ch'ongbisöwa han damhwa [Discourse with the General Secretary of the Irish Workers' Party]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995c), 'Pyongyangsi'üi dosi kyöngyöng sa'upkwa kongküp sa'ubül kaesönhalde daehayö [On improving city planning and supplies in Pyongyang]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995d), 'Juche'üi hyöngmyöngjök kachirül t'üt'üni kosuhamyö sahoejuyi könsörül himitke daküchilde daehayö [On defending the revolutionary idea of Juche and strengthening socialism]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995e), 'Juche'üi hyöngmyöngjök kichirül nopi dülgo sahoejuyi, kongsanjuyi wi'ubül kkütgaji wansönghaja [Let us finish socialism and communism with Juche's revolutionary idea]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1988–9/1995f), 'Minjuyi cambochia chusöggwa han damhwa [Conversation with the Premier of Democratic Cambodia]', *Works of Kim Il Sung 41: January 1988–May 1989* (Pyongyang: Korean Workers' Party Press).
- (1989–90/1995a), 'Urinara sahoejuyi uwölsöng'ül dö'uk nopi balyangsik'ija [Stipulate the superiority of our socialism]', *Works of Kim Il Sung 42: June 1989–December 1990* (Pyongyang: Korean Workers' Party Press).

- (1989–90/1995b), ‘Onminjoki dankyōlhayō choguk t’ong’irūl apdangkija [Let us realise national unification]’, *Works of Kim Il Sung 42: June 1989–December 1990* (Pyongyang: Korean Workers’ Party Press).
- (1991–2/1996a), ‘Chayuroppo pyōnghwaro’un sae sekerūl ‘wihayō [For a free and peaceful new world]’, *Works of Kim Il Sung 43: January 1991–October 1992* (Pyongyang: Korean Workers’ Party Press).
- (1991–2/1996b), ‘Chōnch’e rodongja, kislulja, samuwndūrūi saenghwalbirūl nopimyo hyōpdong nongmindūrūi suyibūl nūllinūn sich’egūl silsiham’eh daehayō [On implementing the government ordinance to raise the living expenses of all workers and the incomes of all cooperative farmers]’, *Works of Kim Il Sung 43: January 1991–October 1992* (Pyongyang: Korean Workers’ Party Press).
- (1991–2/1996c), ‘Uriminjokūi daedankyōrūl irukhaja [Let us realise the grand unity of our nation]’, *Works of Kim Il Sung 43: January 1991–October 1992* (Pyongyang: Korean Workers’ Party Press).
- (1992), *With the Century: 1* (Pyongyang: Foreign Languages Publishing House).
- (1992–94/1996a), ‘Chungkugin hang’il hyōngmyōng t’ujaeng yōngojawa han damhwa [A conversation with a Chinese anti-Japanese activist]’, *Works of Kim Il Sung 44: December 1992–July 1994* (Pyongyang: Korean Workers’ Party Press).
- (1992–94/1996b), ‘Chaemi kyopodūri danhap’ayō choguk t’ong’il undong’ūl himitke bōrilde daehayō [On the unification movements of Korean-Americans]’, *Works of Kim Il Sung 44: December 1992–July 1994* (Pyongyang: Korean Workers’ Party Press).
- (1992–94/1996c), ‘Sinnyōnsa [New Year’s Statement]’, *Works of Kim Il Sung 44: December 1992–July 1994* (Pyongyang: Korean Workers’ Party Press).
- Kim, Jong Il (4 November 1994), ‘Sahoejuyinūn kwahagida [Socialism is the Science]’, *Rodong Shinmun*.
- (1970–72/1993a), ‘Sahoe anjōn ilkkundūl sokesō chōngch’i kyoyang sa’ubūl kangkwahalde daehayō [Strengthening the political ideology for members of social security forces]’, *Selected Works of Kim Jong Il 2: 1970–1972* (Pyongyang: Korean Workers’ Party Press).
- (1970–72/1993b), ‘Yōnghwa ch’angjak’esō’ūi saero’un yangyang’ūl yirūkilde daehayō [For the improvement of creativeness in movie-making]’, *Selected Works of Kim Jong Il 2: 1970–1972* (Pyongyang: Korean Workers’ Party Press).
- (1975–7/1995a), ‘Tangkwa suryōng’ege kkū’ōdōpsi ch’unagirhan ilkkuni doeja [Be loyal to the Party and the leader]’, *Selected Works of Kim Jong Il 5: 1975–1977* (Pyongyang: Korean Workers’ Party Press).
- (1975–7/1995b), ‘Do, si, gun dang wiwōnhoe sa’ōbeso nasōnūn myōtgaji munje’e daehayō [On some problems with the party’s activities in provinces, cities, and villages]’, *Selected Works of Kim Jong Il 5: 1975–1977* (Pyongyang: Korean Workers’ Party Press).
- (1978–80/1995), ‘Charyōk kaengseng’ūi hyōngmyōngjōk kuhorūl nopi dūlgo chōndang, chōnminūl irūkyō [Encouraging the party and the people under the motto of Independent Revival]’, *Selected Works of Kim Jong Il 6: 1978–1980* (Pyongyang: Korean Workers’ Party Press).
- (1981–3/1996a), ‘Juchesasang’e deahayō [On Juche ideology]’, *Selected Works of Kim Jong Il 7: 1981–1983* (Pyongyang: Korean Workers’ Party Press).
- (1981–3/1996b), ‘Sabōp kōmch’al sa’ōbūl kaesōn kanghwalde daehayō [On strengthening the work of law enforcement and prosecution]’, *Selected Works of Kim Jong Il 7: 1981–1983* (Pyongyang: Korean Workers’ Party Press).

- (1987–9/1997), ‘Tang’ül kanghai hago kü ryöngdojök yökharül dö’uk nopija [Let us strengthen the party and raise its leadership]’, *Selected Works of Kim Jong Il 9: 1987–1989* (Pyongyang: Korean Workers’ Party Press).
- (1990/1997), ‘Tang sasang kyoyangsa’ube nasönnün myötgaji kwa’ube daehayö [On some tasks before the Party’s ideological projects]’, *Selected Works of Kim Jong Il 10: 1990* (Pyongyang: Korean Workers’ Party Press).
- (1991/1997), ‘Inmindaejung chungsimüi urisik sahoejuyinün p’ilsüngbulp’aevida [Our people-oriented socialism will never lose]’, *Selected Works of Kim Jong Il 11: January–July 1991* (Pyongyang: Korean Workers’ Party Press).
- (1992–4/1998a), ‘Sahoejuyi’e daehan hwebang’ün höyongdoelsu upda [No intervention allowed toward socialism]’, *Selected Works of Kim Jong Il 13: February 1992–December 1994* (Pyongyang: Korean Workers’ Party Press).
- (1992–4/1998b), ‘Uri’inmin chönggwönnüi wuwölsöng’ül dö’uk nopi balyangsik’ija [For the promotion of the superiority of the People’s regime]’, *Selected Works of Kim Jong Il 13: February 1992–December 1994* (Pyongyang: Korean Workers’ Party Press).
- (1995–9/2000a), ‘Ch’öngnyönül chojik sasangiöküro kanghai hanüdesö nasönnün myötgaji kwa’öbe daehayö [On some problems in strengthening Ch’öngnyön organisationally and ideologically]’, *Selected Works of Kim Jong Il 14: 1995–1999* (Pyongyang: Korean Workers’ Party Press).
- (1995–9/2000b), ‘Chae’il chosönnin undong’ül saero’un nopün dan’ge’ero baljön sikilde daehayö [On developing the campaigns for North Koreans in Japan]’, *Selected Works of Kim Jong Il 14: 1995–1999* (Pyongyang: Korean Workers’ Party Press).
- (1995–9/2000c), ‘Onminjogi daedankölhayö chogukü chajujök p’yöngghwa t’ong’ireul irukhaja [Let us make an independent and peaceful unification with the nation’s unity]’, *Selected Works of Kim Jong Il 14: 1995–1999* (Pyongyang: Korean Workers’ Party Press).
- (1995–9/2000d), ‘Hyöngmyöng sönbærül chondae hanün kössün hyöngmyöngkadürüi sungkohan dodök üryida [Respect for senior revolutionaries is a divine ethical comradeship]’, *Selected Works of Kim Jong Il 14: 1995–1999* (Pyongyang: Korean Workers’ Party Press).
- Kim, Seong-bo (1988), *Nambukhan kyöngje kujo’üi kiwonkwa chönggae [The origin and development of economic structures of South and North Korea]* (Seoul: Yöksapip’öyngsa).
- Kim Su Jin (1999), ‘Chayuwa p’yöngdüng’e daehan russo’üi kyönhaewa kü chehansöng [Roussau’s opinions on freedom and equality and his limitations]’, *Ch’örhak yöngu [Philosophical Studies]*, 1, 44–6.
- Kim, Wan-bae (2001), *Pukhan nong’up yöngu baeksö [White Paper on North Korean Agriculture]* (Seoul: Seoul National University Press).
- Kim, Yeon-chul (1996), *Pukhanü san’uphwa kwajöngkwa kongjang kwalli’üi chöngch’i [Politics of industrialisation and factory managements in North Korea]* (Department of Politics and Diplomacy, PhD; Seoul: Sungkyungkwon University).
- KINU (2006), *White Paper on Human Rights in North Korea–2006* (Seoul: Centre for North Korean Human Rights Studies, KINU).
- (2007a), *White Paper on Human Rights in North Korea – 2007* (Seoul: Centre for North Korean Human Rights Studies, KINU).
- (2007b), *Pukhan ingwön baeksö 2007 [White Paper on Human Rights in North Korea – 2007]* (Seoul: Centre for North Korean Human Rights Studies, KINU).
- Lankov, Andrei (2002), *From Stalin to Kim Il Sung: the Formation of North Korea 1945–1960* (Piscataway, NJ: Rutgers University Press).
- Laski, Harold (1938), *The Grammar of Politics* (London: Allen and Unwin).

- Leary, Virginia A. (1992), 'Postliberal strands in Western human rights theory. Personalist–communitarian perspectives', in Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspective. A Quest for Consensus*, 105–32.
- Lee, Chong-sik (1963), *The Politics of Korean Nationalism* (Berkeley and Los Angeles: University of California Press).
- Lee, Jong-seok (1995), *Hyöndaek pukhan 'üi yihae [Understanding contemporary North Korea]* (Seoul: Yöksapipyöngsa).
- Lee, Kyo-duk et al. (2007), *Saetömin 'üi chüng 'önüro pon pukhan 'üi pyönhwa [Changes in North Korea based on 'New Settlers' accounts]* (Seoul: Korean Institute for National Unification).
- Liu, Shaoqi (1980), *Essays on Party Building* (Beijing: Foreign Languages Press).
- Legge, James (1970), *The Works of Mencius* (New York: Dover Publications).
- Lopata, Benjamin B. (1973), 'Property theory in Hobbes', *Political Theory*, 1 (2), 203–18.
- Lukes, Steven (1982), 'Can a Marxist believe in human rights?' *Praxis International*, 1 (4), 334–45.
- Lyons, David (1970), 'Correlativity of rights and duties', *Noüs*, 4 (1), 45–57.
- Ma, Boxuan (1980), 'Lun geren zhengdang liyi [Concerning legitimate individual interests]', *Guangming Ribao [Enlightenment Daily]*, No. 3.
- Maritain, Jaques (1952), *Man and the State* (Chicago: University of Chicago Press).
- Markovic, Mihailo (1982), 'Philosophical foundations of human rights', *Praxis International*, 1 (4), 386–400.
- Maruyama, Masao (1969), *Thought and Behavior in Modern Japanese Politics* (New York: Oxford University Press).
- Marx, Karl (1942), 'The civil war in France', in C.P. Dutt (ed.), *Selected Works in Two Volumes, Vol. II* (London: Lawrence and Wishart), 446–75.
- Marx, Karl and Engels, Frederick (1962), *Selected Works, Vol. II* (Moscow: Foreign Language Publishing House).
- (1968), *Selected Works in One Volume* (London: Lawrence and Wishart).
- (1975), 'On the Jewish question', *Collected Works, Volume 3: Marx and Engels 1843–44* (London: Lawrence and Wishart), 146–74.
- (1976), 'The German ideology: the Leipzig Council III. Saint Max', *Collected Works, Volume 5: Marx and Engels 1845–47* (London: Lawrence and Wishart), 15–450.
- (1979), 'The chartists', *Collected Works, Volume 11: Marx and Engels 1851–53* (London: Lawrence and Wishart), 117–450.
- (1987), 'Marx to Engels, 4 November 1864', *Collected Works, Volume 42: Letters October 1864–March 1868* (London: Lawrence and Wishart), 11–18.
- McCloskey, H.J. (1976), 'Rights – Some conceptual issues', *Australasian Journal of Philosophy*, 54, 99–115.
- (1984), 'Respect for human moral rights versus maximising good', in R.G. Frey (ed.), *Utility and Rights* (Oxford: Basil Blackwell), 86–105.
- McDonald, Michael (1992), 'Should communities have rights? Reflections on liberal individualism', in Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspectives. A Quest for Consensus*, 133–61.
- Miller, Richard William (1984), *Analyzing Marx* (Princeton, NJ: Princeton University Press).
- Milne, A.J.M. (1986), *Human Rights and Human Diversity: An Essay in the Philosophy of Human Rights* (Albany, NY: State University of New York Press).
- Ministry of Unification (2003), *2004 pukhan kaeyo [Factbook on North Korea: 2004]* (Seoul: Ministry of Unification).

- Mitchell, Neil, Howard, Rhoda and Donnelly, Jack (1987), 'Liberalism, Human Rights and Human Dignity', *American Political Science Review*, 81 (3), 924–27.
- Munro, Donald J. (1977). *The Concept of Man in Contemporary China* (Ann Arbor, MI: University of Michigan Press).
- Murphy, A. (1943), *The Uses of Reason* (New York: Macmillan).
- Nam, Uhui (1933), 'P'asizūm rodong chohapūi chōngch'e [Reality of Fascist Labour Union]', *Singyedan*, February.
- Nathan, Andrew (1986), 'Political Rights in Chinese Constitutions', in R. Randle Edwards, Louis Henkin and Andrew Nathan (eds.), *Human Rights in Contemporary China* (New York: Columbia University Press), 82–94.
- Ndjana, Hubert Mono (1991), *Revolution and Creation: a Treatise on the Juche Philosophy* (Pyongyang: Foreign Languages Publishing).
- Neary, Ian (1998), *Political Culture and Human Rights in Japan, Korea and Taiwan* (Oxford: Nissan Institute).
- Nickel, James W. (1980), 'Cultural diversity and human rights', in Jack L. Nelson and Vera M. Green (eds.), *International Human Rights: Contemporary Issues* (Stanfordville, NY: Human Rights Publishing Group), 43–56.
- Noh, Tae-goo (1997), 'Nationalist thought of Chinese Taipingtianguo and Korean Tonghak revolution', *XVIIIth World Congress of the International Political Science Association* (Seoul: IPSA).
- Nordahl, Richard (1992), 'A Marxian approach to human rights', in Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspectives. A Quest for Consensus* (Philadelphia, PA: University of Pennsylvania Press), 162–87.
- Nozick, Robert (1974), *Anarchy, State, and Utopia* (Oxford: Oxford University Press).
- Oh, Song-hak (1990), *Kōkkuro doen sesang [An upside down world]* (Pyongyang: Kūmsōng Ch'ōngnyōn Ch'ulpansa [Keumseong Youth Publishing House]).
- Onuf, Nicholas (1989), *World of Our Making: Rules in Social Theory and International Relations* (Columbia: University of South Carolina Press).
- Pak, Ilhyong (1932), 'Minjoggwā minjok'undong [Nation and Nationalist Movement]', *Pip'an*, April, 1–12.
- Pak, Kuk Chol (2007), 'Sirhakh'a ryulli sasang'ūi chinbosōnggwa chehansōng [The progressiveness and limitations of sirhak ethical ideas]', *Ch'ōrhak yōngu [Philosophical Studies]*, 4, 37–39.
- Pak, Kyong Hee (2003), 'Sirhakh'a'ūi insiknonūi chinbosōng [The progressiveness of the conceptual theory of sirhak]', *Ch'ōrhak yōngu [Philosophical Studies]*, 1, 45–46.
- Pak, No-ja (2008), 'Chokong'ul bach'inyōn soggukida [Paying a tribute means a vassal state?]', *The Hakyoreh*.
- Pak, Tong Kun (1989), *Namchosōn Sahoenūn Pu'ikbu, Pin'ikbinūi Pan Inminjōk Sahoē [South Korean society is 'the rich gets richer, the poor gets poorer' anti-people society]* (Pyongyang: Korean Workers' Party Press).
- Palais, James B. (1996), *Confucian Statecraft and Korean Institutions: Yu Hyongwon and the late Chosun Dynasty* (Seattle and London: University of Washington Press).
- Parekh, Bhikhu (1999), 'Non-ethnocentric universalism', in Tim Dunne and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press), 160–74.
- Park, Han S. (1996), 'The Nature and Evolution of Juche Ideology', in Han S. Park (ed.), *North Korea: Ideology, Politics, Economy* (Englewood Cliffs, NJ: Prentice-Hall), 9–18.
- Peffer, Rodney G. (1990), *Marxism, morality, and social justice* (Princeton, NJ: Princeton University Press).

- Permanent Mission of the DPRK at Geneva (15 April 2004), 'Statement by the Delegation of the Democratic People's Republic of Korea at the Voting on the Draft Resolution L.21 under Item 9', (Geneva: Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and Other International Organisations in Geneva).
- Plant, Raymond (1988), *Citizenship, Rights and Socialism* (London: Fabian Society).
- Pogge, Thomas (2002), *World Poverty and Human Rights* (Cambridge: Polity Press).
- Pollis, Adamantia and Schwab, Peter (1979), *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger).
- Rawls, John (1971), *A Theory of Justice* (Cambridge MA: Harvard University Press).
- Renteln, Alison Dundes (1990), *International Human Rights: Universalism versus Relativism* (Frontiers of Anthropology; Newbury Park, CA: Sage Publications).
- Risse, Thomas, Ropp, Stephen C. and Sikkink, Kathryn (eds.) (1999), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press).
- Rivero, Jean (1984), *Human Rights, France and the United States of America* (New York: Center for the Study of Human Rights at Columbia University).
- Robinson, Michael (2001), 'Broadcasting, Cultural Hegemony, and Colonial Modernity in Korea, 1924–1945,' in Gi-wook Shin and Michael Robinson (eds.), *Colonial Modernity in Korea* (Cambridge, MA: Harvard University Press), 53.
- Rodong Sinmun* (28 January 1993), 'Indök chöngch'iga shilsidoenün sahoejuyi manse [Hurray to socialism that implements virtuous politics]', *Rodong Sinmun*.
- (9 March 1995), 'Ingwön munjerül chöngch'ijök amryök sudanüro liyong haryönnün söbäng'üi ch'ekdong'ül chungguk daep'yoga p'ongno [Revelation of the Western attempt to use human rights problems as a means of political pressure by a Chinese delegation]', *Rodong Sinmun*.
- (24 June 1995), 'Ch'amda'un ingwön'ül wihayö [For true human rights]', *Rodong Sinmun*.
- (12 April 1998), 'Soge: inminül wihan chusk'üi ryöngdo cha'uk [Introduction: the Trace of Suryeong's leadership for the People]', *Rodong Sinmun*.
- (30 April 2004), 'Title of DPRK hero awarded to Korea People's Army Officer', *Rodong Sinmun*.
- (30 June 2004), 'The increasing number of heroes in the DPRK', *Rodong Sinmun*.
- (15 August 2005), 'Widaehan changgunnimüi söngun hyöngmyöng ryöngdo upjökül minjok'üi che'il kukboro bitne'ö nakaja [Let us shine the great general's military-first politics as the best national treasure]', *Rodong Sinmun*.
- (30 August 2007), 'Miguk ingwön'üi yijungsöng [The double-standards of the US human rights principle]', *Rodong Sinmun*.
- (13 September 2007), 'Panryöksajökin chibaejuyi woegyöjongchek – miguk ingwön kongse [Anti-historical dominant foreign policy – the US human rights attack]', *Rodong Sinmun*.
- Ross, W.D. (1930), *The Right and the Good* (Oxford: Oxford University Press).
- Rues-Smit, Christian (2001), 'Constructivism', in Scott Burchill et al (ed.), *Theories of International Relations* (New York: Palgrave), 188–212.
- Ryom, Kyong Yun (1991), 'Saramdürü chöngch'ijök saengmyöng'ül bohohago inmin'üi kwöllia riyyükül onghohanün kösün dang ilkkun'üi bonbun [Protecting the People's rights is the duty of party officials]', *Külloja*, 11, 56–61.
- Sandel, Michael (1982), *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press).

## 210 *References*

- Sawczuk, Konstantyn (1979), 'Soviet juridical interpretation of international documents on human rights', *Survey*, 24, 86–91.
- Scalapino, Robert A. (1997), *North Korea at a Crossroad* (Stanford: Hoover Institution).
- Scalapino, Robert A. and Lee, Chong-sik (1972), *Communism in Korea* (Berkeley, CA: University of California Press).
- Schlesinger, Arthur (23 July 1989), 'The opening of the American mind', *New York Times*.
- Schmidt, P. (1955), 'Some criticisms of cultural relativism', *Journal of Philosophy*, 70, 780–91.
- Science Encyclopedia Press [Kwahak beakwasajŏn ch'ulp'ansa] (1982), *Witaehan suryŏng kim Il sung tongjiŭi rochak yong'ŏ sachŏn* [*Dictionary of the Works of Great Leader Kim Il Sung Suryong*] (Pyongyang: Kwahak beakwasajŏn ch'ulp'ansa).
- Sen, Amartya (2000), *Development as Freedom* (New York: Anchor).
- Shapiro, Ian (1986), *The Evolution of Rights in Liberal Theory* (Cambridge: Cambridge University Press).
- Shaw, William (ed.), (1991), *Human Rights in Korea* (Cambridge, MA: Harvard University Press).
- Shin, Eun Hee (2007), 'The sociopolitical organism: The religious dimensions of Juche philosophy', in Robert E. Buswell Jr. (ed.), *Religions of Korea in Practice* (Princeton, NJ: Princeton University Press), 517–33.
- Shin, Gi-Wook (2006), *Ethnic Nationalism in Korea: Genealogy, Politics and Legacy* (Stanford, CA: Stanford University Press).
- Shue, Henry (1980), *Basic Rights : Subsistence, Affluence, and U.S. Foreign Policy* (Princeton, NJ: Princeton University Press).
- Sikkink, Kathryn (1993), 'The power of principled ideas: Human rights policies in the United States and Western Europe', in Goldstein and Keohane (ed.), *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY: Cornell University Press), 139–70.
- Social Sciences Publishing House [Sahoe kwahak ch'ulp'ansa] (1985), *Chŏngch'i sajŏn* [*political dictionary*] (Pyongyang: *Sahoe kwahak ch'ulp'ansa*).
- Sommerville, J.P. (1984), 'John Selden, the law of nature, and the origins of government,' *Historical Journal*, 27, (2) 437–447.
- Song, Jiyoung (2002), *Rights Approaches to North Korea: Combining Criticism and Constructive Engagement*, LLM dissertation (Hong Kong: Faculty of Law, University of Hong Kong).
- (2006), *Human Rights and the DPRK after the Cold War: a constructivist approach*, MPhil dissertation (Cambridge: Centre of International Studies, University of Cambridge).
- Steiner, Henry J. and Alston, Philip (1996), *International Human Rights in Context: Law, Politics, Morals* (Oxford: Oxford University Press).
- Suh, Dae-sook (1967), *The Korean Communist Movement, 1918–1948* (Princeton, NJ: Princeton University Press).
- (1998), *Kim Il Sung: the North Korean leader* (New York: Columbia University Press).
- (2000), *Hyŏndae pukhanŭi chidoja: Kim Il Sung and Kim Jong Il* [*Leaders of Contemporary North Korea: Kim Il Sung and Kim Jong Il*] (Seoul: Ulyumunhwasa).
- Svensson, Marina (1996), *The Chinese Conception of Human Rights: the debate on human rights in China, 1898–1949* (Lund: Lund University Press).
- Szalontai, Balazs (2005), *Kim Il Sung in the Khrushchev Era: Soviet-DPRK Relations and the Roots of North Korean Despotism, 1953–1964* (Washington, D.C.: Woodrow Wilson Center Press).

- Tamir, Yael (1999), 'Against collective rights', in Steven Lukes and Christian Joppke (eds.), *Multicultural Questions* (Oxford: Oxford University Press), 158–80.
- Taylor, Charles (1986), 'Human rights: the legal culture', in UNESCO (ed.), *Philosophical Foundations of Human Rights*, 49–57.
- Tilly, Charles (1997), 'A primer on citizenship', *Theory and Society*, 26 (4), 599–602.
- Treston, Mark D. (2005), *North Korean Memoirs* (Lincoln: iUniverse).
- Tuck, Richard (1979), *Natural Rights Theories. Their origin and development* (Cambridge: Cambridge University Press).
- Tucker, Robert C. (1969), *The Marxian Revolutionary Idea* (New York: Norton Library).
- Twiss, Summer B. (1998), 'A constructive framework for discussing Confucianism and human rights', in Wm. Theodore De Bary and Tu Weiming (eds.), *Confucianism and Human Rights* (New York: Columbia University Press), 27–53.
- Unger, Aryeh L. (1981), *Constitutional Development in the USSR: a guide to the Soviet constitutions* (London: Methuen).
- Unger, Roberto Mangabeira (1987), *False Necessity* (Cambridge: Cambridge University Press).
- Vasak, Karel (1977), 'A 30-year struggle', *UNESCO Courier*, November, 29–32.
- (1979), 'For the third generation of human rights: The rights of solidarity', *Inaugural Lecture to the Tenth Study Session of the International Institute of Human Rights* (Strasbourg: International Institute of Human Rights).
- Vlastos, Gregory (1970), 'Justice and equality', in A.I. Melden (ed.), *Human Rights* (Belmont, California: Wadsworth), 76–95.
- Vollertsen, Norbert (2006), *Inside North Korea* (New York: Encounter Books).
- Wada, Haruki (1998), *Pukchosun [North Korea]* (Seoul: Dolbege).
- Waldron, Jeremy (1987), *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen).
- Wales, Nym and Kim, San (1972), *Song of Ariran* (San Francisco: Ramparts Press).
- Weatherley, Robert (1999), *The Discourse of Human Rights in China: Historical and Ideological Perspectives* (London: Macmillan Press).
- (2000), 'Human rights in China: between Marx and Confucius', *Critical Review of International Social and Political Philosophy*, 3 (4), 101–25.
- (2001), 'The evolution of Chinese thinking on human rights in the post-Mao era', *Journal of Communist Studies and Transition Politics*, 17 (2), 19–42.
- Weatherley, Robert and Song, Jiyoung (2008), 'The evolution of human rights thinking in North Korea', *Journal of Communist Studies and Transitional Politics*, 24 (2), 272–96.
- Weiming, Tu (1998), 'Epilogue: human rights as a Confucian moral discourse', in Wm. Theodore De Bary and Tu Weiming (eds.), *Confucianism and Human Rights* (New York: Columbia University Press), 297–307.
- Wendt, Alexander (1999), *Social Theory of International Politics* (Cambridge: Cambridge University Press).
- Wood, Allen W. (1980), 'The Marxian critique of justice', in Marshall Cohen, Thomas Nagal and Thomas Scanlon (eds.), *Marx, Justice and History* (Princeton, NJ: Princeton University Press), 3–41.
- Yim, Yongtae (ed.), (1985), *Singminji sidae hanguk sahoewa undong [Korean Society and Movements during the Colonial Era]* (Seoul: Sagejeol).
- Yoon, Dae-kyu (2004), 'The constitution of North Korea: its changes and implications', *Fordham International Law Journal*, 27 (4), 1289–305.



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