

This article was downloaded by: [Singapore Management University]  
On: 27 March 2015, At: 22:59  
Publisher: Routledge  
Informa Ltd Registered in England and Wales Registered Number:  
1072954 Registered office: Mortimer House, 37-41 Mortimer Street,  
London W1T 3JH, UK



## Journal of Communist Studies and Transition Politics

Publication details, including instructions for  
authors and subscription information:

<http://www.tandfonline.com/loi/fjcs20>

### The Evolution of Human Rights Thinking in North Korea

Robert Weatherley & Song Jiyoung

Published online: 28 Apr 2008.

To cite this article: Robert Weatherley & Song Jiyoung (2008) The Evolution of Human Rights Thinking in North Korea, *Journal of Communist Studies and Transition Politics*, 24:2, 272-296, DOI: [10.1080/13523270802003111](https://doi.org/10.1080/13523270802003111)

To link to this article: <http://dx.doi.org/10.1080/13523270802003111>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever

or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

# The Evolution of Human Rights Thinking in North Korea

---

ROBERT WEATHERLEY AND SONG JIYOUNG

---

The official discourse of human rights in North Korea has shown signs of evolution in recent times, reflecting a variety of philosophical foundations and a need to respond to mounting criticism from the West. While Confucianism and Marxism have been key in influencing North Korean rights thinking, some of the more recent official pronouncements on rights have a distinctly nationalistic or ‘*juche*-oriented’ complexion. This shift in emphasis reflects the growing importance of *juche* to North Korea’s state ideology in light of what is perceived as an increasingly hostile international environment that has confronted North Korea since the end of the Cold War and in particular in consequence of its highly controversial nuclear weapons programme.

---

Few countries in the world have faced more intense external scrutiny of their human rights record than the Democratic People’s Republic of Korea (DPRK: North Korea). According to reports by government bodies,<sup>1</sup> human rights watchdog organizations<sup>2</sup> and United Nations special rapporteurs,<sup>3</sup> human rights violations in the DPRK are legion. They include persecution on the grounds of religious and political belief, arbitrary detention, forced labour and a practice known as ‘guilt by association’ in which an entire family can be punished for a ‘crime’ committed by one of its members. Under the auspices of General Secretary Kim Jong-il, the ruling Korean Workers’ Party (KWP) severely limits the flow of information into and out of the country and freedom of speech and expression are tightly controlled. International human rights groups and foreign journalists are invariably forbidden from entering the country and the few humanitarian aid workers who are allowed in usually find themselves subject to strict travel restrictions.

---

Robert Weatherley is a lawyer with the national law firm Mills & Reeve and an Associate of the Centre of International Studies at Cambridge University. He has written a number of academic articles as well as three books: *Mao’s Forgotten Successor: The Rise and Fall of Hua Guofeng* (forthcoming), *Politics in China since 1949* (2006) and *The Discourse of Human Rights in China* (1999).

Song Jiyoung is a Ph.D. candidate at Cambridge University’s Centre of International Studies, and was formerly a research assistant at the Centre for North Korean Studies, Sejong Institute in South Korea.

Journal of Communist Studies and Transition Politics, Vol.24, No.2, June 2008, pp.272–296

ISSN 1352-3279 print/1743-9116 online

DOI: 10.1080/13523270802003111 © 2008 Taylor & Francis

In the light of these and many other allegations of human rights abuses, we might be forgiven for assuming that a North Korean commitment to or conception of human rights (*inkweon*) does not exist or even that there is hostility towards the idea. Yet this appears not to be the case. In an international context, for example, the DPRK in 1981 signed both the UN human rights covenants: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In 2000 the DPRK added its signature to the Convention on the Rights of the Child and in 2001 it signed up to the Convention on the Elimination of All Forms of Discrimination Against Women.

On the domestic front there has been an official, albeit intermittent, discourse of human rights since the division of Korea in 1945 and the inception of the new Kim Il-sung regime, formally established in 1948. This is set out in successive state constitutions (1948 and 1972 as amended in 1992 and 1998) and other official publications and pronouncements on the subject. Drawing on primary sources, many of which have only recently become available, and in contrast to the existing scholarly works on the subject which (perhaps understandably) adopt an exclusively critical perspective,<sup>4</sup> this article analyses the official discourse of human rights in North Korea and identifies the domestic, international and philosophical variables that make up this discourse.

## Background and Structure

On examining the DPRK's standpoint on rights, it appears that much of the relevant literature has been published since the early 1990s, despite the existence of a North Korean tradition of rights from 1945. This increased domestic focus on rights stems primarily from an increase in international – primarily Western – criticism of the country's human rights record following the collapse of the Soviet bloc and the end of the Cold War. The demise of East European socialism left North Korea largely isolated as a socialist state and consequently more exposed to foreign criticism than before. The volume and ferocity of this criticism has effectively forced the issue of human rights more firmly on to the North Korean political agenda by creating a perceived need for Pyongyang to explain (or perhaps justify) precisely its stance on the subject, although it has not matched Beijing in publishing annual human rights white papers.<sup>5</sup>

Given the highly centralized nature of North Korean politics, it is unsurprising to find that many of the official statements on human rights have come directly from the country's two post-war leaders: Kim Il-sung who ruled until his death in 1994, and his son and successor Kim Jong-il. In addition to pronouncements from the very top, there is a growing body of human rights specialists, such as Kim Chang-ryul, Ahn Myung-hyuk and

Kim Young-guk, who publish articles on rights in state-controlled journals such as *Workers (Kulloja)* and the imaginatively entitled *One Thousand Mile Leaping Horse (Chollima)*. Most of these specialists carry out research for a North Korean human rights think-tank, the Human Rights Research Association (*joseon inkweon yeonku hyeophoe*), set up by Kim Jong-il in the early 1990s to fortify the party line and perhaps also to demonstrate to the world that there is a consensus within North Korea on the subject.

This article is divided into two broad sections. The first examines DPRK rights thinking during the early years of the post-revolutionary state, roughly 1945–48. In an effort to unite the nation behind the new regime of Kim Il-sung and defend it from further foreign aggression after 35 years of Japanese occupation (1910–45), a wide array of rights were accorded to the vast majority of the North Korean population, including certain capitalist classes. Only those categorized as opponents of the North Korean state, primarily those who had earlier conspired with the Japanese occupying forces, were deprived of rights.

The remainder of the article identifies key features of North Korean rights thinking during the post-1948 period and traces the philosophical roots of this thinking. North Korean rights ostensibly have a predominantly Marxist complexion, which is not surprising given the significance of Marxism to the DPRK's state ideology. One example of the influence of Marxism is the priority given to collective rights over the rights of the individual, a common feature of rights in other communist and former communist countries such as the People's Republic of China (PRC) and the Soviet Union. In explaining this position, close reference is often made to the Marxist notion of the individual as a 'species being', an intrinsic member of society who relies upon society for the realization of his rights to the extent that the rights of society must logically come first. Another example is the inter-relationship between entitlement to rights and social class, again a familiar aspect of the rights tradition in the PRC and the former Soviet Union. In keeping with the Marxist emphasis on continuous class struggle, rights in North Korea have, at least until recently, been accorded exclusively to the proletariat but withheld from the bourgeoisie.

The emergence of Marxism in North Korea did not lay the philosophical foundations for a completely new understanding of rights. Whilst this understanding is often enunciated using orthodox Marxist terminology, certain aspects of it have grown out of the entrenched traditions of Confucianism, imported into Korea from China during the Three Kingdoms period (57 BC–668 AD) and becoming Korea's state ideology during the Yi dynasty (1392–1910).<sup>6</sup> For instance, the importance of the collective has its roots not necessarily in Marxism but in the age old Confucian stress on social – particularly family – interests to which the interests of the individual were

subordinate. This emphasis on the family remains a key tenet of North Korean thinking to the degree that such interests are constitutionally protected (see below), although the collective is more commonly expressed as ‘the state’ or ‘society’.

A third influencing factor on North Korean rights thinking is the indigenous concept of *juche*, officially articulated for the first time by Kim Il-sung in 1955.<sup>7</sup> *Juche* can be broadly translated as ‘independence’ or ‘self-reliance’ and is a strongly nationalistic philosophy that places the utmost importance on autonomy from foreign influence and the establishment of a sovereign and autarkic state.<sup>8</sup> Whilst Marxism is still important in DPRK thinking, *juche* has superseded Marxism as the state ideology in an almost defensive reaction to the increasingly hostile international environment that has confronted North Korea since the end of the Cold War, particularly surrounding North Korea’s nuclear intentions. This hostility intensified after North Korea re-enabled its nuclear reactor in Yongbyon (following its withdrawal from the Nuclear Non-Proliferation Treaty in 2003) and tested a nuclear weapon for the first time in October 2006, and it was manifested through the imposition of a range of sanctions against Pyongyang by the UN Security Council. Although a deal was struck in the February 2007 ‘six-party’ talks during which the DPRK pledged to abandon its nuclear programme in return for, among other things, the release by Washington of US\$25 million from a Macau bank, the DPRK is yet to commence the decommissioning process, and tension between the DPRK and the US remains acute.<sup>9</sup>

This ideological shift towards *juche* is reflected in some of the more recent official statements on human rights, often under the heading of ‘our style of human rights’ (*urisik inkweon*). For example, the notion of class rights has gradually diminished and entitlement to rights is now much more dependent upon an individual’s loyalty to the nation and its ‘virtuous’ leader, Kim Jong-il. Similarly, while collective interests remain highly pertinent to North Korean thinking they are now expressed in more *juche*-specific terms as the right to national sovereignty and the right to national self-determination.

Throughout this article comparisons are made between the DPRK and Chinese traditions of human rights. This is because of the striking similarity in the historical, political and philosophical background of these two countries, which has inevitably affected their respective patterns of human rights thinking. As noted above, the two nations share a long heritage of Confucianism, which originated in China. Then after a period of foreign imperialist domination, both adopted Marxism as their ruling state ideology but with heavily nationalistic undertones. As we shall see, China, like the DPRK, has in recent years been forced into a more overt articulation of its human rights position because of increasing Western criticism of its human rights

record, and in effect such criticism has made both nations conform to a more Western-oriented discourse of human rights.

### **Nation-Building and the Liberation from Japan, 1945–48**

The first North Korean references to the concept of human rights were set out in a document called the Programme of Action for the People's Sovereignty (*inmin jukweon haengdong kangryeong*) issued in August 1945.<sup>10</sup> The Programme of Action was intended primarily as an ethical guideline for government officials, especially those working in the justice and police departments, many of whom had become accustomed to Japanese colonial-style practices. It asserted the right to vote and stand for election, equal rights between the sexes and the right to a guaranteed eight-hour working day with a minimum wage; individual freedoms comprised those of assembly, association, the press, publication and religion.

The context for the promulgation of this wide range of human rights was the liberation from Japan, a process of national catharsis upon which the new regime sought to build its political legitimacy. After 35 years of Japanese colonial rule, the populace, it was felt, deserved to enjoy all the rights of which they had been deprived for so long – particularly women, who were treated so badly by the Japanese imperial military.<sup>11</sup> The position of women was further fortified under the 1946 Gender Equality Act which aimed to eliminate all the discriminatory practices imposed against women by the Japanese.<sup>12</sup> The act contained a number of rights never previously enjoyed by women, including equal rights with men to vote and to be elected, equal pay for equal work, social insurance and education, the right to marry and divorce, and to inherit from parents. Adultery, forced prostitution, polygamy and the trafficking of women were all prohibited.

The Gender Equality Act and the Programme of Action should also be understood within the context of constructing a strong nation-state, although it was not clear at the time whether this would embrace the whole of Korea.<sup>13</sup> With a hostile American presence in South Korea, and Japan and US support in neighbouring China for the nationalist Guomindang (KMT) in its war with the Chinese Communist Party (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 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. Despite the considerable influence of the Soviet Union, the DPRK did not adhere to the early Soviet tradition of limiting the enjoyment of rights to the proletariat at the expense of the bourgeoisie, although this did come later, as we shall see.<sup>14</sup>

Some sectors of North Korean society were deprived of their rights and this was set out in Kim Il-sung's Twenty-Point Programme (*yisipgae jeong-kang*) of March 1946.<sup>15</sup> Drafted as an interim measure before the promulgation of the 1948 Constitution, the Twenty-Point Programme made a clear delineation between 'the people' (*inmin*), who were entitled to the rights contained in the document, and 'the enemies' (*jeok*), who were not. The latter, described as 'reactionaries, fascists and anti-democratic forces' (*bandong fascist banminju seryeok*), were in the main 'pro-Japanese elements' (*chinil bunja*), namely those who conspired with the Japanese authorities during the colonial period. Again, however, there was no clear expression of class rights, as confirmed by a stipulation that individual handicrafts and commerce – activities that might well be described as capitalist – would be preserved as free enterprises.

The definitive pronouncement on human rights during the early DPRK period was contained in the 1948 Constitution, adopted on 8 September, the day before the DPRK was formally established. As a statement of its commitment to rights, the relevant section was set out towards the front of the document at Chapter 2. Here again, the list of rights was extremely broad-ranging, stipulating no fewer than 17 rights (and four duties), many lifted directly from documents such as the Programme for Action and the Twenty-Point Programme. As part of Kim Il-sung's non-class-specific approach, DPRK citizens were given the freedom to maintain medium and small industrial and commercial enterprises, while, as before, rights were not to be accorded to 'pro-Japanese elements' (Article 12).

This more relaxed approach allowing certain capitalist classes to enjoy rights was not altogether unusual in newly-established Marxist states. The CCP adopted a similar position in the 1949 Common Programme, a temporary constitution of the newly founded PRC issued before the promulgation of the 1954 Constitution. As part of the CCP's 'united front' policy, the Common Programme extended the enjoyment of rights beyond the traditional boundaries of the proletariat to include certain bourgeois classes, primarily the 'petty bourgeoisie' (*xiaozhichan jieji*), comprising professional people, small traders, students and intellectuals, and the 'national bourgeoisie' (*guomin zichan jieji*) which comprised small-scale factory- and shop-holders.<sup>16</sup> By 1954, however, only the proletariat were constitutionally entitled to rights.<sup>17</sup>

### **The Post-1948 Period: The Conditionality of Rights**

The inter-relationship between rights and social class is probably the most original feature of rights in Marxist states. In contrast to the established liberal position, which perceives human rights as the universal entitlement of all human beings derived from their innate moral value or worth,<sup>18</sup> the

enjoyment of rights in Marxist regimes has traditionally been contingent upon an individual's class status: in other words, using orthodox Marxist (although not necessarily North Korean) terminology, on each person's socio-economic relationship to the means of production. 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, previously forced to sell their labour power, are accorded a full range of rights.

This class-based approach to rights can only properly be understood within the joint context of class struggle and the need to establish a Leninist-style 'dictatorship of the proletariat' after the revolution is won.<sup>19</sup> The denial of rights to the bourgeoisie is part of a much wider struggle to eliminate all remaining vestiges of bourgeois power from post-revolutionary society and so facilitate the victory of the proletariat over their erstwhile oppressors. This, in turn, serves to consolidate the authority of the new Marxist regime which, in theory at least, functions as the vanguard of the proletarian class.

Notwithstanding the official establishment of the DRPK as a Marxist state on 9 September 1948, its stance on class rights has not always been clear. We have already seen how there was no distinction in the 1948 Constitution between those classes that were entitled to rights and those that were not. The same was also true of the 1972 Constitution (despite being heralded as North Korea's first 'socialist' 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 (*kaekuep tujaeng*) 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, therefore, since there were no antagonistic classes in North Korea, it was not necessary to use social class as a measure of who should or should not enjoy rights.

The writings of official theorists during this time suggest that class struggle was far from over, however, and therefore class rights remained highly relevant. An article in *Kulloja*, written in 1969, insisted that the revolutionary struggle would continue for 'generation after generation' until the victory of the proletariat over the bourgeoisie was finally complete.<sup>20</sup> Similarly Yim Chong-bong, in an article published in the *Worker's Daily (Rodong Sinmun)*, declared that 'the ideology of Kim Il-sung calls for a continuous revolution until the exploiting classes and imperialism are completely swept away and the great tasks of socialism and communism are achieved in each individual country and throughout the world'.<sup>21</sup>

Kim Il-sung's position on class and class rights was clear. In response to foreign criticism of his policy of incarcerating political opponents, Kim

explained in a statement of 1977 that this was justified as a means of protecting North Korean democracy and human rights from the enemy of the working classes. Proper punishments to 'antagonistic' and 'impure elements' who attempt to destroy the socialist system, Kim claimed, would ensure the protection of human rights in North Korea.<sup>22</sup> Kim Chang-ryul, an official commentator on human rights, concurred with this view in 1990:

Without suppressing a very small number of class enemies and curtailing their destructive attempts to overthrow the socialist system, the achievements of socialism and the human rights of the working class can never be protected. The suppression of hostile enemies is not a violation of human rights; instead it is a humanitarian policy necessary for the protection of the human rights of the working people.<sup>23</sup>

This quotation refers to 'a very small number of class enemies'. However, in practice it appears that the number of class enemies, as defined by the DPRK authorities, is anything but small. According to a detailed classification system set up in 1958 and conducted through a series of national surveys or 'political examinations', North Korean society is divided into three classes: the 'core class', the 'wavering class' and the 'hostile class'.<sup>24</sup> 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 and also high and mid-level cadres. The 'wavering class' comprises about 45 per cent of the population – urban and rural workers who are not KWP members. The 'hostile class' comprises about 27 per cent of the population – those individuals deemed to be enemies of the KWP; they include people who owned land or business before the establishment of the DPRK, public officials who worked under the Japanese colonial government, religious activists and those thought to be in collaboration with the South Korean government. A study compiled by the Seoul-based Korea Institute for National Unification suggests that members of the 'hostile class' are denied various rights in areas such as education, employment, housing and medical benefits.

Those deemed to be members of the 'hostile class' are invariably categorized by reference to their class background or class origin, 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.<sup>25</sup> So, 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 colonial period. This method of determining class status derives from a belief that class is a 'state of mind'. Consequently the mere fact that

an individual may never have owned land or business under the old order or was not employed as an official under Japanese rule (primarily because he or she was not alive during that era!) does not mean that the individual in question did not secretly harbour dangerous feelings of superiority over the 'core' and 'wavering' classes. 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.

In many respects the classification of individuals into classes is as much nationalistic or *juche*-oriented as it is Marxist, not least because of the unconventional, non-Marxist manner in which people are classified. 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. For this reason the surveys used to categorize people are referred to as 'national loyalty surveys'; only those who are deemed to be loyal to the nation are entitled to rights.

Certain more recent pronouncements on human rights seem to support this position. In one of several statements, Kim Jong-il suggests that an individual's membership of society from which derives his entitlement to rights is no longer dependent upon class status but rather on loyalty to the nation and the nation's objectives and interests. According to Kim, the barometer for distinguishing whether a person can be deemed a member of North Korean society and hence entitled to rights 'lies not on the grounds of his social class but on the grounds of his ideology', by which Kim means his nationalist ideology.<sup>26</sup> Kim continues:

This approach incorporates different social classes and ideologies, not only socialism or communism. Anyone who loves our country and our people is eligible to serve the people and ultimately to be a member of our society. The KWP believes that those people from different classes or groups with whom we can share the interests of the revolution are not temporary accompanists but eternal partners and this strategy will finally lead the way to the success of socialism and communism.<sup>27</sup>

This apparent shift towards national loyalty as a condition for entitlement to rights is part of a more general movement towards *juche* in official North Korean thinking. As the international community, led by the Bush administration, has intensified its opposition to the DPRK particularly following the recent nuclear crisis (although certain concessions have been made, as noted above), the rhetoric of the Kim Jong-il regime has increasingly focused on the perceived need to create an autarkic, self-sufficient nation strong enough to exist independently of foreign trade and to resist foreign intervention (notwithstanding DPRK demands for and acceptance of food

and other forms of international aid). In order to realize this goal, Kim has taken a much broader approach towards the category of people who are entitled to rights in order to widen the basis of his popular support, and thereby unite the nation against the perceived threat from abroad. This approach recalls that taken during the early post-revolutionary period, as discussed above.

The correlation between entitlement to rights and loyalty to the nation is closely linked to Kim Jong-il's philosophy of virtuous politics (*indeok jeong-chi*) which first emerged in the early 1990s. According to this philosophy, Kim governs as the sole benign ruler of the DPRK, acting exclusively to safeguard and protect the interests of the masses and the nation. In turn only those people who are loyal to the virtuous leader can enjoy rights. As a *Rodong Sinmun* editorial explains, 'in order to protect and fully realize "our style of socialism [*urisik sahoejui*]" together with "our style of human rights", each person should thoroughly comprehend the *juche* ideology and be loyal to the KWP and its leader from whom the greatest and true human rights are given'.<sup>28</sup> The editorial continues: 'it is our party's "virtuous politics" that can protect human rights in their highest degree'.<sup>29</sup>

The language of virtuous politics is not exclusive to the concept of *juche*: it is also drawn from Korea's centuries-old Confucian tradition as inherited from China. In accordance with the teachings of the Confucian disciple Mencius, as enshrined in the doctrine of 'benevolent government' (*renzheng*), the emperor was obliged to govern with a kind of paternal wisdom, acting only with the interests of the people in mind. This obligation was believed to be ordained by heaven, and handed down by 'heaven' as a form of 'mandate' (*tianming*). Any emperor who failed to act accordingly automatically forfeited his entitlement to rule, so that a new and more virtuous ruler could challenge and overthrow the now illegitimate regime.<sup>30</sup>

The concept of virtuous politics with its emphasis on benevolent rule from 'above' suggests that rights in North Korean thinking are not innate to our humanity, something that we enjoy by virtue of our intrinsic moral worth as human beings. Instead, rights are the property of the virtuous leader which he bestows on the people as a type of 'gift' or 'grant' to those who are deemed loyal to his leadership and his government. By the same token, of course, rights can be withheld or withdrawn from those who are not deemed to be loyal.<sup>31</sup>

None the less, there are occasional references in the official literature to a notion of innate human rights which are universal to all citizens, not just those loyal to the nation. These references are invariably made in response to American criticism of North Korea's human rights record. As Ahn Myung-hyuk explains in an article entitled 'America is the World's Worst Violator of Human Rights',

Human rights are the divine rights of every human being in the world. Human rights should be protected not only in the territory of one specific country but also internationally. Human rights violations in one country are detrimental to global prosperity and civilization and the violating country should be subjected to international criticism.<sup>32</sup>

The ‘violating country’ referred to above is clearly the US; and, while the context for this quotation is the ‘war of words’ between North Korea and the US, it is apparent that North Korea is prepared to use the language of Western human rights much more than in the past. The recognition of universal and innate human rights (although sporadic) reflects both the growing international dominance of the Western discourse of human rights and North Korea’s acceptance (at least in part) that it needs to explain itself in terms of this discourse.

### **Prioritizing Collective Rights**

A second prominent feature of North Korean rights thinking is the significance attached to collectivism and the rights of the collective. This is particularly apparent in post-1948 DPRK constitutions. For example, Article 68 of the 1972 Constitution insists that ‘citizens must display a high degree of collectivist spirit’ and ‘must cherish their collective and organization and establish the revolutionary trait of working devotedly for the sake of society and the people and for the interests of the homeland and the revolution’. Similarly, Article 82 of the amended 1992 Constitution describes collectivism as ‘the basis of life in a socialist society’ and likewise implores citizens to ‘cherish their organization and collective for the good of society and the people’. The collective interests of the family also feature strongly, with the 1972 Constitution and each of the 1992 and 1998 amended Constitutions declaring that ‘the state pays great attention to consolidating the family, the basic unit of social life’ (Articles 63, 77 and 78 respectively). Indeed, the preamble to the 1998 document lauds Kim Il-sung for transforming the whole of North Korean society into ‘one big united family’.

The relationship between individual and collective rights in terms of which type of right takes priority is not immediately obvious. This is partly because the number of constitutional rights ascribed to the individual far exceeds those ascribed to the collective. Furthermore, in contrast to the Soviet and Chinese constitutional traditions, there is no explicit provision in DPRK constitutions which rescinds an individual right if it is exercised in a manner deemed to be harmful to the welfare of the collective (that is, state, society and the nation).<sup>33</sup> Nevertheless, we can probably say that collective rights in North Korean constitutional thinking are given priority. This is

borne out by reference to the broad-based and overriding nature of the provisions discussed in the paragraph above and also by reference to an overriding principle contained in all three post-1948 DPRK constitutions that appears towards the beginning of the chapter on rights and duties. This states that ‘the rights and duties of citizens are based on the collectivist principle of “one for all and all for one”’ (see Articles 49, 63 and 63 respectively).

A number of criticisms can be levelled against a constitutional system that prioritizes collective rights over individual rights, most notably that it breaches the very principles of individual autonomy and independence from the state upon which the idea of individual rights is founded. For many liberal rights theorists, individual rights are sacrosanct, although some scholars have identified exceptional circumstances under which an individual right can be justifiably infringed (for example, in order to protect the lives of others).<sup>34</sup> There is also a degree of scepticism regarding what criteria the state uses to define whether the exercise of an individual right has breached the collective good: critics might ask whether the collective good as defined by the state is simply what is good for the state.

DPRK commentators have defended the prioritization of collective rights by suggesting that the individual is dependent on the collective for the enjoyment of his rights. Only if the rights of the collective are fully realized, it is argued, can the rights of the individual be fully realized: the former is thus a precondition for the latter. Kim Young-guk explains the background to this position in an article published in 1998:

You can transform your natural and societal environment and therefore realize your personal goals within this environment but it is only possible through collective co-operation with other members of a society, never by or for yourself. In order to establish a group in a society you should first initiate your self-reliant goals within your group. An individual’s independent needs will be treated as equal to those of other members of the group. However, they can only be realized through collective decisions within the group that you belong to depending on whether your personal needs are matched with others and contribute to the ultimate goals of society.<sup>35</sup>

Within such a strong collective context, there is also the question of when it is ethically appropriate for the individual to exercise his rights. Although an individual may be legally or constitutionally entitled to certain rights, any assertion of these rights that militates against the higher interests of the collective is perceived to be morally reprehensible, even selfish. As Kim Young-guk explains, ‘an individual’s demands set apart from the collective interest would be considered as greediness and selfishness and consequently would infringe other members’ interests and weaken the unity and the co-operation of the

group you belong to'.<sup>36</sup> The better way in the event of a conflict is for the individual to yield selflessly to the greater good.

This emphasis on the collective derives in part from the Marxist perception of the individual as a 'species being', someone who is born into society, is an intrinsic part of that society, and depends upon it for the fulfilment of his needs and his all-round development as a human being. As Marx wrote in *Grundrisse* in 1857–58, 'man is in the most literal sense of the word a *zoon politikon*, not only a social animal, but an animal which can develop into an individual only in society'.<sup>37</sup> Similarly in articulating his position on the 'social nature' of man (*shehuixing*), Mao Zedong insisted that the individual was quite literally a 'product' of society in which 'individuals do not possess sentiments, goals, interests, skills, and knowledge prior to or independently of membership in a social organization. Rather these are formed in society'.<sup>38</sup>

There are a number of equivalent references in North Korean documents. Kim Jong-il stated during a KWP conference in 1986 that 'the people will become a sovereign unified force only if they are organized as one sociopolitical species-being, structurally and ideologically united, centred upon the leader and under the guidance of the party'.<sup>39</sup> Similarly, during a party meeting in 1992, Kim emphasized that 'if a society can become a sociopolitical species-being within which the sovereign rights of individuals and groups are realized, that society will have achieved the perfect conditions for collective social relations'.<sup>40</sup>

The stress on selflessness in North Korean rights thinking is also grounded in Marxism. In a manner similar to Liu Shaoqi in his ideological guidelines for CCP members,<sup>41</sup> Kim Il-sung wrote at length on the need for party members to subordinate themselves to the greater good of the collective. According to Kim:

... party members should have a strong mental attitude towards the party and the revolution and one that requires devotion and sacrifice from each member, while 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.<sup>42</sup>

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 the hero' campaigns (*youngwoong ttara baewooki*). 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 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' (*gonghwa-guk youngwoong*), an award created in 1950 to honour acts of supreme military bravery.<sup>43</sup> Following Kim's death the government launched a concerted campaign to 'emulate Kim Ki-bong' (*Kim Ki-bong ttara baewooki*).<sup>44</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 North Korea's military capability.<sup>45</sup> With these campaigns the public are encouraged, more realistically, to admire and appreciate rather than imitate the individuals in question.

Notwithstanding the influence of Marxism on collective rights thinking in North Korea, this predilection towards collectivism did not suddenly appear with the arrival of the KWP and the subsequent implementation of a Marxist state ideology. Instead, North Korean Marxism inherited an entrenched tradition of Confucian collectivism. Like the Chinese Confucian order on which the Korean system was so closely modelled, the interests of the family were especially dominant, taking priority in almost every sphere of an individual's life from childhood through to old age. In marriage and betrothal, for instance, it was the family, specifically the family elders, who selected partners for their offspring. Here the principal concern was not the direct wishes of those to be married but the perceived long-term interests of the family.<sup>46</sup> As noted above, the family remains a key social unit in North Korea and, to a large extent, closely reflects the continued presence of Confucianism in North Korean society.

There are also deep strains of Confucianism in the North Korean emphasis on selflessness. The Confucian Analects contains numerous references to selflessness as a virtuous and honourable form of behaviour. In it Confucius wrote that 'to subdue one's self and return to propriety, is perfect virtue'.<sup>47</sup> Conversely any preoccupation with individual interests is closely associated with egoism, the most acute kind of moral bankruptcy in the Confucian ethical code. As Lau notes in his introduction to the Analects, 'of all the things that are likely to distort man's moral judgement and deflect him from his moral purpose, self-interest is the strongest, the most persistent and the most

insidious'.<sup>48</sup> One important feature of the Confucian scholar or 'gentleman' was 'the cultivation of the self'. However, the attainment of this trait was regarded not as a means to any individual ends, but as a way of improving the moral character of others and of enhancing the fabric of society as a whole. As Confucius insisted, a man who achieves moral self-cultivation 'does not merely accomplish the self-completion of himself; with this quality he completes other men'.<sup>49</sup>

A third influence on North Korean collective rights thinking is the philosophy of *juche*. While Marxism and Confucianism remain significant in this respect, as reflected by the continued references to man as a 'social' or 'species' being, the focus is now much more on the rights of the nation, specifically the right to national sovereignty (*jajukweon*). According to official thinking, as the outside world intensifies its opposition towards North Korea it is increasingly incumbent upon the KWP to protect and safeguard the sovereignty of the nation. If the right to the sovereignty of the nation cannot be guaranteed, it is argued, then neither can the rights of individual citizens since, using the logic of Kim Young-guk noted above, the latter depend upon the former for the realization of their rights. As Kim Jong-il has suggested, 'human rights cannot be thought of independently of the nation's sovereignty'.<sup>50</sup> Similarly, in a statement given to the 61st Session of the UN Human Rights General Assembly in November 2006 it is asserted that 'human rights are the rights of the state or the nation. Human rights without the right of national sovereignty are merely an illusion'.<sup>51</sup>

The emphasis on the right to national sovereignty in North Korea has developed specifically in response to growing international criticism of its human rights record. The November 2006 statement pointedly remarks that 'human beings enjoy their human rights not through unwelcome and arrogant advice from the United States or other Western countries, but through the protective measures of the country to which the individual belongs'.<sup>52</sup> Any such 'advice' from the West on human rights is fiercely rejected as a form of unwarranted meddling in North Korea's internal affairs, in itself a violation of North Korea's right to national sovereignty. According to Kim Jong-il, in criticizing the human rights practice of other countries,

... the imperialists indiscriminately intervene in their internal affairs and violate their sovereignty under the guise of international human rights. Human rights can never be fully realized without the protection afforded by national sovereignty. People who are under foreign rule can never enjoy true human rights.<sup>53</sup>

Pyongyang's reaction in this respect draws parallels with China's response to Western critics of its human rights. In its numerous statements on the subject, Beijing invariably accuses the West not only of interfering in

China's domestic affairs through its criticism of Chinese human rights, but also of attempting to contain an economically resurgent China from assuming its 'rightful' place in the world as a leading power.<sup>54</sup> China is also quick to accuse the West of gross hypocrisy by identifying Western violations of human rights in both a historical and a contemporary context. North Korea has also taken this line:

The imperialists do not recognize the right of the jobless to work and of the homeless and orphans to food. Western imperialists are not qualified to speak about human rights because they do not provide workers with basic rights to live. Even worse than that, they practise anti-humanitarian policies, racial discrimination and colonial policies.<sup>55</sup>

### **Welfare Rights and the Right to Subsistence**

The reference in the above quotation to the right to work and to food brings us to the final theme of North Korean rights thinking to be examined in this article, namely the emphasis on socio-economic or welfare rights. Not only is this emphasis apparent in much of the official rhetoric on rights (see below) but it has also been a prominent feature of DPRK constitutional rights. Each of the four DPRK constitutional documents contains a wide range of welfare rights, including the rights to work, rest, free medical care and education, and also certain welfare benefits enjoyed by mothers, although it is extremely questionable whether such rights are provided for in practice.<sup>56</sup> These rights are presented as more than just statements of intent in that they include clauses that purport to guarantee each right. For example, the amended 1998 Constitution states that those who work 'are provided with stable jobs and working conditions' (Article 70). 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).

The focus on welfare rights in North Korea is a key aspect of the Marxist tradition of rights. During the fanfare that surrounded the promulgation of the 1936 Soviet Constitution, official commentators heaped praise on the distinctively 'socialist' economic achievements of the first two Five-Year Plans (1928–32 and 1932–36) which, they claimed, laid the material foundations

necessary for the proper enjoyment of the five welfare rights detailed in the constitution (Articles 118–22). Moreover, like subsequent North Korean constitutions the 1936 Constitution contained provisions that pledged to ensure each right. The stress on welfare rights has also been a feature of the PRC's constitutional tradition. The most recent constitution, promulgated in 1982, sets out five welfare rights (Articles 42–46), although there are no 'guarantee' clauses in this or any of the previous three PRC constitutions (1954, 1975 and 1978). Some of the more recent Chinese pronouncements on welfare rights concentrate specifically on the right to subsistence (*shengcunquan*). Encompassing the basic rights to food, clothing and accommodation, the right to subsistence is officially heralded as the 'foremost' human right in China, 'without which all other rights are out of the question'.<sup>57</sup>

The importance attached to welfare rights in Marxist states stems primarily from the practical realities confronting Marxist regimes. While Marx himself envisaged the gradual diminution of any need for rights in his materially abundant post-revolutionary society based on the egalitarian principle of 'to each according to his need', the reality of the situation has been quite different.<sup>58</sup> On coming to power, Marxist regimes, including the KWP, have been faced with conditions of social and economic deprivation usually within a post-colonial or war-torn context (sometimes both). In such circumstances, the Marxist stress on welfare rights is intrinsically tied to the need to foster rapid social and economic development and to raise the living standards of the masses.

As well as the influence of Marxism there is a Confucian element to the DPRK's emphasis on welfare rights. We saw earlier how the Mencian notion of benevolent government imposed a sacred obligation on the emperor to govern exclusively in the interests of the populace. This obligation applied in particular to their welfare interests. 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, otherwise known as the doctrine of 'the people as the basis of the state' (*minwei bangben*).<sup>59</sup> Indeed, the legitimacy of the emperor – his 'heavenly-ordained' mandate – was deemed to be contingent upon his ability to guarantee the sustenance and livelihood of his people. Hence, 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 not just as one of the state's obligations to the people but as its principal obligation.

The philosophy of *juche* has also influenced the North Korean perspective on welfare rights. This is particularly apparent in relation to the right to subsistence (*saengjonkweon*), the realization of which is often expressed as part of a wider struggle for national independence from foreign domination. For

example, in a 1937 article that urged Korean communists to rise up and liberate the Korean nation from Japanese colonial rule, Kim Il-sung condemned Japan for neglecting the subsistence rights of the Korean people:

Korean workers are deprived of their subsistence rights in a most brutal manner through the exploitation of the Japanese authorities. Women and children in particular are heavily oppressed by the Japanese who are motivated only by the need to maximize the economic benefits of colonization, forcing the Korean people to work between 12 and 18 hours each day.<sup>60</sup>

Kim made a similar point with regard to what he perceived as the American colonization of South Korea following the post-war division of Korea. In a 1967 article expounding the principles of national self-reliance, Kim argued that South Korea had become subordinate to America in every aspect of its government and society, and that 'hopeless South Koreans have to endure the intolerable ethnic discrimination of the American invaders, constantly threatening the right to subsistence of the Korean people'.<sup>61</sup> Likewise, in a 1966 article calling on anti-government protestors in South Korea to unite with the North and create an independent Korea, Kim asked the demonstrators to consider seriously whether their subsistence rights and living conditions were respected by the South Korean government.<sup>62</sup>

Kim frequently referred to *juche* when identifying the KWP's claimed success in guaranteeing the subsistence rights of the North Korean populace. For example, at a 1974 KWP congress meeting during which the party decided to abolish the system of taxation, Kim noted that

... the supremacy of 'our style of socialism' which is based on the ideology of *juche* is evident through the fact that people in the DPRK are well looked after in their material and cultural lives. The complete abolition of taxation will give hope to those South Koreans who are fighting for democratic freedom, subsistence rights and independent and peaceful unification despite the unprecedented fascist violence of the South Korean regime.<sup>63</sup>

The right to subsistence is also expressed as a right belonging to the nation, and here again we can detect the distinct hallmark of *juche*. According to the party theorist Kim Chang-ryul in his analysis of human rights, the right to subsistence should be understood not only as an individual right to food, clothing and accommodation but also as a national right of survival within an international environment of hostile powers that, it is asserted, seek to isolate and then dismantle the DPRK.<sup>64</sup> Kim Jong-il has built on this view in his frequently made correlation between subsistence rights and the right to national

self-determination which in turn brings us back to the relationship between individual and collective rights:

National self-determination and independence from foreign rule is a fundamental pre-condition to the realization of the nation's subsistence rights and development. Only if there is national self-determination can these rights be protected and can the nation's destiny be independently developed according to its needs and deeds and the nation's external relations be improved on the basis of equality and mutual benefits.<sup>65</sup>

Official Chinese discussions of subsistence rights are likewise expounded in strong nationalistic tones. During the period of imperialist domination (1840–1911), it is argued, the Chinese people were unable to enjoy basic rights to subsistence as 'the imperialists sold, maltreated and caused the death of numerous Chinese labourers, plunging countless people in old China into an abyss of misery'. Little improved during the Republican period (1912–49) as the KMT 'failed to deliver the nation from semi-colonialism'. Although the establishment of the PRC brought about the end of foreign occupation of China, the Chinese people finally 'stood up as masters of their own country', their subsistence rights were still not guaranteed because China remained under-developed and hence under threat from foreign attack. It is only since the introduction of economic reform, it is argued, that the right to subsistence has been guaranteed, and this is duly described as 'an historical achievement made by the Chinese people and government in seeking and protecting human rights'.<sup>66</sup>

## Conclusions

This article has identified and analysed an official North Korean discourse of human rights, separable into at least three themes: rights are conditional rather than universal, collective rights take priority over individual rights, and special importance is attached to welfare and subsistence rights. In each case Marxism has been a significant influencing factor. The condition that only the proletariat is entitled to rights at the expense of the bourgeoisie is an integral feature of the Marxist class struggle between these two antagonistic classes. The prioritization of collective rights draws on the Marxist conviction that the individual is a component part of his society, literally a 'species being'. The stress on welfare and subsistence rights forms part of a wider Marxist concern with safeguarding the material well-being of the masses, usually under impoverished socio-economic conditions.

In addition to Marxism, Korea's long-standing Confucian tradition has been important in shaping DPRK rights thinking. This is particularly apparent in relation to the contemporary emphasis on collective rights, which can

ultimately be traced to the Confucian practice of subordinating individual interests to those of the group (specifically the family) and to the firmly-held conviction that any preoccupation with individual interests is selfish and hence morally undesirable. Strains of Confucianism are also evident in Kim Jong-il's concept of virtuous politics (as part of the more recent 'loyalty' condition for entitlement to rights) and in the North Korean position on welfare and subsistence rights.

Finally, we have seen how *juche* has impinged on DPRK rights thinking, eclipsing Marxism in this regard. This has reflected a more general movement away from Marxism and towards a *juche*-oriented state ideology in reaction to North Korea's increasing isolation from the international community since the end of the Cold War. The significance of class and class rights has recently diminished in favour of loyalty to the nation and obedience to Kim Jong-il as the condition for entitlement to rights. The accent on collective rights has likewise taken a more *juche*-based form through the increased focus on the rights to national sovereignty and national self-determination. Similarly, welfare and particularly subsistence rights are closely linked to *juche* as part of an historical struggle for national independence from foreign imperialism.

The North Korean discourse on human rights remains very much an official discourse, espoused, as we have seen, by the nation's two post-war leaders, Kim Il-sung and Kim Jong-il, and reinforced by commentators who speak exclusively on behalf of the ruling party. In contrast to the situation that has developed in neighbouring China, where there is now a lively scholarly debate on human rights as evidenced by a growing academic literature on the subject, the convening of an increasing number of human rights conferences and even an undergraduate module on human rights (at Guangzhou University), there is no domestic debate on human rights among North Korean academics. Moreover, there is little to suggest that this is likely to change in the near future.<sup>67</sup>

Despite the apparent rigidity of the DPRK's stance on rights, it is significant that North Korea is at least engaging in a human rights dialogue, increasingly so in recent years. Although references to rights before the 1990s were not unusual, the increase in Western criticism of North Korea's human rights record since the end of the Cold War has pushed North Korea into a position where it increasingly feels obliged to respond to this criticism. In many cases Pyongyang simply defaults to its familiar defensive nationalist position by accusing its Western critics of interfering in North Korea's internal affairs. But there is now, as we have seen, a much clearer idea of where North Korea stands in terms of its own conceptions of human rights, particularly concerning issues such as the conditionality of rights and the prioritization of collective and subsistence rights. There are also signs that North Korea is

absorbing Western idea on rights through its – albeit infrequent – official references to universal and innate notions of human rights.

As a final point it is worth noting a possible parallel with China. The proliferation of Chinese ideas about human rights over the past decade or so came about directly as a result of foreign criticism of China's human rights practice, especially after the 1989 Tiananmen Square crackdown which provoked a dramatic increase in such criticism. This led to the publication of the numerous human rights white papers referred to above and then to the academic debate on the subject. It is by no means certain that North Korea will follow in China's footsteps, however. Unlike China, North Korea has not opened its doors to international trade so there is less of a perceived need to be accepted by the international community on issues such as human rights, although this may come if North Korea accelerates its tentative steps towards economic reform.<sup>68</sup> Nor is there anything like the freedom of academic expression that China today enjoys (relative to North Korea), as evidenced by a far greater number of human rights experts and human rights publications. But there is at least a precedent for North Korea to follow.

#### ACKNOWLEDGEMENTS

The authors would like to thank Aidan Foster-Carter (Leeds University) and Shaun Breslin (Warwick University) for their advice on this article.

#### NOTES

1. For example, in 2004 the United States Congress issued the North Korean Human Rights Act, which identifies a catalogue of human rights violations for which the KWP (and to a certain extent the CCP) is believed to be responsible and suggests methods of promoting human rights and democracy within the DPRK. These methods include funding pro-democratic, non-profit organizations that seek to embark on academic and cultural exchange programmes with the DPRK and facilitating the dissemination of democratic ideas inside the DPRK through radio broadcasts and other forms of media.
2. Amnesty International issues annual reports on North Korea's human rights record. For the 2007 report see <<http://www.nesty.org/eng/r/region/asia-and-pacific/north-korea>>, accessed 2 Feb. 2008.
3. The mandate of the UN special rapporteur to North Korea (currently Vítit Muntarhorn) was established in July 2004 by the UN Human Rights Commission and extended in 2006 for one year by the UN Human Rights Council. The task of the special rapporteur is to prepare and submit bi-annual reports to both the UN General Assembly and the UN Human Rights Council on a variety of human rights transgressions in North Korea. These are often based on the testimonies of North Korean refugees who have successfully fled the country. The most recent report was published on 20 October 2006.
4. See, for example, Choi Sung-chul (ed.), *Human Rights and North Korea* (Seoul: Institute of Unification Policy, 1999); David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, DC: US Committee for Human Rights in North Korea, 2003); Stephan Haggard and Marcus Noland, *Hunger and Human Rights: The Politics of Famine in North Korea* (Washington, DC: US Committee for Human Rights in North Korea, 2005).

5. The Information Office of the State Council (IOSC) has been publishing human rights white papers since 1991. As well as setting out China's formal position on the subject, several of the white papers critically assess the human rights situation in the US, usually in response to the annual US State Department report on human rights abuses in China. Examples of China's human rights white papers include IOSC, *Human Rights in China* (Beijing: Central Literature Publishing House, 1991); IOSC, *Fifty Years of Progress in China's Human Rights* (Beijing: Central Literature Publishing House, 2000); IOSC, *The Human Rights Record of the United States in 2005* (Beijing: Central Literature Publishing House, 2006). It should also be noted that the South Korean-based Korea Institute for National Unification has been publishing annual white papers on North Korea's human rights record since 1996.
6. Useful studies of Korean Confucianism can be found in William Theodore de Bary, *The Rise of Neo-Confucianism in Korea* (New York: Columbia University Press, 1985); Martina Deuchler, *The Confucian Transformation of Korea: A Study of Society and Ideology* (Cambridge, MA: Harvard University Press, 1995); Robert Buswell, *Religions of Korea in Practice* (Princeton, NJ: Princeton University Press, 2006).
7. Kim Il-sung, 'sasangsaupeseo kyojojuiwa hyeongsikjuireul toichihago juchereul hwangriphalde daehayeo' (On Eliminating Dogmatism and Formalism and Establishing Juche in Ideological Work), in Kim Il-sung, *Kim Il-sung Jeojakjib* (The Works of Kim Il-sung), Vol.9: July 1954–Dec. 1955 (Pyongyang: KWP Press, 1980), pp.466–95.
8. The scholarly works on *juche* include Colin MacKerras, 'The *Juche* Idea and the Thought of Kim Il-sung', in Colin MacKerras and Nick Night (eds.) *Marxism in Asia* (London: Croom Helm, 1985), pp.151–75; Andre Lankov, 'The Official Propaganda of the DPRK: Ideas and Methods', at <[http://north-korea.narod.ru/propaganda\\_lankov.htm](http://north-korea.narod.ru/propaganda_lankov.htm)>, accessed 2 Feb. 2008.
9. The funds have been freed for withdrawal from the Macau bank in question (which, Washington claimed, had helped North Korea launder money and traffic in counterfeit US currency) but the DPRK has not yet removed the money, possibly because of a lack of experience in international banking procedures.
10. Kim Il-sung, 'haebangdeon jogukaeseoui dang, guka mit muryeokgeonseorae daehayeo' (On the Establishment of the Party, State and Military at the Dawn of the Liberated Nation), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.1: June 1930–Dec. 1945 (Pyongyang: KWP Press, 1979), pp.261–2.
11. It is estimated that during the Japanese occupation of Korea approximately 200,000 women were forced to become sex slaves or 'comfort women' for the Japanese military; many of these were poor women from rural parts of Korea kidnapped by Japanese officials or local collaborators. A comprehensive study of the abuse of women across Asia by the Japanese imperial army is George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War* (London: Longman, 1997).
12. Kim Il-sung, 'bukjoseon namnyeopyeongdeungkweonae daehan beopryeong' (The DPRK Gender Equality Act), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol. 2: Jan.–Dec. 1946 (Pyongyang: KWP Press, 1979), pp.326–8.
13. The complicated circumstances leading up to the division of Korea in 1948 are well documented in Bruce Cumings, *The Origins of the Korean War: Liberation and the Emergence of Separate Regimes – 1945–1947* (Princeton, NJ: Princeton University Press, 1981).
14. The 1918 Constitution of the Russian Socialist Federative Soviet Republic bestowed rights exclusively on the proletarian classes (defined as 'toiling and exploited peoples') while denying them to the capitalist classes (known as the 'exploiting classes', 'former people' or the 'deprived ones'). The first category included 'workers and employees of all kinds and categories engaged in industry, trade, agriculture, etc., peasants and Cossack farmers not employing hired labour for profit'; the second included 'persons employing hired labour for profit', 'persons living on unearned income, such as interest on capital, revenue from enterprises, income from property' and 'private traders and commercial middle men': see Aryeh Unger, *Constitutional Development in the USSR* (New York: Pica Press, 1981), pp.36–7.
15. For details see Robert Scalapino and Chong-Sik Lee, *Communism in Korea: Part I* (Berkeley, CA: University of California Press, 1972), p.346.

16. Andrew Nathan, '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, 1986), pp.77–124 (p.97).
17. *Ibid.*, p.105.
18. This position is most clearly expounded in Gregory Vlastos, 'Justice and Equality', in A.I. Melden (ed.), *Human Rights* (Belmont, CA: Wadsworth, 1970), pp.76–95 (p.90).
19. David Lane, 'Human Rights under State Socialism', reprinted in Stephen White and Daniel Nelson (eds.), *Communist Politics: A Reader* (London, Macmillan, 1986), pp.326–45 (p.333).
20. Scalapino and Lee, *Communism in Korea: Part I*, p.851.
21. *Ibid.*
22. Kim Il-sung, 'iminjeongkweoneun kullodaetjeungeul wihae bokmu hayeoya handa' (The People's Regime Must Work for the Working People), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.32: Jan.–Dec. 1977 (Pyongyang: KWP Press, 1986), p.536.
23. Kim Chang-ryul, 'jaegukjujadeuri tteobeorigo itneun inkweon onghowa keui bandongjeok bonjil' (The Imperialists' Protection of Human Rights and its Anti-Revolutionary Roots), *Kulloja* (Workers), 1990, No.2, pp.92–6 (p.93).
24. Korea Institute for National Unification, *White Paper on Human Rights in North Korea – 2006* (Seoul: Centre for North Korean Human Rights Studies, 2006), pp.87–108.
25. For an explanation of Mao's classification of class see Shaun Breslin, *Mao Zedong in the Scales of History* (London: Global Village Publications, 1993).
26. Kim Jong-il, 'sahoejuineun kwahakida' (Socialism is Science), *Rodong Sinmun* (Workers' Daily), 4 Nov. 1994.
27. *Ibid.*
28. 'chamdaun inkweoneul onghohayeo' (On the True Protection of Human Rights), *Rodong Sinmun*, 24 June 1995.
29. *Ibid.*
30. For a general discussion of this principle see Robert Eno, *The Confucian Creation of Heaven: Philosophy and the Defense of Ritual Mastery* (Albany, NY: State University of New York Press, 1990).
31. It is not altogether unusual to find a link between loyalty to the nation and entitlement to rights. As part of the KMT's nation building strategy it was proposed, during the Third Party Congress of 1929, that all Chinese citizens should swear an 'oath of allegiance' to the Three Principles of the People (*sanmin zhuyi*) as espoused by Sun Yat-sen. Only those citizens who swore this oath were entitled to rights. Although the loyalty oath was never systematically applied, it did appear in some items of legislation: see Nathan, 'Political Rights in Chinese Constitutions', p.91.
32. Ahn Myung-hyuk, 'mijaeneun saekae choedaui inkwon yurinja' (America is the World's Worst Violator of Human Rights), *Kulloja*, 1990, No.8, pp.91–6 (p.91). This view is also expressed in Kim Chang-ryul, 'jaegukjujadeuri tteobeorigo itneun inkweon onghowa keui bandongjeok bonjil'.
33. 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 Unger *Constitutional Development in the USSR*; for analysis of Chinese constitutional rights see Nathan, 'Political Rights in Chinese Constitutions'.
34. See, for example, Peter Jones, *Rights* (Basingstoke: Macmillan, 1994), p.192.
35. Kim Young-guk, 'sahoejuineun jajuseongeul jihyanghaneun inmindajung ui linyeomimyeo hyeokmyeongjeok kichi' (Socialism is the People's Ideology and Revolutionary Ensign to Incline Towards Sovereignty), *Chollima* (One Thousand Mile Leaping Horse), 1998, No.11, pp.8–9 (p.8).
36. *Ibid.*
37. Karl Marx, 'Grundrisse', in David McLellan (ed.), *Karl Marx: Selected Writings* (Oxford, Oxford University Press, 1977), pp.345–87 (p.346).
38. Donald Munro, *The Concept of Man in Contemporary China* (Ann Arbor, MI: University of Michigan Press, 1977), p.16.

39. Kim Jong-il, 'juchesasang kyoyangeseo jekidoeneun myeoghaji munjeye daehayeo' (On Certain Issues Raised in *Juche* Ideological Education), in Kim Jong-il, *Kim Jong-il Seonjib* (The Selected Works of Kim Jong-il), Vol. 8: 1984–86 (Pyongyang: KWP Press, 1988), p.432.
40. Kim Jong-il, 'sahoeju keonseorui yeoksajeok kyohungwa uridang ui chongroseon' (The Historic Lessons of Building a Socialist Country and our Party's Grand Plan), in Kim Jong-il, *Kim Jong-il Seonjib*, Vol.12: Aug. 1991–Jan. 1992 (Pyongyang: KWP Press, 1997), p.288.
41. Liu Shaoqi wrote that 'every party member should completely submit himself to the interests of the Party and self-sacrificingly devote himself to the 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).
42. Kim Il-sung, 'joseon rodongdang keonseorui yeoksajeok kyeonghun' (Historical Traditions of the KWP), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.40: May 1986–Dec. 1987 (Pyongyang: KWP Press, 1994), p.97.
43. 'Inmingun gonkwanege gonghwaguk yeonguon chingho suyeo' ('Title of DPRK Hero Awarded to Korea People's Army Officer'), *Rodong Sinmun*, 30 April 2004.
44. 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, WA: University of Washington Press, 1985).
45. 'Inmingun gonkwanege gonghwaguk yeonguon chingho suyeo' (note 43).
46. Studies of the family in Confucian Korea include Kim Doo-hun, 'Historical Review of Korean Family Life', *Korea Journal*, Vol.3, No.10 (1963), pp.4–9; Koh Hesung-chun, *Korean Family and Kinship Studies Guide: With a Section on Women* (New Haven, CT: Human Relations Area Files, 1980); Song June-Ho, 'Dynamics of Elite Lineage Structure and Continuity in the Confucian Society of Traditional Korea', in Walter Slote (ed.), *The Psycho-Cultural Dynamics of the Confucian Family: Past and Present* (Seoul: International Cultural Society of Korea, 1986).
47. James Legge, *Confucius: Confucian Analects, The Great Learning and the Doctrine of the Mean* (New York: Dover Publications, 1971), p.250.
48. D.C. Lau, *Confucius: The Analects* (Harmondsworth: Penguin Books, 1979), p.20.
49. Legge, *Confucius*, p.471.
50. Kim Jong-il, 'sahoeju yi neun kwahak yida'.
51. 'Korean Central News Agency Urges America to Stop Trumpeting Human Rights Issues', *Korean Central News Agency*, 23 Nov. 2006.
52. Ibid.
53. Kim Jong-il, 'sahoeju yi neun kwahak yida'.
54. See, for example, IOSC, *Human Rights in China*; IOSC, *The Human Rights Record of the United States in 2005*.
55. See 'Korean Central News Agency Urges America to Stop Trumpeting Human Rights Issues'.
56. A useful survey of North Korea's inability to provide full welfare rights for its people can be found in Korea Institute for National Unification, *White Paper on Human Rights in North Korea – 2006* (Seoul: Centre for North Korean Human Rights Studies, 2006), pp.167–228.
57. IOSC, *Human Rights in China*, p.1. Not all Chinese rights scholars agree with this position: a dissenting view is provided by Du Gangjian, 'shouyao renquan yu yanlun ziyou' (The Foremost Human Right and the Freedom of Speech), *Faxue* (Law), 1993, No.1, p.8.

58. Marx expressed this opinion in his 1875 'Critique of the Gotha Programme': see McLellan, *Karl Marx*, pp.564–70. Studies of Marx's views on human rights can be found in Steven Lukes, *Marxism and Morality* (Oxford: Oxford University Press, 1985); Allen Buchanan, *Marx and Justice: The Radical Critique of Liberalism* (London: Methuen, 1982); Robert Weatherley, *The Discourse of Human Rights in China: Historical and Ideological Perspectives* (London: Macmillan, 1999), pp.83–9.
59. These consultations can be found in James Legge, *The Works of Mencius* (New York: Dover Publications, 1970), pp.135, 173, 300.
60. Kim Il-sung, 'joseon kongsanjujadeurui immu' (The Duties of Korean Communists), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.1: June 1930–Dec. 1945 (Pyongyang: KWP Press, 1979), p.154.
61. Kim Il-sung, 'gukkahwaldong ui modeun bunyaeseo jaju, jarip, jawiui hyeokmyeongjeongsineul deowook kuhyunhaja' (Let Us Realize the Revolutionary Spirit of Self-Reliance, Self-Sufficiency and Self-Defence in Every Sector of the State's Activities), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.21: Jan.–Dec. 1967 (Pyongyang: KWP Press, 1983), p.497.
62. Kim Il-sung, 'hyeonjeongsewa uridang ui kwaup' (The Current Situation and Our Party's Tasks), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.20: Nov. 1965–Dec. 1966 (Pyongyang: KWP Press, 1982), p.457.
63. Kim Il-sung, 'sekeumjedoreul wanjeonhi upselde daehayeo' (On the Complete Abolition of National Taxation), in Kim Il-sung, *Kim Il-sung Jeojakjib*, Vol.29: Jan.–Dec. 1974 (Pyongyang: KWP Press, 1985), pp.158–60.
64. Kim Chang-ryul, 'jaegukjujadeuri tteobeorigo itneun inkweon onghowa keui bandongjeok bonjil', p.93.
65. Kim Jong-il, 'ryeoksajeokin buknamjoseon jeongdang sahoedanche daepyoja ryeonseokhoeyi osipdol kinyeom jungang yeonku toronhoe e bonaen seohan' (Letter to the Central Research Conference at the Fiftieth Anniversary of the Historic Inter-Korean Meeting Between the Representatives from Political Parties and Social Organizations), in Kim Jong-il, *Kim Jong-il Seonjib*, Vol.14: 1995–99 (Pyongyang: KWP Press, 2000), pp.412–13.
66. IOSC, *Human Rights in China*.
67. For analysis of the contemporary Chinese debate on human rights see Robert Weatherley, 'The Evolution of Chinese Thinking on Human Rights in the Post-Mao Era', *Journal of Communist Studies and Transition Politics*, Vol.17, No.2 (2001), pp.19–42; Marina Svensson, *Debating Human Rights in China: A Conceptual and Political History* (Lanham, MD: Rowman & Littlefield, 2002), pp.261–96.
68. For example, the 'July First Economic Management Improvement Measures' implemented in July 2002 have allowed for a gradual increase in small-scale street vendors selling a limited variety of consumer goods at market prices. North Korea has also set up a handful of designated 'special economic zones' on its border with China to encourage investment and trading.