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“Enemies of the People” in the Democratic People’s Republic of Korea: The Political Meaning of Human Rights Violations Against Them

Abstract

Over the last several decades, the Democratic People’s Republic of Korea (DPRK)’s government has repeatedly produced a number of “enemies of the people.” This article contends that the “enemies” in the DPRK have been produced by political decisions in the name of popular sovereignty, based on post-colonialism and socialism. The principal goal of this article is to identify the political meaning of violations against the “enemies of the people” and to shed light on the problems of “politicized human rights.”

Keywords: North Korea, human rights, friend/enemy, politicization, popular sovereignty

1. Introduction

This paper focuses on human beings who are just kept alive at the mercy of politics by becoming mere political instruments by fiat. Over the last several decades, the government of the Democratic People’s Republic of Korea (DPRK) has again and again produced a number of “enemies of the people.” Those who are labeled “anti-Party, counterrevolutionary factionalists,” “enemies of the people,” “class enemies,” “impure factionalists,” “human scum,” and so on have been persecuted, marginalized, executed, eliminated, or disappeared. Fighting against them has been defined,

as well as authorized, by various laws, including the Constitution of the DPRK. They have undoubtedly been there, still exist, and will continue to do so.

Who are they? And what is the distinction between friend and enemy in the DPRK? In this context, this paper deals with the issues of the exclusion and the dehumanization of human beings who had been called "citizens." While these issues are understood as human rights issues today, the paper seeks to politically analyze them through two theoretical perspectives focusing on "sovereign power": the "friend/enemy" antagonism argued by Carl Schmitt (1932) and the concept of the "homo sacer" developed by Giorgio Agamben (2002). The paper contends that political decisions have produced "enemies" in the name of popular sovereignty, protecting politicized human rights of the citizens in the DPRK by dehumanizing the "enemies." The principal goal of this article, then, is to identify what constitutes the "enemies of the people."

In this regard, the present article claims that the discourse that has produced the "enemies" was already inherent in a political slogan that the DPRK's government and politicians continuously asserted around 1948 when the country was established, while the revolutionary arguments, i.e., post-colonialism and socialism, were widely supported by the people. As discussed further in the following chapters, this argument is not intended to follow the previous studies on the DPRK, but aims to put forward my own theory on the DPRK's human rights situation toward a new theoretical framework in order to understand human rights and the sociopolitical environment in the DPRK by re-examining the meaning of "popular sovereignty."

This phenomenon, whereby individuals, excluded from the population, turn into "enemies", suggests that the history of exclusion confirmed in the name of popular sovereignty has been unavoidably destined to strengthen the extrajudicial authority of State sovereignty. Simultaneously, this indicates that the "human rights" discourse that has been used in order to justify the exclusion and the dehumanization of the "enemies" is based on "politicized human rights" created by arbitrarily reinterpreting and conveniently reselecting human rights. Therefore, it can be said that the notion of human rights is universally accepted to the extent that countries that have taken actions to support "human rights" consider their own politicized human rights as human rights. Consequently, this chronic situation has constituted a basis of human rights criticism, both theoretically and empirically.

Given that such extrajudicial dehumanization of “enemies” is not contrary to law and not limited to cases of the DPRK, an important point to remember is that the abuses of human rights by “human rights,” which means politicized human rights created by sovereign power, are contemporary political issues in the era of human rights.

2. Popular Sovereignty and Disenfranchisement: Human Rights Situation in the DPRK

Sanctions against harmful traitors who violate human rights and betray the country as well as the people are the sacred, legitimate exercise of the people’s own rights to enjoy the very human rights. A country tolerant to the human scum is nothing but the anti-people State that disobeys the human rights of the people. History and reality show that if the country shows mercy toward enemies of the people, a flock of villains will be rampant, and then the dignity and the rights of people will be seriously violated. [...] Human rights can be guaranteed only when sovereignty is protected. (Rodong Sinmun, December 9, 2015)

The above is an editorial column published in the *Rodong Sinmun*, the newspaper of the Workers’ Party of Korea. The main purpose of this chapter is to clarify the urgency of the problem caused by political exclusion by providing some specific examples about how much the “enemies,” the so-called “human scum,” were suffering under “sanctions.” It is also more helpful to understand a process whereby “enemization,” or “disenfranchisement,” leads to dehumanization by “legal” constraints of human rights.

In March 1974, Amnesty International adopted as a prisoner of conscience Ali Lameda, a Venezuelan communist, who had been arrested as an “enemy” of the DPRK and an “imperialist spy,” and campaigned widely for his release (Lameda 1979, pp. 5–15). Lameda testified as follows about his arrest in September 1967.

Nine people came to my apartment to arrest me. Two of them were in the uniform of the police, the others were agents of what is called Public Security. I was told I was being arrested as an enemy of the Democratic People’s Republic of Korea, having violated Korean law. Nothing more specific was said to me, and they were not willing to discuss the laws or charges related to my arrest. [...] Hunger was used as a control. No more than 300 grams of food per day was given to each prisoner. [...] The food provided in the prison was fit only for animals. For months a prisoner is deprived of adequate food. In my opinion, it is preferable to be beaten, as it is possible to grit one’s teeth and withstand physical beating. (Lameda 1979, pp. 12–13)

Under house arrest in Pyongyang, Lameda was sentenced to punishment of 20 years forced labor on suspicion of spying. Fortunately, however, he was released in May 1975 through Amnesty International campaigns and political arbitration by the Venezuelan government and the Romanian president.

On the other hand, testimony given by Chol-hwan Kang, a former political prisoner, offers a crucial clue for application of the principle of “guilt by association” (*yeonjwaje*).¹ From his case, we can also confirm a series of processes that transform ordinary citizens into enemies.

[W]hen I was young, [...] compared to other North Korean residents, I think I was a very happy child. And then in 1977, my grandfather went to work and then he didn't come back for one month. So we went to his workplace to find out why, and we were told that he went on a business [trip]. And then [someone] from the *Bowibu*, that is the State Security Department of North Korea, came to us and said that our grandfather committed treason to the State as well as the people, that he deserved to die, but that instead of giving him the death penalty, that he was taken somewhere else. Our properties were confiscated. On the 4th of August in 1977, our families were brought into the Yodok political prisoner camp. I was 9 years old. It was [the] 8th of August 1977, that's when we were taken to the political prison camp. (A/HRC/25/CRP.1, para. 283)

Kang's family members were ethnic Koreans living in Japan. They migrated to the DPRK from Japan during the “Paradise on Earth Movement” from 1959. By 1984 when the movement officially ended, 93,340 ethnic Korean and Japanese “returnees” had moved to the country, even though “[m]any of these people were not originally from north of the 38th parallel” (A/HRC/25/CRP.1, paras. 916-7). There was no doubt that they were unable to speak freely even about life in Japan. By doing so, they might be exposed to danger that instantly turned them into “enemies.”

Other defectors testified that especially during the great famine of the 1990s, people who moved across the Chinese border in search of food for themselves and their families were sent to the concentration camps only for having contact with South Koreans or Christians. Norbert Vollertsen, a German doctor who spent 18 months in the DPRK until he was expelled in December 2000, also witnessed some people who had been in concentration camps (Vollertsen 2001, p. 149).

1 On the basis of the principle, “the entire family of those purged frequently also ended up in the political prison camps including the parents, spouses, siblings and children (regardless of age). Only female relatives who were already married outside the family at the time of the purge were usually spared. Because of the strict patriarchal system, they were considered to belong to another family.” (A/HRC/25/CRP.1, para. 745).

[P]eople who fled from camps are abnormally thin and weak. I had examined the five people. They had [...] terrible injur[ies] and all of them smelled terrible because of the poor sanitary conditions of the camps. There was no longer a [human-like] smell [...]. Their heads were scarred [...]. Most of them had chipped [teeth], and some of them had broken [...] their lower jaw[s].

In this respect, it is unnecessary to say that each “enemy” is subject to inhumane treatments, such as hunger, forced labor, and torture, until he or she is “corrected,” is wiped out, or dies. Imprisoned in concentration camps, they are not only deprived of their basic rights as citizens, from the right to vote and to be elected to the right to marry and to start a family, but are also excluded from general public welfare coverage in education, medical services, and food distribution, and, of course, their civil ID cards are to be invalid. This is because they or their relatives were/are “sub-human enemies.” For a “citizen” to be reclassified as an “enemy” for any reason means that s/he is not a human being anymore.²

3. Political Discourse on Enemies

In the past, we have often witnessed actual examples of expulsion, assassination, and purges. We might be resigned to violations of human rights of the “enemies.” However, at least in history, it is not the heart of the issue to explore answers to the following questions: who are enemies; what were they doing; and why did they commit the “crimes”? In history, of primary importance, especially relating to political issues, is the fact that the “enemies” existed or still exist, because their existence strengthens our political identity as well as political unity to ally in a fight against them. Therefore, “we” can gain a strong sense of safety and belonging by joining “our” side. In this context, it is important to note that “democratic logics always entail drawing a frontier between ‘us’ and ‘them’, those who belong to the ‘demos’ and those who are outside it,” as Chantal Mouffe

2 On this, the COI pointed out the following. “Guards and security agents serving in the political prison camps are taught to consider inmates to be sub-human enemies, who no longer enjoy citizen’s rights. Accordingly, they are instructed to treat inmates without pity. This message is reinforced by the activities of the Propaganda Department of the Workers’ Party of Korea and other state institutions, which create hostility toward so-called ‘enemies of the people’. The combination of indoctrination by specific training and general propaganda creates a psychological environment that eradicates human inhibitions that might otherwise prevent guards from subjecting prisoners to such inhumane acts.” (A/HRC/25/CRP.1, para. 1063)

pointed out (2000, p. 4). Given this perspective, what was indicated in the presence of the “enemies” in the DPRK is that the country is a republic of the people’s “democracy” that makes “ostensible” liberal democracy much more “real,” as seen from the formal name of the country. Mouffe (2000, p. 4) writes:

It necessarily creates a tension with the liberal emphasis on the respect of “human rights,” since there is no guarantee that a decision made through democratic procedures will not jeopardize some existing rights. In a liberal democracy limits are always put on the exercise of the sovereignty of the people.

This argument may be logically valid. However, it is partly wrong in practice – in other words, whether liberal democracy exists or not does not matter in this case. This is because the exercise of sovereignty by the people in both liberal democracy and absolutist democracy may individually restrict their human rights. In fact, human rights have always been restricted by the public order or the public interest, even though the protection of human rights is a political slogan of governments around the world today. This situation, i.e., the suspension of human rights in the name of democracy, is a problematic contemporary issue not limited to past and current socialist countries rejecting liberalism as mere bourgeois ideology.

Judith Butler points out “the suspension of law” in operation of sovereign power, citing the situation of a number of detainees detained indefinitely at Guantanamo Bay, not even called “prisoners.” She argues as follows:

My own view is that a contemporary version of sovereignty, animated by an aggressive nostalgia that seeks to do away with the separation of powers, is produced at the moment of this withdrawal (Butler 2004, p. 61) [...] It is not, literally speaking, that a sovereign power suspends the rule of law, but that the rule of law, in the act of being suspended, produces sovereignty *in its action and as its effect* (emphasis in original). (Butler 2004, p. 66)

Describing how the suspension of law revives a powerful sovereignty, she gives an insight into the events at Guantanamo. Put differently, she clarifies that the exclusion of human beings and their dehumanization are carried out by the practice of sovereignty, i.e., exercise of State power, indicating that political decisions to isolate those who should be excluded from the human community, that is to say, the deprivation of all rights, “are determined by discretionary judgments that function within a man-

ufactured law or that manufacture law as they are performed" (Butler 2004, p. 58). Her sharp analysis helps us to recall that today we are forced to bear the risk that justification for "human rights" restrictions supported by the people is secretly replaced with the legitimacy of extrajudicial authority of State sovereignty – in other words, a willingness shown by a majority of people becomes a collective will and is then assimilated into a national policy as if all people desire it.

On the phenomenon of the politicization of human beings' biological lives, Giorgio Agamben suggests a new perspective. By using the term "inclusive exclusion," he explains the phenomenon from the perspective of "bare life/political existence, *zoē/bios*, exclusion/inclusion." On this binary distinction, Agamben asserts that "[t]he fundamental categorial [*sic*] pair of Western politics is not that of friend/enemy but that of bare life/political existence, *zoē/bios*, exclusion/inclusion" (Agamben 1998, p. 8). First of all, however, this kind of politics is not limited to the Western world. Rather, it may be said that the binarism is a universal, "fundamental categorial pair" of politics. In the Eastern world, there were many various types of *zoē*, e.g., the "Dalit" of India, "Baekjung" of Korea, "Burakumin" of Japan, and so forth. Second, *zoē*'s situation is in essence not so different from the life of "enemy." As far as scapegoating is an important tool to mobilize and unite people, both *zoē* and "enemy" are political scapegoats. Therefore, it can be said that *bios* in a normal situation is "friend" as a member of a political community, and *zoē* in the state of exception is nothing but an internal "enemy." In this sense, Agamben (1998, p. 9) writes:

At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested.

This sentence provides an important clue for clarifying the political foundations from the fact that the "enemies" exist in the DPRK. This is because, as will be described later, they are "exclud[ed] from and captur[ed] within the political order," and "the entire political system" has rested on their existence. On the other hand, he argues:

A humanitarianism separated from politics cannot fail to reproduce the isolation of sacred life at the basis of sovereignty, and the camp – which is to say, the pure space of exception – is the biopolitical paradigm that it cannot master. (Agamben 1998, p. 134)

From this point of view, he boldly proclaims that even in today's era of human rights, "the state of exception" would continue to be a blind spot for human rights. Especially on "bare life" of refugees,³ he asserts that "the separation between humanitarianism and politics that we are experiencing today is the extreme phase of the separation of the rights of man from the rights of the citizen" (Agamben 1998, p. 133). Agamben's insight about the aporias of human rights is apparently gained by scrutinizing Hannah Arendt's critique of universal human rights. Indeed, it may seem that the aporias of human rights have been impeccably demonstrated by a well-established fact that a number of "homo sacer," who "should have embodied human rights more than any other" (Agamben 2008, p. 92), are neglected with no human rights in practice, and, furthermore, that the "bare lives" are "ultimately to be recodified into a new national identity" (Agamben 1998, p. 133).

Ironically, their "realistic" criticism over human rights is consistent with a part of Carl Schmitt's argument that "a tendency toward a meaningful universality" is "an ideal postulate only" (Schmitt 2007, p. 56). Schmitt (2007, pp. 54–55) says:

The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form it is a specific vehicle of economic imperialism. [...] To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity [...]

The political meaning of "universality," according to Schmitt, lies in monopolizing the "universal" concept. It makes "the real possibility of physical killing" possible by simultaneously referring to the concept of the "enemy" against humanity. Considering the distinction between "friend" and "enemy" as a source of political action and motives, Schmitt figures the "political" out from the real possibility of the existence of the "enemy." In his view, "people" is a political, decisive entity "for the friend-or-enemy grouping." On this political entity, Schmitt (2007, p. 38) writes:

If such an entity exists at all, it is always the decisive entity, and it is sovereign in the sense that the decision about the critical situation, even if it is the exception, must always necessarily reside there.

3 They have "bare life," because they are non-citizens who cannot be protected by any governments.

On the one hand, "the exception" means a state of war "to demand from its own members the readiness to die and unhesitatingly to kill enemies" by exercising the right of belligerence (Schmitt 2007, p. 46). On the other hand, "the critical situation" is a moment to decide who our enemies are. Therefore,

For as long as a people exists in the political sphere, this people must [...] determine by itself the distinction of friend and enemy. Therein resides the essence of its political existence. When it no longer possesses the capacity or the will to make this distinction, it ceases to exist politically. (Schmitt 2007, p. 49)

In his view, as an inevitable corollary, the formal distinction between "enemy" and "friend" in socialist countries, e.g., proletarian dictatorship, is a political phenomenon performed by the State with a strong central authority, but done in the name of the people. However, as Schmitt indicates, the distinction, exclusion as a final corollary, is hardly limited to socialist countries. Now, what we need to recall is the following:

Every [S]tate provides, therefore, some kind of formula *for the declaration of an internal enemy*. [...] Whether the form is sharper or milder, explicit or implicit, whether ostracism, expulsion, proscription, or outlawry are provided for in special laws or in explicit or general descriptions, the aim is always the same, namely *to declare an enemy* (emphasis added). (Schmitt 2007, pp. 46–47)

From this perspective, it is important to note that while a State identifies enemies, people unite politically – i.e., as citizens – isolate themselves, enemize themselves, and justify their human rights violations in the name of the people. As a result, it will be possible to confirm "friends," integrate the people as obedient as well as dependent citizens, and politically mobilize them. In turn, the "enemy/friend" is, even if the distinction involves human rights abuses in the universal sense, *a relatively inherent, legitimate concept, as well as a highly political concept*, to the extent that a State as a power apparatus has frequently used the term in order to maintain public order.

At the same time, it should be noted that citizens' fundamental rights used as a means to exclude enemies have been politicized as equivalent to universal human rights, which means human rights are violated by human rights (politicized human rights). From the perspective of the legality of enemization and the "human rights/politicized human rights," the next section analyses the case of the DPRK, indeed like a live-action version of Schmitt's concept of "the political" in the post-Cold War era.

4. “Crimes Against the State and the Nation”

This section focuses on the following question: what is the criterion that separates non-citizens from the citizens? As the constitutional basis for determining the “enemies,” the DPRK sets out the provision to identify the class nature of the State.

The State shall adhere to the class line and strengthen the dictatorship of the people's democracy so as to firmly defend the people's power and socialist system *against all subversive acts of hostile elements* at home and abroad (emphasis added).

This is prescribed in Article 12 of the Socialist Constitution of the DPRK. In the *Political Encyclopedia* published by the [North] Korea Social Science Publishing House (*Sahoekwahak Chulpansa*), “dictatorship of the people's democracy” is defined as

a form of political domination implemented in a society that was allowed to overthrow the old governance mechanism of class exploitation by the revolutionary violence, mobilizing a wide range of democratic competencies possessed by the working class and its allies, farmers in the stage of the anti-imperialist, anti-feudal democratic revolution.

The encyclopedia states that “imperialism and its minions including landlords and comprador capitalists” are the target of the dictatorship of the people's democracy, and, furthermore, it is necessary “to vigorously sweep pro-Japanese elements, traitors to the nation, landlords and comprador capitalists” to achieve the dictatorship. In the DPRK, this “suppression against the anti-socialist forces and legal sanctions against non-socialist phenomenon” is regarded as a precondition to enable the “people's democracy dictatorship” (Sim 1996, p. 164). For this reason, it has been thought that “executing dictatorship over the enemies of the people” leads to “thoroughly defending the rights and interests of the working masses” (Sim 1996, p. 23). In this sense, it is important to accurately distinguish “criminals” in terms of class. Indeed, it seems that the government also operates an “inclusive exclusion,” as noted by Agamben. The significance of the political exclusion is also indicated in existing laws in the DPRK.

The State shall strictly identify friends and enemies in its struggle against anti-State and anti-People crimes, and subdue the small minority of enemy leaders and embrace the majority of followers (emphasis added). (DPRK Code of Criminal Procedure 2012, article 2)

The article above states the “principle of adherence to the class line.” The DPRK’s laws and judicial system are built on the initial legal system enacted by borrowing that of the Soviet Union under Stalin’s regime (Song 2011, p. 82). Through several amendments, a large number of expressions related to the ideological class struggle have been deleted, but its essence has not changed.⁴ In addition, article 162 of the Constitution stipulates that one of the main functions of the Court is to “ensure that all institutions, enterprises, organizations and citizens [...] staunchly combat class enemies and all law-breakers.” Indeed, the DPRK is “trying to make clear distinctions between the ‘friend–enemy contradiction’ and the ‘contradiction within the people’” (Kim 2006, p. 14). A basis for distinguishing the “enemy” from the people is whether they are involved in “crimes against the State and the nation,” as referred to in the “principle of adherence to the class line” above. The “crimes against the State and the nation” (called “anti-revolutionary crimes” in the past) include the following 14 “crimes” defined in the Criminal Code.

Table 1. Types of Crimes against the State and the Nation

Types of crimes	Maximum penalties
Crimes against the state (Art. 60–67)	
(Conspiracy to Subvert the State)	death penalty and confiscation of property
(Terrorism)	death penalty and confiscation of property
(Anti-State Propaganda and Agitation)	reform through labor for less than 10 years
(Treason against the Fatherland)	death penalty and confiscation of property
(Espionage)	reform through labor for more than 10 years
(Sabotage)	death penalty and confiscation of property
(Inducement of Armed Intervention and Severance of Diplomatic Relationship)	reform through labor for more than 10 years
(Aggression against Foreigners)	reform through labor for more than 10 years
Crimes against the nation (Art. 68–70)	
(Treason against the Nation)	death penalty and confiscation of property
(Suppression of the National Liberation Struggle of the Korean Nation)	reform through labor for more than 10 years
(Aggression against the Korean Nation)	reform through labor for more than 10 years

4 In my view, this is because the DPRK is not a real socialist country, but socialism is still, officially at least, a form of social justice for the country.

Types of crimes	Maximum penalties
Crimes of Harboring, failing to report, and neglecting of a crime against the state and the nation (Art. 71–73)	
(Harboring an Individual who Committed a Crime against the State or the Nation)	reform through labor for less than 4 years
(Criminal Failure to Report a Crime against the State or the Nation)	reform through labor for less than 3 years
(Failure to Prevent a Crime against the State)	reform through labor for less than 3 years

Source: The DPRK Criminal Code, which was amended on 22 July 2015. South Korean Ministry of Unification, Ministry of Justice, and Ministry of Government Legislation.

The “crimes against the State and the nation” are punishments toward those who engaged in hostile acts contrary to the struggle to realize the socialist construction and the national sovereignty, against the nation and the socialist system. During the term of the sentence, some parts of the citizen’s rights are stopped, according to article 30 of the DPRK’s Criminal Code. In addition, it can be said that its “broad and vague terms” connote the possibility of arbitrarily over-interpreting the scope of “rebellion” against the State and the nation (A/HRC/25/CPR.1, para. 122). In the following, we discuss the historical background and the basis of the justification of the “crimes against the State and the nation,” which provide a legal basis for the presence of official “enemies,” and also make it possible to deprive enemies even of the right to life.

5. History of Making Enemies: Post-colonialism and Socialism

As indicated earlier, the binary distinction between “friends” and “enemies” in the DPRK is a phenomenon that could be seen before the country was established. Korea was “liberated” from the “Empire of Japan” on August 15, 1945, which led to Japan’s surrender. However, the liberation was not the result of an “anti-Japanese struggle.” Therefore, the claim that the “historical accomplishment of Fatherland liberation was achieved,” as heard over and over again in South and North Korea, is not accurate, strictly speaking. After the “liberation” from Japanese colonial rule, the Korean Peninsula was governed by the Soviet Union in the North and

by the United States in the South. Unlike the South, in the North, "liquidation" of all legal provisions that had been carried out in Korea under Japanese rule – including the treatment of the original Korean bureaucracies – was required as much as anything else. This is because it was considered that "[a]bolition of these evil laws that served to systematize servile submission and deprivation of rights was the first priority for the establishment of the human rights protection system that provides genuine democratic freedom and rights to Koreans" (A/69/383-S/2014/668, p. 16). The "genuine democratic freedom and rights" are apparently based on the two communisms that can be said to be the origins of the political system of the regime. The communisms are, as Gregory Henderson (1973, pp. 320–340) argued, one communism that opposed Japanese colonial rule in Korea, and the other, an official communism, that has been imported from the Soviet Union, which provided the occupation force in the DPRK. In other words, the former is "socialist patriotism," and the latter is "socialist democracy."

According to the report of the DPRK Association for Human Rights Studies, the foundation for human rights mechanisms in the DPRK was "established right after its liberation from Japanese colonial rule" (A/69/383-S/2014/668, p. 16). The foundation consists of three historical "feats": abolition of colonial anti-human rights law, establishment of organizations for human rights legislation, and democracy in the judicial system. Such attempts to guarantee the freedom and rights of the people have been inevitably designed to justify strengthening the function of popular democratic dictatorship and purging of pro-Japanese elements and national traitors.

To be sure, it is believed that the process of dictatorship of the proletariat, which was naturally carried out as *a very political demand of the people*, formed a pre-history to produce and to exterminate a number of "enemies" in the country. In this sense, the historical and ideological backgrounds that have justified violations against the "enemies" have consisted of post-colonialism and socialism, which are highly relevant to the legitimacy of the DPRK. They are also closely related to the above-mentioned "two communisms," as far as post-colonialism focused on "the recovery of national identity" (Chowdhry 2011, p. 2088), and socialism means a "process of the self-realization of man in freedom and equality" (Pfahlberg 1972, p. 60). It is nonetheless difficult to say that the "enemies" originated from its "communist" regime or the dictatorship itself. As indicated above, any kind of political regime excludes people in

order to establish/maintain order, as a first step to distinguishing the “enemy” from the citizen through the “democratic” process – setting aside the question of the definition of the “democratic.” The same is true in the case of the DPRK.

This point of view, indeed, may be different from the main trends of the previous research on the DPRK’s regime or human rights issues. Previous studies stress that human rights abuses in the DPRK have been caused by “non-democracy,” regarding political terror, purges in communist countries, for example, as “a part of the proletarian revolution” (Lee 1985, p. 319). However, It seems obvious that the research failed to elucidate the structure of the human rights violations in the DPRK. From such a perspective based on the theory of totalitarianism or anti-socialism, it remains to be shown that “the regime is undemocratic,” as anybody knows. The ideological controversy remains, not only theoretically but also practically, especially with respect to the DPRK’s human rights issue. In addition, it is easy to conclude that the human rights situation in the DPRK is the “worst” and to illustrate that the political system is “non-democratic,” citing testimonies of the defectors.⁵ Besides, an argument that the root cause of the human rights violations is non-democratic often degenerates into the justification of the so-called “humanitarian intervention” allowing the use of force in order to put an end to human rights violations.⁶

It is worth noting again that the distinction between the “friend” and the “enemy” in the country started to rely on the fitness for political purpose in line with the people’s request. In the related laws enacted during the initial stages, including the 1948 Constitution, it was confirmed that farmers and workers were superior to landlords, and the Korean people

5 I would have to say that based on testimonies of defectors from the DPRK, research is limited in respect of “reliability, validity and objectivity” of the information, even though they could pull off a valuable achievement to clear the human rights situation in the country (Oh 2011, p. 99).

6 With regard to issues concerning the principle of non-interference in the internal affairs and universal human rights, a wide range of arguments have been discussed. To describe this matter in detail is not the primary purpose of this article. However, as you can see from examples of the Universal Periodic Review (UPR) process and country mandates in the United Nations, a human rights situation in a given country is taken up as an international agenda; it is also true that the need to improve the situation has been stressed for a long time. This trend can be considered as a way of taking the “responsibility to protect” by the international community, but, from a conservative point of view, there is also an aspect to be backed by the argument that “If human rights violations are based on the dictatorship, the non-interference is then nothing but assistance to the violations and support to the dictatorship” (Kang 2011, p. 33).

were also superior to "pro-Japanese elements" who had been associated with the Japanese colonial administration.⁷ We can also easily guess that elimination of the "Japanese colonial legacy" in the DPRK was widely supported as a "revolutionary work" for establishing a "democratic, independent State" among other things. As shown in the following example, it is possible to trace the origin of the "enemies," in the "platform of 20 political principles" for promoting the people's democratic dictatorship, which was announced on March 23, 1946:

- (1) purge all of the Japanese colonial legacy in the political and economic life of Korea;
- (2) expand the ruthless struggle against domestic reactionaries and anti-democratic elements, and strictly prohibit activity of the fascist, anti-democratic political parties, the organizations and individuals; [...]
- (7) abolish the laws enacted during the period of Japanese colonial rule and the judicial institutions affected by Japanese imperialism. And ensure the equal rights under the law; [...]
- (11) confiscate the land owned by Japanese, State of Japan, the traitor and the landlord and eliminate the agricultural sharecropping system. By freely distributing the confiscated land to farmers, let them take the ownership. (Kim 1978, pp. 145–147)

These were carried out as "basic requirements" in order for the Korean people to have political rights and real freedom. In addition, the confiscation of land belonging to landlords, the deprivation of the right of suffrage of "pro-Japanese elements," and their expulsion measures were an antecedent event to adopting the *songbun* system.⁸ Through the *songbun* system, the State placed its citizens into three broad classes (*kyechung*) of core, wavering, and hostile – but these classes were later turned into core, basic, and complex (wavering and hostile). "Decisions about residency, occupation, access to food, health care, education and other services are contingent on *songbun*" (A/HRC/25/CPR.1, para. 117). While the authorities have denied the existence of the system,⁹ we can draw a specific image of people who are "enemies" based on the *songbun* of the people who have been classified in the lowest class. Its *songbun* is as shown below (A/HRC/25/CPR.1, no. 292).

7 This Constitution adopted on September 8, 1948, was not the "Socialist" Constitution.

8 *Songbun* translates literally as ingredient but practically means socio-political family background.

9 In the second cycle of the Universal Periodic Review in 2014, Kyunghun Ri of the Supreme People's Assembly of the DPRK stated that "alleged discrimination based on social classification of people was unimaginable [...]" and noted that equality was guaranteed by the Constitution and in practice." (A/HRC/27/10, para. 59).

Wealthy farmers, merchants, industrialists, landowners or those whose private assets have been completely confiscated, pro-Japan and pro-US people, reactionary bureaucrats, defectors from the South, members of the Chondoist Chongu Party [which literally translates as 'Party of the Young Friends of the Heavenly Way'], Buddhists, Catholics, expelled party members, expelled public officials, those who helped South Korea during the Korean War, family members of anyone arrested or imprisoned, spies, anti-party and counter-revolutionary sectarians, families of people who were executed, anyone released from prison, and political prisoners, members of the Democratic Party, capitalists whose private assets have been completed [*sic*] confiscated.¹⁰

On the exact proportions of different *songbun* classes, the COI, on the one hand, states that it is difficult to verify the "proportions" and to know "how much these have changed over time," and on the other hand, estimates "the core class to be about 28 percent of the population, while the basic class constitutes 45 percent, and the complex class constitutes the remaining 27 percent" (A/HRC/25/CPR.1, para. 281). However, it is impracticable to conclude that, above all, people are the "enemies" whom the DPRK's citizens must fight against or crack down on. This is because, even if the people of the "complex class" were involved in "crimes against the State and the nation," most of them will be "embraced" according to the "principle of adhering to the class line." Therefore, it can be said that at least the following citizens of the DPRK fall into the category of "enemies," as targets to be isolated and eliminated:

- 1) current and former "political prisoners" used in a very inclusive sense and innocent "prisoners" who are being sent to concentration camps on grounds of guilt by association,
- 2) the DPRK's defectors and the refugees living in a foreign country whose acts of border-crossing are likely to be considered treason,
- 3) people who have been executed in summary executions by exercising basic human rights, such as dissidents, and
- 4) the others considered to be a potential "enemy."

10 It has been previously known that the DPRK had three classes of core, wavering, and hostile. According to In-ae Hyun's thesis, however, it uses the three classes of the basic masses, the complex masses, and remnants of the hostile class. Under these three classes, there are 56 *Songbun*. Landowners, wealthy farmers, comprador capitalists, pro-Japan and pro-US people, malignant religious personnel, factionalists, those complicit with factionalists, spies, agricultural foremen, entrepreneurs, merchants are categorized into remnants of the hostile class. Her study is based on the *Book for Citizen Registration Projects* (Strictly Confidential) published in 1993 by the press of the Ministry of Social Security in the DPRK (Hyun 2008, pp. 34–35).

It should be also noted that people who have been classified into (4) are citizens of the DPRK under the conditions that they can be “enemies” and dehumanized at any time. As soon as they have been classified as politically suspect, their State-guaranteed “human rights” will disappear, since their human rights are merely politicized human rights based on post-colonialism and socialism in the DPRK. Thus, if they turn out to be no more desirable as citizens, they are deprived of even the politicized human rights and, furthermore, forced to descend to being sub-human. Understood in this way, the deprivation of civil rights always causes the dehumanization of the “former” citizen. One needs to stress that the dehumanization has been either indirectly or directly carried out by the citizen himself.

6. Justification for Exclusion: Collectivism and Politicized Human Rights

In the previous section, we focused on the enemies who have been excluded from the definition of “people” united under post-colonialism and socialism. Indeed, post-colonialism and socialism function as major catalysts for mass production of “enemies” on the one hand, and also form the foundation for “human rights,” i.e., the citizen’s rights, on the other hand.

Today, as many countries have legally protected the basic human rights of the people by stipulating these in their constitutions, the Socialist Constitution in the DPRK regulates the right to elect and be elected (article 66); the right to freedom of speech, of the press, of assembly, demonstration, and association (article 67); the freedom of religious beliefs (article 68); and so forth, as the citizen’s basic rights. As for whether or not these rights should be regarded as human rights, many researchers conclusively say that the notion of North Korean human rights is certainly far from that of universal human rights (Choi 1998, p. 323; Ogawa 2014, pp. 85–88). Although the human rights situation is incomparably worse, it cannot be said that the DPRK’s view on human rights that focused on elimination of inequality or discrimination, in other words, a collective approach to human rights, is contrary to the objectives of human rights. The “human rights” the DPRK’s authorities assert have been redefined, being historically fitted into the political system. In this sense, the “human rights” *are politicized*.

As much as anything else, in the early days of the DPRK, the authorities tried to liberate the people who faced both ethnic discrimination and poverty from the twofold inequality by pushing for socialist and post-colonialist justice. It seems that this attempt actually got some sympathy from the people. It has been also portrayed as a part of "patriotism" or "democracy." Moreover, the Korean War added a new enemy, American imperialism, to Japanese imperialism and capitalism, which had been considered as external enemies in the DPRK. The population of the country could strengthen unity by eliminating the internal "enemies," including the persecution of political and ideological opponents. Through a variety of propaganda tactics inflaming hostility against the two imperialisms, they can also be politically mobilized. This could be a force for building "collectivism" of the DPRK, reproducing "enemies." The principle of "collectivism" first appeared in 1972 when the Socialist Constitution was adopted: "In the DPRK the rights and duties of citizens are based on the collectivist principle: 'One for all and all for one.'" In the 1948 Constitution, there was no provision on collectivism. As shown in the following table, it seems that incorporated into the principle of collectivism have been not only the post-colonialist or socialist elements, but also a cultural element of communitarianism. While the former is in contrast to individualism or egoism, the latter is associated with cultural tradition that emphasizes a sense of the family community and the rigid hierarchy. Incidentally, it may be said that the communitarian cultural element was the basis for the "theory of the immortal socio-political body," which means that the Supreme Leader (*Suryung*) is the apex of the socio-political system, which is also a living organism of socio-political beings, in the DPRK, and the individual's life belonging to him should be used as a means of "revolution." Because of the emotional intimacy among the Korean people to the historically molded collectivism, it can turn the individuals who deviate from a centralized society into "enemies."

As the exclusion based on justice for the collective, "democratic" justice, in other words, has shown, the fact that the rights of the citizen are guaranteed on the basis of "collectivism" means that those rights are merely conditional. Briefly put, it is no better than if there were human rights for none, since the rights can be always limited by "collectivism." On the other hand, collectivism is deeply linked to the right to self-determination or social rights, which are defined as not rights "against" the government, but "to," in terms of human rights. These elements of human rights,

Table 2. Collectivism and Politicized Human Rights in the DPRK

	Historical		Cultural
		Ideological	
	Post-colonialism	Socialism	Communitarianism
	“Socialist Patriotism”	“Socialist Democracy”	
		“Theory of the Immortal Socio-political Body”	
Universal	Right to Self-determination of People	Socio-economic rights Socio-cultural rights	
Politicized	Rights based on “Collectivism”		
	State Sovereignty	Popular Sovereignty	
Particular	“Independent Rights of the State and the People”		

as shown in the sentence below, back up the DPRK’s view on human rights that “independent rights of the State and the people” are the very human rights.

In case a State loses its sovereign right, then human rights of the people and its promotion will remain a paper argument. [...] Korean people were subject to a miserable life worse than a dog of a family having funeral due to the deprivation of the country by the Japanese Imperialists. [...] Sovereignty of each country is equal; it is the absolute and inalienable right for all countries. Human rights and State sovereignty are not the matter of theory. These are the serious political and legal matters which are directly connected with the destiny of sovereign country. (A/69/383-S/2014/668, p. 11)

Behind these views, as described above, are the Korean trauma of the “invasion” and an obsession with post-colonialism. A patriotic feeling for “our country” resolves itself into a sense of security, such as “homeland defense,” based on loyalty to the people, socialism, and the party, by resuscitating the people’s independence that had been lost to “ethnic oppression” and “class exploitation” under the imperial Japanese rule, in parallel with providing status as a citizen of a “democratic independent country” (Go 1989, p. 25). Here, the “politicized human rights” turn into duties. This has been basically understood as an extension of the right of people to self-determination predicated upon popular sovereignty. Likewise, there are a variety of views on the collectivist aspects of human rights. For example, in the meeting for consideration of the initial report on the implementation of the International Covenant on Civil and Political Rights submitted by the DPRK’s government, a member of the Human Rights Committee, Mr. Bernhard Graefrath, said as follows:

Bearing in mind that the country had attained independence following a long struggle against colonialism and occupation by foreign armed forces, it was understandable that the issues of sovereignty, independence and security should have high priority in the Constitution; those issues were closely related to the right of the Korean people to self-determination. (CCPR/C/SR.510, para. 46)

One needs to stress that the aspect of the principle of self-determination ended up making an assertion that “human rights is State sovereignty,” a pillar of the DPRK’s arguments against international human rights. In this regard, it is shown that the discourse of “politicized human rights” in the DPRK, which is based on “collectivism,” expresses not only an intention to defend the human rights of “friends” but also a justification for violation against the “enemy.” “Human rights” are being used more and more frequently today as a tool to enhance the people’s sense of crisis and to strengthen unity by justifying “dictatorship” against the inside “enemy” and indoctrinating them into the presence of the outside “enemy.” In other words, it can be said that the DPRK’s regime has been supported by the “enemies” who may exist only by keeping hostilities both at home and abroad.

7. Conclusion

Indeed, it is argued in this paper that the notion of “human rights” asserted by the DPRK is not contrary to human rights universally recognized insofar as it is not based on the exclusive collectivist principle. This is meant neither to defend the DPRK’s policy nor to relativize the human rights situation. To put it another way, this article has tried to clarify that the DPRK’s notion of human rights rests on a political and social foundation that has justified a series of human rights violations in the country, and, furthermore, the process of justification is not based on absolute evil or injustice, while it suggests the possibility of improving the human rights situation. By establishing the “justice” to discriminate between “friend” and “enemy,” based on post-colonialism and socialism, it made it possible to both dehumanize the population and to eliminate “enemies of the people.” The elimination of “enemies of the people” has been legalized as a punishment for “crimes against the State and the nation,” without any proper legal process in some cases, and justified by the politicized human rights based on “collectivism.” Therefore, it is especially important to note that this mechanism leads to strengthened extrajudicial authority of State sovereignty.

As indicated earlier, Schmitt asserted that the concept of the political derived simply from the distinction between "friend" and "enemy," and Agamben (1998, pp. 177–188) pointed out that the concept "the people" means "a *bios* that is only its own *zoē*," which must go through "bare life." Their analysis of sovereign power shows that the DPRK's political mechanism based on the "enemies of the people" without any rights, who are excluded from the community by the sovereign power, is not a distinctive phenomenon in the world today. Now that a human being's "natural life begins to be included in the mechanisms and calculations of State power," do we have to live as objects of politics, but as subjects of sovereign power?

Indeed, politicized human rights shed light only on "people" as the subject of the sovereign power. From Schmitt's point of view, the current situation is that human rights *politicized* might connote the presence of a distinction between "friend" and "enemy" in the field of human rights. However, even if confrontational discourse has been observed at this moment, especially between liberal rights and social rights, between individual rights and collectivist rights, and between universal human rights and politicized human rights, it is hard to say that they are hostile toward each other. Rather, the politicized human rights are not the enemy of universal human rights, but concomitant problems that have been accompanied by a political decision putting an end to the era in which the expression "human rights" had been avoided – Agamben did not take into consideration that point. Since human rights are universally declared, there are many cases in which a lot of people (the DPRK's defectors and the people may also be included) have been saved by human rights, although most of the cases were less than perfect. The question of whether or not it is possible to shed light on the "enemies of the people" might be involved in how to deal with the issue of "politicized human rights" in the international community.

References

- Agamben, G. 1998, *Homo Sacer: Sovereign Power and Bare Life*, trans. Heller-roazen D., Stanford University Press, Stanford.
- Agamben, G. 2008, "Beyond Human Rights", *Social Engineering*, no. 15, pp. 90–95.
- Brunner, G. 1972, "Communist Analysis of Fundamental Rights," in: Kernig C., *Marxism, Communism and Western Society: A Comparative Encyclopedia*, vol. 4, Herder and Herder, New York, pp. 60–63.
- Butler, J. 2004, *Precarious Life: The Powers of Mourning and Violence*, Verso, London.
- Center for North Korean Human Rights Studies 2011, *White Paper on Human Rights in North Korea* [Korean], Korea Institute for National Unification, Seoul.

- Choi, S. 1998, *North Korean Human Rights Discourse* [Korean], The Institute of Unification Policy, Hanyang University, Seoul.
- Chowdhry, G. 2011, "Postcolonialism," in: Badie B., Berg-schlosser D., and Morlino L. (eds.), *International Encyclopedia of Political Science*, vol. 7, Sage Reference, Los Angeles, pp. 2085–2090.
- "Crimes against the State and the Nation" 2009, *Gwangmyong Encyclopedia* [Korean], vol. 3, Baekgasajeon Publishing House, Pyongyang, p. 596.
- "Dictatorship of the People's Democracy" 1973, *Political Encyclopedia* [Korean], Social Science Publishing House, Pyongyang, p. 1353.
- Henderson, G. 1973, *Korea: the Politics of the Vortex* [Japanese], trans. Suzuki S. and Takashige Otsuka T., Simul Publishing Co., Tokyo.
- Hyun, I. 2008, "A Study of North Korea's Resident Registration System", Unpublished Manuscript Submitted for a Master's Degree [Korean], Ehwa Womans University, viewed December 6, 2016, <http://dlps.nanet.go.kr/DlibViewer.do?cn=KD-MT1200819566&sysid=nhn>.
- Kang, M. 2011, "Why Should We Raise an Issue of North Korean Human Rights?," in: Kang M. (ed.), *A Study on the Development of the North Korean Human Rights Indicators and Index* [Korean], Sejong Institute, Seoul, pp. 21–63.
- Kim, I. 1978, *For the Establishment of the People's Regime* [Korean], Chosun Rodongdang Publishing House, Pyongyang.
- Kim, I. 1978, *On Construction of the People's Regime* [Korean], Chosun Rodongdang Publishing House, Pyongyang.
- Kim, S. 2006, *The North Korean Penal Code, Criminal Procedures, and their Actual Application*, Korea Institute for National Unification, Seoul.
- Lameda, A. 1979, *A Personal Account of the Experience of a Prisoner of Conscience in the Democratic People's Republic of Korea*, Amnesty International, ASA 24/002/1979.
- Lee, Y. 1985, *Political System of North Korea Political Terror* [Korean], Kyoyookbook, Seoul.
- "Let's Defend the Human Rights of the People" 2015, *Rodong Sinmun* [Korean], Pyongyang, December 9, p. 2.
- Mouffe, C. 2000, *The Democratic Paradox*, Verso, London.
- Ogawa, H. 2014, *How to Face the Issues of North Korean Human Rights Violations* [Japanese], Otsuki Shoten, Tokyo.
- Oh, G. 2011, "Trends in Research of North Korean Human Rights: Focused on the Research Methodology", in: Kang M. (ed.), *A Study on the Development of the North Korean Human Rights Indicators and Index* [Korean], Sejong Institute, Seoul, pp. 67–107.
- Schmitt, C. 2007, *The Concept of the Political*, trans. George Schwab, University of Chicago Press, Chicago.
- Sim, S. 1996, *Theory of Ideology and Law of the Great Leader Comrade Kim Jong Il* [Korean], Social Science Publishing House, Pyongyang.
- Song, J. 2011, *Human Rights Discourse in North Korea: Post-colonial, Marxist and Confucian Perspectives*, Routledge, New York.
- South Korean Ministry of Unification, Ministry of Justice, and Ministry of Government Legislation, *Legislation Database for Unification* [Korean], viewed February 6, 2018, <http://www.unilaw.go.kr/Index.do>.
- UN General Assembly & Security Council 2014, *Letter Dated 15 September 2014 from the Permanent Representative of the DPRK to the UN Addressed to the Secretary-General*, A/69/383-S/2014/668.
- UN Human Rights Committee 1984, *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant*, CCPR/C/SR.510.

- UN Human Rights Council 2014, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea*, A/HRC/25/CRP.1.
- UN Human Rights Council 2014, *Report of the Working Group on the UPR*, A/HRC/27/10.
- Vollertsen, N. 2001, *Kitachosenwo Shirisugita Isha: Kokkyoukarano Houkoku (Diary of a Mad Place Part 2)* [Japanese], trans. SEGI, M., Soshisha, Tokyo.
- Yonghwan, Go, Y. 1989, *The Theory of Our People First Policy* [Korean], Pyongyang Publishing House, Pyongyang.