NORTH KOREA DOES NOT EXIST: HUMAN RIGHTS IN ASYMMETRY

NORTH KOREA DOES NOT EXIST: HUMAN RIGHTS IN ASYMMETRY

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**Lay Abstract**

The first three chapters of this dissertation critique the findings and recommendations of the February 2014 report of the United Nations Human Rights Council Commission of Inquiry on human rights in the Democratic People’s Republic of Korea (DPRK, North Korea). They contend the report is grounded in hyperreal representational practices and functions as an instrument of securitization. It thereby reifies the asymmetrical state of war that is a root cause of DPRK human rights violations. These three chapters then function as a vehicle for the final two chapters that locate the primary origins of the Western understanding of North Korea within American/Western liberal ideology. North Korea’s ideological position makes appropriate the framing of DPRK human rights violations as extraordinary by contrast to other comparable countries.

**Abstract**

The first three chapters of this dissertation critique the findings and recommendations of the February 2014 report of the United Nations Human Rights Council Commission of Inquiry on human rights in the Democratic People’s Republic of Korea (DPRK, North Korea). They contend the report is grounded in hyperreal representational practices and functions as an instrument of securitization. It thereby reifies the asymmetrical state of war that is a root cause of DPRK human rights violations. These three chapters then function as a vehicle for the final two chapters that locate the primary origins of the Western understanding of North Korea within American/Western liberal ideology. North Korea’s ideological position makes appropriate the framing of DPRK human rights violations as extraordinary by contrast to other comparable countries.

The *Introduction* asserts the relevance of the asymmetrical conflict between the DPRK and its adversaries and introduces the theories of Thierry Balzacq, Pierre Bourdieu, and Jean Baudrillard. *Chapter One* critiques the selectivity and methodology of the report, particularly the de-temporalization, de-localization and extrapolation of allegations as representative of the experiences of ordinary North Koreans. *Chapter Two* demonstrates the indeterminacy and hyperreal representational practices of the report’s findings of extraordinary crimes against humanity against hostile, starving and ‘abducted’ populations. *Chapter Three* challenges the lack of DPRK objectivity in the report’s presentation of historical and geopolitical context, particularly the neglect of the consequences of the asymmetrical state of war. *Chapter Four* introduces the philosophy of Slavoj Žižek and asserts its relevance to identifying North Korea as an abjected, gendered and racialized fantasy-space of American/Western liberalism (*objet petit a*). *Chapter Five* considers the consequences of ideology for empirical critique and DPRK agency, advocating unconditional normalization and investment as the most ethical American DPRK policy.

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**List of Abbreviations/Acronyms**

AF: 1994 US-DPRK Agreed Framework

BDA: Banco Delta Asia

BMD: ballistic missile defense

CAH: crimes against humanity

CIA: Central Intelligence Agency

COI: Commission of Inquiry of the United Nations Human Rights Council on the human rights situation in the Democratic People’s Republic of Korea.

CSW: Christian Solidarity Worldwide (UK)

DMZ: de-militarized zone

DPRK: Democratic People’s Republic of Korea (North Korea)

DPRK-R: Report of the DPRK Association for Human Rights Studies

EP: European Parliament

FAO: Food and Agriculture Organization of the United Nations

HRNK: Committee for Human Rights in North Korea (US)

HRW: Human Rights Watch

ICBM: inter-continental ballistic missile

ICC: International Criminal Court

IGHRV: International Group of Human Rights Volunteers (Japan)

ISIL: Islamic State in Iraq and Syria

KCNA: Korean Central News Agency (DPRK)

KEDO: Korean Economic Development Organization

KINU: Korea Institute for National Unification (ROK)

KPA: Korean People’s Army (DPRK)

KWARI: Korean War Abductee’s Research Institute (ROK)

LFNRK: Life Funds for North Korean Refugees (Japan)

LGBT: Lesbian Gay Bisexual Transsexual

M-S: Master Signifier

NAM: Non-Aligned Movement

NARKN: National Association for the Rescue of Japanese Kidnapped by North Korea (Japan)

NBA: National Basketball Association

NED: National Endowment for Democracy (US)

NGO: Non-governmental organization

NHRCK: National Human Rights Commission of Korea (ROK)

NKDB: Database Center for North Korean Human Rights (ROK)

NKHR: Citizen’s Alliance for North Korea Human Rights (ROK)

NKIDP: North Korea International Documentation Project (US)

NKPA: North Korean People’s Army

NSA: National Security Agency (US)

NYT: New York Times

OFAC: Office of Foreign Assets Control

PDS: public distribution system

POW: prisoner of war

RFA: Radio Free Asia (US)

ROK: Republic of Korea (South Korea)

SPLC: Southern Poverty Law Center (US)

UNESCO: United Nations Educational, Scientific, and Cultural Organization

UNGA: United Nations General Assembly

UNHRC: United Nations Human Rights Council

UNICEF: United Nations Children’s Fund

UNSC: United Nations Security Council

UNWFP: United Nations World Food Program

US: United States of America

USD: United States dollars

USG: United States government

USSR: Union of Soviet Socialist Republics

WHO: World Health Organization

WMD: weapon of mass destruction

WP: Washington Post

**Declaration of Academic Achievement**

This dissertation contributes to the critical human rights and security literature on North Korea the first comprehensive critique of the 2014 report of the United Nations Human Rights Council Commission of Inquiry on human rights in the Democratic People’s Republic of Korea. It is also the first comprehensive study of the role of ideological fantasy in the popular and academic understandings of North Korean human rights. Finally, it is the first international relations application of Slavoj Žižek’s philosophy of its kind and evinces the critical potential of his work for future study of other asymmetrical security and human rights issues.

# INTRODUCTION

On February 18, 2014, the United Nations Commission of Inquiry (COI) on human rights in the Democratic People’s Republic of Korea (DPRK, or North Korea) issued a *COI Press Release* (2014a) picked up by most international news media. It called for “urgent action” to address a “wide array” of crimes against humanity (CAH) in North Korea as a result of “policies established at the highest level of State,” including

extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation (Ibid).

Political prisons “resemble the horrors of camps” of the past century’s other “totalitarian States.” “Impunity reigns.” The leadership has “consistently failed in its obligation to use the maximum of its available resources to feed those who are hungry” while military spending “has always been prioritized, even during periods of mass starvation.” DPRK policy has led to “women and girls becoming vulnerable to trafficking and forced sex work outside the DPRK” as well as forced abortions and infanticide. The abductions of foreign nationals “are unique in their intensity, scale and nature.” The “international community” has a “responsibility to protect” the North Korean people suffering “unspeakable atrocities” of a severity that “shock the conscience of humanity” (Ibid).

North Korea “displays many attributes of a totalitarian State” with “complete denial of the right to freedom of thought” through a “vast political and security apparatus that strategically uses surveillance, coercion, fear and punishment to preclude the expression of any dissent.” “Prison camps” and public executions “serve as the ultimate means to terrorise [sic] the population into submission.” This is complemented by *songbun*: “a rigidly stratified society with entrenched patterns of discrimination” based on a social classification system that “determines where they will live, work, study and even whom they will marry” (Ibid). UN High Commissioner for Human Rights Navi Pillay’s *COI Press Release* (2014c) recognizes CAH “of an unimaginable scale continue to be committed in the DPRK” and “the gravity and nature of which – in the report’s own words – do not have any parallel in the contemporary world.” He concludes with the words of Justice Michael Kirby, “there can no longer be any excuses for inaction” (Ibid). Marzuki Darusman, UN Special Rapporteur on DPRK human rights and one of the three COI rapporteurs, told *Associated Press* in February 2015 that regime change is a prerequisite for achieving the first priority of freeing all political prisoners.[[1]](#footnote-1)

These sentiments have long been common sense in American Congress. A hearing shortly after the release of the COI featured a veritable orgy of indignation (USG 2014a). Chairman Dana Rohrabacher asks that we “reach out to the people of North Korea in an effort to eliminate that horrible regime” with its “ghoulish elite." The COI “makes it vividly clear” to Congressman Steve Chabot that “if the world community continues to dawdle, growing numbers of innocent North Koreans will suffer and die in horrific ways” in the “Kim chamber of horrors.” Moreover, Kim has “embraced the evil, depraved, corrupt and vile characteristics of his father and grandfather.” Congressman Ari Bera sees it as “utterly despicable” that Kim has not faced justice. Congressman Brad Sherman claims “Kim Jong-un has simply added an element of immaturity and mercurial unpredictability, and instability, to what was already a cruel regime.” Expert testimony from Greg Scarlatoiu, CEO of HRNK, quotes Mark Helprin: “a slow-motion Holocaust continues” (Ibid). The COI is the latest proof of what these men have known all along: ‘the regime’ is an extraordinary negativity, or *wicked*.

The laymen reader of COI materials or press coverage will probably conclude that North Korea is a *really* terrible place and ‘the regime’ is hopelessly dependent on repression and indoctrination. The finding that North Korea has been committing extraordinary human rights violations probably won’t surprise anybody who pays attention to global politics, however. The findings closely match the existing Western ideological imaginary of the country; they partially formalize into international law the widely held perception that North Korea is a totalitarian dystopia.

Yet this frame fits very uncomfortably with other, less well-known, knowledge of the country. A CIA analysis from the 1980s (Hunter 1999) was written in language that, as summarized by historian Bruce Cumings (2003: 195).

would get anyone outside the CIA labeled a sympathizer – compassionate care for war orphans in particular and children in general, “radical change” in the position of women (“there are now more college-educated women than college-educated men”), genuinely free housing, preventive medicine on a national scale accomplished to a comparatively high standard, infant mortality and life expectancy rates comparable to the most advanced countries until the recent famine, “no organized prostitution” and “the police are difficult, if not impossible, to bribe.”

As mentioned above, there has been a decline in social infrastructure since the DPRK underwent an economic collapse in the mid-late 1990s. Yet it continues to perform remarkable well for an impoverished Asian country stuck in an asymmetrical state of exception for six decades. DPRK nutritional outcomes are significantly better than India and Indonesia. [[2]](#footnote-2) Margaret Chan, director-general of the WHO, reported in 2010 that she “was very impressed with some of the notable public health achievements” and that their high numbers of medical personnel “could be the envy of many developing countries” (Beal 2011: 183). According to the last census in 2008, the DPRK youth and adult literacy rate is 100 percent (UNESCO 2015). Lankov (2013b) has noted the lack of crime in the country by contrast to his experience in early 1990s Russia.

This does not challenge findings of CAH; it does, however, de-stabilize the image of the DPRK as an irredeemable country that has been extraordinarily derelict in its basic duties and survived through sheer terror and indoctrination. The COI is best understood as a sympathetic chronicle of defector narratives (less than 200 defectors cited in the Findings section, around 30 of which were privileged and gave public testimonies). These are ‘corroborated’ by other defectors in this sample and/or by mostly single-issue NGOs based in the ROK (Republic of Korea, or South Korea), US or Japan. They typically base their findings on a larger (overlapping) pool of defector witnesses. The COI often implicitly and sometimes explicitly presents these geographically- and temporally-specific testimonies as *ongoing* and *extraordinary* violations across the country. This reproduces the core epistemological problems of the DPRK human rights literature, including a methodology that elevates defector narratives over empirical data, a willful lack of empathy for the geopolitical context of the DPRK, and a tendency to assume the ‘extraordinary-negative’ character of the government and its actions.

This dissertation is centered on a multi-pronged critique of the COI and the wider human rights field from which it originated. The first three chapters take on ideologically (de)contextualized COI findings of ongoing CAH in all areas of the mandate and the counter-productive recommendations that follow criminalization. Each chapter reveals different facets of the hegemonic ‘extraordinary-negative frame’ that implies the DPRK government is *irredeemable*, or somehow fundamentally *worse* than other authoritarian governments in a comparable context (i.e. poor, food insecure, an in a long-term state of exception). This lays the empirical groundwork for the ultimate goal of this thesis: to locate the center of the American/Western understanding of North Korea in our own ideology. The centrality of domestic brutality to popular discourse makes human rights the most appropriate vehicle for this critique of ideology that then redoubles as a final mode of critique of the COI.

 There are at least three contextual elements that are crucial to achieving a somewhat realistic understanding of DPRK human rights violations and why NGOs and popular media so often frame them as extraordinary-negative. These are not controversial as points of fact; even the most anti-DPRK expert would probably concede, in the abstract, that these elements are highly relevant to DPRK behavior and how the West understands the country. Yet this expert would probably dispute their relevance to DPRK human rights violations and how we see them, even as this correspondence would be self-evident in other national contexts. These radically under-theorized elements that are repressed in the COI and the literature are put at the very center of the analysis here.

First, the DPRK has been in an *ongoing state of exception* with the US/ROK alliance since the Korean War. The balance of power has become more-and-more radically asymmetrical since the end of the Cold War, at least until recent DPRK nuclearization. There is no other country in modern history that has faced a similarly prolonged asymmetrical state of war. The US has repeatedly considered nuclear strikes against the country, as described in Chapter Three.

Second, *there is an almost inextricable linkage between perceived security threats and severe human rights violations*. This should not be controversial: all charges of major violations by contemporary UNHRC Commissions of Inquiry – including Israel, Gaza, Lebanon and Palestine, Syria, Libya, Lebanon, Darfur, Congo, Cote D’Ivoire – have taken place within a state of exception directly related to armed conflict/threats. The small number of relevant empirical studies supports this thesis.[[3]](#footnote-3)

This dissertation posits that the COI gives inadequate consideration to the effects of US/ROK-led military, political and economic hostility in finding CAH in ‘prison camps,’ acute food insecurity and ‘abductions.’ It is impossible to comprehend DPRK human rights violations without full consideration of how history and geopolitical context influence its security calculations. The DPRK is better understood as an authoritarian country in an extraordinary context rather than a ‘totalitarian (or rogue, criminal, brutal, etc.,) country’ in an almost irrelevant context. DPRK repression, militarism and isolationist ideology is primarily a consequence of its context, not its ideology or ‘nature’ – from historically being the battleground of East Asian powers, to Japanese colonialism, to the Korean War and then lasting enmity with the United States and its allies. The historical, geopolitical, economic and military context is missing from the COI press releases and subsequent news coverage.

The actual COI report’s description of Korean history is radically one-sided, confining the implications of the state of exception on human rights to two concluding paragraphs (COI 2014: para. 162, 1225).[[4]](#footnote-4) There is no recognition that the DPRK has always operated in a context where any organized resistance to the government is likely to receive foreign support and provoke US/ROK intervention. There is no recognition of the DPRK’s substantial efforts to normalize relations with its adversaries. There is therefore no recognition that the DPRK has sought to address the national security threat it implies – and history suggests – are the core cause of its human rights violations.[[5]](#footnote-5)

Third and last, there is a radical ‘representational asymmetry’ between the DPRK and its adversaries.[[6]](#footnote-6) In Western discourse, North Korea closely fits the expectations of Herman and Chomsky’s (1988) “propaganda model” that North Koreans will be divided into perpetrators and worthy victims. In fact, North Korea has been the target of formal American indignation and enmity and informal American fantasy-propaganda for its entire existence; it has *always* been a ‘criminal,’ Communist, Orientalist, ‘rogue’ with no legitimacy (Cumings 2003: 50-1). This ideological image of the country has defused across the world through news media, Hollywood, documentaries and other salient forms of Western knowledge. Profoundly anti-DPRK COI participants and single-issue NGOs have the formal authority to construct the international image of the DPRK; DPRK objectivity is essentially absent. The very existence of the COI as a product of a formally neutral international organization and its formalization of the DPRK’s ‘criminal’ position into international law should be understood as inseparable from this asymmetry.

COI participants and rapporteurs not only fail to acknowledge the representational asymmetry, but often claim that North Korean human rights are relatively neglected. An October 2014 *George W. Bush Institute* (2014) poll, six months after the COI was released, found that Americans not only named North Korea as having “the worst human rights record” in the world, but did so 2.62 times more than the next runner-up, China. A whopping 71 percent know about North Korean human rights violations and 53 percent are aware of “political prison camps.” Polls in August and October 2014 found that 15 and 13 percent have actually heard about the COI itself. Most distressing for the prescriptions advocated here, 80 percent of Americans say human rights improvement should be a “prerequisite for better relations” (Ibid). This thinking needs to be reversed: ‘better relations’ are a prerequisite for the real improvement of human rights.

### Intentions of the Author and Chapter Structure

The DPRK has categorically denied the existence of detention facilities, most ‘enforced disappearances’ and discriminatory food policies – the three elements of the CAH designation – as entirely anti-DPRK propaganda. The price for the DPRK is foreclosure of the capacity to reign-in even the most implausible narratives of brutality. This DPRK position may become more understandable as the reader considers the radical representational asymmetry between the DPRK, on the one hand, and the US, ROK and Japan, elaborated in Chapter Five. Most avowed pro-North Korea commentators (mostly Marxists or ultra-nationalists publishing on the Internet) maintain the DPRK position of categorical denial on similar grounds. I am not pro-North Korea and I categorically reject slander against narratives of suffering. In fact, Chapter Four will question whether being ‘pro-North Korea’ can be considered a distinctive political position differentiable from anti-Americanism in American/Western discourse.

This critique of the COI and the human rights field more generally may nevertheless elicit accusations of insensitivity to the suffering of defectors and victims of the DPRK government. But there are unacknowledged violences that accompany the hypersensitivity towards narratives of North Korean victimization, especially where they are framed as representative of the entire DPRK population and serve to justify policies with violent outcomes for this same population. Defectors who are salient in Western media should be understood as political activists, not “worthy victims” as Herman and Chomsky (1988) might label them. Especially where defectors draw analogies between the DPRK and Nazi Germany and then invoke the international responsibility to protect its citizens, this political activism should invalidate whatever immunity to criticism that their narrative of suffering has afforded them. Uncritical sympathy is never warranted where the victim is setting the stage for interventionism, inclusive of economic sanctions.

The report, *“Are They Telling the Truth? Is North Korean Practicing Brutality Beyond Belief”* (IGHRV 2004), distributed by a Japanese NGO cited by the COI, is a striking example of the extrapolation of victimhood narratives to the entire population. It essentially argues that defectors are either (a) liars or (b) telling the truth, and then concludes that they must be telling the truth. This means, the report says, that the DPRK has “for decades” been committing “the most abominable and horrifying crimes against humanity, worse than those of Nazi concentration camps, Soviet gulags, or anything else” (Ibid: 10). This appeal to the same binary as the official DPRK position – that their testimony is either ‘truth’ or ‘lies’ – should be forcefully rejected. Defector testimonies are subjective narratives influenced by their ideology and the fields of knowledge they operate in. While particular elements can be more or less substantiated or contradicted, they usually cannot be reduced to true or false. What the Western discourse needs is a little less hyper-sympathy for DPRK defectors and a little more sympathy for the twenty-some million North Koreans who are not at the bottom of the socio-economic hierarchy of the society; a little less hyper-hostility towards ‘the Kim regime’ and a little more understanding of the government’s domestic and international context.

This dissertation does not masquerade as an objective reading of DPRK human rights. The intention is, rather, to advance an emancipatory project broadly consistent with language-oriented critical theory. As Spike Peterson (1992: 19) declares,

the crucial point of the 'post-move' (whether characterized as postpositivism, postmodernism, poststructuralism, antifoundationalism, genealogy, or the interpretive turn) is its rejection of *transcendental* (decontextualized) criteria for assessing epistemological, ontological, and/or normative claims and therefore the *necessity* of taking responsibility for the world(s) we make – including the criteria we construct for assessing epistemological, ontological and normative claims.

The COI findings of extraordinary crimes against humanity embody the production of knowledge by ‘transcendental criteria.’ They refuse Western responsibility for creating the conditions that have led to the violations they identify. They serve to encourage policy outcomes that have real negative consequences for the people of the DPRK. They foreclose alternative understandings that could provide the foundation for a fundamental change in policy. As Murray Edelman (1988: 5) put it, “It is moral certainty, not tentativeness, that historically has encouraged people to harm or kill others.”

Especially in the context of radical material and normative asymmetry between the DPRK and its adversaries, and where verification of allegations is generally impossible, correspondence of any particular defector or expert narrative to another defector or expert narrative cannot be the only avenue for critique. Narratives ultimately “should be judged in terms of the relationship with the other they embody” (Campbell 1998: 43). Holocaust denial, for example, should be rejected on the basis of its violent relationship with the Other (Ibid: 40-3). In stark contrast to seeking to destroy the identity of the Other, the explicit goal of this dissertation is to empower the Other against a discourse that casts them into subjectivity-effacing fantasy roles, primarily as either ‘worthy victim’ and object of love, or villain and object of hate. This means challenging the elevation of particular non-representative narratives, the moralist/activist orientation of the COI and the human rights literature from which it derives, and the role of ideological fantasy in filling the large gaps in our understanding of reality in the DPRK. Finally, in the void of the identified and rejected extraordinary-negative frame, the critical analyst should fully acknowledge her ignorance of the country and assert the normal assumptions (‘symbolic fictions’) that are the bedrock of international diplomacy.[[7]](#footnote-7)

### ‘Virtual Unanimity:’ Reception to the COI and Situating this Dissertation within the Critical Literature on North Korean Human Rights.

The Commission of Inquiry was formed in March 2013 and presented its findings and recommendations in February 2014. Western news media has generally represented the COI report as reflecting international consensus that DPRK human rights violations are extraordinary and require investigation. Kirby (2014e) has specifically claimed the lack of a vote to establish the COI in UNHRC reflects this international unanimity.

There is some truth to this claim in the sense that no country in the relevant UN debates has been willing to directly defend North Korea’s record, by contrast to UNHRC reports on Belarus and Cuba, where some countries directly questioned the accuracy of findings. In the DPRK case, dissenting countries took issue with the selectivity of country-specific mandates, how they are used against developing countries, the inappropriateness of United Nations Security Council (UNSC) for promotion of human rights, and the failure to secure access to the country to investigate allegations. The lack of substantive critique of the report is not surprising given that North Korea has long been defined as a human rights catastrophe. For a poor authoritarian country with its own human rights violations to question the exceptionality of DPRK atrocities is to invite unflattering equivalencies with their own violations.

UNHRC voted to adopt the COI on March 29 2014. *The Washington Post* (WP) presented the vote as 30 to 6 (WP Op-Ed 2014), whereas The New York Times (NYT) also noted the 11 abstentions (Cumming-Bruce 2014). This yes-no-abstain result of 30-6-11 is based on the one-country-one-vote convention. The 47 member Council represents about 69 percent of the world’s population, and measured in terms of the constituent population represented, the vote looks very different: governments representing about 18.7 percent of the world’s population (including the United States) voted to adopt the report’s recommendations, 25 percent abstained (including India), and 25.5 percent voted against the recommendations (including China).

The UN General Assembly (UNGA) voted to send the report to UN Security Council (UNSC) on November 18 2014. Cuba submitted an amendment that would delete the two paragraphs that acknowledge CAH and recommend that UNSC send it to the International Criminal Court (ICC). This amendment failed by a vote of 44-77-50. The 44 pro-amendment (anti-COI recommendations) countries represent about 55.5 percent of the global population. The UNGA then voted 111-19-55 to adopt the original resolution, including CAH and referral to the ICC. The 111 countries in favour represent about 31.5 percent of the global population. The Philippines, a close US ally, was the *only* Asian developing country (not including tiny island-states) to vote to adopt the DPRK COI in UNHRC and also the only Asian developing country to vote against the amendment in UNGA. The Philippines was then joined by Thailand and Papua New Guinea as the only three Asian developing countries in UNGA to vote to acknowledge CAH and refer to the UNSC. In short, voting results indicate near unanimity amongst highly developed countries, but the majority of developing Asian countries did *not* support the report and were especially critical of its recommendations.

Despite the lack of international consensus, there is a near-total absence of dissent to COI findings in the Western popular discourse. As will be shown, news media typically begin from already questionable COI conclusions and add another layer of negative-exceptionalism and de-contextualization. Holocaust analogies, typically based on public statements made by Head Commissioner Justice Michael Kirby, often frame these reports and serve to foster a very understandable reluctance to critically engage with the COI. Expressions of indeterminacy towards atrocities presented as ‘Holocaust-like’ expose the author to questions about her personal and professional integrity.

There has, however, been some significant resistance to the human rights field in the critical literature, primarily in two issues of the academic journal *Critical Asian Studies* released before and after the COI. The paucity of critical work makes these articles particularly important. Hazel Smith (2014: 127) directly refutes the CAH finding regarding the right to food and attributes this to “the unconscious adoption of a securitized perspective through which knowledge about North Korea is filtered.” Christine Hong (2013b: 511) calls for reframing North Korean human rights away from the “evil” frame that unites the “beneficiaries of past injustice” and obscures the real violence of human rights advocacy – i.e. sanctions, militarism, and coercive market opening. Hong (2013a) also illustrates the linkage between the technologies of war and their use exposing DPRK human rights violations, both of which “strive to delegitimize and destroy rather than faithfully represent the enemy” (Ibid: 567). Ju Hui Judy Han (2013) critiques the unequal power structures and evangelical character of Christian missionary ‘safe houses’ in China, including their relationship to human smuggling and forced marriages of Korean women to Chinese men. Dae-Han Song and Christine Hong (2014) emphasize that the *National Endowment for Democracy* (NED) is an arm of American foreign policy and its assistance to single-issue human rights NGOs (“right-wing, neoconservative South Korean human rights and defector groups”, Ibid: 39) is part of a pro-liberalization and anti-communist regime change strategy that exists despite a lack of evidence of domestic dissent in the DPRK. The ideological functions of NED are crucial to recognize because, as will be shown, it is often a source of funding for NGOs and sometimes news agencies that are the primary substantiation for COI findings.

Other articles link the DPRK economy, food insecurity and the state of war. Paul Liem (2014) argues that poverty and hunger are the most serious problems in the DPRK, asserting the need to recognize the state of war and develop a peace regime under the right to peace. Suh Bo-hyuk (2014) also advocates the North Korean right to peace against the militarization of human rights, appealing for historical contextualization to spread responsibility across Korean War belligerents. He argues, consistent with this dissertation, that “progress in human rights requires the abolition of militarism as a necessary precondition” (Ibid: 10). Sanghyuk S. Shin and Ricky Y. Choi (2013) point out the DPRK’s impressive public health achievements and argue for a right-to-health framework that depoliticizes humanitarian conditions, prioritizes development over humanitarian relief, and gives serious consideration to the government’s geopolitical context. Haeyoung Kim (2014) advocates economic engagement, stressing the mostly unacknowledged steps the DPRK has taken towards economic liberalization and the “significant role” economic sanctions play in “stymieing North Korea’s efforts to recalibrate its economic system” (Ibid: 92). The detailed critique of Chapter Two sources these and other critical works in order to critique or provide context to COI findings.

Historical context, mostly presented in Chapter Three, is primarily drawn from the work of American historian Bruce Cumings (1998, 2003, 2005, 2009, 2010). His most important contributions are probably his attribution of responsibility for the Korean War to the ROK and US in addition to the DPRK and USSR, and his refutation of the hegemonic ‘Stalinist’ frame of the DPRK government. NYT has acknowledged his work as a “sobering corrective” to the established historical narrative (Garner 2010). While his work is often labeled ‘revisionist,’ a label he rejects, his rigorous account of Korean history is often the bedrock of the historical component of critical inquiries into Korean history and specially the Korean War (i.e. Stone and Kuznick 2013). The theme of anti-exceptionalism that runs though Cumings’ work is an inspiration for this text, which echoes his model of the DPRK as “Another Country”, “an understandable place”, “an anti-colonial and anti-imperial state”, and “a small, Third World, postcolonial nation that has been gravely wounded […] and is deeply insecure” (Cumings 2003: 79, 151)

Other texts critical of the mainstream historical, human rights and/or security narrative include Felix Abt’s (2012) memoir of doing business in the DPRK, Mikyoung Kim’s (2012) critique of securitization of DPRK human rights, Sonia Ryang’s (2012) ethnological approach, and David Shim’s (2013) critical work on the visual politics of North Korea. Lim Soo-ho (2013), Gavan McCormack (2009) and Peter Hayes (1990) supplement the historical and security context. Some aspects of the work of a major contributor to COI substantiation, Andrei Lankov (2011, 2013a/b/c/d/e/f), also qualify as critical. The knowledge of food insecurity privileged here comes primarily from the UN World Food Program (UNWFP 2012, 2014a/b/c) and Hazel Smith (2008, 2014). Many other texts are also cited as context or against COI findings throughout this dissertation.

DPRK interests and geopolitical context are primarily drawn from the DPRK official position (DPRK-R 2014) and scholars’ explanations of it (Song 2010, Weatherly and Song 2009), heavily supplemented by former Clinton administration negotiators (especially former senior CIA analyst Robert Carlin, i.e., Carlin and Wit 2006, Carlin and Lewis 2008, Carlin and Lewis 2010, Carlin 2011, Kartman et al 2012). Tim Beal (2005, 2011) and Stephen Gowans (2013a/b) critique Western knowledge and put North Korean insecurity in the context of American imperialism. Leon Sigal (2000, 2006, 2012) is a more moderate nonproliferation expert and peace advocate. Yoshi Funabashi (2007) provides an extremely detailed account of Bush administration negotiations and Jack Pritchard (2007) is also useful in this regard. Elementary assumptions from realist international relations theory fill the gaps and are explicitly invoked in Chapter Four.

 While one could argue this critique’s reliance on Western academics drifts too far from the DPRK position, this amounts to a more reasonable and progressive interpretation of the DPRK perspective and a counter-narrative to the assumptions that pervade the COI and hegemonic discourse.

Importantly, the three contextual assumptions presented above are common themes across the critical literature: where appropriate to their text, *all* critical articles stress the negative consequences of both the state of war and Western propaganda. Thus the contentions of the first three chapters of this dissertation fall well-within the bounds of the best critical academic work on this subject. They pave the way for the last two chapters to further understanding of the ideological character of North Korea in American discourse that is broadly recognized in the critical literature but rarely theorized in-itself.

The policy prescription of unconditional normalization and economic engagement with North Korea can be situated within the Western policy debate. For starters, there is the divide between humanitarian workers and human rights advocates, detailed by long-time humanitarian in the DPRK Erich Weingarten (2013). Human rights organizations see the Kim dynasty as the criminal outlaw, aid as propping up the government and prolonging the suffering for North Koreans, and regime change as the only permanent solution to DPRK offenses to human dignity (Ibid, Yeo 2014). Humanitarian organizations do not dispute human rights concerns, but they consider pressure on the country to be counterproductive to DPRK human rights, putting the humanitarian imperative first and working with local authorities to raise living standards (Weingarten 2013). While this dissertation is clearly aligned with the humanitarian organization perspective, de-politicization and emergency aid is not a long-term solution; conservative criticism that this serves to maintain the status quo has some merit. Humanitarian aid should include long-term economic development and a highly political call for normalization and investment as the only permanent and ethically justifiable solution to North Korean human rights violations.

Andrew Yeo (2014) analyzes the American politics of North Korean human rights through texts, interviews, and participant observation of human rights events. He found there are two “ideal-type camps”: the ‘human rights camp’ (described above) is populated primarily by Korean Americans (often Christians), anti-communist ideologues, neoconservatives promoting freedom, and evangelical Christians seeking North Korean salvation (Ibid: 72, 75). ‘Liberals’ (i.e. Democrats) are “equally disturbed by the level of abuse and suffering in North Korea” yet are less enthusiastic about regime change and tend to associate human rights advocacy with the above conservatives (Ibid: 75). The drift of this spectrum towards the Right is evidenced by how “engagement” does not necessarily mean talks with ‘the regime’ and even food aid-related engagement has become very unpopular with American voters (Ibid: 76, 81).

John Delury (2013) designates three forms of general US engagement: hawk, subversive and constructive engagement. “Hawk” engagement is essentially the position of the COI and human rights advocates, the primary COI witness for security issues Victor Cha being one of Delury’s examples. They advocate tying the human rights issue to the nuclear issue and ratcheting up material and normative pressure on the country to achieve US goals on both. “Subversive” engagement argues for “cultivating a political opposition and alternative” to the Kim government through university exchanges and other forms of formal engagement (Lankov 2009), making documentary propaganda that appeals to North Korean tastes, training and funding defectors (Lankov 2009; Baek 2015), even hacking DPRK information channels to support dissidents (Baek 2015). Finally, “constructive” engagement, probably the least politically influential of the three, argues that North Korea’s actions and character are closely related to its closed economy, so the world should encourage economic growth and opening to “change North Korea’s perception of its own self-interest” through generating a vested elite interest in reform (Delury et al 2009). The advocacy of most American expert witnesses to the COI – Victor Cha, Andrew Natsios, Roberta Cohen, Joseph S. Bermudez, Marcus Noland, and David Hawk – is more consistent with the ‘human rights camp’ than the ‘liberal camp’ and ‘hawk engagement’ over the other two forms.[[8]](#footnote-8)

South Korean politics features a much wider gulf between positions, with conservatives generally maintaining a similar position to American human rights activists; they tend to support the ROK National Security Law and some maintain the DPRK is an illegal entity and therefore its human rights fall under ‘domestic’ policy, for example (Cho 2010). But the progressive wing is much further to the Left than the ‘liberal camp’ of American discourse. The poles of the debate include the primacy of sovereignty versus human rights, right to life versus civil rights, right to peace versus individual rights, relativism versus universalism, exogenous (i.e. state of war) versus endogenous (‘the regime’) causes, peace-building and engagement versus regime change, the efficacy versus inefficacy of humanitarian assistance to human rights, and American human rights legislation as ineffective versus effective as policy leverage (Ibid).

This dissertation is at the left of each of these poles and, as described in Chapter Five, argues for engagement without pressure, precondition or hostile ‘subversive’ activities. It concurs with “constructive engagement” but does not base this primarily on liberal dogmatism of free market democratization, instead attributing the DPRK’s closed economy directly to the state of exception. COI witness Roberta Cohen points out a key assumption built-into the engagement approach that draws her skepticism: the Kim government must be actually committed to bettering the lives of the population (Yeo 2014: 82). This points to the unstated assumption of the extraordinary-negative character of the Kim government, where the burden of proof is presumed to be on experts who reject the wickedness frame. Normalization should be pursued not due to a dogmatic belief in free markets and despite the ‘nature’ of the government, but as a formal repudiation of our own ideological investments that are the primary reason why North Korea is seen as extraordinary-negative. Ideological representations serve to reify the state of exception that is the underlying cause of DPRK human rights violations.

### Overview of Theoretical Paradigms

This dissertation makes four theoretical claims that can be summarized:the COI is (1) an instrument of securitization (2) constituted primarily by the human rights ‘field’ that (3) relies upon hyperreal representational practices to support its findings and recommendations that (4) find their origins in North Korea’s position in American/Western liberal ideology as an abjected fantasy-space (*objet petit a*). The first claim is applied directly below in order to establish the COI as an instrument of securitization. The second and third are applied in Chapters One and Two, and the fourth is applied in Chapter Four. Here they are simply introduced and related to one-another.

*(1) Securitization*. The claim that the COI is an instrument of securitization is based Thierry Balzacq’s (2010) sociological securitization theory, which claims that securitization has taken place wherever there is acceptance by an “empowering audience” of certain threat-constituting stereotypes propagated by the securitizing actor (Ibid: 8-9). By this definition, many of the Congressional statements above are acts of securitization in-themselves. Policymakers are the primary empowering audience of the COI with the power to implement its recommendations. Securitization is typically understood as state actors placing an issue under state authority, often at the expense of civil liberties (Vultee 2011: 84), although Roxanne Lynn Doty (2007) established that non-state actors may also appeal to the state of exception. The COI objective is to place responsibility for DPRK human rights abuses under the authority of foreign powers (i.e. UNSC) through encouraging them to ‘take action’ to mobilize pressure, material (sanctions) and normative (diplomatic ‘shaming’ and defusing of propaganda), to force the DPRK to improve its human rights record. The recommendation of ‘targeted sanctions’ and the implication of regime change are advocacy for a state of exception regarding DPRK human rights that suspends the DPRK’s right to sovereignty.

Balzacq (2010: 15-16) argues that securitization may be best “understood by focusing on the nature and functions of policy tools” which are “social devices through which professionals of (in)security think about threat.” The COI can here be seen as a “regulatory instrument” that seeks to normalize state behavior by designating DPRK human rights violations a threat (Ibid: 17). It provides a form of juridical “linguistic competence” (international law), suggests how the threat should be confronted (criminalization), and serves to disqualify layman critique (Ibid: 26). The COI has served as a potent resource for relevant agents of securitization, elevating DPRK human rights to a UNSC permanent issue. It has already become the basis for a new round of extensive EU sanctions that are so broad in scope and vague in language that a Swedish government’s statement suggests that it opposes them.[[9]](#footnote-9) The COI is therefore an efficient instrument of securitization even by Mark Salter’s (2011: 122) strict measure.

The mainstream academic response to the COI has been primarily concerned with advocating the responsibility to protect. Ido Kilovati (2015: 19, 22) argues that “humanitarian intervention would be legal under international law” and would enhance the reputation of the UN; the primary obstacle he sees to this is the DPRK nuclear deterrent. Hogan Lovells LLP (2014: 71-2) sees COI findings and recommendations as perhaps not going far enough and strongly endorses a strict sanctions regime on their basis. Alex J. Bellamy (2015: 241-3) argues more cautiously for (among other things) “targeted sanctions,” putting victims of CAH at the forefront, establishment of a standing office to document violations, and Security Council action through pressure on China and Russia. *The Global Center for the Responsibility to Protect* (2014) notes that “coercive action would likely do more harm than good” for North Koreans, but concludes recommending referral to UNSC for “targeted sanctions” (Ibid).

Ben Willis (2014) argues COI findings may “fall under the preventative aspect of R2P” and points out that, although there were few appeals to responsibility to protect concerning the DPRK before the COI, advocacy actually started years before. Indeed, Boris Kondoch (2012) came to similar conclusions as the COI that political prisoners likely constitute CAH and called for the establishment of the COI and more sanctions. Yoojin Rhee (2011) argued for CAH and use of responsibility to protect through engagement with the DPRK, and if this failed, international intervention. DLA Piper et al (2006), with HRNK and the *Oslo Center*, produced the first comprehensive call for responsibility to protect that was later echoed in a well-circulated report by *Christian Solidarity Worldwide* (CSW 2007). Achieving a responsibility to protect mandate on North Korean human rights abuses has long been a primary goal of the single-issue NGOs that lobbied for the creation of the COI, provided witness and substantiated COI findings.

But the role of the COI should not be reduced to its policy consequences. It is clear that, in the popular discourse, COI findings and recommendations empower advocates of military solutions, sanctions and diplomatic isolation while posing a fresh obstacle for the few remaining advocates of peace-building and economic engagement. As Balzacq anticipates, the COI provides cues for how the audience should judge its formal findings (Ibid: 17). Darusman’s statement above is a blunt example of regime change as subtext, but the more salient form of this subtext is Holocaust analogies and other extraordinary-negative framings of irredeemability. The “asymmetric access to information” is perhaps more crucial here than usual (Ibid: 26). Unverifiable defector knowledge of extraordinary brutality is more salient, accessible, and of higher production value than critical knowledge that receives a fraction of the attention.

US Congress and Western news media have embraced the COI as an instrument of securitization. The DPRK population are said to be targeted for a Holocaust-like policy that constitutes a responsibility to protect, and these crimes then become proof that North Korea’s nuclear program is a ‘self-evident’ national security threat. Head Rapporteur Michael Kirby has made the latter clear in a lecture:

self-evidently, if a country has an extremely violent or angry or upsetting or unjust human rights situation, that can itself contribute to instability of that country and add pressures to the situation of peace and security, as I believe it does in the case of North Korea (Kirby 2014c).

Elsewhere he has written that, “Countries that starve their populations and commit multiple crimes against humanity are prone to cause disputes and create situations dangerous to peace and security in the world” (Kirby 2014b). The linkage here is known in the securitization literature. For example, Alexandra Homolar (2011: 719-20) argues that the “rogue state” label is a reference to human rights abuses at home, and Holgar Stritzel and Dirk Schmittchen (2011: 172) trace the linkage to the 1960s; ruthless CAH implies a willingness to sacrifice lives in the conduct of a ruthless foreign policy.

The US Congress held a Hearing on the COI (USG 2014a) that featured Republican policymakers apparently competing to voice the most profound indignation at the violations and those who would engage with ‘the regime,’ some passages of which were presented above. Congressman Dana Rohrabacher in particular, who was echoed by Chairman Ed Royce, believes the report showed ‘the fundamental nature’ of ‘the regime’:

The North Korea horror story is testimony to the failure of a policy that is based on trying to change the behavior of some monstrous gangster regimes by treating them well, or by doing them favors, or trying to figure out a way of being nice to them thinking that that will change their fundamental nature, or in some way affect the decisions of those people who rule with an iron fist […] over a decade we provided huge amounts of food and energy for the North Korean government and – surprise surprise – it didn’t change the nature of that horrible regime. It didn’t civilize the leaders of that country whatsoever. And today we, in fact, can see no results whatsoever to the hundreds of millions of dollars of humanitarian assistance that we gave to the people of North Korea, yet they are still held in bondage […] it has had no impact on their government policies whatsoever (Ibid).

The fact that neoconservative Republicans are the most profoundly anti-DPRK advocates partly reflects the military-industrial interests they tend to be particularly tied up with. It also reflects the utility of North Korea as a source of securitization-enabling indignation in political rhetoric. Indignations is, as Woodward (2007: 169) put it, “the great aesthetic principle” of the conservative backlash culture, “the privileged emotion, the magic moment that brings a consciousness of rightness and determination to persist” that can rise to “a quasi-religious revelation.” Indignation is one way securitizing actors provoke “emotional intensity and logical rigor” (Balzacq 2010: 26). DPRK human rights discourse plays a role for American neoconservatives that Williams (2007: 94, 102) describes as an effort to “revalue the field of security” into a cultural narrative of the defense of liberal-democracy, “part of an historic mission that can and should be shared by all peoples; and it would be, if only virtuous governments were allowed to rule.”

David Campbell (1992: 183) argues that the core of neoconservative foreign policy is “the pursuit of stable, unified society at home through an emphasis on foreign threats” to re-establish allegiance and discipline through indignation at “appeasement” of barbarian behavior. The bipartisanism of US legislation on DPRK human rights demonstrates how liberals have – with rare exceptions like libertarian Ron Paul (2013) – essentially accepted the cultural-threat narrative on neoconservative terms, i.e., Secretary of State John Kerry labeled the DPRK an “evil place” in response to the COI (*Chosun Ilbo* 2014).

American news media coverage of the COI effectively silenced calls for engagement through emphasis on the most extraordinary-negative elements of the COI. Nicholas Eberstadt’s (2014) *Wall Street Journal* article “Never Again” concludes, “Never again should Western humanitarian aid be given to North Korea to hand out at its own discretion, as if Pyongyang were a government like any other.” *Christian Science Monitor* concludes, “the regime in Pyongyang has worked to perfect and make permanent a system to inflict oppression and hardship on its citizens”, so we must act “in the sure belief that” the DPRK will fundamentally “change” and refrain from doing business with it (CSM 2014). Finally, a NYT opinion piece draws “lessons” from the COI that culminate in transparent advocacy for securitization (Stanton and Lee 2014). First, the report shows that “North Korea’s leaders do not value human life or happiness” and therefore the country’s “wanton disregard for innocent life means its nuclear weapons pose a greater threat than those possessed by other nations.” Second, the “willful enforcement of hunger” questions the logic of food aid because spontaneous free market activities “have probably done more to end the famine.” Finally, sanctions “did not plunge North Korea back into famine” and “are certainly not the cause of North Koreans’ hunger.” In short, ‘the regime’ is exceptionally brutal, aggressive and impermanent, and its people are (unlike other ‘normal’ countries) unaffected by sanctions and humanitarian assistance. These “lessons” do not derive from any particular empirical findings of the COI report, but the extraordinary-negative frame itself. Applied to Indonesia, for example, these would be self-evidently harmful to vulnerable populations. They are propagations of the logic of securitization that are facilitated by the COI and serve to justify the state of exception while foreclosing more progressive alternatives.

(2) *Fields of knowledge*. Pierre Bourdieu’s sociological theory of practice seeks to challenge “false clarity” or oversimplification of the world that serves to maintain the status quo (Grenfell 2004: 171). His goal can be described as “breaking with field-based knowledge, to develop an emancipated form of scientific knowledge” (Ibid: 30). The theoretical edifice of Bourdieu is complex; it is used here simply as a conceptual tool for analyzing defector participation in the North Korean human rights field.

The interaction of three concepts is crucial to the production of knowledge: agents with a *habitus* occupy *fields* structured by *forms of capital*. Bourdieu posits that agents within a field of knowledge are primarily concerned with preservation or improvement of their positions with relation to the dominant forms of (economic, symbolic, or cultural) capital. The habitus can be understood simply as “a set of dispositions” that “generate practices, perceptions and attitudes” (Thompson cf. Williams 2007: 25) – or to oversimplify further, as *ideology*, albeit ‘ideology as practice.’ A *field* is simply “defined by the stakes which are at stake” that involves “a structured system of social positions” and forces between them (Jenkins 2002: 84-5). Finally, *forms of capital* structure fields: symbolic (i.e. prestige or honor), cultural (i.e. qualifications and distinctions), social (i.e. networking), and economic (money) capital constitutes the strategies of agents in the field. Critical scholars should therefore look at why North Korea is chosen as an object of study, the social construction of the country, and the limits of these concepts (Grenfell 2004: 176). The less autonomous a field, particularly in political fields like the North Korean human rights field, the more likely it is that the field will feature ‘overdetermination’ of field-based interests over the knowledge that is produced.

Balzacq’s securitization theory is explicitly situated within Bourdieu’s social theory. A major goal of the human rights field is to re-frame itself as a security field: “a form of framing that highlights the existential threat of an issue – and diminishes the arguments for handling it as a matter of political routine” (Vultee 2011: 79). In fact, the three fields of North Korea knowledge all intersect where they agree on the wickedness of the Kim government and how it must be treated as an exception: human rights field (totalitarian, Holocaust-like), security field (ruthless, irrational, deceptive), and economics field (criminal, collapsed, irrational). The Right position of each of these fields implies the DPRK is a serious threat in the other fields. They are mutually constitutive, as demonstrable by the obvious ideological divide between Western North Korea experts: those who believe the DPRK is Holocaust-like are very likely to believe it has a mostly-illicit economy and is potentially aggressive; experts who are critical of one of these fields tend to hold skepticism for the other two as well.

(3) *Hyperreality*. This dissertation argues that, to the extent that the COI report is generalized across the entire country, it is a hyperreal representation of the DPRK. What Baudrillard calls ‘simulacra’ refers to a representation with no referent object (or that was once linked, but has become detached from it). Whereas simulation is typically understood as *blurring* reality and representation, ‘hyperreality’ is where the model *precedes* the real. The representation is detached from both reality and the representation of reality, and comes to determine reality (Lane 2009: 30). In other words, it is a simulation that produces its own reality, a world without real origin (Ibid: 30, 84). COI hyperreal representational practices instrumentally conjure elements that have their origins in ideological fantasy in order to promote securitization of DPRK human rights.

Two examples of simulacrum from gender and war are instructive. Consider first the porn star persona of ‘reality porn’ (porn staged to appear as a real sexual encounter) as a simulacrum of real women. The porn star’s subjectivity is repressed to the degree that it is inconsistent with (usually) hetero-masculinized fantasy and she serves to buttress the misogynist sexual ideal. Even ‘natural beauty’ is not particularly relevant – how well she represents the reality of women is of tertiary significance.[[10]](#footnote-10) The only way to assess her role is ‘how well does her performance match with the fantasies of her target audience’ once she is transformed by make-up, camera angles, video editing, lighting, and so on. The same point has been made regarding news media coverage of the Gulf wars: the fetishizing of precision capabilities, the virtual renderings of targets, the videos taken from the vantage-point of a missile that goes to static when it reaches its target, the range of disincentives to showing human casualties (Hoskins 2004: 85-88; Beier 2006: 268-9). These serve to ‘deter the real,’ to obfuscate the real political motives and violent consequences of the missile attacks that often cause unintended casualties despite their ‘smart’ features (Ibid).

These capture the basic representational fallacy of the COI: the image of North Koreans (both elite and victim) it propagates is inextricably connected to the activist goal of provoking ‘action’ against North Korea. Gulf War briefings – one could say the same about COI findings and the porn star – “make us feel as though we are witness to an unfolding reality, when our gaze is actually confined to a managed space in which fragments of reality, severed from their broader [temporal and spatial] context, are showcased” (Beier 2006: 269). The formal COI logic of ‘how accurately does this report capture the reality of DPRK human rights violations’ is relevant only to the extent that it threatens its credibility and therefore impacts the report’s utility, just as news coverage of the Gulf War and video of the porn star must maintain a minimum of fidelity to real women and real war – and the more ‘realistic’ the better, as long as it does not interfere with the efficiency of the marketing of the sexual/ideological fantasy. The COI use of NGO readings of satellite imagery and the sketches of torture (stress positions) by a COI witness are particularly vivid examples, but the general tendency to represent DPRK violations as *extraordinary* and *ongoing* also frequently fall into hyperreal representation, constructing a dystopia almost-fully disconnected from the lived reality of those who inhabit it and the meaning and context needed to make sense of it. The real violence caused by pursuing securitization through such representational practices is obscured, not least the reification of the state of war that is the root cause of DPRK repression.

There are major ontological and epistemological differences between Bourdieu’s sociological approach to institutional knowledge and Balzacq’s securitization theory on the one hand, and the postmodernist concept of hyperreality on the other. But at this level of abstraction, there is nothing particularly contradictory about claiming that hyperreality is an ideological ‘illusion’ that results from the ‘overdetermination’ of the human rights field, nor that agents of securitization might engage in hyperreal representational practices as a strategy for establishing a state of exception in their field.

(4) *Objet petit a*. The final two chapters apply Slavoj Žižek’s critique of ideology, introduced in Chapter Four, to hegemonic representations of North Korea. In the language of Jacques Lacan, North Korea is *objet petit a* of liberal Master-Signifiers: it plays a set of ideological fantasy roles that center on its constitution as a threatening positivization of our lack. This edifice suggests that the subtext of the COI and much of the greater discourse that ‘the Kim regime’ is somehow extraordinary-negative or ‘irredeemable’ derives primarily from its position within hegemonic liberal ideology. Žižek’s theoretical edifice usefully stresses the interrelation between material asymmetry, formal knowledge, and fiction. It also sheds light on the inconsistencies and contradictions of North Korea’s formal and informal constitution, the link between American ideology and our perception of North Korea, the inadequacy of empirical critique and deconstruction, the relevance of racial and gendered frames, and the self-fulfilling character of our ideological projections. Tenets of realist international relations theory are invoked as ‘social constructions’ or ‘symbolic fictions’ to contest *objet a* (that is, the extraordinary-negative frame).

Again at this level of abstraction, there is nothing fatally contradictory about saying that field-based knowledge over-determined by capital may take on the ideological Imaginary of their participants, nor that agents of (in)security would mobilize ideological investments as a strategy of securitization. Hyperreal representational practices are here understood as the saturation of normal assumptions with ideological investments intimately tied to liberal repressions, anxieties and egotisms that are totally unrelated to the referent object (the real DPRK). While Žižek and Bourdieu conceptualize the subject very differently, their understanding of knowledge as irreducibly structured by capital and the ideology of its participants is quite consistent. In Lacanian language, securitization might be understood as an appeal to suspend the Law or ‘symbolic fictions’ about the Other due to some immanent threat that (at least usually) derives from the Imaginary.

### Chapter Summaries

The policy prescription advocated here is for the United States to unconditionally normalize political relations with the DPRK and encourage sustained economic investment into the country. The primary obstacle to this is the representational use of the DPRK to serve geopolitical, ideological, military-industrial, entertainment-oriented and partisan interests, particularly in the US, ROK and Japan. The ‘extraordinary-negative frame’ should be rejected as both the cause and result of these uses. Each of the five chapters that follow can be read as a distinct mode of refutation of this frame in the COI.

Chapters One, Two and Three are all direct critiques of the COI report, complimented with critiques of the greater literature where appropriate, that target COI epistemology, findings of immanent CAH, and its presentation of geopolitical and historical context. **Chapter One** seeks to contextualize COI witness testimony and its corroboration while refuting extrapolation of particular narratives across the entire DPRK. It is primarily an *epistemological critique* that begins with the selectivity problem of issue-specific UN COIs in general. It suggests there are four criteria that must be satisfied for a COI to be established: *systematic* and *extraordinary* violations must have *occurred* that are somehow of *ongoing* relevance. The morality of COI hyperreal representational practices is problematized. The COI ‘reasonable grounds’ methodology that extrapolates temporally- and geographically-specific defector narratives operating in the human rights field of knowledge to the entire DPRK is critiqued with particular attention to demographics, the incentives of the field, and the role of satellite imagery as ‘corroboration’ of defector narratives. Finally, an alternative ‘ordinary North Korean’ subjectivity is asserted against obfuscation by the COI and the popular discourse more generally that points to more progressive policy prescriptions.

**Chapter Two** seeks to contest the interpretations of testimony that substantiate the most severe human rights violations as documented by the COI and disseminated in news media. It is an *immanent critique* that stresses indeterminacy, locates hyperreal representational practices, inconsistencies and other flawed logics, and compares COI materials to other knowledge of the country. Particular emphasis is given the framing of COI findings in American news media coverage. Each designation of CAH is assessed according to the three ‘target’ populations: hostile populations, starving populations and ‘abductees.’ Political detention centers and two witnesses to them receive individual attention due to the lack of critical knowledge on the topic and their centrality to CAH findings; a comparison to solitary confinement in American prisons is also proffered. The goal is not to deny specific allegations; it is to show that there are logical reasons to conclude that the worst violations found to constitute *extraordinary* and *ongoing* CAH are not adequately substantiated, and that the violations that are well-substantiated would not necessarily amount to CAH in other contexts. In particular, the Holocaust analogy and other determinations that the DPRK constitutes ‘an ongoing and exceptional threat to our very humanity’ (i.e. the finding of *extermination*) are construed as ideological determinations detached from empirical reality.

**Chapter Three** asserts that the repression of the DPRK view of historical context and the material and representational asymmetry between the DPRK and its adversaries is part of what makes the extraordinary-negative frame possible. It is primarily a *classical critique* of the COI presentation of the historical and contemporary geopolitical context based on contrasting it with more critical knowledge. It begins with an analogy between the representation of geopolitical context in American media of the DPRK and Israel, where the DPRK is abstractly extraordinary-negative by contrast to the contextualized Israeli position. The assumption that DPRK objectivity is deceptive or potentially irrational, by contrast to the ‘knowledge’ produced primarily by adversaries to the DPRK, is shown to be at least questionable. COI dismissal and misrepresentation of the DPRK position is critiqued in chronological order and the DPRK position regarding human rights, security and sanctions is presented. The US/ROK military threat and US-led economic isolation are shown to be almost entirely detached from the human rights violations of the national security state. This security context is re-framed as somewhere between a ‘relation of power’ and a ‘relation of violence.’ Finally, the 2005 US Treasury ‘action’ against the DPRK illustrates the asymmetries and foreshadows the next chapter.

The remainder of this dissertation, Chapters Four and Five,seek to show that the primary origin of the ‘extraordinary-negative frame’ that permeates the COI report is American liberal ideology. Whereas the first three chapters demonstrate the indeterminacy of claims that the DPRK is extraordinarily brutal, aggressive and unreliable in the context of material asymmetry,these two chapters locate these elements in contemporary American fiction, particularly film and television. The goal is to show the indirect but important linkage between fiction and nonfiction, where fantasy provides the subtext through which the audience can make sense of the empirical knowledge produced by experts. If North Korea as extraordinary threat and human rights abuser originates in American/Western ideological fantasy, then it cannot be critiqued exclusively on empirical grounds. The extraordinary-negative frame can only be fully addressed through a critique of *our* ideology and *our* material and normative investments. The problem is not only that ideological fantasy is the center/frame of our understanding, but even more radical: the fantasy constitutes their *reality*, their geostrategic and economic space for agency. This is the primary hidden violence of the COI.

**Chapter Four** is mostly an *ontological critique* of North Korea as *objet petit a* of American liberalism as read through Slavoj Žižek’s critique of ideology. It begins with integrating hyperreality into Žižek’s edifice and providing some examples of the role of fantasy in knowledge about and experiences of the country. It then introduces and asserts the relevance of other Lacanian concepts to the popular understanding of the DPRK, briefly relating these to international relations theory. Four propositions are presented that each assert the presence of *objet petit a*: (1) North Korea is constituted by inconsistent or contradictory elements and held together by implications of a ‘Secret’ (or ‘nature’, conspiracy) and the ironic/cynical distance created by popular entertainment; (2) North Korean society is formally constituted by the abject elements of American ideology homologous to the asymmetrical constitution of ‘feminine’ as derivative of ‘masculine;’ (3) representations of North Koreans follow the logic of racism and the logic of misogyny as an obstacle-threat, an object of narcissistic love, or a delusive and degenerated form of masculinity; (4) North Korea is the Real of America, reflecting primarily American egotisms, anxieties and repressions. As a concluding provocation, North Koreans may be better positioned than Americans to grasp the distinct subjectivity of the Other.

**Chapter Five** can be understood as an *instrumentalist critique* of the negative representational and policy consequences of the extraordinary-negative frame (*objet a*). It asserts that empirical critique and demonstrations of indeterminacy should be accompanied by a more radical rejection of ideological elements (i.e. irrationality, ruthlessness, deception). *Objet a* is located in the COI (to the limited extent that this is possible) and then some ways in which our ideological projections of the DPRK can and do become self-fulfilling prophecy are explored. Three causes of the COI are identified: differentiation of the criminal outlier to universal human rights norms (Symbolic), ideological fantasy (Imaginary), and asymmetrical antagonism (Real). *North Korea does not exist* is foremost a call to identify and reject the Imaginary meaning of the country (*objet a*). The **Conclusion** is a defense of the necessary anti-hegemonic Act to break the ideological deadlock, that is, unconditional US/ROK normalization and investment to achieve long-term progress on human rights and compel (without direct coercion) the DPRK to reform is repressive institutions within the normalized context.

# CHAPTER ONECRIMES AGAINST HUMANITY AND THE ORDINARY NORTH KOREAN

### Crimes Against Humanity in International Law and Selectivity

The COI defines crimes against humanity as “(1) intentional inhumane acts that (2) form part of a widespread or systemic attack” (COI: 1025). (1) “Inhumane acts” may include murder, extermination, enslavement, deportation, imprisonment, torture, sexual crimes, persecution, and enforced disappearance. (2) “Widespread” requires “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims” (COI: 1031) “Systemic” requires “organized action, following a regular pattern, on the basis of a common policy and involves substantial public or private resources […] there must exist some form of preconceived plan or policy” (COI: 1032). The Rome Statute requires either widespread *or* systemic attacks, but the Commission regularly refers to DPRK violations as “systemic and widespread” and aims to justify both elements throughout the report (i.e. COI: 1030).

Based on this definition, the Commission finds 13 counts of CAH have been committed against three DPRK civilian populations: (1) “against anyone who is considered to pose a threat to the political system and leadership” of the DPRK, including political prisoners and ordinary prisoners, refugees, Christians and other persons “considered to introduce subversive influences”; (2) against “starving populations” whose universal human right to food is violated through discriminatory food allocation; (3) against abductees from countries subjected to “forced disappearance” (COI: 1161-1163).

The Commission’s formal legal case that CAH have been committed in the DPRK can be reduced to two elements. The first is simply to show that violations *occurred* through an evidentiary standard, in this case, a “reasonable grounds” standard of proof (described below). Second, the Commission must show that that these violations are *systemic* or *widespread* and that the perpetrator understands that the violence “will occur in the ordinary course of events” (COI: 1030). The COI sees these as sufficient and does not present some other criteria widely understood as requisites to finding of CAH.[[11]](#footnote-11)

The present dissertation acknowledges that according to the applied definition of CAH, the DPRK has likely committed human rights violations that can be interpreted as CAH by international law, especially regarding ‘hostile populations.’ The evidence provided does not, however, amount to an objective necessity to designate it as such; these allegations would not be investigated by a UN COI in other (especially more influential and powerful) countries. By this strict legal definition, however, it is likely that the DPRK has committed CAH over the course of its existence and possibly today.

Here it is necessary to consider a central problem with the concept of CAH, that is, the inherent *selectivity* of its practical application. CAH include such crimes as systematic murder, deportation, and persecution. The reality is that all ten of the most populous countries today are almost inarguably responsible for committing CAH in the last century. If only the post-World War II period of the DPRK COI is included, then at least a “reasonable grounds” case could be made that most of these countries have committed CAH in the last sixty-five years (the only compelling exception is postwar Japan). This is especially true if the hypothetical Inquiry hears exclusively from targeted minorities, political dissidents or other victims as well as experts and activist organizations hostile to that government; where empirical verification is generally impossible (in a state of exception/war); where the alleged perpetrator’s narrative is entirely repressed; and especially where the worst acts are aggregated in de-temporalized and de-localized form. In this setting, it is likely that China, India, the United States, Indonesia, Brazil, Pakistan, Bangladesh, and Russia would all be found guilty of CAH for violations committed at-home and/or abroad.

The selectivity of designations of CAH can be partially demonstrated by the lack of any inquiry into the abuses of the government of Indonesia during the same sixty-five year period and in the same general region. Between 1965 and 1966, after a military coup, 500,000 to one million were killed, ostensibly for being communists. A documentary film, *The Act of Killing (2013)*, documented perpetrators proudly and self-consciously demonstrating the brutality with which killings, rape and torture were practiced*.* These self-identifying “gangsters” (paramilitary men) are still considered public heroes of the anti-Communist revolution in their region. CIA involvement in the rise of Suharto was considerable and evidence suggests that American officers “not only knew about the killings, but approved and even encouraged them”, including providing lists of potentially dangerous communist individuals (McCormack 2008: 80-1).

The Indonesian military invasion of East Timor in 1975 would become “one of the worst crimes against humanity in modern history” (McCormack 2008: 82-3). The Indonesian army erected detention centers (‘camps’) with commonplace “starvation, torture and arbitrary executions.” By 1978, one-third of the pre-war population of East Timor was dead. Twenty years of Indonesian occupation were characterized by “systematic cultural genocide, commonplace use of torture and executions of political prisoners and the rape and forced prostitution of women and young girls” (McCormack 2008: 84). Indonesian violations of human rights have continued, as demonstrated by the renewed assault on East Timor in 1999 and violations against Muslim rebels and West Papuan independence movements in the 2000s, amongst others.

China and the majority of Western nations “actively aided and abetted the Suharto regime” during this period (McCormack 2008: 85). They have blocked any attempt to ‘take action’ against the Indonesian government due primarily to its anti-Communist credentials, international corporate investment and oil production. Any reasonably objective comparison between Indonesia and DPRK human rights violations would, at minimum, need to note the larger scale of Indonesian violence and stronger case for genocide, its relatively more frequent and serious acts of military aggression, and the much greater degree to which official Indonesian ideology formally condones atrocities.

On the other hand is the UNHRC Gaza (2009) report on violations surrounding the three-week Israeli invasion of Gaza in 2008-9. It accused Hamas of possible CAH based on rocket attacks that inflicted *three* casualties – and thousands of injuries, hundreds of millions in costs and general psychological trauma on the Israeli public. Whereas Hamas sought to inflict violence on the Israeli settler population as a matter of policy by the very few means available to it, the Israeli government made extraordinary efforts to avoid killing civilians in its conduct of military operations in Gaza. Despite the fact of the occupation and calculated large-scale military action leading to exponentially greater human fatalities inflicted by Israel, the indiscriminate nature of Hamas rockets are more consistent with the legal definition of CAH than Israeli actions.

There are at least three relevant lessons about UN COI claims of CAH derived from the Gaza report and the lack of a report on Indonesian violations. First, substantial international ideological or economic relationships, especially on the Security Council, can block inquiries into CAH and genocide. Second, radical military asymmetry does not affect the threshold for CAH and colonial states are not held to a higher standard. Third, the threshold of victims for CAH is not large, yet large numbers of victims does not ensure an investigation. These issues point to a higher standard of elements at-work beyond *occurred* and *systemic* that are needed to justify an investigation: the violations need to be perceived as *extraordinary* (as opposed to the ‘ordinary’ violations of the West and its allies) and in some sense of *ongoing* relevance (to the West and its allies).

### Extraordinary and Ongoing CAH

This dissertation asserts that demonstrating violations are *extraordinary* and *ongoing* is crucial to the securitization of North Korean human rights as an existential threat to universal human rights. In order for a UN COI to be established in the first place, there must already be an international outcry about the violation. The designation of CAH would not be deemed appropriate without this implicit appeal to exceptionality and there would be little force to mobilizing the international community to ‘take action’ without it. The DPRK COI – along with the majority of other UN COIs – does not cite the original Rome Statute definition of CAH:

particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of human beings […] Isolated inhumane acts […] fall short of meriting the stigma attaching to the category […] [W]hen one or more individuals are accused of planning or carrying out a policy of inhumanity […] one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty or wickedness.

What constitutes a “particularly odious offense” is clearly a highly subjective judgment. The passage clearly links it to systematicity, but it is also clear that the ‘nature’ of the offense itself must be of a certain severity. Especially when aggregating human rights violations over six decades of a highly militarized, authoritarian post-colonial country that perceives itself to be existentially threatened, the distinction between systematic acts and isolated acts is blurry. The COI did not explicitly find any ‘isolated and sporadic acts.’

It is a very difficult task to establish a human rights violation as extraordinary within its greater context, and even more difficult by objective comparison to other contexts. Probably for this reason, most UN COIs have limited the definition to the sum of its requirements and excluded exceptionality as a requirement. In the case of the DPRK COI, several key passages of the report explicitly characterize DPRK violations as *extraordinary*, while implied analogies to Nazi Germany and Soviet Gulags serve to reinforce it, even as the COI never ventures into any substantive comparisons.

The exceptional character of DPRK violations should not be taken as self-evident and general allusions to the Holocaust can be replaced by general allusions to a plethora of other contexts. There are many detention centers in the world that feature normalized violence against prisoners, refugees and political dissidents, whether perpetrated by police, prison guards, or other prisoners, of a character not incomparable to what is described in DPRK political detention centers. Every government in the developing world *could* do more to alleviate hunger than they are currently doing, every famine has political causes, and every government can be expected to prioritize their political and military base over other population segments in the context of a famine. Many governments have also committed enforced disappearance of foreign nationals.

The fourth and final element is the misleading tendency to frame violations as *immanent*. The Commission finds CAH “are on-going, because the policies, institutions and patterns of impunity that lie at their root remain in place” against each of the three civilian populations (COI: 1160). Detention centers remain operational and executions continue to be reported (COI: 1161). Policies that “gave rise” to starvation remain in-place, including the failure to provide data, refusing unimpeded access to aid providers, and discriminatory spending and food distribution. There are also continued reports of starvation (COI: 1162). Crimes against abductees are ongoing primarily because the DPRK has not revealed the fate of all victims of enforced disappearance (COI: 1163). The principal manner of exaggerating the *ongoing* nature of violations is the lack of temporality for all but the most recent violations (described in Chapter Two).

Although the Commission never explicitly identifies the significance of showing that violations are *extraordinary* and *ongoing*, it is clear that these are crucial elements to what can be regarded as the two thesis statements of the COI report:

In the DPRK, international crimes appear to be intrinsic to the fabric of the state. The system is pitiless, pervasive and with few equivalents in modern international affairs. The fact that such enormous crimes could be going on for such a long time is an affront to universal human rights. These crimes must cease immediately. It is the duty of the DPRK and, failing that, the responsibility of the international community to ensure that this is done without delay. (COI: 1164)

These [CAH] are not mere excesses of the state. They are essential components of a political system that has moved far from the ideals on which it claims to be founded. The gravity, scale and nature of these violations reveal a state that does not have any parallel in the contemporary world. Political scientists of the 20th century characterized this type of political organization as a totalitarian state: A state that does not content itself with ensuring the authoritarian rule of a small group of people, but seeks to dominate every aspect of its citizens’ lives and terrorizes them from within (COI: 1211).

In fact, Michael Kirby (2014a) was poignantly asked if COI findings and recommendations “renders any engagement with North Korea almost immoral” at a panel discussion. He defended his findings exclusively in terms of their comparatively extraordinary and systematic nature:

International law says if you find there is believable testimony of crimes against humanity, there is a responsibility to protect. And if the country itself will not respond to crimes against humanity, then it is the duty of the international community to step in and protect the people of the country that are suffering from crimes against humanity. Crimes against humanity, under international law, are not just your ordinary breaches of human rights. Australia, the United States, South Korea have plenty of breaches of human rights, and we have our different ways of dealing with them […] but crimes against humanity are very serious international crimes which involve state policy of very grave violence against people, and this is what the COI has found. So if we don’t do anything about it, then what’s all this talk about putting human rights out front, and about the responsibility to protect, if when you are presented with the testimony, nothing is done? (Ibid).

These passages capture all four real components of the CAH charge: *occurring*, *systematicity* (i.e. “intrinsic to the fabric of the state”), *exceptionality* (i.e. “the gravity, scale and nature of these violations […] does not have any parallel” and “not just ordinary breaches of human rights”), and *ongoing* (i.e. “must cease immediately”).

The crucial difference between the conclusions of the COI and the conclusions here is that, in this dissertation, the DPRK is theoretically *redeemable,* whereas in the COI’s framing encapsulated in the above passages, the DPRK is an extraordinary case of an irredeemable system (extraordinary-negative) that logically implies that regime change is the only permanent solution. Within this frame the use of military, economic or propaganda-related coercion – even if this harms ordinary North Koreans – is justifiable as more ethical than doing nothing. If the Kim government is understood as a not-atypical authoritarian country that is the product of extraordinary historical and contemporary circumstances largely beyond its control, then attention to the extraordinary context (i.e. the state of war) and how it can be resolved should be primary. Threats and economic strangulation serve as evidence of the threat and therefore ultimately justify the same violations that the threats and sanctions are intended to ameliorate.

This dissertation’s prescriptions are antagonistic with the COI, invoking an international responsibility to end the state of war rather than an international responsibility to intervene to protect those at the bottom of the DPRK social hierarchy. In his lectures, Michael Kirby repeatedly demands that the world ‘take action’ because we said ‘never again’ after the Holocaust, yet the COI provides almost no guidance on how to do so other than ‘targeted sanctions’ and international pressure on countries that support the DPRK (primarily China). Even amongst those experts who profess a desire to see the fall of the Kim dynasty (including many COI witnesses), nobody *really* seems to believe these actions will significantly improve the human rights situation. Instead, the logic is that ‘targeted sanctions’ or referral to the ICC are better than doing nothing because they might eventually change the calculations of the DPRK and their diplomatic and economic costs help ensure the illegitimate government will not survive longer than necessary. The hidden subtext is that the report would serve as justification for military intervention in a future context of instability in the DPRK.

There *is,* however, an alternative. The policy that would improve the human rights situation in the DPRK in the long term – the *real* transformative *act* – is an unconditional normalization and investment package. The final day of the Korean War will be the beginning of the end of the DPRK government as the world knows it. As argued in Chapter Five, the DPRK will transform into an almost unrecognizable entity (as with China or Vietnam), or the government will probably fall under popular resentment.

### Hyperreal Securitization

This dissertation argues COI findings and recommendations are simulacra because they are first-and-foremost related to the extraordinary-negative (ideological) frame; their relation to empirical reality is relevant only to the degree that it impacts their utility. The COI appears to have been an instrument of securitization by the design of its participants. There does not seem to have been any contention regarding whether the CAH designation is appropriate – this was deemed both minimally extraordinary and credible very early on. Rather, the central debate apparently revolved around whether “genocide” was an appropriate label for these abuses (described in Chapter Two). As Kirby’s lectures make clear, the Commission justified opting for CAH because the designation is of a gravity that technically invokes a responsibility to protect, so it is not necessary to expand the definition of genocide – although the Commission believes “politicide” may be appropriate. In short, the Commission balances credibility with encouraging ‘action’ by noting parallels to genocide (and Holocaust analogies) but stopping just shy of the designation, finding CAH in all thirteen areas of the mandate.[[12]](#footnote-12)

Let me reiterate that the claim here is not that individual COI witness testimonies are hyperreal *per se*; they should not be dismissed as fabricated. On the other hand, however, the conclusions of the COI are problematic in a way that normal concepts like ‘exaggeration’ and ‘bias’ cannot adequately capture. These imply one or more actors manipulating objective truth, whereas the issue with the human rights literature is the lack empirically verifiable truth and the thicket of biases and exaggerations that political and economic interests generate within this lack. As Guy Dubord (cf. Campbell 2008: 545) described hyperreal discourse, “contemporary events themselves retreat into a remote and fabulous realm of unverifiable stories, uncheckable statistics, unlikely explanations and untenable reasoning.” Asserting a new reality is not feasible, so criticism of a hyperreal political object must “challenge closure” through showing indeterminacy and providing alternative readings (Campbell 1998: 23).

This dissertation holds the allegation of thirteen counts of CAH, the COI’s two thesis statements above and other generalizations about the DPRK, and the salient news media representations of COI findings, as well as the Congressional indignation in the *Introduction*, all tend towards the hyperreal in the sense of being more a product of these ‘biases’ and ‘exaggerations’ than a product of objective reality. In particular, the four hyperreal elements of COI representations of North Korea encapsulated in those two thesis statements – *occurred, systematic, extraordinary* and *ongoing* – are held to be indeterminate and contestable. The weakness of the final two elements in particular will be evidenced in Chapter Two. One can, in short, critique the COI as hyperreal knowledge without resorting to blanket denials of defector testimony.

Balzacq (2011: 13) has written that the securitizing speech act “must, usually, be related to an external reality.” This is true of North Korea, although the use of the term ‘reality’ may be misleading. For example, the last major round of securitization against North Korea was in response to the 2010 sinking of a ROK warship, the *Cheonan*. This occurred despite serious and still unanswered questions about whether it was really the DPRK that was responsible: the claims of ROK officials were immediately privileged and the categorical denials of DPRK officials were dismissed. Tim Beal (2011) provides compelling evidence that an old sea mine sank the ship, which was substantiated by an underwater explosion analysis published in *Pure and Applied Geophysics* (Kim and Gitterman 2013). Mikyoung Kim (2012: 126) notes the ROK never produced a convincing motive for the attack. Rather, the arguments rest on,

three erroneous hypotheses on the Pyongyang regime’s behavioural propensities such as irrationality, as opposed to strategic rationality; exaggeration of external threats for internal use in order to goad the United States to the negotiating table; and crisis creation in order to seek security guarantees and other benefits (Ibid).

Beal (2011: 98) concludes that, “To this day we do not know why the *Cheonan* sank, but we can be pretty sure that the claim by the South Korean government that it was sunk by a North Korean torpedo is fabricated.” So while it is true that these securitization efforts were directly related to external reality in the sense that a ship sank and dozens died, it is the privileging of one *narrative* over its polar opposite (the DPRK was responsible or it was not) that makes the act of securitization possible. There is no way to discern whether this is true or false, so one’s position is essentially relegated to the realm of *belief*. It is the asymmetry between the antagonists and the resultant extraordinary-negative meaning of North Korea that makes the sneak attack narrative the hegemonic common-sense, as opposed to being one of several possibilities that would falsify the thesis.

Hyperreality in the COI is the result of misleading generalizations, lack of spatial and temporal context, and the influence of the normative beliefs of participants. It is not simply that the mandate had a narrow focus; it would have been possible to write a report that is more space/time specific, more-contextualized, and more-tentative. Hyperreal representation is here simply a name for the drift of a general representation away from its referent object and towards ideological fantasy, the product of the aggregation of all the ‘biases’ of the narrow narrative presented to and by the Commission. (Just as the porn star is a representation of woman entirely grounded in misogynist fantasy; her persona would not exist if it were not for the fantasies of the consumer.)

### Hyperreal Morality

What is the morality of hyperreal representations of DPRK human rights violations as *extraordinary* and *ongoing* and internationally recognized as such? For Baudrillard, hyperreality is beyond right and wrong; it is a simulation judged entirely based how well it performs. Hyperreal representational strategies must be understood according to their own internal logic – how well does it convince the international community to ‘take action’ against human rights violations in the DPRK? A flattering way of stating this might be ‘how well does it present narratives of victimization in a manner conducive to protecting victims still in the DPRK?’ But this is only half the story; hyperreal saturation is always accompanied by repressions. Here the critical analyst should ask, *‘how well does the COI ‘deter the real’, how well does it mystify other possible narratives to achieve its political objectives?*’

The Commission’s advocates could point to several potential benefits of the CAH designation for victims of the DPRK government. As participants and supporters of the COI often note, the report appears to have led the Kim government to engage with human rights institutions. It could also conceivably lead them to demonstrate progress over time in ameliorating violations. One could also make a strong argument that de-securitization and diplomacy are essentially non-starters in American and Japanese politics, so a coercive approach is the only effective avenue for progress. The stark and holistic findings of CAH and accompanying recommendations are necessary to compel the DPRK to improve conditions, especially considering it was already understood as (at least among) the world’s worst human rights abuser(s). The COI provides a manner of promoting human rights while maintaining military and economic pressure on the country (or increasing it with ‘targeted sanctions’) to prevent any forestalling of DPRK economic or political failure or capitulation. De-securitization and diplomacy are not requirements, nor necessarily effective, for promoting human rights in the DPRK if it is led by wicked leaders. An additional prospect is the catharsis of imposing justice on DPRK leaders, which could plausibly contribute to deterrence of CAH in the future.

There are, however, widely unacknowledged violences imposed by making the case for securitization through hyperreal representational practices. If there is a universal violence of hyperreal representation of Others, it is the repression of the identity of the referent that it purports to represent. Bourdieu points to “symbolic violence” where a system of symbolism and meaning is imposed upon groups that is made possible by the obfuscation of real power relations in a manner that “renders them legitimate in the eyes of the beholder” (Jenkins 2002: 104). The elevation of the experiences of a particular subset of North Korean society (i.e. defectors who gave testimony or constitute NGO reports) to represent the Whole may arguably have benefits for the most-abused subset of DPRK political prisoners if it raises the probability of release, improved conditions or rescue by military intervention. But casting the frame of ‘victimhood’ on the entire DPRK population, most of whom would not identify as such and have no voice in the constitution of their global identity, is not an honest representation of the Other’s subjectivity – it mystifies and justifies the power relations that gave rise to victimization.

There is no *a priori* reason to believe that political normalization and investment could not achieve a demonstrable improvement in the human rights situation. The DPRK has repeatedly emphasized that it would cooperate with international human rights bodies under such conditions. In particular, the language of COI recommendations strongly implies that any step-by-step DPRK progress towards implementation will always appear ‘too little, too late’ (see Chapter Three). There is also no necessary linkage whatsoever between imposing ICC justice and improving the human rights situation in the DPRK; the possibility that it will compel progress should be contrasted with how this will reinforce the garrison mentality of the elite and provide further incentives to categorically reject UNHRC as a politically motivated charade.

A crucial lesson of this dissertation is that the COI strategy of elevating victim narratives and shaming perpetrators is not an unproblematic ‘good’ for the people of North Korea. Michael Kirby’s consistently implied belief that ‘speaking up’ in the strongest terms against human rights violations is a universal ethical imperative should be categorically rejected. Human rights violations already defined nonfiction representations of North Korean society in Western discourse before the COI was formed. Where the violation is perpetrated by an entity that is already associated with profound negativity, ‘speaking up’ reifies the privileging of “worthy victims” over the unworthy victims of our own system, i.e., victims of our economic sanctions and military interventions.

It also contributes to scapegoating. If a newspaper consistently publishes stories demanding ‘action’ to stop violent crime perpetrated by black men against white women, even if each individual story is completely accurate in terms of its content and the police are indeed failing to adequately protect women, it is *still* engaging in hyperreal representational practices. The negative consequences of buttressing already-hegemonic stereotypes of the DPRK as ‘Hell on earth’ and its leadership as ‘wicked’ is reification of the state of war, sanctions, less humanitarian assistance and investment, and perhaps in a future context of upheaval, military intervention against the Kim government – all of which should be understood as violence against the North Korean population in general.

### Bourdieu and the North Korean Human Rights Field

The concept of *fields of knowledge* is useful for conceptualizing the problematical character of defector narratives. Field and habitus are co-constitutive; where habitus and field match, the participant will feel like a ‘fish in water’ (Grenfell 2004: 29). As this applies here, the DPRK human rights field clearly privileges defectors and experts who acquire or (at least) do not contradict the neoconservative worldview. A small minority of defectors come to South Korea vested with forms of cultural capital (i.e. tales of extraordinary brutality, knowledge of elites) that are recognized in the human rights field and can be exchanged for symbolic and real capital (i.e. recognition and money).

The human rights field itself should be understood as contingent, as an outcome of a particular historical context (i.e. the state of war, anticommunism), and the knowledge it produces should be related to agents’ strategies within the ‘field of struggle’:

The existence of a field *presupposes* and, in its functioning, *creates* a belief on the part of participants in the legitimacy and value of the capital which is at stake in the field. This legitimate *interest* in the field is produced by the same historical processes which produce the field itself […] boundaries of the field are always at stake in struggles which take place within the field […] A field is, by definition, 'a field of struggles' in which agents' strategies are concerned with the preservation or improvement of their positions with respect to the defining capital of the field (Jenkins 2002: 85, emphasis in original).

All fields involve censorship – the less obvious the censorship, the more natural and normatively correct it will appear (Jenkins 2002: 153-6). Progress and change within fields is the result of the self-interested competition of agents within them rather than the pursuit of ‘truth’ itself (Grenfell 2004: 173).

One legitimate criticism of this conceptual application of Bourdieu is that his theory’s skepticism towards knowledge can be applied to *any* field of knowledge in order to discredit it. Consider, for example, Republican Senator Larry Bucshon’s dismissal of White House Science Advisor John Holdren, and the climate literature more generally, at a hearing of *The US House Committee on Science, Space and Technology*. The Senator explicitly argued that climate scientists are not believable because scientists have a professional (i.e. field-based) interest in demonstrating the existence of climate change (Planet Experts 2014). So what is the difference between field-based criticism of climate science and this dissertation’s field-based criticism of defector testimony?

It is true that Bourdieu’s theory of practice ultimately concludes that all knowledge “is so heavily influenced by its field context, it literally cannot be trusted” (Grenfell 2005: 173). The direct US, ROK and Japanese government funding of North Korean human rights NGOs, as well as their reliance on state intelligence agencies for their data, gives an indication of the degree to which this field is overdetermined by political power. On the other hand, Bourdieu was also highly critical of autonomous fields like philosophy because of their insularity. Senator Larry Bucshon’s field-based critique of climate scientists suggests that their autonomy has led them to act in their own interests rather than the substantive aims of the field, as Bourdieu might predict. But the impossibility of objective knowledge should not be construed to mean that all Knowledges are equally biased. Five differences stand out as to why a field-based approach to knowledge of North Korea is more appropriate than in scientific fields; together they strongly imply that the human rights field is much more influential to defector knowledge than the climate science field’s influence on scientist’s findings.

First and foremost is the difficulty of verifying defector testimony, particularly those of former prisoners. Climate change literature is subjected to standards of scientific rigor; defector testimony can only be verified by other defector testimonies and can be the basis of a mainstream news report (or a COI paragraph) with minimal or no substantiation whatsoever. Defector testimony, unlike climate science, is generally *unfalsifiable* – it can be contradicted by other defectors, but usually not definitively disproven. The claim that it is the DPRK’s responsibility to demonstrate the falsehood of accusations is only reasonable if the state of exception that is the root cause of their secrecy is addressed.

 Second is DPRK defectors’ significant personal investment in their narratives. Most defectors leave due to poverty, or much less often, running afoul of the government. The family they leave behind probably live in the same context to what caused the defector to risk emigration in the first place. They also may have lost social standing due to their defection (Collins 2012:118). Defectors given voice by the COI therefore tend to be ‘anti-regime’ (Beal 2005: 133) in a way that goes far beyond any pro-green or anti-industry sentiments of climate scientists. The COI understates this by noting that it “is conscious of the fact that most victims and witnesses […] had an overall unfavorable opinion of the DPRK authorities” (COI: 62).

Third is the relatively greater material investment of defectors in their narratives. DPRK refugees are generally a severely marginalized minority of ROK society; climate scientists are not vulnerable populations. Hassig and Oh (2009: 219) note that 70 percent of defectors are on welfare and that they are paid for interviews, so they “may be tempted to exaggerate […] to make their testimony more marketable.” It is also “highly likely” that some who claim to leave for political reasons were really criminals (Ibid). According to a recent *Harvard* publication, the unemployment rate has declined somewhat to 50 percent, with 38 percent working in factories (Baek 2015). Felix Abt (2009: 2170) notes that un(der)employed defectors “can make a living by selling dubious information” to journalists and intelligence agencies. Blaine Harden (2012: 10) is even more critical:

they are often desperate to make a living, willing to confirm the preconceptions of human rights activists, anticommunist missionaries, and right-wing ideologues. Some camp survivors refuse to talk unless they are paid cash upfront. Others repeated juicy anecdotes they had heard but not personally witnessed.

All these writers except Felix Abt are profoundly anti-DPRK in ideological orientation.

Of course, empathy with the context of defectors is entirely appropriate. The analyst should recognize, however, that their narratives are often the only economic value they bring with them to the ROK. It makes it possible for those with an extraordinary-negative narrative or with privileged knowledge of the elite/country to make a dignified living, as opposed to the majority of DPRK refugees who exist near the bottom of ROK society. But the critical analyst should not be so naïve as to believe that this constellation of interests and (lack of) opportunities will not influence their narratives.

Fourth is the existence of a well-funded counter-narrative against climate change science that simply does not exist for North Korean human rights. Defectors are keenly aware of the ROK National Security Law that criminalizes public statements that can be construed as beneficial to the DPRK; climate change denial is not criminalized. Defector Kim Eun-ju, for example, describes being monitored by ROK police and ostracized from her community for speaking about her frustrations in the ROK (Strother 2013).

Moreover, defectors go through a three-month period of social adjustment training and political re-education. As Shim (2013) put it, these ‘resettlement centers’

recast, and consequently negate, what North Koreans have learned and experienced in their country. In other words, one specific form of political and social indoctrination is replaced by another (Ch. *Conclusion*).

“[L]ack of tolerance towards difference” is effectively institutionalized (Ibid). North Koreans learn their previous belief system was not only contestable; it was simply wrong.

The fifth and final difference is the practice of granting anonymity to defector testimony. Whereas climate scientists must place their reputation behind their findings, defectors can intervene in the discourse with minimal risk. The granting of anonymity to witnesses is justified by the COI under the principle of “do no harm” (COI: 29) because “reprisals against family were judged a real possibility” (COI: 53-4). Whatever the merits of the argument that the DPRK government poses a threat to witnesses and their families, the price of such precautions is a report overwhelmingly constituted by anonymous sources. In the “Findings of the Commission” (COI: 163-1021), 277 of the citations came from public witnesses, whereas 646 citations came from 152 anonymous witnesses.[[13]](#footnote-13) This, however, exaggerates the number of public eye-witnesses: only just over a third of the COI’s 80 public witnesses provide first-hand accounts of human rights violations, whereas most of the 656 citations of anonymous witnesses are by defectors who have lived in the DPRK. Public testimonies were given “particular emphasis” over anonymous testimony because it can be directly scrutinized by the public (COI: 69).

The use of anonymous testimony is the norm for UN COIs. Use of anonymous testimony is particularly problematical in this case, however, where abuses are aggregated over the entire existence of the DPRK and across the entire country, rather than the convention of focusing on a particular (usually very recent) time period and specific geographical locations (the three-week Israeli offensive in Gaza rather than all Israeli violations, the violence in Darfur rather than all Sudanese violations, etc.) This might have been partially addressed through providing systematic temporal and geographical demographic information, such as the province and year of a particular incident and the year of the defector’s final departure from the DPRK. The fact that NKDB (2012) published this kind of basic demographic information about all its witnesses to political detention centers while protecting the identity of many of them raises questions about why doing the same with COI witnesses would have endangered them.

The crucial point here is that the symbolic capital (professional status and legitimacy) of defectors and the cultural capital they mobilize (i.e. speaking about freedom *here* and tyranny *there*) is closely related to the degree to which they either have inside knowledge of the Kim government or, more often, the degree to which their story of suffering is *extraordinary*. This should not require much substantiation; it would be ridiculous to see it as a coincidence that the defectors who have the most extraordinarily brutal stories or elite knowledge are the most salient defectors in the discourse.

In short, knowledge constituted by defector testimony is best conceptualized as field-based knowledge that is barely restrained by scientific rigor, often produced anonymously in a deeply ideological context where refutation may in some cases be construed as a criminal act, and is influenced by the material interests, personal experiences and ideological-religious beliefs of the defectors themselves. This is certainly not a problem unique to DPRK refugees; Beal (2005: 172) points out how “defector reports in general are notoriously undependable.” The problem is use of the hegemonic ‘victim’ frame where legitimacy derives from the degree of suffering in their stories, rather than more neutral language that could be used, i.e. ‘human rights activists.’ It is tragically farcical to watch Senator Rohrabacher, for example, treat a leading climate scientist with contempt on the basis of his field-based interests, and then in another hearing elevate the testimony of well-known defector Shin Dong-hyuk to unassailable truth. Field-oriented interests are, by any reasonable measure, far more salient in the production of knowledge of North Korea than scientific knowledge.

### The Hyperreal Representation of Temporally and Geographically Specific Knowledge

The field-based issues with defector testimony indicate some crucial problems with elevating narratives of sometimes horrifying brutality to something approaching objective truth. These issues are compounded, however, by the geographical and temporal specificity of defector testimony that is typically mystified by the COI report and the human rights literature more generally. Of course allegations of CAH are always limited to a segment of a country’s population. The problem is how these testimonies are implicitly extrapolated as representative of the general situation in the DPRK without consistent localization or chronology. This serves to exaggerate the scale of affected persons and therefore the degree of *systematicity* and *exceptionality* of the violations, while also giving a false impression of *immanence* to violations based on alleged experiences decades ago.

The COI partially recognizes that there is a geographical bias: “the situation in [border] provinces is relatively better documented” than other provinces (COI: 57). It also recognizes that 80 percent of the 26,000 defectors and refugees in South Korea come from border provinces, although it never gives demographics on the selected witness sample (COI: 394). The Commission exclusively blames the DPRK for restricting access to the country for research purposes (COI: 584) without attributing responsibility for representativeness to the COI itself or the NGO reports that substantiate findings.

These duly noted acknowledgments of geographical bias severely understate the geographical specificity of defector testimony. Careful reading of the public testimonies finds most, if not all, publicly testifying witnesses presented as first-hand victims of human rights abuses that were not a returnee (from Japan) nor an abductee (from Japan or South Korea) appear to have come from *one* province: North Hamgyeong.[[14]](#footnote-14) According to the last UN census in 2008, this province accounts for just below 10 percent of the population. A similar bias exists in NGO reports that consistently rely on defectors from provinces bordering China. The most comprehensive annual North Korean human rights report and the report most-cited by the COI, ROK-funded KINU (2013), does not provide systematic geographical data – even as it does provide the gender, age, year of defection and the number of border crossings for its 286 interviewees (Ibid: 58).

NKDB’s (2013) report on religious activity in the DPRK is an exception that does provide geographical statistics as well: 65.5 percent of the sample of refugees came from North Hamgyeong, and if Ryanggang province is included, this would account for about 80 percent of respondents. The 2008 UN-monitored *DPRK Population Census* (2009) indicates that these two provinces, both of which border China and are relatively under-developed, account for 13 percent of the DPRK population. These provinces (also South Hamgyeong and Kangwon) were particularly hard-hit by the famine due to a lack of local agriculture, lack of infrastructure and the related breakdown of the public food distribution system in these two provinces in 1994; the system generally continued with reduced rations for other provinces (COI: 512). Moreover, if the analyst accounts for how border crossers are disproportionately located in the northern border areas of these provinces, then it is problematic even to extrapolate these experiences to their entire home province. Extrapolation to the entire DPRK crosses into hyperreal representation that would be obvious in other contexts, such as extrapolating the most impoverished areas of Detroit or Aboriginal reservations as representative of America as a whole.

Equally important, but not formally recognized by the COI, is the overlapping temporal bias. Although the transcripts indicate that the Commission only occasionally asked witnesses their date of defection, in most cases it is possible to ascertain or estimate the (at least approximate) date of defection based on the testimony. Of the under 30 public witnesses who lived in the DPRK and whose date of defection can be deduced, a probably-exaggerated (too recent) estimate of the average year of defection is approximately early 2002, and the median year is around 2003.[[15]](#footnote-15) The experiences they tell are therefore predominantly in the context of the 1994-8 famine that peaked in 1997 and was most acute in the geographical areas they disproportionately originate from.

The temporality of witnesses to political detention centers implies serious questions of the *ongoing* relevance of their COI testimonies, especially undated anonymous witness testimony. The NKDB (2012) report on political detention centers generously cited by the COI brings together testimony regarding fourteen political detention facilities operating since the 1970s (four of which remain operational). There are 53 unique defectors with 60 “periods of experience” in total, 47 of which spent significant time in one or more camps.[[16]](#footnote-16) These 47 include former prisoners, security officers, DPRK officials, facility officials, facility guards, family of facility officials, a participant in the dismantling of Camp 11, and a former DPRK spy.[[17]](#footnote-17) Most importantly, the average and median duration of stay within a detention center can be estimated as approximately 1983-91. This means *the average former prisoner left the detention facility about 24 years ago* as of 2015.[[18]](#footnote-18) The reader may presume that the COI report reflected a similar time period given the lack of demographic information – although it is likely more recent episodes were emphasized. This would probably place the typical ‘period of experience’ as just before or during the 1995-8 famine period.

Where the COI report describes acute starvation and horrifying conditions in detention centers, military theft of food, executions for stealing food, and other similar violations, it is reasonable to presume that it is concealing the famine context within which many of these extraordinarily horrible conditions and incidents likely took place. It is well-documented that political detention facilities have long provided chronically malnourishing rations, even before the famine, and this certainly this does not absolve the DPRK of responsibility. But it is difficult to imagine any country facing an acute downturn in food security prioritizing the prisoner population. Where the families of prison guards or soldiers stationed near civilian farms are hungry, it is equally difficult to imagine guards and soldiers *not* stealing food from prisoners and farmers in any country. These actions simply appear wicked in the COI’s de-temporalized narrative.

The most important testimonies come from highly publicized and politically active defectors (Hong 2014b). This includes two defectors whose narratives are individually scrutinized in Chapter Two: Ahn Myong-chol, a former guard, and Shin Dong-hyuk, a former inmate whose exceptional story made him “witness number one” of both the COI and David Hawk’s *The Hidden Gulag* (2012). (The reader should note the name, ‘Ahn Myong-chol,’ as his allegations are the center of CAH in political detention facilities and appears over and over again in Chapter Two.) Other well-known narratives include Kang Chol-hwan, Kim Yong-soon and Kim Hyuk. The first four have English and/or Korean-language books, two (Ahn and Shin) have English-language documentaries telling their story, Kang and Shin both met President G.W. Bush, and Shin has testified before Congress, the UN General Assembly and the UN Security Council. NYT reporter Choe Sang-hun (2011) has described how defector narratives in general represent “an amazingly small […] tiny group of defectors giving interviews time and time again, saying exactly the same things.” They are also typically members of activist groups “sending balloons to North Korea calling on the North Korean people to rebel against their government” (Ibid).

These issues together imply that finding “reasonable grounds” based on one defector testimony and then ‘confirming’ that testimony by one or two other defector testimonies (whether other witnesses, or citations from NGO reports, books, or news media that are also constituted by defector testimonies) is deeply problematical as an objectivist epistemology. COI witnesses and other defectors with voice belong to the same networks and are aware of each other’s narratives, many of which were already published decades ago. It is telling that the only witnesses Justice Kirby felt might be “biased or prejudiced” were “some academics” (Kirby 2014c) whereas victims “very rarely” seemed to be exaggerating ([Kirby 2014b](http://www.michaelkirby.com.au/images/stories/speeches/2014/2705%20-%20AUSTRALIAN%20NATIONAL%20UNIVERSITY%20-%20CRAWFORD%20SCHOOL%20OF%20PUBLIC%20POLICY%20-%20GETTING%20PROGRESS%20ON%20HUMAN%20RIGHTS%20IN%20NORTH%20KOREA.pdf)). Elsewhere he has said “a small number [of defector witnesses], not many, they at least occasionally, exaggerated a bit […] This is definitely a very small number” (Kirby 2014d). As far as can be discerned from COI transcripts, no defector witnesses were deemed a non-credible source of information.

### Satellite Imagery as Hyperreal Corroboration of Defector Testimony

The primary empirical corroboration for defector testimony on detention facilities, other than other defector testimonies, is satellite imagery:

These [satellite] images not only prove to the Commission’s satisfaction the continued existence and on-going operation of large-scale detention facilities. They also provide a clear picture of the evolution of the prison camp structure and corroborate the first-hand accounts received from former prisoners and guards. During the course of the Commission’s public hearings, several former prisoners and guards were able to identify and describe the locations of camps on satellite images and to identify specific structures, where forced labour, torture, executions or other camp-related activities are being carried out (COI: 734).

There is no specific explanation of the actual methodology used to ‘corroborate’ defector testimony with satellite images in COI sources or the literature in general to this author’s knowledge. Joseph Bermudez, the COI satellite imagery expert witness, provides some very simple insights in a follow-up conference (CSIS 2015). While he defends satellite imagery as objective data, he also acknowledges its limitations:

I can see a building being built. I can see a building being torn down. But I can’t tell you why [inaudible word]. So that’s something important to understand about satellite imagery. People find it very seductive. […] It’s just a tool. […] It’s a tool that others can use […] to help them explain what has happened. It’s also a tool for those who have left North Korea, so they can tell us where they were at any specific time (Ibid).

Bermudez does not, however, venture to suggest that satellite imagery can used to “corroborate” North Korea testimonies, as the COI does and Michael Kirby has repeatedly implied, albeit highly ambiguously:

the testimony of the detention centers was corroborated in terms of the description of the detention centers, and their layout, their approximate size, their proximity to other cities, and all of that confirmed that there are very large detention centers in North Korea (Kirby 2014e).

The circular use of satellite imagery as substantiation of defector testimony, and defector testimony as substantiation of satellite imagery, raises questions that never seem to get asked of North Korean human rights experts. The labeled topography of political detention centers is available to anyone with an Internet connection; the ability to pick out landmarks does not ‘corroborate’ defector testimony.

The porn star persona can double for the subjectivity of real women only if one maintains a distance from her empirical reality. The most enthusiastic admirers of the porn star can learn all sorts of details of her history and her life from a distance, or engage her on the most intimate visual level, but a realistic perspective of her real character and the process of her persona’s production would instantly reveal its near-total detachment from her field-based fantasy-role. Richard Lane (2009: 96) describes the hyperreal as a blurry photograph both too close and too far from the object:

when we get 'too close' to an object, we sometimes have trouble even distinguishing what the object is. In that sense, we cannot say that we have a grasp on the 'real' object in front of us. The hyperreal, in relation to this analogy, is like the extreme close-up and an extreme long-distance photograph at the same time. That is to say, there is no longer a third, normative position of realistic perspective.

This provides a useful way to think about the relationship between defector testimony and satellite imagery. Defectors provide a particular account of DPRK society that is constituted by field-based interests and strategies, their normative and material context, as well as the geography and time-period of their experience. They are ‘too close’, their experiences are unique and they are too (inter-)personally, ideologically and materially invested to provide realistic perspective of the whole country.

Satellite imagery, on the other hand, is always ‘too far’: too remote, too abstract, too subject to interpretation (Shim 2013: Ch. 4). They do not speak for themselves. In fact, “more than any other photographic representations, [satellite images] demand (professional) interpretation” to make them legible (Ibid). Practices of inclusion and exclusion are intrinsic to satellite photography, they are always “subject to political appropriation” (Ibid). To say that these images are ‘prone to manipulation’ misses the point: they have always-already been doctored (Ibid). As Shim puts it, “what people see depends on what they believe, or put bluntly, what they want to believe” (Ibid). Moreover, satellite images are always employed to “‘*do something’ –* that is, to provide evidence, to convince or to justify certain actions” (Ibid). Shim describes three examples since the early 1990s where satellite imagery of DPRK nuclear and missile sites has been the subject of political contestation. In each case, either the same images were used to justify polar opposite conclusions by different American bureaucracies, or the conclusions simply turned out to be wrong.[[19]](#footnote-19)

For example, the construction of a row of new buildings can mean almost *anything*. Yes, it could mean expansion of the prisoner population. But it could also mean larger or improved quarters for inmates, the intention to shut down another prison, a re-purposing of the prison in preparation for closing it (as happened with misreadings of the closure of Camp 22), new medical facilities or oversight facilities, and so on.

It is thus not very surprising, from a field-based perspective, that satellite imagery of North Korea is apparently only capable of evidencing crucial *negative* human rights developments in the COI. The imagery confirms the continuing operation of detention facilities and identifies where “forced labour, torture, executions and other camp-related activities are being carried out” (COI: 843, 734). It substantiates both the 80,000 – 120,000 and the previous 150,000 – 200,000 political prisoner population estimates while representing this decline as a profoundly negative development rather than a positive one.[[20]](#footnote-20) Satellites demonstrate the expansion of Camp 14 in particular and the “continued investment in expanding the camps, their security installations and infrastructure” in general (COI: 735, 1064). Yet this same satellite imagery “does not suggest any new construction of a scale that would support the inflow of the entire population of Political Prison Camp No. 22” at Camps 14, 15 or 16 (COI: 738). Satellite imagery can demonstrate *both* that the majority of centers are expanding *and* that this expansion is not significant enough for most Camp 22 prisoners to have been transferred. It incredulously contributes to *both* the Commission’s “reasonable grounds” that Camp 22 prisoners may have “starve[d] to death” in “large numbers” (COI: 738) and points to an expanding prison infrastructure simultaneously. The evolution of the prisoner population is analyzed in more detail in Chapter Two.

### “Reasonable Grounds” as Disciplinary Field-based Knowledge

All COI findings and recommendations are based on a “reasonable grounds” methodology. This is satisfied where there is “a reliable body of information, consistent with other material, based on which a reasonable and ordinary prudent person has reason to believe that such incident or pattern of conduct had occurred” (COI: 68). Individual cases and incidents are assessed based on “at least one credible source of information” verified by another credible source of information. Patterns of conduct are determined “based on several credible sources of first-hand information consistent with the overall body of credible information collected.” Satellite imagery, video and photo material, autobiographies and other forms of documentation “verify” first-hand information (Ibid).

There are no “best practices” instructions for UN COIs (Henderson 2015). The reasonable grounds methodology is similar to that used by the Syrian Inquiry, except there it was worded more tentatively as “reasonable suspicion” (Ibid: 304). Henderson points out “the adoption of such a low standard” is questionable, not least because it “refrained from using the ‘prima facie’ standard, which appears to exist precisely for this purpose” of “paving the way for future prosecutions” (Ibid). The reason for these choices is obvious: ‘reasonable grounds’ sounds more determinate and credible.

The most salient “credible source of information” for “verification” of witness testimony in the COI, other than other witness testimony, is the extant Western North Korea-specific human rights NGO literature and US, ROK and Japanese academic literature, both of which are also mostly based on defector testimony. The Western human rights literature and the COI appear to share the strategy or goal of convincing countries to ‘take action.’ Considering the COI was largely a product of NGO pressure, NGOs played an important organizational role (Kirby 2014c), and the majority of expert witnesses came from them, it is not surprising the COI came to reflect the NGO mission.

The objectivity of the NGOs who supplied witnesses and literature to the COI is questionable to say the least. Four North Korea-specific human rights organizations were particularly influential to the report and accounted for more than a third of all outside citations of outside literature in the report.[[21]](#footnote-21) The most-cited NGO is the *Korean Institute for National Unification* (KINU) with 60 citations that is directly funded by the ROK government. *The* *Committee for Human Rights in North Korea* (HRNK) is a Washington DC-based American NGO with 54 citations by its members (including works cited by David Hawk, Marcus Noland, and Ken Gause). Its public tax receipts indicate that it is not funded by any national government, and its CEO (Greg Scarlatoiu) declined email requests to provide a full list of donors on the grounds that some donors fear reprisals from the DPRK. *The Database Center for North Korean Human Rights* (NKDB) and *Citizens’ Alliance for North Korean Human Rights* (NKHR) are both ROK-based with 26 and 11 citations respectively and each has been partially funded by the American *National Endowment for Democracy* (NED, 2003-11 and 2001-today).[[22]](#footnote-22) *Rimjingang* is an activist Japanese newspaper with five citations that receives NED funding (2009-today). Other NGOs include *Good Friends* (5 citations, ROK), *North Korea International Documentation Project* (NKIDP, 3, US), *Korean War Abductions Research Institute* (KWARI, 4, ROK), *National Association for the Rescue of Japanese Kidnapped by North Korea* (NARKN, 3, Japan), *Life Funds for North Korean Refugees* (LFNKR, 3, Japan). All of these NGOs are based in countries hostile to the DPRK – US, ROK or Japan – and arguably all except *Good Friends* and NKIDP are Right-wing in orientation.

International human rights organizations account for a much smaller proportion of citations, including *Amnesty International* (8), *Human Rights Watch* (HRW) (5), *Intermedia* (5), *UNICEF* (5), *World Health Organization* (WHO) (5), *Doctors Without Borders* (4), *Christian Solidarity Worldwide* (CSW) (4). Both *Amnesty International* and HRW have been criticized for their tendency to work within the parameters of Western propaganda in their work on North Korea (Gowans 2013b).

The majority of the supplementary material is by witnesses for the Commission, most of whom are closely affiliated with the single-issue NGOs above. Academic literature was used particularly in the history and famine sections. Academics and experts whose work received more than five citations include Andrei Lankov (with 22 citations), Marcus Noland (20, COI witness, HRNK), David Hawk (13, COI witness, HRNK), Lee Suk (12, KINU), Ken Gause (9, HRNK), Andrew Natsios (8, COI witness, HRNK). Others include Park Kyung-ae (5), Scott Snyder (5), Kang Chol-hwan’s defector memoir (4), Hazel Smith (4), Charles Armstrong (4) Charles Robert Jenkins American defector memoir (3), Victor Cha (3), Bruce Cumings (3). Where critical academic works are cited – most notably the works of Bruce Cumings and Hazel Smith – they are used to make individual points-of-fact and their general theses are not considered.

The selection of news media used to supplement the findings appears to privilege British news corporations, though with South Korean and American companies as well. This includes (not including those with only one citation): Daily NK (12, ROK, NED-funded), BBC News (14, UK), *New York Times* (6, US), NKNews (5, ROK), *Associated Press* (4, US), *Asia Times* (4, Hong Kong), *Washington Post* (3, US), *Chosun Ilbo* (3, ROK), RFA (3, US, NED-funded), *The Korea Times* (2, ROK), *The Telegraph* (2, UK), *The Guardian* (2, UK) and *Reuters* (2, UK). Most of the news corporations cited by the Commission have recently released editorials that endorse the recommendations of the COI and demand action to implement them. With the exception of NKNews, which does occasionally publish critical knowledge, these news outlets are uniformly hostile towards the DPRK.

There are only three sources of information available to journalists covering North Korea: defectors, guided tours, and other journalists (Choe 2011). Moreover, news media privileges stories with a relevant melodramatic narrative that includes heroes, villains and victims (Woodward 2007: 25, 36). There is thus a tendency to exaggerate the role of agents rather than “the hard-to-dramatize structural causes of human action” (Ibid: 37) – the culpability of the villain, the ordeals of heroes and the suffering of the victims. This contributes to the news media tendency to portray a “nightmare regime” and reproduce “the same unexamined facts and assumptions” about North Korea (Cumings 2005: 485). Once the text of the COI meets the filters of news media, the results can cross from misleading into hyperreality proper, largely through this “distortion through overcompression” as Walter Cronkite put it (Woodward 2007: 39).

‘Overcompression’ also results in exaggerations of the report’s credibility. In fact, the “reasonable grounds” qualification upon which all COI findings of CAH are qualified is dropped by most news media representations. The actual report states that, “The findings of the Commission appearing in this report must be understood as being based on the ‘reasonable grounds’ standard of proof, even when the full expression (“reasonable grounds establishing”) is not necessarily expressed” (COI: 68) which is reiterated with regard to all findings of CAH (COI: 1023). Yet the *COI Press Release* (2014a/b) drops all ambiguity, so not surprisingly, the international press also followed suit: ‘reasonable grounds for finding a violation’ becomes ‘documented violations’ (NYT: [Gladstone 2014](http://www.nytimes.com/2014/11/19/world/asia/north-korea-united-nations-icc-human-rights-abuses.html?_r=0); *The Telegraph*: Freeman 2014; *CNN*: Sanchez 2014; *CBS*: Falk 2014). Seeing as this was an investigatory body and not a judicial body, a more correct manner of stating this might be ‘there is reason to suspect that what may amount to CAH…’

The evidentiary standard is particularly exaggerated by consistently categorizing everyone who testified as a ‘witness’ or even as a ‘victim.’ The COI states “[m]ore than 80 witnesses and experts testified publicly” and there were “240 confidential interviews with individual witnesses” (COI: 30). *COI Press Release* (2014a) drifts further into the misleading: “80 witnesses in Seoul, Tokyo, London and Washington D.C., and more than 240 confidential interviews with victims and other witnesses;” another oft-cited *COI Press Release* (2014b) refers to “more than 80 victims and other witnesses.” American news coverage is worse and sometimes false: “hundreds of former prisoners and other witnesses” (CNN 2014); “80 defectors, refugees and abductees” and “another 240 victims confidentially” (*The Economist* 2014); “80 witnesses as well as […] another 240 victims” (*Business Insider*: Kelley 2014). In reality, the public transcripts indicate that less than 30 of the ‘more than 80 public witnesses’ had ever resided in the DPRK (the rest were mostly experts heavily-cited NGOs and family of abductees) and a few of the less than 30 were not testifying as victims (such as former DPRK journalists and a former guard). There were 152 unique anonymous witness codes in the ‘Findings’ sections, which includes an unknown (probably very small) number of anonymous experts.

“Reasonable grounds” is also an efficient methodology for repressing critical knowledge. Having deemed texts by NGOs, news media organizations and experts to be “credible information”, “reasonable grounds” justifies the dismissal of all knowledge that is not “consistent with, and corroborated by, the overall body of credible information collected” (COI: 70). As Smith (2014) has argued, the lack of any engagement with the many hundreds of previous UN humanitarian reports on food security is not defensible. The assumption that knowledges of the US, ROK and Japanese governments are intrinsically more reliable than DPRK government information is critiqued in Chapter Three.

Not only does “reasonable grounds” privilege hegemonic knowledge from single-issue NGOs and dismiss anything inconsistent with it, it also facilitates the inclusion of extraordinary narratives with little-to-no substantiation where they are consistent with the general literature on North Korea. The bandwagon fallacy, so common in news media, appears to be built-in to the COI methodology as conclusions are justified based primarily on their being a widely held view (Richardson 2007: 168), appears to be built-in to the COI methodology. To take one egregious example, Lee Jae-geun claims to the COI that, *after defecting to South Korea*, he

felt that he was under close surveillance. He stated how there were seven levels of surveillance monitoring him, and that everyone was watching every single word he uttered, every single act he undertook. Anything that appeared suspicious was reported to the SSD [State Security Department] (COI: 235).

This incredible claim is then substantiated by an anonymous witness who “believed that their family was closely monitored because they were returnees*” in North Korea*, and two other almost irrelevant testimonies (Ibid).[[23]](#footnote-23) Thus the only cited substantiation is a witness who also felt he was under surveillance, albeit in the DPRK, not ROK. The claims are nonetheless consistent with the popular Western literature on the country as a place of extreme totalitarian control that invests heavily in domestic and international espionage. With no clue of evidentiary basis in the transcript for how Lee came to know the details of the extreme degree of espionage resources allocated to him, his testimony would surely be dismissed as paranoia in just about any other conceivable context. Yet this meets the “reasonable grounds” criteria of substantiation: another defector with a similar claim, and general consistency with the narrative of human rights NGOs.

Another egregious example of “reasonable grounds” is the COI claim that executions, “[o]ver the last couple of years” are becoming more “horrifying” (COI: 830). They have been “increasingly” carried out “with automatic machine guns, presumably to maximize the terrorizing effect of the executions” (Ibid). The COI then highlights the atrocity of forcing children and relatives of the condemned to witness executions, especially executions by machine gun.

Three of the four undated testimonies provided as evidence describe witnesses to executions at a young age. All four incidents appear to stretch back at least two decades, however, raising questions about why they were included as evidence “[o]ver the last couple of years” (Ibid). The only evidence for machine gun executions is three paragraph below: six people who were reportedly executed in front of their community in March 2013 for producing and selling methamphetamines (COI: 833). The aggregated citations make it impossible to know if one anonymous witness or more reported this. Even if this single case was “confirmed” by multiple testimonies, which appears unlikely,[[24]](#footnote-24) one solitary case of execution by machine gun should not meet the Commission’s own “reasonable grounds” criteria for identifying an increasing trend towards excessively brutal executions. Capital punishment for major drug crimes is also practiced in China, Taiwan, Indonesia, Malaysia, and Singapore, among others. The likely role of fantasy in these findings regarding executions is discussed at the end of Chapter Five.

It could be argued that, once the “reasonable grounds” standards of proof was established, the witnesses, experts, institutions and other texts chosen that are more or less hostile towards the DPRK, the charge of CAH became inevitable. The Commission’s mission, as Kirby describes it, was narrow: determine if CAH are committed, and if so, who is responsible and how they can be held to account. In this context, anything less than a charge of CAH – many of the 84 public witnesses clearly wanted the genocide label – would have been a scandalous disappointment to the witnesses and institutions with whom the Commission worked closely.

### The ‘Ordinary North Korean’

North Korea is typically imagined as composed of a tiny despotic upper-elite, a lower-elite that lives in the Potemkin village of Pyongyang, and masses of repressed, hungry and ‘brainwashed’ victims who are more-or-less incarcerated in the country. The ubiquitous contrast between the richest and poorest is crucial to the extraordinary-negative frame because it facilitates repression of the ‘ordinary North Korean’ who explodes the perpetrator-victim binary. If the ‘nature of the regime’ is extraordinary-negative, then the notion that it has a significant legitimate support base with genuine affinities towards the government must be repressed.

The COI did not emerge in a vacuum. In order to achieve Michael Kirby’s more-or-less explicit goal of cajoling the international community to ‘take action!’, the COI must appear appropriate within the context of credible and salient Western knowledge. It is our preexisting perceptions – described in detail in Chapter Four – that makes it possible for the COI to represent the subjectivity of ‘the ordinary North Korean’ as a terrorized and brainwashed victim. An alternative conceptualization is offered here, but first, it is appropriate to gain context by surveying the most salient relevant nonfiction and how it represents regular Koreans.

Documentaries on North Korea, likely the most influential nonfiction media other than news media, are particularly apt at repressing DPRK subjectivity. *The Defector: Escape From North Korea* (2012)begins with a defector saying, “If a person does not have freedom, you will exist as if you were not alive.” Defectors are “the lucky ones who made it out,” the audience is told, and another defector wishes to “forget the memory of being born and growing up.” In BBC Panorama (2013), the narrator, a defector, and Mark Fitzpatrick of IISS all assert that ordinary North Koreans are brainwashed. A defector states “if you say the wrong thing, you will die” […] Disagreement means death.” It is “one of the poorest places on earth […] no freedoms as we know them” and sometimes feels like “a doomsday cult.” Popular travel documentaries like *Vice* (2008) and *DPRK: Land of Whispers* (2013) obsess over the indoctrination of Korean they meet. Two well-known ‘prison camp’ documentaries, *Kimjongilia* (2009) and *Total Control Zone* (2012), follow the usual NGO tendency of emphasizing generalized North Korean victimhood. The most blatantly ideological, *The World Without Us* (2008), features an anonymous defector saying, “all refugees hope the US would attack North Korea and depose Kim Jong Il’s regime. The North Korean people wouldn’t resist.”

PBS Frontline’s (2014) *Secret State of North Korea* is the most informative of all these documentaries. North Korea is characterized as on the verge of systemic change, with citizens standing up to authority figures in the context of Western information seeping into the country. The director describes his motivation as going beyond the stereotype of a brainwashed citizenry to show what “life is like for ordinary North Koreans” (Taddonio 2014). So he sought out footage of “stirrings of dissent” which he – not surprisingly since he enlisted Japanese activist news organization *Asia Press* to look for them – found “everywhere, it seems” (Traywick 2014). The usual ‘starving versus rich’ dichotomy is engaged through juxtaposition of destitute street kids with elite citizens. The problem, obvious to anyone living in a poor authoritarian Asian country, is that one can contrast rich and poor, and find statements of deep resentment towards the elite or resistance towards the police, in any comparable country.[[25]](#footnote-25) PBS simply replaces the ‘brainwashing’ trope with the ‘desperate to leave or change their regime’ trope.

Probably the most well-read nonfiction book on the topic is Barbara Demick’s (2009) award-winning *Nothing to Envy: Ordinary Lives in North Korea*. It provides a series of fictionalized narratives of the struggle of several North Koreans based on hundreds of interviews conducted with refugees in China. Here all six main characters are (to varying degrees) victims of their government, as the book is primarily set at the height of the famine in one of the worst-hit areas (around the heavy-industry city of *Chongjin* in North Hamgyeong province) based on stories of refugees who mostly emigrated due to the acute food insecurity in this area at that time. The book reads as a reasonable account of the tribulations of the time; the hyperreal aspect is the framing of these narratives as representative of contemporary ‘ordinary lives’ across the country.

Sonia Ryang’s (2012) *North Korea: An Ethnological Inquiry* seeks to distill DPRK culture from the novels and other propaganda that the DPRK has published. It concludes that the relationship between Leader and subject is the center of all social interaction; it hardly begins to break free from the perpetrator/victim binary. Hazel Smith (2013) put it well: the adduction of the North Korean ‘self’ from fiction is unconvincing “because although the characters […] are not able to critique the centrality of Kim Il Sung in their lives, this does not mean that North Koreans were unable to do so.”

Ralph C. Hassig and Kongdan Oh’s (2009) profoundly anti-Communist *The Hidden People of North Korea: Everyday Life in the Hermit Kingdom* focuses primarily on Kim Jong-il as “the elite” and his ‘regime’ as the obstacle to their health, freedom and happiness (Ibid: 3, 240). Ordinary North Koreans resent the leadership and the military and are “mightily attracted to the products and pleasures of capitalism” (Ibid: 136). “Simply put, the Kim regime is built on the violation of human rights” and will never significantly improve them (Ibid: 195, 215). To their credit, they add that most North Koreans are “probably sufficiently satisfied” to the extent that they do not wish to leave (Ibid: 240). They conclude on a callous note: Koreans, like all peoples, have “the government they deserve” and it is up to them to change it (Ibid: 251).

Like the COI, these popular representations rely to varying degrees on extrapolating defector experiences (and in one case North Korean fiction) as representative of the country as a whole. They also all (again to varying degrees) depend on extraordinary indoctrination or deep discontent to remain consistent; one receives only traces of genuinely satisfied North Koreans with reasoned and legitimate cultural beliefs.

The COI stresses the ‘brainwashing’ analogy by quoting one anonymous witness’s testimony as representative of what they heard:

You are brainwashed from the time you know how to talk, about 4 years of age, from nursery school, brainwashing through education, this happens everywhere in life, society, even at home […] They want the people to be blind, deaf to the outside world, so that people won’t know what is happening (COI: 197).

Greg Scarlatoiu, CEO of HRNK, laments the “relentless” brainwashing of North Koreans and declares them “still brainwashed” even as they know more about the outside world that a decade ago (Heritage 2013). The concept of “brainwashing,” so common in popular discourse, is crucial to bridging the gap between COI defector witnesses and the DPRK population more generally: defectors were indoctrinated by ideological falsehoods and now they are ‘enlightened’ by contrast to their former compatriots who await their own mental emancipation. In fact, eight witnesses describe brainwashing of North Koreans in the transcripts; while there should be no doubt that there are North Korean defectors in the human rights field who genuinely experience their previous ideology as ‘brainwashing,’ extrapolating the narratives of those who came to the ROK and fully renounced their previous beliefs across the contemporary DPRK population crosses into hyperreality. Edelman (1988: 114) put it in stark terms,

Those who see a profound distinction between the terms “authoritarian” and “totalitarian” as characterizations of contemporary regimes construct a world in which some deprivations of human rights are therapeutic and others are evil and in which subjects who fail to accept this distinction are dupes while others who accept it are insightful and patriotic.

As Shim (2014: *Conclusion*) put it specifically about North Korea, the “brainwashing” analogy effectively “negates and excludes the possibility of genuine sympathy and affinity towards their homeland: that which must not exist cannot be real.”[[26]](#footnote-26)

The more academically acceptable method of mystifying the population between the elite/victim poles is the so-called *songbun* social/family classification system (for example, Byman and Lind 2010: 61-2). This is the hegemonic academic starting point to any attempt to classify the DPRK social hierarchy. It essentially refers to a system of hereditary classification of families based on their position at the time of independence from Japanese colonialism. Descendants of collaborators tend to have low *songbun*, descendants of those who fought for Kim Il Sung generally have high *songbun*.

The COI sources HRNK’s report “Marked For Life” by Robert Collins (2012), a 37-year veteran of the US Department of Defense. He conceptualizes it as playing a deterministic role in the whole life of North Koreans from top to bottom. *Songbun* “connotes an individual’s value” as a means of class warfare and “determines all aspects of his or her life” (Ibid: 1). It is “by its very nature a violation of human rights” and

is incalculable and interminable in its highly destructive and repressive effects on the vast multitude of the North Korean population […] The grim reality is that this system creates a form of slave labor for a third of North Korea’s population of 23 million citizens and loyalty-bound servants out of the remainder (Ibid)

Congressman Stephen J. Solarz has noted that North Korean society exists “somewhere between subservience and slavery” (cf. Ibid). The slaving “hostile class” is understood as “unredeemable” (Collins 2012: 43). The *songbun* system becomes an academic instrument to represent the majority of North Koreans as, to varying degrees, victims of their government. It is also the evidentiary basis for a deliberately vague COI conclusion implying extraordinary discrimination, though not rising to CAH: “while discrimination exists to some extent in all societies,” North Korea “has practiced a form of official discrimination that has had a very great impact on individuals’ enjoyment of human rights” that “influences most aspects of people’s lives” (COI: 354).

Collins argues that *songbun* causes discrimination in access to food, employment, military service, justice, housing, medial care, and marriage. *Songbun*-related discrimination in food is a crucial element of the COI finding of CAH related to the famine (COI: 570-1). In fact, Collins (2012: 57) makes this claim without citation or substantiation. The logic is essentially: starvation was worst in isolated low employment provinces populated by Koreans with low *songbun*; high *songbun* elites in Pyongyang were assigned more food; therefore famine outcomes were closely related to *songbun* (Ibid: 65-8). Hazel Smith (2014: 138) points out that it “is an extrapolation beyond the scope of the data to argue food was or is directly allocated” on the basis on *songbun*.

A Žižekian reading of the *songbun* system helps put what is presented as an extraordinary-negative policy into perspective. Here *songbun* is a symptom of the failure of the DPRK to truly resolve the basic class antagonism of Japanese colonial society; it imposes the hierarchy necessary to maintain an authoritarian system without relying on the uneven distribution of capital (i.e. the structure of capitalist inequality without formal capitalism). In 1954, the proletariat was formally accorded full rights and these were denied to the former bourgeoisie and their offspring, which led to the creation and evolution of *songbun* (Weatherly and Song 2008: 277-8).

Collins (2012: 26) stresses the information gathered on Pyongyang residents, which includes “each person’s name age, place of birth, place of residence, place of employment and position, spouse’s name, and political party affiliation.” Collection of such data is not extraordinary for national governments. What makes this policy extraordinary-negative for Collins appears to be the act of assigning a number to each citizen (as Vietnam still does), lack of upward mobility, constant threat of downgrading for acts of the individual or the family, and lack of meritocracy (Ibid: 7-8). *Songbun*, in short, plays a similar role to relative financial resources in other poor Asian countries.

Curiously, *songbun* is represented as a system where upward mobility is extremely difficult and there is a constant threat of downgrading. This implies consistent decline of the core class and expansion of the hostile/complex class. Yet Collins’ and COI statistics show a marked decline in the population of the “hostile” class over the years, which has been merged with the so-called “wavering” class between ‘core’ and ‘hostile’ (now called the ‘complex class,’ see Collins 2012: 25; COI: 281). Collins’ preferred analogy to *apartheid* might be reasonable if it were meant in the sense of an equivalency with the radical disparity between rich and poor that exists in contemporary Asian capitalism. But it should be rejected as an extraordinary-negative label of systematic discrimination, not least because the stratification is not based on ethnicity.

The primary (hyperreal) representational function of *songbun* in the COI and greater human rights literature is to bridge the gap between elites and victims. Collins points to Article 12 of the DPRK constitution: “The state shall […] firmly protect the people’s sovereignty and socialist system from maneuvers for destruction by hostile elements at home and abroad” (Collins 2012: 89). As Collins interprets this, “the phrase ‘hostile elements at home,’ refers to those identified as such in the *songbun* system” and thus removes “large portions” of the population “from human rights protection” (Ibid).

It is probably true that being designated an enemy of the state by the DPRK government erases any human rights protection. The problem is that Collins interpret any official reference to “hostile elements” at home – which is not uncommon in DPRK rhetoric – as referring to the entire so-called “hostile” or “complex” class of 27 percent or even 40 percent of the population (Collins 2012: 25). He does not provide any justification for the 27 percent statistic other than it is “often quoted” (Ibid); Kongdan Oh is cited for the 40 percent statistic without substantiation. The COI uses more conservative 2009 data from the ROK Ministry of Unification that the “complex class” (the combined wavering and hostile classes) accounts for 27 percent of the population (COI: 281). It is a very short leap for the laymen reader of the COI and Collins (2012) to conclude that salient defector narratives of extraordinary suffering represent the experiences of 27 – 40 percent of the population, or even the majority of North Koreans in general if the middling-class is also understood as victims.

One might note the tension between Collins’ claims that “adults in each family are aware of the opportunities that will be offered […] based on their political classification” (Collins 2012: 2), yet the average North Korean and particularly the younger Korean “is not aware of the impact that *songbun* has on their daily lives” (Collins 2012: 87). One must stretch the imagination to envision a repressive caste system, as exists in India, where the disadvantaged are often unaware of the impact of being that caste on their lives.

Moreover, the relevance of *songbun* today is questionable. It is true that it appears to be relevant for the elite career positions and for people with the worst family background if they face criminal sentencing or wish to go to university (Sullivan 2012), which are commonly cited examples of *songbun* discrimination. There is little evidence that it results in extraordinary discrimination fundamentally worse than the discrimination of relative wealth in other contexts. Andrei Lankov, who is the most-cited COI literature source, writes that “money nowadays is more important than social background” and ventures that “sometimes it seems that people with bad *songbun* tend to be more successful nowadays” due to their greater experience with the markets during the famine (Lankov 2011).

The point is that the most-repressed category of North Koreans is a tiny fraction of the 27 percent or more cited as belonging to the “hostile class.” At the very low end, a realistic range of the most-repressed persons is *0.18 percent* to *0.48 percent* of the DPRK population. These are said to currently face CAH in political detention centers or meet a strict definition of enforced disappearance.[[27]](#footnote-27) The analyst could aggregate COI estimates of all identified “hostile populations,” including all political and ordinary political prisoner populations and all secretly practicing Christians and all “enforced disappearances”, which would account for *2.1 – 3.2 percent of the DPRK population*. The population of each of these groups will be shown to be deeply problematical – almost certainly exaggerations – in Chapter Two. Moreover, the figure does not account for the natural mortality of the 50,000 Korean War-era and the 50,000 Korean Japanese returnee era ‘enforced disappearances’ and the overlap between groups. It also fails to acknowledge the privileged returnees who continue to receive remittances from family in Japan and typically reside in Pyongyang, and the ordinary criminals who logically constitute part of the prisoner population. There are therefore *logical grounds* to believe the number of most-repressed Koreans is *much lower than the 2.1 percent minimum bound* based on COI statistics, *perhaps even less than 1 percent*.

In addition, the analyst might advocate inclusion of the approximately 5 percent of the population who were ‘starving’ in 2012. To foreshadow Chapter Two, if this amounts to CAH, then other developing Asian countries should also be designated CAH. Moreover, one would expect significant overlap between this 5 percent and the 2.1 – 3.2 percent.

The leadership, on the other hand, is perhaps an even more indeterminate category. Some see totalitarianism so extreme that only the Supreme Leader can be considered truly privileged, as an HRNK report put it, “a regime that exists solely for the benefit of Kim Jong-Il at the expense of a nation that is impoverished, starving, and suffering” (Kim 2011). Collins estimates the “highest level of the core class” as one percent of the population (Collins 2012: 25). Byman and Lind (2010: 60) put the number of core elites between 200 and 5,000. Both estimates are arbitrary and unsubstantiated.

Although the DPRK is typically represented in Western media as a profoundly unequal society, this is almost certainly untrue if one does not exclusively contrast the top 0.01 percent against the bottom 2 percent. Cumings (2003: 196), for example, asserts the “remarkable” egalitarianism of the society where opulence appears to be reserve of only a tiny fraction of the elite. The gap between rich and poor is almost certainly, though not provably, far beyond DPRK inequality in China, India, Indonesia, Russia, and so on. By all accounts, there is exceptionally little conspicuous consumption in Pyongyang by comparison to other developing Asian contexts. The Pyongyang-centered middle class that might be understood as the “core class,” plus an unknown but probably rising number of both entrepreneurs and those who receive remittances from Japan or South Korea, appear to live relatively austere lifestyles compared to the contrast between the rural poor and cosmopolitan middle class in other poor Asian countries.

This was anecdotally encapsulated for me on a tour of the country in 2012. My group was taken to a war museum in Pyongyang that concluded with a large revolving panorama of the Korean War. As the Korean-language recorded performance went on, dozens of military officers joined the audience. They were dressed in their uniforms and their commendations suggested that they were high-ranking officers; the tour guide later confirmed that “many” were generals. After the presentation, the officers and tourists all left at the same time. I began to anticipate a convoy of black Mercedes, drivers and perhaps bodyguards in the museum’s spacious parking lot. I was mildly disappointed to find that they arrived on almost the same boring tour bus as we did, without any noticeable staff other than a driver. They then proceeded to line up in loose two-by-two formation as they chatted with one-another, eventually filling what appeared to be every seat on their bus. The picture I took of this scene would be almost unthinkable in contemporary China, India, Indonesia; there was no sign whatsoever of the opulence one would expect to accompany their position in the land of “military-first ideology.”

Here it is appropriate to provide a rough schema of the ‘ordinary North Korean’ that is repressed in the perpetrator-victim binary. This figure is rarely considered in conceptual terms. While the COI does not make any formal pronouncement on the everyday North Korean, the implication of the report is almost universal victimhood, a state that “seeks to dominate every aspect of its citizens’ lives and terrorizes them from within” (COI: 1211). It gives the reader the impression that the ‘ordinary North Korean’ is ‘brainwashed,’ or if not, eager to change her government or emigrate yet unable to do so due to extraordinary repression. She probably faces gender (including sexual violence) and *songbun*-related discrimination, her education is based on falsehoods, she suffers from very poor medical care, and she has faced starvation and probably continues to suffer severe malnutrition. The argument here is not that these elements of victimhood are entirely false; the point is that, to the extent that a typical North Korean would identify with these elements, they would be experienced as a narrow representation of her overall subjectivity (at least before entering ROK discourse). There is no reason to believe that ordinary North Koreans citizens see themselves as victims of their government. Reducing this to extraordinary indoctrination implies that ordinary North Koreans would see things our way if only they knew the ‘truth’ (see Chapter Four).

This dissertation argues that ordinary North Koreans should be understood according to normal assumptions we would apply to ‘normal’ poor authoritarian Asian countries, albeit adapted for a deeply postcolonial nation that perceives an existential military threat. In this representation, the ‘ordinary North Korean’ does not face an extraordinary day-to-day struggle for survival (as compared to the ‘ordinary Indian,’ ‘ordinary Indonesian,’ and so on.) She does not victimize others nor does she feel particularly victimized by others – she does not want to be rescued any more than the typical Iraqi in 2003. The notion of leaving the DPRK in search of ‘freedom’ is foreign to her. These beliefs cannot, however, be reduced to indoctrination; she has been exposed to ubiquitous propaganda related to securing the homeland, like citizens of many countries, yet her nationalism is genuine (to the extent that any nationalism is ‘genuine’).[[28]](#footnote-28) She therefore harbours not only resentment for her government but genuine affinity as well.[[29]](#footnote-29) If she herself is not in the military, other members of her family probably are, so her likely belief that she has more to lose than to gain from Western economic and military pressure or intervention cannot be dismissed as unreasonable propaganda. In fact, as the few Americans who have amicably interacted with North Koreans often report (i.e. Egan 2010), she would likely favour of a peace treaty and wonder why the United States insists on hostility.

Despite the fact that “North Korea is a profoundly postcolonial polity” (Kwon 2010: 8), there is no properly postcolonial English narrative of North Korea. Nigerian novelist Chimimanda Adichie’s (2009) deconstruction of ‘The Single Story’ of Africa, which appears entirely inappropriate in the context of salient defector narratives, demonstrates what is missing from academic discourse on North Korea:

A single story of catastrophe. In this story, there was no possibility of Africans being similar to her in any way, no possibility of feelings more complex than pity. No possibility of a connection as human equals [...]
If I had not grown up in Nigeria, and if all I knew about Africa were from popular images, I too would think that Africa is a place of beautiful landscapes, beautiful animals, and incomprehensible people fighting senseless wars and dying of AIDS, unable to speak for themselves and waiting to be saved by a kind, white foreigner […] This single story of Africa ultimately comes, I think, from Western literature [...] a tradition of sub-Saharan Africa as a place of negatives, of difference, of darkness, of people who […] are half-devil, half-child [...]

It is impossible to talk about the single story without talking about power […] how [stories] are told, who tells them, when they are told, how many stories are told, are really dependent on power. Power is the ability not just to tell the story of another, but to make it the definitive story of that person […] Start the story with the arrows of the native Americans rather than the arrival of the British, and you have an entirely different story […] Start the story with the failure of the African states, and not with the colonial creation of the African state, and you have an entirely different story […]

I grew up under repressive military governments [...] as a child, I saw jam disappear from the breakfast table, then margarine disappeared, then bread became too expensive, then milk became rationed, and most of all a kind of normalized political fear invaded our lives. All of these stories make me who I am. But to insist on only these negative stories is to flatten my experience, and to overlook the many other stories that formed me […] The consequence of the single story is this: it robs people of dignity […]

The single story of North Korea is narrower and less challengeable than the single story of Africa, partly due to the lack of DPRK emigrates trained in the humanities. The DPRK’s elevation of the narratives of former Black Panthers still withering in solitary confinement as the plight of ordinary African-Americans would be reflexively dismissed as ridiculous propaganda in Western discourse. The point is to recognize that many ‘ordinary North Koreans’ would find COI generalizations of their society to be just as blatantly propagandistic. Extrapolating the majority from the experiences of a severely repressed minority results in justifications for unethical foreign policies against the popular will and with potentially violent consequences for the large majority of people.

The critical analyst can locate counter-hegemonic defector voices if she looks hard enough. Mikyoung Kim (2012: 20-36) has described dissident defector statements and emphasizes how defectors are counter-hegemonic in *both* Koreas; their disillusionment with the South points to “the woes of rampant materialism and anti-communist indoctrination” (Ibid: 20). One defector has received particular attention for publicly stating that he “regrets” his defection (Shin 2013). “Seoul is no different from Pyongyang” other than “material matters, cultures and freedom of expression”, he says, yet “the fact that people of the same race were envious and jealous of each other and trying to differentiate them from the other made me question my choice of coming here” (Ibid). He has also claimed that eighty percent of defectors would return if not for fear of punishment: “They’d go, even if it meant they’d only be able to eat corn and porridge”, he says (Strother 2013). The point is not that this is ‘the real defector narrative,’ only that defector sentiments are much more complex than the popular literature and COI imply.

Writing of defector witnesses as representative of the 24,000 defectors in South Korea is problematical; seeing these testimonies as representative of the majority of the DPRK population crosses into hyperreality proper. The distinct subjectivity of the ‘ordinary North Korean’ should be asserted to contest geographical, temporal and normative extrapolations of COI defector witnesses. The following chapter will show the indeterminacy of the CAH label and question the extraordinary victimhood of small minority of North Koreans it is referring to. There is no objective reason why these violations should be elevated to calls for ‘action’ against the DPRK. In fact, it is argued that this is profoundly counterproductive to North Koreans in general.

# Chapter TwoAN IMMANENT CRITIQUE OF CRIMES AGAINST HUMANITY

The purpose of this chapter is to introduce indeterminacy and locate hyperreal representational practices in the COI and subsequent American news media coverage. This is accomplished through identification of the inconsistencies and flawed logics of relevant COI paragraphs and source material and then, where contrasting literature is available, comparing this to other sources of knowledge. Each category of CAH is addressed individually according to the three ‘target’ populations: hostile populations, starving populations and ‘abductees.’ Political detention centers and two witnesses to them receive particular attention due to the general lack of critical knowledge on the topic and their centrality to CAH findings. The goal is not to deny specific allegations; it is to show that there are logical reasons to conclude that the worst violations found to constitute *extraordinary* and *ongoing* CAH are not adequately substantiated, and that the violations that are well-substantiated would not necessarily amount to CAH in other contexts. In particular, the Holocaust analogy and other determinations that the DPRK constitutes ‘an ongoing and exceptional threat to our very humanity’ (i.e. the crime of *extermination*) are denied as ideological determinations detached from empirical reality.

The chapter is structured according to the three population groups the COI found to be targets of CAH. It begins with hostile populations; primarily violations related to detention centers, but also persecution of religious believers, executions, and family incarcerations. Two leading defector witnesses to political detention facilities, Shin Dong-hyuk and Ahn Myong-chol, are individually critiqued with special attention to the Holocaust analogy. Each set of violations is critiqued with an emphasis on (inadequate) evidence that these violations are *systematic* (as opposed to isolated incidents), *extraordinary* (‘beyond the pale’) and *ongoing*. A comparison to the American solitary confinement system is provided. The final two (shorter) sections critique the CAH charge regarding the 1990s famine and enforced disappearances, taking particular aim at how these are presented as *extraordinary*. The conclusion argues that the COI paints a hyperreal portrait of the DPRK that is not primarily grounded in empirical reality.

It is crucial to remember that only a negligibly small segment of Westerners will ever read the actual COI report. A significant number of Westerners will, however, learn of it through news media and other forms of media that echo, satirize or fictionalize news media headlines. Hyperreal representations produced by the most respected outlets – especially NYT coverage[[30]](#footnote-30) – are emphasized here over more entertainment-oriented venues that are more prone towards hyperreal representations (such as Fox News) in order to maintain credibility in light of space limitations. If NYT and WP coverage of an aspect of the COI is hyperreal, then it can be assumed that most salient Knowledge producers will generally be on-par or worse.[[31]](#footnote-31) The emphasis on respected American news media applies to the following chapters as well.

Once the COI report is further refined down to its four constitutive ideological elements (*occurred, systematic, extraordinary, ongoing*), typically through the COI press release and then the news media, the resulting representations often enter the terrain of hyperreality proper, disconnected from objective empirical reality of the DPRK and its geopolitical and economic context. The conclusion suggests the aggregation of distortions amounts to an extraordinary-negative fantasy object that is related to the lived reality of the country in a similar way to how the porn star is related to the lived reality of women: an almost-indistinguishable aesthetic resemblance that is nevertheless completely detached from her subjectivity, instead finding its ‘efficiency’ in fantasy/ideology.

### Section I: Violations Against Hostile Populations

*Persecution and Genocide Against Religious Communities*. The Commission concludes that, “Countless numbers of persons” who profess religious belief “have been severely punished, even unto death.” The proportion of religious adherents in the DPRK has fallen from 24 percent in 1950 to 0.16 percent in 2002, based on DPRK estimates. The number of religious believers therefore fell from 2 million to 38,000 (COI: 244).

The Commission leaves open the possibility that a genocide may have taken place, citing a lack of evidence to determine if authorities “sought to repress organized religion by extremely violent means or whether they were driven by the intent to physically annihilate the followers of particular religions as a group.” The precipitous decline of religious adherents, the public testimony of Stuart Windsor of *Christian Solidarity Worldwide* (CSW), and a report by the same organization are all provided as evidence for genocide (COI: 258). CSW maintains that genocide has taken place against religious believers, particularly in the 1950s and 1960s. The primary evidence of the CSW report is statements attributed to Kim Il Sung (not from official DPRK texts but from secondary sources) where he reportedly declared the need to incarcerate Christians in detention centers. But in two of the three statements attributed to Kim, “those who recanted were given jobs” and “repentants have been given work” rather than the camps (CSW 2007: 63), which strongly implies that the goal was to ‘repress’ the religion, not ‘physically annihilate the followers.’ The distinction is crucial: Jews in Nazi Germany were not considered convertible by their assailants; the goal was to eliminate Jews from Europe, not ‘re-educate’ them, as in the DPRK case. There is a moral difference between the forced formal repudiation of one’s religion or ethnic community and being irrevocably marked for death for being born to a family of that religion or ethnicity. Tutsis were not convertible to Hutus in Rwanda, Armenians were not convertible to Turks, and so on.

The Commission emphasizes the *ongoing* nature of crimes against Christians:

[1] It has been suggested that clandestine religious activities have increased since the early 2000s, although more specific details have ben difficult to obtain. [2] One estimate suggests that there are between 200,000 and 400,000 Christians still professing their religion secretly in the DPRK despite the risks.

The first [1] sentence cites a NKDB (2013) report based on over 7481 witness testimonies recorded after defection to South Korea. It demonstrates an increase in claims of participation in religious activities during this period: 0.5 percent of those who left before 2001 had participated in secret religious activities, 1.3 percent after 2001. There is also a similar increase in reports of witnessing such activities and encountering a bible.

The second [2] sentence comes from a submission to the Commission of unknown origin that was not made publicly available. Although NKDB (2013) does not venture an estimate of the underground Christian population, they find 1.2 percent of refugees claim to have participated in secret religious activities (including a small percentage of Buddhists). If we extrapolate 1.2 percent as (mis)representative of the entire DPRK population (24.9 million), the estimate would be almost precisely between 200,000 and 400,000: 298,800. It is therefore likely that this was an extrapolation from the same report. In fact, this incredulous statistic estimates the population at about the same level as in 1950 when Pyongyang was referred to as “Jerusalem of the East” with around 257,000 practicing Christians according to the DPRK (Collins 2012: 78).

The empirical problem with claiming a growing population of 200,000 – 400,000 secretly practicing Christians is a set of overlapping biases in the sample population. The most serious issue is a rather extreme geographical bias: 79.9 percent of respondents for this study came from North Hamgyeong or Ryanggang provinces. NKDB defends its generalization to the rest of the DPRK stating that, because of “the unitary control system […] there is no difference in people’s lives between regions, except in Pyongyang” (NKDB 2013: 89). No citation is given to support this incredible claim that this sample population is representative of the whole population. In fact, NKDB (2013: 163-4) seems to contradict itself: Christian congregations “are mostly supported by South Korean missionaries and foreign religion groups based in areas near the North Korea-China border” with only a “few unrelated to outside support” elsewhere.

Another issue is that the majority of participants in the study were currently practicing Christians (58.5 percent), with a minority of Buddhists (9.1 percent), whereas only 2 percent of participants say they were introduced to their religion in the DPRK. [[32]](#footnote-32) Christian converts are more likely to recall participating or witnessing Christian activity, or encountering a bible, for obvious reasons related to identity and human memory. As for the 2 percent, as a repressed minority tied up with human smuggling, DPRK Christians are logically more likely to emigrate than non-Christians. When this is understood in conjunction with the extrapolation from specific border areas and the pro-Christian bias of refugees, the COI’s tentative claim of 200,000 – 400,000 secretly practicing Christians is revealed as a near-certain exaggeration. Increasing Christian influence in border areas does not indicate proportionally rising Christianity nation-wide.

The Commission’s treatment of Christians exclusively as victims misses the extent to which these are political agents involved in a long-term revolutionary struggle. Christianity is presented as “a serious threat since it ideologically challenges the official personality cult and provides a platform for social and political organization and interaction outside the state realm” (COI: 264). This is probably true, but it misses the crucial point: religious organizations seeking to proselytize the DPRK often consider the DPRK leadership to be an ‘evil’ entity that is the fundamental obstacle to a return to a ‘Jerusalem of the East’ in Pyongyang and reunified Korea with a strong Christian character. In Western popular discourse, religious (Muslim) fundamentalists seeking to impose their religion on a secular government are typically called “terrorists.”

Consider the case of Robert Park. His *Forbes* article, “A Srebrenica-Esque Massacre Has Recently Taken Place In North Korea’s Killing Fields,” declares the execution of “perhaps tens of thousands” of political prisoners based on the closing of Camp 22 (Park 2013). His bio at the end of the article describes him as “a former prisoner of conscience and human rights activist”, published in the WP, *Asia Times*, among many others (Ibid). There is no hint of his radical evangelical beliefs. In a sermon apparently directed to hundreds of fellow pasteurs in South Korea, for example, Park literally screamed to his audience that without “intervention” to stop this ongoing “Holocaust” against Christians perpetrated by the most brutal regime in history, God will bring an “unparalleled catastrophe” to South Korea (Park 2012). He appeals to the Old Testament to argue for literally suicidal violence against ‘the regime’ as the truly Christian position (Ibid).[[33]](#footnote-33) Christian evangelicals are diverse and cannot be painted with a single brush (Han 2013: 537), but there are certainly a significant number of evangelical agents that do (or would, if they could,) pose a material threat to the DPRK government beyond ideological competition in the same sense as fundamentalist Islam in the West.

Violations Against Perceived Hostile Persons Outside Detention Facilities: Executions in the DPRK*.* The Commission appears to vastly exaggerate the frequency of executions in the DPRK as a whole. The Commission concludes that “a large number of persons are executed every year in the DPRK”, such that “[a]lmost every citizen of the DPRK has become a witness to an execution, because they are often performed publicly in central places” with people, including children, forced to attend (COI: 827). The COI Press Release (2014a) quotes the COI: “Public executions and enforced disappearance […] serve as the ultimate means to terrorise the population into submission” (COI: 1214).

This damning allegation does not appear to have any basis in empirical reality. The COI cites KINU as having “documented 510 public executions” between 2005 and 2012, claiming the number is probably higher because few reports come from the southern provinces (COI: 829). The cited KINU document sources 132 eye-witnesses, 91 second-hand testimonies and 9 “other” and suggests in a footnote that the number is problematic because it relies heavily on second-hand testimonies and therefore likely includes multiple testimonials of the same executions, “reliability issues with their memories” and “divergent testimonies” (KINU 2013: 106). It also stands to reason that executions would be more salient in the poor border provinces from which most defectors originate than in the richer provinces considered more important and loyal to the government. There is little evidence for mass-spectacle executions in the literature. Most incredibly, KINU (2013: 105) mentions that, out of 286 in-depth interviews, “only six respondents testified that they heard about or personally witnessed executions.”

It is possible the severe exaggeration of the salience of executions does reflect the lived experience of the particular defectors chosen as COI witnesses. The difference is probably not just geographic bias, since KINU’s sample of respondents also has a similar demographic bias towards the northeast of the country, yet only 2 percent of respondents had heard about or witnessed an execution. Rather, the difference appears to lie in the COI selection bias towards defectors with extraordinarily brutal narratives. This either reflects extreme exaggeration by the Commission, or the non-representativeness of COI witnesses and/or unreliability of some of them – or perhaps more likely, a little of each.

The Commission notes, from 2000, “fewer public executions were reported” (COI: 832) without taking the logical contextual step of attributing this to the end of the late 1990s famine. The DPRK has stated in 2009 that public executions are reserved for “very exceptional cases involving very brutal crimes” and the Commission argues that public executions have taken place since then based on three recent cases (COI: 832). The Commission provides six examples of executions from 2007-2012 based on five “eyewitness” anonymous sources for crimes including drug-related crimes, murder, watching South Korean soap operas and contact with ROK officials (COI: 833). Three politically-motivated executions of a few officials involved failed currency reform in 2010 are particularly emphasized. The politically motivated execution of a few high-level officials over four years is not particularly extraordinary for an authoritarian government.

The other cases should be approached with particular skepticism. The Commission identifies “a series of public executions conducted in August, October and November of 2013” for “distribution of foreign movies and pornographic material”, without citation or elaboration (COI: 832). The August 2013 incident apparently refers to the conservative *Chosun Ilbo’s* anonymous witness-based news report that 12 “well known performers” were allegedly secret Christians and were executed for making pornography (Asmolov 2014b). This was officially confirmed by ROK intelligence in October and reinforced by Japanese news reports (Ibid). The story was then proved false in May 2014, when the most famous of the supposedly executed entertainers, Hyon Song Wol, appeared on live DPRK television (O’Carroll 2014). This is not an isolated incident, for example, one 2001 execution was reported 10 times in *Chosun Ilbo* before the executed man turned up in South Korea in 2002 (Beal 2005: 136). While Hyon’s resurrection did get some press coverage, this did little to dispel the extraordinary-negative frame, as Konstantin Asmolov (2014b) put it sardonically: “Sure, of course she came back to life. See, that’s how hermetically sealed North Korea is.”

The October and November incidents appear to refer to a *JoongAng Daily* report (Lee 2013), based on “a [anonymous] source familiar with internal affairs in the North who recently visited the country” that “[s]ome 8 people were publicly executed […] in seven cities” on November 3rd 2013. The article speculates that these executions are related to the August pornography scandal executions (now proven false). This raises obvious questions about the veracity of the story, especially considering it is based on a single anonymous source (Ibid). In short, while the DPRK does practice executions, the COI has not shown this to be definitively *extraordinary* (a ‘particularly odious offense […] a serious attack on human dignity or grave humiliation’ as per the Rome Statute) for a food insecure, highly militarized poor Asian country in a state of exception.

Guilt-By-Association: Family Incarceration in DPRK Political Detention Facilities.The most important claim to the extraordinary character of DPRK detention facilities is probably the incarceration of families for the wrongdoings of an individual: “the entire family of those purged frequently ended up in political prison camps” (COI: 745) and this is “a defining feature of the DPRK’s political prison camps” (COI: 752). Family incarcerations are the primary evidence for the claim that “[m]any features of the DPRK camps are even harsher than what could be found in the gulag camps” (COI: 743).[[34]](#footnote-34) It also justifies the statement that “[f]ear is the keystone that ultimately holds up the edifice of the current state structure” of the DPRK (COI: 838). Family incarcerations serve “the purpose of preventing the emergence of any future ideological, political or social challenges” by raising the stakes of transgressions (COI: 748).

This policy is presented as clear evidence of the *extraordinary* and *systemic* nature of violations that, most problematically, is always presented as an *ongoing* policy in the news media. A WP Op-Ed used the policy to advocate for the establishment of the COI, writing that “real and imagined dissenters and as many as three generations of their relatives are punished to eliminate ‘the seeds’ of bad families” (Genser 2013). According to *Christian Science Monitor*, “informants are everywhere. At the mere suspicion of dissent, a person or a whole family can simply ‘disappear’” (Marquand 2013). WP raises the alarm that all evidence of family incarcerations policy is to be destroyed in case of war or upheaval according to Kim Il-sung’s “kill-all order” that was, it is claimed, subsequently reaffirmed by Kim Jong-il (Cohen 2014). A video by HRW (2014) also presents it as an ongoing and systematic policy. The COI encourages this through such undated testimonies as Jin Hwa Jeong’s (defected in 1999), claiming that DPRK media personnel “can disappear and their family can be gone overnight, and sometimes, the three generations are wiped out” (COI: 224). As Ahn Myong-chol told *NBC News*, if he did not address Kim as the “Great Leader”, “all of my family members will be put in prison” (NBC 2003).

The Commission’s finding that family incarceration is an *ongoing* crime is deceptive. The COI establishes the salience of guilt-by-association through reproducing NKDB (2012) statistics that show 35.7 percent of political prisoners are there for that reason (COI: 752). This is misleading at best. The 35.7 percent statistic was “re-construed” (COI’s words) based on an aggregation of NKDB’s survey and interview results that asked refugees *if they knew about* cases of people sent to political prison camps, and if so, what was the reason for their incarceration. These testimonies are unverifiable and allow each former prisoner to “re-construe” the narrative of an unknown number of their former fellow prisoners and their families. Since cases can be reported going back several decades and are all aggregated together, and many guilt-by-association prisoners are subsequently released and therefore are more likely to give testimony (Lankov 2013d), the results cannot possibly be considered an accurate rendering of the prison population today. Compounding this are other peculiarities that manipulate the data, and a lack of methodological explanation.[[35]](#footnote-35)

Two other passages also exaggerate the *ongoing* nature of the policy. When the Commission concludes in another section that “guilt by association punishment is still systematically applied” (COI: 1080), it is referring to the forced relocation of families out of the capital for the perceived wrongdoing of the patriarch. [[36]](#footnote-36) Other allegations (COI: 745, 751) are guilt-by-association defined broadly, not family punishments.[[37]](#footnote-37)

The COI makes a compelling case that the DPRK has punished whole families for a single person’s actions before 1981. The Commission’s case that family punishments were used more recently is much less convincing. An Andrei Lankov article is cited to recognize that “there are some indications that fewer people are being sent to political prison camps on the grounds of guilt by association” (COI: 735). Lankov’s (2013d) actual article, however, declares “the abandonment of the family responsibility principle” since the mid-1990 except in “very special cases.” Often “the authorities do not touch the families of those who have committed grave political deviations” (Ibid). The COI nevertheless concludes with determinacy: “there are still instances” (COI: 753) and “cases do occur” but “appear now to be less frequent than in past decades” (COI: 841).

The claim that the policy extended into the 1990s is apparently based entirely on the testimony of Ahn Myong-chol, whose testimony was crucial to establishing the systematicity of family punishments (COI: 747). Ahn claims that he narrowly escaped incarceration in 1993 for his father’s critique of the government (COI: 748) and tells of witnessing “thousands of new prisoners” sent due to the collapse of the Soviet bloc (COI: 750). After the 1990s, all four claims of guilt-by-association incarceration are based on a single anonymous testimony, and three of them are second-hand stories.[[38]](#footnote-38) Only the arrests connected to Jang Song-Thaek’s execution in 2013 would seem to meet the bar of “very special case”, and the referenced (NED-funded) *DailyNK* article is based entirely on a single anonymous “source” in Pyongyang.

If Ahn’s testimony is put aside, there is a *24-year void* between the eight (plus three undated but almost certainly prior to 1981)[[39]](#footnote-39) alleged incarcerations from 1970-1981, some of which are well-documented in the literature (i.e. Kang 2001), and the four weakly substantiated alleged incarcerations from 2005-13. The high-profile nature of this violation and its centrality to the CAH designation should increase the evidentiary requirement of ‘reasonable grounds’ for *ongoing* family incarcerations. It is hardly appropriate to conclude there are “reasonable grounds” that new prisoners are today being sent to political prisons for crimes of their family based on this evidence, especially without specifying that – if this is indeed the case – it probably only applies to ‘very special cases’: upper-elite families perceived to pose a threat to the Kim government.

Political Detention Centers as Crimes Against Humanity*.* Putting repression of Christians, executions and family punishments aside, the CAH charge against hostile populations rests on reported occurrences in detention facilities. These are the most difficult element of the CAH findings to critically assess. There is very little dissenting knowledge available and no substantial critical work on the topic.[[40]](#footnote-40)

The wickedness of DPRK facilities is primarily established by analogy to the Holocaust and Gulag – both of which are deeply ideological signifiers of extraordinary evil in Western discourse. Referring to each facility as ‘Camp No. 14’ or ‘Camp No. 22’ immediately puts it in an extraordinary-negative frame that serves to mystify equivalencies to more ‘normal’ prison systems, especially in poor authoritarian countries. The numbering system also obscures that only four of these ‘camps’ are supposed to still be in operation. The Holocaust analogy is the informal and unspoken center (the Master-Signifier in Chapter Four) of the CAH designation for DPRK political detention facilities: “The Commission finds that the closest analogies […] although with shorter duration and different destructive features, are the camps of totalitarian states of the twentieth century” (COI: 1067). “The unspeakable atrocities committed” in political detention centers “resemble the horrors of camps that totalitarian states established during the twentieth century” (COI: 842). Whereas no statement is made on their comparability to concentration camps, the Commission finds that, “Many features of the DPRK camps are even harsher than what could be found in the Gulag camps” (COI: 743). The continued existence of these “camps” is therefore “an affront to universally shared human rights values and a crime against humanity” (COI: 1067).

This dissertation holds that the representation of DPRK detention facilities as extraordinary human rights violations – especially the finding of *extermination* – is not a necessary conclusion of the empirical evidence. Rather, it is primarily the result of vague analogies to the Holocaust and Gulag and the exaggeration of *systematicity*, *exceptionality* and immanence (*ongoing*). There are three categories of detention facility: ‘political’, ‘ordinary’, and holding centers for repatriated refugees. My focus is mostly on political detention centers, largely due to space considerations; these are the most severe and most-discussed prison facilities in the DPRK.

The ‘Consolidation’ of DPRK Political Detention Facility Populations*.* The COI follows KINU in finding 80,000 to 120,000 total political prison camp prisoners in at least four prison camps in the DPRK (COI: 60). This estimate reflects the release of prisoners in Camp 18 and “uncertainty” about prisoners in Camp 22, down from the previous estimates of 150,000 to 200,000 by HRNK (Hawk 2012). Christine Hong discovered that this number was originally based entirely on Ahn Myong-chol, who later (though briefly) raised his estimate to 900,000 (Richards 2009; AsiaNews 2008). The COI notes that KINU’s estimate is in line with later estimates produced by HRNK (Hawk 2013) of 80,000 to 120,000[[41]](#footnote-41) and NKDB (2012) before changes in Camp 18 and 22 (COI: 741). HRNK, however, takes its estimate directly from KINU, so it is misleading for the COI to treat it as supporting documentation. KINU bases their estimate on “defector testimonies and satellite pictures” but does not provide any further methodological details, attributing the drop to camp closures and high mortality rates (KINU 2013: 147-8). Before KINU revised its estimate downwards, HRNK (Hawk 2012) had estimated 150,000 – 200,000 based entirely on the testimony of Ahn Myong-chol (a former guard who defected in 1994) and Yoon Dae-il (a former official).

The only report that justifies its estimates is NKDB (2012). They estimate the population is “over 130,500” and present passages from interviews with former prisoners to support this. It identifies the two largest prisons as Camp 14 and Camp 22 (the report was written before the closure of Camp 22 was discovered), each with “over 50,000” prisoners for a total of 100,000 of the minimum of 130,500 prisoners. The estimate for Camp 22 was derived primarily from Ahn Myong-chol and supported by another former officer who estimated the population of his section of the camp as “over 10,000” (NKDB 2012: 123). They defected in 1994 and 1990 respectively. The 15,000 figure for Camp 16 comes entirely from ROK intelligence, and Camp 25 comes from a single former prisoner in 2005. If KINU is generating its estimate by similar methods – and it probably is – the 80,000 to 120,000 estimate is an almost-worst-case-scenario *possibility*, at best.

NKDB defends its decision to rely entirely on Shin Dong-hyuk’s estimate of 50,000 for Camp 14 and disregard ROK intelligence’s estimate of 15,000 on the basis that the latter does not provide justification for its conclusion, whereas Shin provides the only “justified estimate” because he was a prisoner there for most of his life (NKDB 2012: 113). The January 2015 revision to Shin’s story, described further below, places him in this facility for around 2 years from 2003-5, rather than his entire life (Harden 2015). The assertion that he would be granted the mobility required to make this estimate after two successful escapes is at least questionable. His estimate apparently accounts for 41.7 – 62.5 percent of the nation-wide political prisoner estimate of 80,000 – 120,000.

While the COI documented that the population of DPRK political prisons has declined, this is not presented as a reason for optimism. Rather, this is taken as evidence that “the system has been consolidated” as facilities are closed down and others expanded (COI: 738). The COI emphasizes the largest political prison still in operation, Camp 14, is expanding, apparently based on the Shin Dong-hyuk’s analysis of satellite imagery (COI: 735). The Commission also claims that Camp 25, the smallest known camp, has “doubled in surface-size since 2006” without providing a citation (COI: 735).

The COI does not acknowledge the possibility that the DPRK is in the process of eliminating the Cold War-era camp system entirely. Camps 11, 12, 13, 17, 19, 23, 24 and 26 closed in the 1980s and 1990s. Camps 15 and 18 offered early release to some prisoners and were gradually downsized and closed in 2006 (NKDB 2012). Camp 22, one of the two ‘total control camps’, closed sometime in 2012 or 2013. There are four remaining camps, including one total control camp, Shin Dong Hyuk’s Camp 14.

The closure of Camp 22 does not inspire optimism from the Commission. Prisoners conceivably could have been transferred to other prisons, although the COI concludes there was not enough new construction for this. At least some of the prisoners are supposed to have been starved to death (COI: 738).[[42]](#footnote-42) Three sources are cited for “allegations” of mass-starvation (COI: 738): a report by David Hawk, Hawk’s testimony based on that same report, and Song Yoon-bok’s testimony. The latter cites “an information [sic] we received” in his testimony, without elaboration. Hawk’s report summarizes an article by the anti-DPRK NED-funded *DailyNK,* which describes anonymous reports of officials selling produce at local markets, prisoners moved by truck at night, and the presumed defection of a prison commandant (the latter did not happen). Hawk also sources a report US propaganda broadcaster *Radio Free Asia* (RFA) based on at least two anonymous “sources” (Sung 2012). In short, what began as a speculative report by RFA which claimed “sources insist […] the prisoner population dwindled rapidly from 30,000 to 3,000 following food shortages” becomes ‘reasonable grounds’ to fear that a massive massacre-by-starvation has taken place in the COI report. It also bears noting the RFA article’s claim that Camp 22 was still in operation at the time was likely an inaccurate reading of satellite imagery.

Ignored is the possibility that sources (defectors, satellite imagery experts and intelligence agencies) overestimated the population of Camp 22 to begin with and/or overestimated the percentage of occupancy of Camps 14, 15 and 16 and other detention centers to which they may have been transferred. Although deemed unlikely,[[43]](#footnote-43) it is also possible a substantial number of prisoners were released. There is no objective reason why the closure of Camp 22 should be deemed nefarious.

Media representations of the closure of Camp 22 cross the threshold into hyperreal representation: extermination is at best the least unlikely possibility and often the only presented possibility and thus the basic common-sense: the drop in prison population “might be partly because” of forced labor and starvation (NYT: Cumming-Bruce 2013), or “the report speculates that one reason [for the population drop] is that tens of thousands” have died (*Wall Street Journal*: Eberstadt 2014), or “also because the remaining prisoners are being exterminated” (WP Editorial Board 2014). The closure of Camp 22 coincided with a “food shortage in 2009-10” and the inmates “seem[s] to have evaporated into thin air – perhaps via Camp 22’s crematoria” (WP Editorial Board 2013).

The COI’s ‘minimum’ of 80,000 is particularly problematic. “Minimum” implies the lowest realistically possible political prisoner population. Consider just two optimistic adjustments to NKDB (2012) estimates: (1) the population of Camp 22 in 2012 was much lower than the “over 50,000” estimated by Ahn Myong-Chol based on his experience up to 1994. The few thousand inmates of Camp 22 were relocated to the countryside and/or transferred to other prisons that either released some prisoners to make room for new arrivals, or had a lower occupancy than previously estimated. (2) The population estimate for Camp 14 of ROK intelligence (15,000) is accurate and Shin Dong-hyuk’s (50,000 or more) is not. These two adjustments alone would drive NKDB’s (2012) minimum political prison population today from ‘over 130,500’ to ‘over *45,500’*. The minimum should be even lower if the reader believes defectors, single-issue NGOs and ROK intelligence are more likely to overestimate than to underestimate.

ROK intelligence in particular has a history of embellishment and outright propaganda releases to Western media. As Cumings (2005: 426) has noted, they are often the source of rumours that, for example, Kim Jong Il “was ill, or drunk, or insane,” or rumours of assassinations or family feuds. “[T[he only way to refute them was to observe what happened over time – and time and time again, the rumors proved wrong” (Ibid). It also bears noting that hegemonic estimates of the population of the Soviet Gulag system, most notably Solzhenitsyn’s famous defector-based estimate of ‘over 50 million’ having been incarcerated, were often drastically lowered with the release of the Soviet archives. Anne Applebaum (2014) – no apologist for Communism – concludes the “best estimates” today put the total number who passed through the Gulag at around 18 million.

The Curious Cases Ahn Myong-Chol and Shin Dong-hyuk*.* Ahn Myong-chol is the only witness to Camp 26 and a key witness for three other camps, most importantly the now-closed Camp 22. He is the single most important COI witness to substantiate the CAH charge regarding the political detention centers. Shin Dong-hyuk, on the other hand, is considered the primary reliable testimony to Camp 14 and is the only COI witness for the facility.[[44]](#footnote-44) His articulation of his exceptional story on long speaking tours, especially in America but around the world as well, has made him the most famous North Korean defector in the West. Camps 14 and 22 have been considered (largely due to the statements of Ahn and Shin) not only the largest political detention centers, but also the most repressive, the “total control zones.” As already described, both defectors estimated the population of the respective facilities at over 50,000, thereby accounting for 50 – 67 percent (100,000) of all political prisoners by hegemonic Western estimates prior to Camp 22’s closure. This section seeks to problematize these accounts through presenting contradictions, implausible elements, and the likely influence of the human rights field.

Ahn Myong-chol became a guard for DPRK political detention centers in July 1987 and worked at several facilities as a truck driver until he defected in September 1994 at age twenty-four. Just a year later, he published the Korean-language book, *They Are Crying for Help*, in Seoul.[[45]](#footnote-45) In 2007, he wrote the English-language *Total Control Zone*. The Commission consistently frames the incidents that constitute CAH in political detention centers according to Ahn Myong-chol’s 1.5-hour testimony and supplementary confidential interview. More insidiously, if the reader checks NGO publications cited by the COI, the reader will find that they often lead back to Ahn.

Ahn’s testimony consistently contributes to the four hyperreal elements that constitute the CAH charge in general and the Holocaust analogy in particular. His testimony contains the most extraordinarily horrendous incidents and in almost every case Ahn frames the violation as *systemic* as opposed to an isolated incident. There is also substantial symmetry between Ahn’s description of DPRK political detention facilities and the camps and ghettos of Nazi Germany; the Holocaust analogy is arguably the unstated unifying center through which his testimony appears consistent:

First, Ahn is the primary evidence for the claim of intergenerational family guilt-by-association incarceration, attributing a quote to Kim Il-sung that only he claims hung on large billboards in several camps: “their seed must be eliminated through three generations” to ensure “there are no future generations of political prisoners” (COI: 764, 747). Ahn is the sole witness for claims that guards are trained to think of inmates as subhuman enemies who are “supposed to die in the camp from hard labour” so as to eliminate the three generations (COI: 767; 1045).

Second, Ahn is the only witness for the claim that inmates are administratively “eliminated from society” (COI: 754).

Third, Ahn is the only witness to claim a security agent arbitrarily determines whether new inmates will work or die immediately (COI: 754).

Fourth, Ahn is the only witness of thousands of political prisoners transported on trains designed to transport animals in the early 1990s (COI: 750).

Fifth, Ahn is the primary testimony of a plan to “wipe out” all inmates “to eliminate any evidence” of the political detention centers in case of war or revolution. There have even been drills on how to kill large numbers of prisoners in a short period of time (COI: 732). In the transcript he claims anti-aircraft artillery near the camp would annihilate the camp in such a scenario.

Sixth, Ahn describes an epidemic that killed 200 prisoners who were eating a type of rat that carried the disease (COI: 774).

Seventh, Ahn describes shallow unceremonial mass graves (COI: 780).

Eighth, Ahn claims extrajudicial public executions within the camp are intended to “set an example” to other prisoners, and also describes secret executions (COI: 834-5).

Ninth, Ahn claims most political prisoners have “no idea” why they were arrested and incarcerated (COI: 696). He stated “90 percent” in testimony. This is directly contradicted by KINU (2013) statistics that estimate the reason for incarceration of political prisoners (COI: 752). This data (already described as unreliable) indicates at most 24.4 percent (probably less) did not know the reason for their incarceration.[[46]](#footnote-46)

Tenth, Ahn provides some of the most extraordinarily disgusting examples of arbitrary brutality of the entire COI report: a fellow guard killed five prisoners in a faked escape attempt staged to garner a reward; a superior officer who bludgeoned a man to death with a blowtorch because he did not work hard enough (COI: 757, 760). Neither men were punished for their actions and the latter was rewarded. He also describes how inmates were used as human punching bags for martial arts training, and guards would be punished for showing them any sympathy (COI: 761).

Eleventh, Ahn provides the most exceptional testimony of the sexualized dehumanization of women (described below). He is the only defector that describes brutal sexualized torture and humiliation of female prisoners (COI: 766). This includes that higher-ranking security agents were free to sexually abuse prisoners (Ibid).

Twelfth, Ahn provides evidence of infanticide, describing how a newly born baby was thrown in a feeding bowl for dogs after the mother was raped and impregnated by a guard (COI: 766).

The Commission apparently chose to tone-down or simply exclude the extraordinary violence against women described elsewhere by Ahn. This is important because excluding the barely believable and unsubstantiated cruelties he has previous reported augments the credibility of his testimony. An example of toned-down testimony is “a young girl” in Camp 22 who was tortured “after being raped by a guard. She was tortured by pressing a hot stove hook on her breast” (COI: 766). Ahn described the story of Han Jin-dok in much more detail in 2004. In that publication, Han was a 26 year old woman (not “a young girl”) who was “severely beaten, gang raped, her womanhood ruined and her breasts burned as punishment for engaging in sexual activity with a guard officer” (IGHRV 2004: 104). This student has not come across any other claims of group-rape in the literature. The COI’s citation is a follow-up confidential interview with Ahn that was not made public. Either Ahn changed his testimony or the COI felt these details were incredulous and/or unsubstantiated, so they excluded them.

Ahn has reported many grotesque incidents of sexual violence that were published in a Japanese human rights report (IGHRV 2004). All the citations from this report below were reproduced in DailyNK articles in 2006 (for example Ahn 2006). The Commission would have had access to these, that is, if Ahn did not tell the stories in his confidential testimony. It appears more likely that they excluded them as incredulous and/or unsubstantiated. They all fit the Holocaust context to some degree:

First, there are several facilities where biological tests are conducted, including the removal of human fat for cosmetics production, and the “dismemberment” of sex organs “for production of sexual revitalization tonics”. Although he “did not witness these atrocities personally”, “they were common [knowledge?] among security guards and drivers” (IGHRV 2004: 203).

Second, in 1986 (this is clearly second-hand because Ahn began his position in 1987) an inmate was raped with a snake for having a pen and paper, then burned with a “thick heated iron stick into her vagina” which was hours later kicked “the whole length of some 70 centimeters [into her], and killed her.” (IGHRV 2004: 124-5).

Third, a woman was impregnated by a security services agent, so DPRK security services “cut open her abdomen, took out the fetus, and trampled on it. Then, they stuck a metal rod into her sexual organs and electrocuted her” (Ahn cf. NKHR 2011: 25).

Fourth, Ahn claims it was common knowledge that all the pretty prisoners, 250 total, were executed as Camp 13 in the 1970s to prevent relationships with authorities (IGHRV 2004: 146).

Fifth, in the 1995 version of the infanticide incident (point twelve above), the victim is identified as Miss Choe, who was killed “by piercing sticks into her abdomen and sexual organs” (Ahn cf. NKHR 2011: 25).

Sixth, Ahn writes that female prisoners do not receive “any ration of sanitary napkins or brassieres in the settlement” apparently because “young guards enjoyed seeing a young woman naked at the bottom” (IGHRV 2004: 112). Elsewhere he describes a particular factory where beautiful women were sexual slaves to officers, working with “no underwear” (NBC 2003), rather than all the women of the entire camp.

Ahn is the only public COI witness to Camp 22 and apparently one of only two who has left the DPRK,[[47]](#footnote-47) so his statements are not assessable. Kim Yong and Kim Yeong-il have claimed there are special buildings where pretty young women are sexually exploited at Camp 14 and then secretly killed. Shin Dong-hyuk also claims women who became pregnant by guards would immediately disappear (NKHR 2011: 26). These appear to be the closest to corroboration of Ahn’s unparalleled allegations of brutal killings of women in political detention centers.

Another example of a toned down testimony by Ahn Myong-chol is the ‘dogs mauling children’ story that appears to have changed over time and is again reminiscent of the Holocaust. The Commission cites a confidential interview with Ahn for “one occasion” where ferocious dogs arbitrarily killed three children at a school, for which the dog trainer was eventually praised (COI: 761). The version of the story in Western news reports is a little different and more brutal: two children were buried alive (not in COI); *five* kids were killed, not three; they were walking home from school, not at school; and it was the “murderous dogs” that were rewarded, not the trainer (*Daily Express*: Wharton 2014; *The Daily Mail* 2014). Ahn described this incident in more detail in 2004, where we learn the incident took place in 1988. The details vary considerably: here two (not three or five as above) thirteen year old girls were killed by five (not three) dogs, there is no praise for the trainer or the dogs, and no children were buried alive. Only in this earlier version were five other women witnesses executed because, as Ahn quotes a superior officer, if the story got out, other prisoners “could have revolted or if someone escapes, he may tell the world about what happened here!” (IGHRV 2004: 142; [Ahn 2005](http://www.dailynk.com/english/read.php?cataId=nk02600&num=431)).

The Commission’s sympathetic treatment of witness testimony, similar to how a rape victim might be sympathetically but firmly questioned in criminal proceedings, is particularly inappropriate to a witness who self-identifies as a former low-level perpetrator. Ahn is deeply materially invested in his narrative, not only in terms of his books, his documentary appearances, his lectures and interviews – he has also worked for the ROK government essentially since his defection. From 1995-2009 he worked for the National Agricultural Cooperative Federation, from 2009-2012 the Unification Observatory. From 2013-2014 he was Secretary-General, and then Executive Director, of *NK Watch*, and a National Security Instructor for the ROK military. The COI does not provide this background information. In fact, the only COI question to deal with his own complicity in CAH is the final one, prefaced with “I have to ask this,”[[48]](#footnote-48) where he responds in the negative to whether he has personally tortured anybody.

Ahn’s behavior as a guard was apparently of high moral character in the concentration camp-like context he is representing. He builds remarkably strong relationships with some of the prisoners. Han Jin-dok, the woman whose breasts were mutilated, had a special relationship with Ahn. He “secretly helped” her even though he could be punished because, “I remembered that the prisoners here had never betrayed my confidence in them” (IGHRV 2004: 105). Another relationship was with a prisoner who was “used for surgery practice” without anesthesia by a doctor (another clear Holocaust homology); Ahn and the prisoner “trusted and helped each other” (IGHRV 2004: 193). Ahn describes wondering aloud why fellow guards bury prisoners alive, to which “senior security officers nonchalantly” replied, “so you don’t get dirty blood on you” (IGHRV 2004: 198). In May 1993, six years into Ahn’s tenure at the camp, he felt “so frightened at the sight that I felt my feet trembling” when a prisoner was summarily executed with a pistol in front of him ([IGHRV 2004: 169](http://www.dailynk.com/english/read.php?cataId=nk02600&num=474)). When Ahn discovered prisoners eating pig slop, he “assumed that they were not given enough food” so he “brought more from the drainage of the guards’ kitchen” and “pretended to be unaware of the theft” (Ibid: 76). Another peculiar incident involved two women who were arbitrarily kicked into a “sewage pool” by an officers passing on a bicycle in 1992. He witnessed a remarkable kindness by four other prisoners, who pulled them out and helped clean them off, to which Ahn thought:

prisoners were ordinary kind people just like any other good citizens. I felt strongly that I should save them from this hell. I told myself, ‘Yes, I better get out of here and inform the world of these crimes against prisoners as soon as possible’ (IGHRV 2004: 175).

These 1992 sentiments predated Ahn’s decision to defect in 1994, which he testified was because his father spoke out against the government while drunk and then committed suicide, for which his whole immediate family was imprisoned and he would have been too had he not escaped (COI: 748). Upon his escape from the facility, Ahn stated in testimony to the COI that he took two innocent children from the camp and armed them with pistols – but they got scared half-way through and ran away, so only he escaped.

Ahn’s relationships with other prisoners and descriptions of their humanity seem very out-of-step with the wider context he is presenting. As Primo Levi described ‘the drowned’ of Nazi concentration camps:

Their life is short, but their number is endless; they ... form the backbone of the camp, an anonymous mass, continually renewed and always identical, of non-men who march and labour in silence, the divine spark dead within them, already too empty to really suffer. One hesitates to call them living: one hesitates to call their death death, in the face of which they have no fear, as they are too tired to understand (Levi cf. Edkins and Pinfat: 10).

DPRK political detention centers, particularly as described in compelling detail by Kang (2001), do not produce this kind of ‘drowned’ prisoner, although Ahn’s description of his instructions strongly suggests a similar context:

Remember this! You[r] failure to mercilessly treat prisoners may result in your own parents being detained here. You may kill any of them anywhere and at any time if they don’t obey your orders. Remember this! They are worse than beasts so treat them accordingly. If they look up straight at your eyes when you are giving them orders, if they don’t stop work to pay you respect when you pass by, if they don’t run to you when you call them, you can punish them in any way you wish. Remember you are their “Sir” or “Lord” and, under no circumstances, allow them to disobey you!

My point is that there are ‘logical grounds’ to believe Ahn may have intentionally framed his testimony according to Holocaust imagery in ways that are not consistent with the general literature nor with the relationships he says he fostered with the inmates. The degree to which this frame has influenced his empirical claims is unknowable. The COI strategy of presenting compelling elements and repressing less believable and inconsistent elements raises the credibility to Ahn’s testimony and thereby misleads the reader.

Perhaps the most remarkable element of the COI report’s sourcing of Ahn Myong-chol’s testimony is its *almost total lack of temporarily*. Only the claim of thousands of new prisoners coming sometime in the early 1990s has some element of temporarily (COI: 750). The COI provides no clue as to the date of all the other incidents – the reader must read his testimony or other literature to learn these allegations occurred before 1994. It is unfathomable how including dates would have somehow endangered him or his family given the extensive media coverage his extraordinary stories have already received. The only logical reason for the exclusion of dates is to encourage a hyperreal sense of immanence – of *ongoing* CAH.

The credibility and salience of Shin Dong-hyuk’s narrative, popularized by David Harden’s *Escape From Camp 14 (2012)*, is primarily derived from its extraordinary-negative character: people are drawn to stories of extraordinary brutality and there is a moral impulse to uncritically accept such narratives, even where they are irrefutable. Shin is quite famous, certainly the most well-known defector: he has met world leaders, accepted major human rights awards, lectured across America and the West, been interviewed by mainstream Western news media and been the subject of documentaries. The source of his fame is the core extraordinary-negative elements of his 2012 story: being born a “slave” in the last ‘total control camp’ who was destined to be worked to death and being the only known escapee from it, as well as being responsible for the execution of his mother and brother and being brutally tortured, both as a 14 year old child. These elements are the center of his story; without them, it is very unlikely he would have become “witness number one” of the COI (Shin 2013). Shin Dong-hyuk receives half the profits from Harden’s best-selling book and is founder and executive director of a small single-issue NGO called *Inside NK.*

Shin Dong-hyuk testified before the US House Committee on Foreign Affairs that without “concerted efforts and actions […] all the inmates in the prison camps created by the North Korean dictatorship, will die.” He asks the Committee to be aware of the presence of evil around them and makes an analogy to the Holocaust:

the heart of a human being can be so evil. Naïve and innocent looking people created the Nazi concentration camps such as Auschwitz, and committed the genocide of over 6 million people. It has been over sixty years since the political prison camps were formed in North Korea, and in these camps hundreds of thousands of political prisoners are awaiting their deaths (USG 2014b).

He reminds the Committee that the genocides in Germany, Cambodia, and Rwanda, all took less than 6 years:

The same future can happen in North Korea as well. And what I want to say is that the dictatorship in North Korea is without comparison; compared to the other dictatorships throughout history, more evil, more terrible than any other dictatorship in history is what we see in North Korea right now (Ibid).

Harden identifies what he sees as the difference between Shin’s story and Elie Wiesel’s famous account of the Holocaust: “Shin had not been torn away from a civilized existence and forced to descend into hell. He was born and raised there. He accepted its values. He called it home.” (Harden 2012: 4) Carl Gershman (2013), President of NED, believes Shin is “a miracle” because he is “an articulate, persuasive, voice,” and his “awareness not only of the North Korean situation but of the Holocaust.”

As Felix Abt (2012: 2170) put it bluntly and without elaboration, “the problem is that he [Shin] initially presented his story differently from how he told it later.” Harden’s (2012) book does mention that Shin had already published Korean-language memoirs in 2007 and that changes in his narrative unsettled him:

I have sometimes struggled to trust him. He misled me in our first interview about his role in the death of his mother, and he continued to do so in more than a dozen interviews. When he changed his story, I became worried about what else he might have made up (Harden 2012: 10).

Obviously Harden concludes he is probably telling truth. He echoes COI witness David Hawk: unless the DPRK allows access to the ‘camps,’ “their [defector] testimony stands” (Ibid). This (flawed) logic is critiqued in Chapter Five.

Far from concealing Shin’s untruth, Harden structures his book around it. Whereas English translations of Shin’s first narrative were centered on his escape and the trauma of seeing his own mother and brother executed (Shin 2007), Shin’s narrative for Harden’s book is structured on the even more extraordinary trauma of actually being *responsible* for these executions (he told guards of their intention to escape) and feeling no sympathy as they died. The preface begins describing how Shin’s first memory was a (different) execution and ends with the execution of his family (Harden 2012: xiii-xvi). Shin describes to Harden how he fabricated the story about his role in the executions just before arriving to South Korea because he feared people would question his moral character if he revealed the truth (Ibid: 47). Harden’s brilliant prose and representation of Shin as a rather naïve and troubled victim lulls the reader into a highly personal narrative of Shin finally coming to terms with the brutality he suffered. As Harden describes it, he “urged” Shin “to cooperate, telling him that a book “in English would raise world awareness, increase international pressure on North Korea, and perhaps put some much-needed money in his pocket” (Ibid: 9). Harden’s original book thus artfully obscures the obvious core problem with Shin’s narrative: that he had already written a less exceptional tell-all narrative memoir in 2007, and even before Harden’s book, “Shin had already become a key primary source for major reports on the North Korean gulag” (Harden 2015b). Shin would have become aware in the half decade after writing his 2006 memoir, which sold only 500 of 3000 printed copies ([Chen 2012](http://fpif.org/review_escape_from_camp_14/)), that the political impact, as well as the reputational and economic value, of his story is inextricably linked to its extraordinary character. The treatment of Shin by Harden and the COI as a naïve victim seeking to ‘speak out’ against suffering and injustice is simply inappropriate.

The DPRK has released several distasteful and counterproductive *ad hominem* video-attacks against defectors, including Shin Dong-hyuk. What is interesting is the appearance of his father in the 2014 video, who was positively identified by Shin, and looks healthy, in good spirits and articulate as he appeals to his son to stop lying and return to the DPRK. Both Shin and his father had been tortured for the attempted escape of his mother and brother according to Shin. The book gives the impression that his father’s future was very bleak when Shin met him for the final time in 2005. Shin has expressed shock that he is still alive in response to the release of the video (NYT Editorial Board 2014). The father of the most well-known North Korean defector in the West, and husband and father of two executed prisoners, who has spent a half-century in Nazi concentration camp-like conditions, is apparently a healthy and articulate 70 year old.

The video of his father eventually led Shin to revise his story in January 2015. COI witness Kim Hye-sook recognized Shin’s father from the video and stated with certainty that he was a prisoner in Camp 18, not Camp 14. She believes this confirms her long-held suspicions that Shin had never been to Camp 14 (Harden 2015b) and a group of defectors began publicly voicing skepticism towards Shin’s testimony (Choe 2015). Concurrently with this mounting skepticism, Shin apparently told “friends” (Harden 2015a), including Ahn Myong-chol (Harden 2015b), that his story had significant inaccuracies; Ahn advised Shin to stay silent until after UNSC deliberations in December 2014, which he did. Harden somehow learned of this only in January 2015 (Ibid). Shin now claims he was born in Camp 14 but spent most of his life in Camp 18; his town was merged with Camp 18 due to a border change, and then he returned to Camp 14 for the final three years (Ibid). Before closure in 2006, Camp 18 was considered the most lenient political detention center, where prisoners kept some of their political rights; Camp 14 is considered the most severe (largely due to the testimonies of Shin and Ahn).

The new narrative is detailed in Harden’s addition of a 2015 Foreword to his 2012 book. Other significant revisions include: Shin did know of the Kim leaders (he had claimed prisoners were not worthy of indoctrination); he was paid with food coupons and some prisoners were released over time (rather than being a “slave” destined to labour until he dies without chance of release); his mother and brother were executed because he falsely alleged that they had committed a murder that a guard had committed (not for planning to escape); he lived with his father in Camp 18 (not separately); he escaped twice from Camp 18, the second time reaching China, before his third and final escape; DPRK authorities allowed him to meet his father (rather than him sneaking through the facility to see him) before being sent to Camp 14 as punishment for his second escape *at age 21* (not age 14); and the partial amputation of his upper middle finger was due to being struck by a blunt object by a guard during this torture (previously it was cut off as punishment for dropping a sewing needle). Shin also revealed a new detail of his torture: that his fingernails had been torn off and that this “broke” him and was too traumatic for him to speak about before (he has scars on his fingers that substantiate this). The Foreword bases Shin’s credibility primarily on his scars and Ahn Myong-chol, supplemented by Western and ROK experts, and a US intelligence agent.

Shin’s current narrative is, in many respects, consistent with the official DPRK account (which predated his 2015 revision), including that he played a role in the execution of his mother and brother, he worked in the mines, he made it to China on the second escape, he stole clothes and food on the way, and most interesting, they agree on his home town (Shin and Western experts claim this is within the borders of Camp 14). Against Shin, the DPRK claims he was incarcerated for criminal actions, his home town is not a detention facility, his mother and brother were executed for a real murder, and Shin’s scars come from a childhood mishap and mining-related injuries.

There are elements of Shin’s new narrative that seem implausible. The most glaring is that Shin managed to escape DPRK detention facilities *three times;* a former prisoner is quoted in NYT as stating this proves “he is still lying” because, “You cannot escape a North Korean prison camp twice” (Choe 2015). Kim Hye-sook, the former Camp 18 prisoner who identified his father and COI witness, has also claimed this is impossible (Harden 2015b). Another defector claims Shin’s escape accomplice named in Harden’s book died elsewhere in a mine accident before the 2005 escape (Ibid). Apparently, despite two successful escapes, he was nevertheless transferred to the general population work details after six months in a punishment cell (with another prisoner) something that would never happen after two successful escapes in Western prison systems. Even more strange, after his 6 months of punishment and then two years in general population, Shin claims he was suddenly informed that he would be executed the following month (apparently for the second escape three years prior which he had already been tortured for), and he made his third escape for this reason. So the condemned escape artist was allowed the relative freedom of work details with the general population *after* being informed of his impending execution; the implied ineptitude of Camp 14 prison officials here is noteworthy. Ahn Myong-chol, whom Shin describes as his “big brother,” expressed incredulity at how Shin could have evaded police search parties, snuck past security checkpoints and made it through the train station; Shin claims he used the same escape route he used in 2001, without elaboration (Ibid). Harden concludes his Foreword acknowledging that many questions remain unanswered and characterizes Shin as “a flawed eyewitness to the savagery of the world’s last totalitarian state” (Ibid).

There have been essentially two polar opposite reactions to Shin’s revision in the media. If one digs through Internet articles, one can find Marxist media that claim the revisions prove the falsity of Shin’s story and that COI findings should be dismissed (i.e. Beacham 2015). But the vast majority of salient Western media emphasizes the trauma Shin suffered. It is true that victims of severe trauma inevitably provide inconsistent accounts; as Žižek (2012a: 25) put it, if a Holocaust survivor were to “offer a clear narrative of his camp experience [he] would thereby disqualify himself.” But Shin kept his story remarkably straight since his 2005 defection, only changing it in interviews with Harden in 2012 and then when the video of his father appeared in 2014-15. Accepting the logic of trauma makes his testimony not only empirically unfalsifiable, but also not even critique-able for internal contradictions or inconsistencies with other defectors. Michael Kirby completely dismisses the notion that the revisions affect COI findings, claiming it invalidates only “one page” of the report; he has also accused Western news services who publicized Shin’s revisions of being “unwitting all[ies] of North Korea’s propaganda” ([*South China Morning Post* 2015](http://www.scmp.com/news/asia/article/1689039/north-korea-labels-prominent-defector-criminal-letter-un-over-rights); [Kirby 2015](http://www.theguardian.com/world/2015/jan/22/-sp-is-western-media-an-unwitting-ally-of-north-korea-propaganda)).

Both positions should be rejected. I am convinced that Shin was born to a town that is tightly controlled and highly repressive for political reasons that had nothing to do with his actions. He has endured severe trauma, although we cannot be sure exactly what happened or why. In fact, the DPRK has implicitly admitted that he was made to work in dangerous mining operations, likely as a child. What the two revisions (2012 and 2015) most likely indicate is the influence of the human rights field on his testimony (described in Chapter One), and his own anti-DPRK beliefs,[[49]](#footnote-49) that provide incentives to exaggerate or invent extraordinary-negative elements – such as permanent lifetime incarceration, the brutal torture of a 14 year old child and amputation of a child’s finger for dropping a sewing needle. Trauma does not explain why the mental shield Shin manufactured was composed of these profoundly extraordinary-negative fictions.

Shin, Harden, COI participants and the human rights field in general all have obvious reasons to uphold the extraordinary nature of Shin’s story, as everyone recognizes the severe implications of the most famous defector being discredited. The critical analyst must consider the likelihood that Shin’s new narrative reflects not only his desire to ‘come clean’ and tell the full truth, but also to reconcile his old narrative with the 2014-15 revelations that began with the video of his father. Conditions in Camp 18 are less severe than Camp 14 and relatively well-documented due to its practice of releasing many prisoners. He arguably *had* to have spent significant time as an adult in Camp 14 for the events of Harden’s book and his political prisoner estimate of ‘over 50,000’ to be plausible. How these factors influenced his revision is not knowable. Shin has, at each stage of his narrative (2006, 2012, 2015), determinately claimed that he is telling the whole truth, yet as Harden put it in the Foreword (2015), “It seems prudent to expect more revisions.” This in-itself does not discredit COI findings, nor is it irrelevant to them: it is symptomatic of the incentives of the human rights field and the resulting hyperreal character of COI findings and generalizations.

The narratives of Ahn and Shin should not be dismissed as fabrication, but it is equally true that their stories should not be treated as an objective account of reality constituting “reasonable grounds” of CAH in DPRK detention facilities. The Commission fails to recognize that both are political activists with their own normative and material interests. The immediate family of Ahn and father of Shin are apparently still in political detention centers, as far as they know, and Ahn himself stated in testimony to the Commission that the COI is “the only […] hope of saving our families and also our friends back in North Korea.” It can be reasonably argued that prisoners in political detention centers have a direct interest in whatever foreign intervention necessary to secure their release – in stark contrast to the vast majority of North Koreans.

Space and time limitations, as well as the author’s lack of facility in the Korean language, prevent an in-depth analysis of all COI witnesses. But the problems described here are certainly not limited to Ahn and Shin. As Donald MacIntyre put it, “Bad news about evil North Korea sells” (cf. Hong 2014a). Kang Chol-hwan, another major COI witness who wrote the first best-selling book memoir about DPRK political prisons, himself described that he received handsome reimbursement from Japanese and South Korean media “for opening [his] mouth” about North Korea such that he “occasionally felt [he] was trading [his] experience for a story […] no longer entirely [his] own” (cf. Hong 2014a). In fact, as Cumings points out, Kang’s (2001) story is more believable than most,

precisely because it does not, on the whole, make for the ghastly tale of totalitarian repression that its original publishers in France meant it to be; instead it suggests that a decade’s incarceration with one’s immediate family was survivable and not necessarily an obstacle to entering the elite status of residence in Pyongyang and entrance into college (Cumings 2003: 176).

The Holocaust Analogy and COI Findings of Enslavement and Extermination.Although it is regularly invoked by Michael Kirby and by many of COI witnesses informally and in public talks, there is no explicit comparison to the Holocaust in the COI report. This equivalency is only implied by stating, for example, that other totalitarian “camps” lasted “shorter [in] duration” and had “different destructive features” (COI: 1067). It is certainly possible to find particular aesthetic parallels between conditions of incarceration and a single parallel between the ideologies (‘racial purity’ and accompanying forced abortions). In speeches, however, Michael Kirby has explicitly made the linkage, which has been widely disseminated in the news media:

At the end of the Second World War, so many people said ‘if only we had known. If only we had known the wrongs that were done in the countries of the hostile forces. If only we had known that.’ Well now the international community does know, the international community will know, there will be no excusing of failure of action because we didn’t know, we do know (Kirby cf. Kilovaty 2014: 1)

It is as if you had a report on the dire situation affecting many minorities in Germany at a time when people said they didn’t know […] They’re just ordinary people who are telling most extraordinary stories. The most terrible and atrocious sufferings over an unforgivably long period of time. The time has come for action (Kirby 2014c).

Senator Sam Brownback, for another example, has referred to North Korea as “Holocaust Now” and demanded an ultimatum be given: “transparency or extinction” (Hong 2014a).

Whereas the standard social sciences view of metaphor, metonymy and analogy is that they are “convenient if sometimes misleading descriptors of reality”, discourse analysts emphasize how these linguistic devices are “parts of the primary terrain itself in which the social is constructed” (Campbell 1992: 5). Truman’s analogy between the North Korean mass attack of 1950 and the German re-occupation of the Rhineland 11 years earlier played a role in the decision to intervene (Chilton 1996: 33) and the appeasement analogy has been at the center of the anti-engagement policy discourse ever since. This is the national security variant of the Nazi analogy that serves the same political goals as the Holocaust analogy: legitimating foreign interventionism and discrediting the prospect of diplomatic solutions. The role of critics is to show how analogies marginalize or exclude alternatives, to “deliteralize” them (Ibid: 37, 154-5).

The Holocaust analogy should be rejected as a political strategy reliant upon hyperreal representational practices that have no necessary relation to the empirical reality of the DPRK. It implies political detention centers are an immanent, extraordinary threat; invoking the Holocaust is a direct appeal to securitization in-itself. The emphasis on the de-humanization, legal erasure of prisoners identities and intention to impose the conditions of slow death on prisoners is derived foremost from testimonies of Ahn Myong-chol and Shin Dong-hyuk (i.e. COI: 754, 767-8). Aesthetic and ideological parallels to the Holocaust are consistently emphasized by the Commission:

First, the Commission finds that genocide may have taken place against Christians (COI: 1159) and expresses sympathy for a future expansion of the definition to include political opponents (COI: 1157-8).

Second, particular attention is given to the disposal of prisoner remains and Kirby has stated this reminded him most of the Holocaust in subsequent lectures. One anonymous witness testifies bodies are “dumped into a mass grave” and another witness testifies they are burned in “a furnace” (COI: 811, 813). Kim Gwang-il describes how corpses are “burnt like rubbish” in a “furnace” and sometimes used for fertilizer (COI: 813, 835). This constitutes “reasonable grounds” for the factual claims that: “Furnaces and mass graves have been set up […] to dispose of the bodies […] to prevent family members from discovering the fate of their incarcerated relative” (COI: 1086).

Third, the Commission notes claims that biological and chemical weapons experiments may have been conducted on prisoners and persons with disabilities (COI: 328; 836-7). Testimony of experiments on disabled persons is attributed to three sources: an anonymous “former high-level official” and another anonymous official who heard a rumor about it. The final source cites only one anonymous “former official” who may or may not be the same person as one of the COI witnesses above. Testimony on experiments on prisoners are from the testimony Stuart Windsor, an advocate for repressed Christians who argues for the genocide label, and Joseph Burmudez, a satellite and military expert. They do not provide evidence to support their claims. Beal (2005: 137) points out that these allegations, based on two defectors and questionable evidence, surfaced in 2004 and were rejected by the ROK Intelligence. While the Commission does not find that these constitute “reasonable grounds”, the Commission recommends “future investigation and consideration” (COI: 837).

The fourth element is the “impunity” enjoyed by camp officials invoked 17 times throughout the COI, where torture, rape and other arbitrary cruelties are tolerated if not encouraged. Direct citations to this claim are never offered as most iterations conclude sections. Ahn Myong-chol appears to be the most direct evidence of this: high-ranking agents “get away with” sexually abusing inmates (COI: 766).

The fifth analogy to the Holocaust is the claim “camp authorities have received orders to kill all prisoners in case of an armed conflict or revolution” (COI: 732). This policy is a “precaution” taken by the leadership to “eradicate the primary evidence of the existence of the camps” (COI: 1066). Ahn Myong-Chol is the primary source for Kim Il-Sung’s kill-all order, with two public testimonies and two anonymous former officials listed as corroboration (COI: 732). Song Yoon-bok, speaks of “rumors” of tunnels where “like what Nazis did under Hitler and Auschwitz and other concentration camps that these people will be killed using gas or would be shot to death or maybe use electricity to electrify them.” “Mr. K” appears to be simply referencing Ahn’s testimony.

In today’s age of forensic evidence and satellite imagery, the DPRK would be very naïve to believe they could conceal the killing of tens of thousands of prisoners, or hide the existence of the camps, from post-war or post-revolution scrutiny. If Kim Il-sung issued such an order, logic would suggest it dates back to the early Cold War era. Nevertheless, WP found the claim compelling enough to publish an article appropriately titled, “Preventing a massacre in North Korea’s gulags” (Cohen 2014).

Even if these very poorly substantiated allegations were true, the Holocaust analogy dissolves immediately in big-picture terms, both in terms of scale and ideological goals. Auschwitz-Birkenau alone, at the peak of its ‘efficiency’, could kill the entire COI estimated current population of all DPRK political detention facilities in 27 to 60 hours of operation.[[50]](#footnote-50) There were over 1,000 and up to 20,000 concentration camps in Germany and occupied countries (depending on how it is defined), six of which merit the term “extermination camps” (Project Aladdin 2009). There are four DPRK political prison camps in operation and they function entirely differently from Nazi extermination camps.

Perhaps more important than scale, the overriding purpose of the Nazi extermination camps by 1943 was the efficient annihilation of target populations, with exceptional attention to Jews, whereas their labour was justified only in terms of military necessity. The overriding purpose of DPRK political facilities is not the production of death; they are giant impoverished and fenced-in villages with huge agricultural tracts and some manufacturing facilities. Their purpose is to isolate those perceived to be hostile to the government and exploit their labour, not to ‘exterminate’ them.[[51]](#footnote-51) Political prisoners are sometimes released and even enter or regain elite positions (Cumings 2003: 176).

Of course, Michael Kirby would no doubt acknowledge these differences and probably defend the analogy through saying that it captures the overall environment of these ‘camps.’ The problem is that, even if this caveat were explicitly stated, the Holocaust analogy nevertheless carries an excess of ideological meaning that is beyond the simple caveats that ‘the scale is smaller’ and ‘the purposes are different.’ The same is true of the more empirically accurate Gulag analogy that has deep propaganda-related ideological meanings in the West; suggesting DPRK conditions are “even harsher” than the Gulag (COI: 743) leaves only the Holocaust analogy to fill the void. The point is, even if the limitations of the equivalency are recognized, there is no other mental analogy to sew together the imagery that is presented, so sympathetic laymen readers will probably fall back into a ‘horrors between the Gulag and Holocaust’ frame.

One criticism of this dissertation might be that it uses the Holocaust as a strawman, whereas an analogy to the Soviet political detention facilities would be more appropriate. The simple response is that Holocaust analogies are much more salient than Gulag analogies. While DPRK detention centers are more often called ‘Gulags’ than ‘concentration camps’ in the general discourse, Western discourse clearly favours analogies between Hitler and the Kims much more than Stalin. Michael Kirby’s post-Commission lectures, and defector appeals to American Congress, have strongly emphasized Holocaust imagery with barely a mention of the Gulag. In COI testimony, there were several spoken references to the Holocaust, concentration camps and Auschwitz (such as Kim Young Soon’s statement “Auschwitz is better than the political prisons in North Korea”). There is only one reference to the Gulag, by Ahn Sock Mo, which clearly equivocates with the Holocaust: “The gulags in the Soviet Union and Auschwitz have disappeared…” In fact, the Gulag and the Holocaust are already arguably seen as comparable environments in popular American media, such that a comparison to the Gulag would require substantial prior deconstruction before comparisons could have critical potential.

The COI formally concludes that political detention centers amount to *enslavement* because the conditions of confinement “effectively destroy the juridical personhood of the victim” (COI: 1048-49). This is a much more realistic allegation than the finding of *extermination* below. By COI estimates (80,000 – 120,000), about 0.32 - 0.48 percent of the DPRK population is currently in a political detention facility. In justifying the extraordinary nature of the DPRK violations against political prisoners, one should consider the status of the “juridical personhood” of the bottom 0.5 percent of comparable Asian countries, such as India, Pakistan, Indonesia, Myanmar, Laos, Cambodia, or Bangladesh. This should include those deemed politically hostile by their government, including prisoners, those facing extreme discrimination related to ethnicity, religion, caste or sexual preference, trafficked persons, and so on. Being at the bottom of the social hierarchy of these countries, especially in regions affected by a military state of exception, may result in a significant decline in life expectancy. It may also result in similar conditions said to constitute enslavement by the COI: forced labour, captivity, cruel treatment or abuse, severe malnutrition, fear of physical and sexual violence, control over people’s autonomy and lack of freedom of movement, control over fertility, and violence related to maintaining security (COI: 1048). NGO “Walk Free” recently published statistics indicating about 0.5 percent of the entire world’s population is currently enslaved, including 1.14 percent of the Indian population (BBC 2014).

The Commission’s case that violations in political detention facilities amount to “extermination” is highly contestable and relies on an expanded definition of the concept. By international criminal law, extermination is “the intentional infliction of conditions of life, inter alia the deprivation of access to food or medicine*, calculated to bring about the destruction of part of a population*” (COI: 1041, emphasis added). The Commission widens the emphasized text in a footnote to define “calculated” as:

the perpetrator making the calculated assessment that the infliction of particular conditions of life will in the ordinary course of events result in mass killing, even though this might not by [sic] the perpetrator’s subjective purpose (COI: 1042)

Thus the crime of extermination is reduced to “killing on a massive scale”, including the denial of food or medicine (Ibid). Moreover, “the accumulated deaths that are linked to the same overall extermination episode may be aggregated, even if the killings are dispersed in terms of time and geography” (COI: 1041).

The COI therefore finds that the DPRK has been engaged in a half-century long country-wide extermination ‘episode’ against political enemies with ‘mass deaths’ constituted by the aggregated mortality in DPRK political detention centers: “hundreds of thousands of inmates have been exterminated in political prison camps and other places over a span of more than five decades” (COI: 1155). It is only within the extraordinary-negative frame (here largely constituted by the Holocaust analogy) that this necessarily strikes the reader as exceptional; one might expect a *natural* mortality of around 200,000 if, by COI estimates, there was a steady population of 150,000 to 200,000 population of political prisoners (before the closure of Camp 22) and this is aggregated with 70,000 or more ordinary prisoners as a half century-long ‘episode.’ ‘Hundreds of thousands of deaths’ over this long period does not justify a finding of extermination.

This dissertation now turns to a critique of allegations that constitute COI findings of CAH regarding detention enters. A genuine effort has been made to summarize allegations accurately, but it is simply not possible to fully describe all violations in this space. The reader is encouraged to look at sections of the COI relevant to detention facilities before reading further so as to better judge the counter-claims made herein. There are no denials of any particular allegation in what follows; the point is to demonstrate the indeterminacy of the CAH finding and the inappropriateness of COI recommendations through identifying hyperreal representational practices and providing comparative context through brief comparisons to other ‘normal’ countries.

Extraordinary Sexual Violence in the DPRK (…Detention Centers)*.* American news media representations of the COI follow the normal media tendency of emphasizing feminine victimhood. Almost every story on the CAH finding mentions “rape” and/or “sexual violence” as a core component. Most articles simply reiterate the official COI Press Release (2014a) in some form that lists “rape, forced abortions and other sexual violence” amongst the DPRK’s CAH. Sexual violence is described as a distinct category of violation, rather than a subsection of violations committed within detention facilities, which gives representations a particularly hyperreal character. “North Koreans have been […] subjected to rape” (NYT: Cumming-Bruce 2014a), or “crimes such as […] rape” and “systemic […] rape” were cause for referral to the ICC (*USA Today*: Dorell 2014), or North Korea is guilty of “systematic […] rape and other grave sexual violence” (*Wall Street Journal*: Eberstadt 2014).

The disgusting story of Kim Hye-sook is salient in news media representations of sexual violence testimony to the COI and a clear example of the exaggeration of systematicity. As WP publishes her testimony:

security personnel would make the prisoners get on their knees and open their mouths. Guards would then spit into them. If the prisoners didn't swallow, they would be savagely beaten (Harlan 2014).

In the actual COI paragraph (COI: 761), however, it is clearly characterized as an isolated event: “some guards *randomly* stopped *her*” (emphasis added). They do not suggest that this was committed repeatedly, nor that other women were subjected to it. The witness, however, has framed this as a common occurrence committed against many women at the same time in previous testimony before Canadian parliament (GC 2011) and in an HRW (2014) video. News reports unambiguously represented this as a recurring (systemic) violation against a group of women (i.e. [IBTimes: Avasthy 2014](http://www.ibtimes.co.uk/un-north-korea-report-prison-camp-survivors-speak-their-torture-horror-oppression-1437683); [NBC 2014](http://www.nbcnews.com/video/nightly-news-netcast/54419762)). The attribution to the COI raises the credibility of her narrative and stresses its extraordinary character, even though the COI concluded it was an isolated incident.[[52]](#footnote-52)

The COI appears to have blended together six distinct forms of sexual violence to make a case for ‘rape and other sexual violence’ as CAH in the DPRK: physical sexual assault, coercive sexual relations, and degrading searches all within detention facilities; domestic and public violence against women, prostitution, and sexual exploitation of refugees outside these facilities.

To begin with, the COI describes domestic violence as “rife within DPRK society” and unpunished by authorities: “it is common to see women being beaten and sexually assaulted in public” (COI: 317-318). NKHR and two anonymous witnesses respectively claim DPRK officials engage in sexual violence with impunity, especially on trains, and “rape of adults is not really considered a crime” (COI: 318). The Commission also claims increasing violence against women in markets and the military based on Haggard and Noland, KINU and one anonymous defector (COI: 319). Interestingly, the Commission appears to see the empowerment of women through market activities as a negative to the extent that it has led to domestic violence as women have replaced men as the principle breadwinners (COI: 310, 316). The Commission concludes that “gender-based violence against women is prevalent throughout all areas of society” (COI: 320).

The Commission claims that transactional sex and prostitution is “rife” in the DPRK due to the food shortage and gender discrimination – the next footnote cites the COI food shortage section (COI: 320). The COI later reiterates the same basic claim, this time also blaming the lack of freedom of movement – the footnote then cites the freedom of movement section (COI: 352). The Commission writes the restriction of young women from markets is “thought to have driven the increase in prostitution in the country,” without citation (COI: 577). In fact, *none* of the three claims of ‘rife’ and increasing prostitution contain any relevant evidence whatsoever.

Sexual exploitation and forced marriage of refugees by rural Chinese men in the border region is probably the most widespread form of sexual violence faced by DPRK refugees (as one can infer from reading Han 2013). The language of the Commission implies this is the responsibility of the DPRK (COI: 470). Because the crimes mostly occur in China, however, they fall under Chinese jurisdiction.

The general critique of violence against women in DPRK society does not mention that many of the same issues exist in the ROK. The ROK has serious problems with domestic violence and the stigma associated with rape also exists there. Prostitution, human trafficking and cases of sexual slavery are all serious and widespread problems across developing Asia. It would be absurd to find CAH based on these paragraphs.

The Commission’s case therefore hinges exclusively on the three categories of sexual violence alleged in DPRK detention facilities. The COI finds that rape by assault and coercion is “common” and “regularly committed” due to the “climate of impunity” in detention facilities (COI: 765, 1054); “Impunity reigns” (COI: 838). Although the Commission recognizes that rape is “formally prohibited and occasionally leading to disciplinary action” and “not condoned”, they find that the perpetrator “often escapes with a mere dismissal or no punishment at all” (COI: 766, 1054). While the COI’s source, NKDB (2012: 491-2), offers testimonies consistent with these statements (rape as common and unpunished), there are also contradictory testimonies that are ignored: one witness states “there were some cases” where a guard can become a prisoner himself at the same camp for raping inmates, which “was like a death penalty for him” (Ibid: 490); another witness claims this happened to a “vice chief of a coal mine” (Ibid). A third witness states that while officials sleep with pretty female inmates, “there weren’t any systematic sexual abuses of women and murder” (Ibid). Ahn Myong-chol predictably provides the most grotesque anecdotes for the COI: a newborn baby fed to dogs and sexualized torture and humiliation by guards (COI: 766).[[53]](#footnote-53)

The second category, coercive sexual relations as rape, refers to female prisoners trading sexual favours with guards or officials for privileges in the facility. Surveying NKDB interviews, this appears more common than physical rape. Where coercive sexual relations are discovered, both the guard and the prisoner are typically punished (NKDB 2012: 491; 494). This challenges the “climate of impunity” finding and implies that many incidents are isolated rather than systemic, although it is plausible that these coercive relationships are informally tolerated at some institutions. The third category, the unsanitary and humiliating cavity search techniques that involve coercive insertion in the vaginal opening conducted on female repatriated refugees from China,[[54]](#footnote-54) along with coercive sexual relations, are both rightly understood as rape and therefore human rights violations. The COI concludes, without any source, that there is “a general practice of not making serious efforts to punish the male perpetrators among the guards *and other prisoners*” (COI: 1059; emphasis added). In an apparent editing oversight, however, there is no other reference to rape perpetrated by other prisoners in the entire COI.

These are serious human rights violations occurring against vulnerable populations. Woman prisoners and refugees face this kind of violence around the world, however, and whether incidents of physical rape, more common coercive sexual relations and degrading cavity searches are extraordinarily systemic or widespread in DPRK prisons is not knowable from the empirical evidence presented. Consider US prisons: 4.5 percent of all inmates have reported sexual assault and, in women’s prisons, “guards will sometimes trade sex for goods and privileges” (Villareal 2012). Female immigration detainees (who are not criminals) are particularly subject to sexual violence. In five Texas prisons, 9 to 16 percent of all inmates have reported being raped by staff or other prisoners, including incidents of sexual slavery particularly of LGBT inmates – as the COI also emphasizes, the actual rate is probably higher due to underreporting (Ibid).

The point is not to deny sexual violence in DPRK detention facilities; the point is that the actual testimonies are a far cry from the extraordinarily negative mental images created of ‘systemic or widespread rape that amounts to CAH in the world’s most totalitarian state.’ Finding extraordinary sexual violence in the DPRK *as a whole* based on these COI findings goes beyond exaggeration and into hyperreality proper: it is no longer primarily linked to empirical reality but is instead a function of our ideological assumptions about North Korea as a place where ubiquitous rape seems plausible and substantiated with a narrow selection of field-based narratives that fit this premise.

Forced Abortions Against Repatriated Koreans and Prisoners.Perhaps the most grotesque stories of the entire report are related to forced abortions against women who are repatriated from China or who are pregnant in detention facilities. Ahn Myong-chol’s testimony structures the section: abortions imposed on prisoners are “to prevent the reproduction of so-called ‘class enemies’” and “eliminate” their “seed” (COI: 1059, 764). Abortions imposed on repatriated women are primarily related to “maintaining the purity of the Korean race at all costs” (COI: 1105). “Systemic and widespread forced abortions must therefore be considered a form of sexual violence of a gravity amounting to crimes against humanity” (COI: 1055; 1077).

“The Commission finds that there is a widespread prevalence of forced abortion and infanticide against repatriated mothers" (COI: 424). Infanticide is practiced only where the abortion failed or the mother is at a very advanced stage of pregnancy (Ibid). Most victims of this violation were repatriated from China. The COI produces a significant number of detailed testimonies as evidence and makes a compelling case for the occurrence of systemic forced abortions against repatriated women (COI: 424-34).

The vast majority of incidents of forced abortions against refugees in this highly detailed section are undated, leading to a severe lack of temporal context. There are only two dated testimonies of actual forced abortions against refugees. An anonymous former official claims there were no specific instructions to abort pregnancies of repatriated women between 1996-2000 but that those who did were complimented instead of punished (ICOI: 428). Jee Heon A testifies that in 1999 her pregnancy was forcibly aborted and she was released from her prison because of excessive bleeding (COI: 430).

The Commission also finds similar forced abortion or infanticide against prisoners. “Without exception pregnant victims are subject to abortion or their child is killed at birth” at least where the victim became pregnant by a DPRK official or guard (COI: 766). The case is based on Ahn Myong-chol and five anonymous witness testimonies together referencing seven incidents (COI: 764, 766, 809, 822). Two cases are more recent: one witness claims two incidents in 2007-10, another an incident sometime between 2004-11 – the other incidents, including Ahn’s, are undated. One anonymous testimony describes the fetus being thrown a pile of corpses, another fetus was fed to pigs, and Ahn Myong-chol claims a baby was “thrown in the feeding bowl for dogs” (COI: 766). There are also two anonymous and undated reports of incidents where pregnant women were brutally beaten by guards which terminated the pregnancy (COI: 822). This keeps with the Commission’s tendency of selective temporality.

The evidence itself does not provide adequate logical grounds for the radical systematicity (“without exception”) of abortion and infanticide in DPRK detention centers, nor does it establish logical grounds that this is an *ongoing* systemic practice. There are only three dated allegations of forced abortions, all since 1999, which are all by anonymous witnesses. The Commission mentions that the practice has declined in the ordinary prison system, as more women have been released before birth (COI: 809).

Forced abortion, especially on the grounds of maintaining ethnic purity, is a core element of the CAH charge and the most substantial parallel to the Holocaust. It reflects a racist materialist morality towards fetuses that is particularly offensive to Christians and is among the most-emphasized elements of Christian activist discourse against North Korea. Like other DPRK human rights violations, this largely has its historical root in the battle for legitimacy with the ROK caused by the state of exception. The DPRK’s claim to the Korean peninsula has long emphasized the contrast between the North’s virtuous traditionalism and the South’s morally tainted cosmopolitanism, where mixed marriages and mixed babies with American soldiers and Japanese former colonialists are represented by DPRK propaganda as proof of its colonial subjugation.

Biracial South Koreans face a particularly harsh degree of stigmatization and discrimination.[[55]](#footnote-55) The resentment towards Chinese people felt in the North is also far more palpable than is commonly acknowledged.[[56]](#footnote-56) It is probable that forced abortion of half-Chinese babies enjoyed substantial popular support in the ultra-conservative DPRK, rather than reflecting the peculiar brutality of the regime itself, as the Commission’s narrative implies. The Commission adequately demonstrates that these human rights violations have *occurred*. Whether or not this is an *ongoing* and *systematic* policy is not discernable, and whether this is a ‘particularly odious offense to human dignity’ is a normative judgment.

Executions in Detention Centers. There are four testimonies by well-publicized defectors, including Shin Dong-hyuk and Ahn Myong-chol, of public executions in detention facilities (COI: 834). The COI also finds there were hundreds of secret summary executions from 1993-8 in detention facilities for political offenses based on Ahn, a high-ranking former official’s memoir, a report by NGO *Third Way*, and an anonymous source (COI: 835).[[57]](#footnote-57)

Three testimonies are cited as evidence for executions as punishment for escape attempts. The first, Ahn Myong-chol describes how a guard killed five prisoners in a faked escape attempt to garner an award. The other two are very poorly sourced and it is not clear where they came from. An August 2001 execution of two people in connection with an escape attempt is attributed to Jeong Kwang-il, but no footnote is provided and this is not in his public testimony (Ibid). An unnamed testimony from the public hearings is also cited (even though all witnesses used their real names that day) of a man who stole potatoes to satisfy his hunger: “The guards chased tracker dogs after him. The dogs found and mauled the man until he was half dead. Then the guards shot the victim dead on the spot” (COI: 757). Kim Eun Chol testified that day about a man executed for stealing potatoes, but his transcribed testimony differs dramatically from this: he does not include the mauled-by-dogs detail and states the guards “publicly executed” him, not “shot the victim dead on the spot”, among other lesser irregularities.

There is substantial evidence that executions have taken place in DPRK detention centers (COI: 834, 835, 757). But the scale of these executions appears exaggerated. Ahn Myong-chol is quoted stating “in some years as many as 20 people were publicly executed” at any given facility (COI: 834), yet in his actual testimony, he also pointed out that some years there were no executions, some years two or three in total. This stands in very sharp contrast to the Holocaust analogy and the finding of *extermination*.

Ahn also identifies “a mountain near the camp used for secret executions” from which he heard gunshots at night and said he witnessed the corpses subsequently unearthed due to construction (COI: 835). Although not included by the Commission, Ahn has described this *very peculiar* incident elsewhere. Officers sent Ahn and other guards up a mountain to collect large rocks “for the construction of a bulletproof wall around our headquarters.” Crushed *directly* underneath large boulders were large numbers of corpses. This raises many common-sense unaddressed questions.[[58]](#footnote-58)

The final three elements of CAH regarding detention centers – torture, malnutrition, and squalid conditions – are presented below with little critique. As above, political centers are emphasized, but ordinary and refugee facilities are included where they appear to make the case for CAH. Their lack of temporality is demonstrated and a comparison to narratives of American prisons is drawn as a challenge to the narratives that led the COI to conclude that these DPRK violations are self-evidently extraordinary.

Torture in Detention Facilities*.* The COI lists torture amongst the DPRK’s CAH. Although DPRK law prohibits torture, the Commission finds there is impunity in practice, having “only received information about one case” of a perpetrator being held accountable (COI: 709). Torture is not required in practice either, although prison officials are sometimes under contradictory instructions in “certain high-profile cases” to “mercilessly investigate certain individuals” (COI: 706; COI wording). The claim that guards will not be punished for violations in political detention facilities is primarily based on Ahn Myong-chol’s testimony (COI: 761).

Surveying the ten testimonies provided as evidence of torture in refugee (or “interrogation”) detention centers, the most common methods of physical torture is beatings with clubs and stress positions that cause excruciating pain (COI: 715, 717). Where interrogation falls under the State Security Department, tasked with interrogating political crimes, more disturbing forms of torture have been reported by an anonymous woman arrested on suspicion of practicing Christianity and two anonymous former officials whose year of defection is not given. These include a water tank that simulates drowning, hanging upside down by shackles, needles under fingernails, hot chilli peppers in victims nose, straps that cut off circulation, and a small cage that causes excruciating pain (COI: 707). The Commission also provides four testimonies to substantiate the claim that “many suspects die as a result of torture, deliberate starvation or illness” (COI 716).[[59]](#footnote-59) There are several testimonies of brutal beatings, humiliation and other violence at ‘ordinary’ detention facilities (COI: 807-8)

The Commission also details examples of torture in political detention centers by three well-known defectors: Ahn Myong-chol, Shin Dong-hyuk, and Kang Chol-hwan. A fourth anonymous witness supports this, describing the “pitiful state of health” of those who emerged from the punishment bloc (COI: 760).[[60]](#footnote-60) Shin Dong-hyuk recounts how he was “strung over a lit fire until his back was burned” due to his mother and brother’s intention to escape and how his finger was amputated as punishment for dropping a sewing needle (Ibid); as already described, this testimony has been revised by Shin. The Commission makes a compelling case that violent beatings and stress positions are systematically used as punishment, sometimes for petty infractions, and for interrogation purposes. The Commission also demonstrates that more extraordinary forms of torture may have occurred. The Commission allows no space for the possibility that some individual violations may be due to extraordinary (infrequent and prohibited) abuses of power, rather than a informal policy of impunity. The use of beatings and stress positions as punishment or in interrogations are human rights violations, but not particularly extraordinary in other poor Asian prison contexts.

Chronic Hunger in Detention Facilities*.* The COI finds that starvation of prisoners in political detention centers is “based on deliberate policy, rather than being a mere reflection of the overall situation of food insecurity prevailing in the DPRK” (COI: 770). The testimony of Kim Young-soon, Kang Chol-hwan, Shin Dong-hyuk, Kim Hye-sook, Jeong Kwang-il and Kim Eun-chol are all cited. They point to grossly inadequate rations before the famine, even smaller rations during the famine and supplementation with wild foods and rodents.[[61]](#footnote-61)

The Commission claims that food rations are cut for disobedient prisoners so that “death by starvation results in a short period of time” (COI: 771). “Former prisoners interviewed [… testified] that rations in the prison camps were frequently halved as punishment” for poor work performance or not following facility rules (COI: 771). Jeong Kwang-il and Kim Eun-chol, both of whom were incarcerated in the same facility, are the only evidence presented of the halving of rations as punishment (COI: 770). “Former officials indicated that such ration cuts were meticulously outlined in the written instructions” with no citation. Shin Dong-hyuk, Kim Eun-chol and an anonymous witness with two particularly brutal stories testify that inmates were executed for stealing food (COI: 772). The Commission notes that, specifically regarding political detention centers, “the threshold of torture may be reached on the ground of their deliberate starvation alone” (COI: 1053) as hunger is consistently cited as the “most painful” element of the “unspeakable atrocities and hardships” they experienced (COI: 769).

The Commission finds ‘ordinary’ detention facilities and refugee centers also feature systematic starvation. Forcing ordinary prisoners to work 9-12 hours a week on insufficient rations is “so inhumane that the work cannot be said to serve any legitimate, rehabilitative purpose” (COI: 802). Those who cannot find supplementary food to rations “are effectively condemned to starve to death” (COI: 804) . Former officials confirmed that the policy is “deliberate, so as to keep prisoners weak and easy to control” in ordinary prisons without citation (COI: 805). Five witnesses testify to grossly inadequate rations in ‘ordinary’ facilities and similar coping mechanisms as described above (COI: 805). Four of the five are all from the same facility (Ibid), estimated to hold 3,000 – 4,000 of the estimated 70,000 prisoners in all facilities (COI: 790). In refugee holding centers, two anonymous testimonies describe inadequate food in holding facilities: “two spoonfuls of maize and a bowl of radish pickle soup per day” and “five spoons of boiled corn three times a day, with no vegetables or salt” (COI: 423).

Squalid Conditions and Lack of Medical Care in Detention Centers*.* The COI’s description of the conditions and amenities of the three forms of detention facilities are similar. The environments for repatriated refugees “are inhuman” (COI: 423). Cells are described as lacking proper toilet facilities, as “lice infested”, and as facilitating the transmission of diseases (COI: 423; 715). The toilet is a hole in the ground. According to a third witness, the centers are filled with rotting corpses left by the guards to instill fear in prisoners (COI: 423).

Testimony from political detention centers are provided by Shin Dong-hyuk, “Mr. K,” and Ahn Myong-chol. They indicate that temperatures drop below 20 degrees Celsius in the winter, inadequate housing and exposure-related deaths; Ahn describes an epidemic that killed 200 prisoners caused by eating rats. Amenities like “blankets, soap, sanitary pads for women and other hygiene items as well as cooking utensils are provided infrequently or not at all” and this fosters disease (COI: 773).

Conditions in ‘ordinary’ detention centers are comparable to holding centers and political facilities: they must bring their own cloths and blankets or else use second-hand ones “infested with lice, bed bugs and other vermin” (COI: 800). Toilets are irregularly cleaned, prisoners rarely have access to a bath, and cells are cold in winter (Ibid). Prisons are “severely overcrowded” and prisoners sometimes must take turns sleeping. An anonymous witness stated those without blankets had to make their own, and that bugs, lice and infectious disease were rampant as of 2011 (COI: 800).

The Commission finds that medical care, where available at all, is only for the extremely sick in refugee holding centers (COI: 715), “no meaningful medical interventions are provided to prevent prisoners in a critical state of starvation from dying” in ordinary prisons (COI: 811) and in political detention centers “the seriously ill [are offered] little more than a place to die” (COI: 774).

Selective Temporality*.* The dating practices of the COI strongly imply that dates were typically only provided for the most recent violations:

* There are several relatively recent (last decade) testimonies of torture in the form of violent beatings and stress positions in detention facilities. None of the examples of extraordinary forms of torture are dated.
* The only dated testimony from inadequate food testimonials in political detention facilities is from two witnesses detained together at the same time in 2003, with the exception of four pre-1990s testimonies intended to demonstrate that food insecurity was a problem even before the famine period (COI: 770). Only two ‘ordinary’ political prisoners testimonies are dated, 2010 and 2011 respectively, who describe being disallowed to eat the food they grew and eating wild foods (COI: 803). None of the refugee holding center testimonies are dated.
* All allegations related to environmental conditions in holding centers, political and ‘ordinary’ detention centers are undated (i.e. COI: 423, 773, 800) other than one exception in 2011 (COI: 800).
* None of the testimonies for lack of medical care are dated (COI: 715, 774, 811).

The selective use of temporality not only exaggerates the immanence of these violations, it also contributes a sense of *timelessness* to DPRK detention center violations, as if it is somehow a static system that has remained the same since the 1950s and can be understood as the sum total of the human rights violations alleged to have taken place over this time period. As described in Chapter One, many of these testimonies are probably referring the famine period, and it is likely many of the others refer to the periods of severe food insecurity before and after it.

 Regaining Comparative Context*.* Compare COI findings regarding conditions in DPRK detention centers to another report of a prison population that includes mentally ill inmates. It found “[g]ross inhumane conditions have cost many prisoners their health, and their limbs, their eyesight, and even their lives” (SPLC 2013: 1):

* Punishment cells hold prisoners for up to weeks without showers or exercise in perpetual darkness or perpetual bright artificial light (Ibid: 32). Toilets often do not work and prisoners must throw their feces through their doors to remove it. Sometimes the only way to attract medical attention is setting fires in cells, so the air is often toxic. Floors are covered in feces, urine, debris from fires and other waste. Cells are infested with rodents. Rats are sold as pets to seriously mentally ill inmates. Suicide attempts are common and often successful, as well as electrocution, swallowing shards of glass, cutting and other forms of self-mutilation (4). The noise in the cells is deafening as mentally ill prisoners bang doors around the clock (33).
* Doctors and nurses ignore gangrene and other emergencies, like cancer and glaucoma, and deny even rudimentary mental health treatment (4-5). Critical medication is sometimes denied for weeks or months.
* Prisoners “are severely malnourished and chronically hungry” due to intentional underfeeding (245). Weight loss records indicate the average prisoner loses 21 pounds, and as much as 40 to 60. They look “almost emaciated” and have suffered a “pattern of extreme malnourishment” (247). Prisoners in isolation cells have nothing to distract them from their constant hunger (248).
* Prisoner-on-prisoner violence, including rape, is “rampant” and guards are often complicit in the violence. Guards regularly rely on excessive force, including mace without decontamination (7). Some cell locking mechanisms are easily defeated and guards sometimes unlock cell doors to allow violence to occur (37). Other sadistic behavior by guards and medical staff is reported (192, 202).
* Guards and administrators “actively intimidate, coerce, mislead, obstruct, and threaten prisoners who […] complain about conditions of confinement” (264).
* Individual accounts are horrifying. A mentally ill man who wears adult diapers was refused showers and encouraged by guards to commit suicide. After being unable to provide a urine sample to prove his condition (because of his neurogenic bladder), he smeared blood on the cell door and tied a rope around his neck. Guards responded with so much mace that he died in hospital (69). Another prisoner was “brutally raped for 24 hours upon his arrival” and later orally and anally raped by another assailant four or five times, with a butcher knife to his neck, as the assailant snorted cocaine (227). Another prisoner with serious mental illness was left with other prisoners in full restraints and was tortured with multiple stab wounds (159). In Fall of 2011 there was “an epidemic of self-mutilation, routine suicide attempts, psychological decompensation, and several completed suicides” (Ibid: 82).

‘America,’ by contrast to ‘North Korea’, is defined according to a complex set of positive elements as well as negative ones. So when the reader learns this is a Southern Poverty Law Center (SPLC) lawsuit against a Mississippi prison, our normal assumptions resist the inclination to generalize these stories across the entire prison system, let alone the possibility that this is a realistic portrayal of American society in general, even if the reader has never set foot in America. We *assume* American policymakers and prison officials do not intend to impose these conditions on inmates. We *assume* stakeholders responsible for the prison are operating within a particular political, legal and economic context. We *assume* there is another legitimate side to the story. We have access to contextualizing elements, such as the profit-seeking and cost-aversion that came with privatization of the prison and its medical facilities, which led to understaffing, undertraining, inadequate facilities, and so on. This also defuses responsibility across the individuals and institutions involved, so that attributing all responsibility for these conditions to President Obama (who has been in power longer than the current Supreme Leader) would be self-evidently ridiculous. We interpret the closure of this prison, which came as a result of the SPLC lawsuit above, as a positive development that ended an extraordinary-negative abnormality, rather than a face-saving deception signaling ‘consolidation’ of the American ‘Gulag.’

Simply put, we interpret the SPLC report as an exception to the norm, whereas the COI report is presented as representative of the Whole DPRK system. The typical reader of narratives by former DPRK prisoners does not have the necessary positive context that would allow her to step back and assess the country’s prison system somewhat objectively. Closely reading the COI report will not provide this context; one must piece it together through reading a variety of histories, ethnographies, critical articles, memoirs and other texts on the DPRK – in short, gathering positive contextual knowledge requires efforts beyond what can be reasonably expected of the laymen reader.

One can, however, achieve some *comparative* context by looking at the plight of victimized groups that constitute significant populations of Asian countries, including China, Indonesia, Myanmar, or the Philippines. The Chinese government in particular
“has committed many similar human rights abuses, including arbitrary detention, religious repression, torture and abuse in prison camps, forced resettlement, and forced abortion and sterilization” (Andrew Nathan cf. Kim 2012: 38). This includes classifying certain people as “nonhuman”, similar to how the DPRK denies rights to the ‘hostile’ class (Ibid). The approach below, however, aims to problematize the ‘us’ and ‘them’ dichotomy more directly through comparison to the American context.

(Il)legitimate Violence Against Prisoners: Solitary Confinement*.* Identifying *their* system as exceptionally immoral reflexively implies *our* system is moral by contrast. This is the basic logic of equivalence that follows from the COI report: it identifies an outlier that is constitutive of the legitimate ‘international community’ consensus on human rights. Consider Kim Son-myong’s almost completely unknown story. He somehow survived 44 years of starvation rations in a tiny solitary confinement cell, including physical torture. His father and sister were executed to pressure him to confess. Guards would taunt him to recant his beliefs with food; yet he never repented to the day of his release. He did not know how to use a telephone when he emerged from prison in August 1995, and he learned his mother thought he died 20 years earlier (Cumings 2005: 392-3). If this sounds like a hero, he is an unsung one – primarily because he was a *Communist* political prisoner in *South Korea.*

The COI produced compelling evidence of brutal physical torture – mostly in the form of beatings and stress positions – used to control prisoners. In America and many other countries, this control (punishing infractions, compelling confessions) is exercised through the use of solitary confinement (PHR 2013: 10-11). This dissertation holds that the use of solitary confinement to incarcerate 80,000 American prisoners at any given time is a useful equivalency to challenge and contextualize the implied intrinsic negative-exceptionality of violence in DPRK prisons.

The defining feature of solitary confinement, in all its severities and forms, is the near-total denial of social contact with other persons. All bodily contact can be reduced to the fastening and unfastening of restraints through the slot in the door and the frequent cavity searches by guards in full restraints. The only way to speak to others is through an intercom or yelling through the slot in the cell door. The half hour to one hour spent in a tiny and sealed exercise yard per day, usually slightly larger than the prisoner’s tiny cell, offers a narrow view of the sky and little, if any, view of the outside environment.

In a lecture entitled “Is Solitary Confinement a Living Death Penalty?”, Lisa Guenther (2013) argues against the liberal common sense that individuals are separate beings with no intrinsic relationship to others. Society is more than mutually beneficial relationships with autonomous individuals; one’s consciousness is relational to other people’s consciousness. Drawing on Heidegger’s concept of “being in the world”, Guenther argues that we exist in a complex interrelation with the contexts imposed upon us. What renders our understanding of the world is the complex relationship between the embodied perceiver and what she perceives, and between embodied perceivers who, in Guenther’s words, “share an irreducibly different experience of the same world.” More simply stated, “Social interaction is neither a right nor a privilege – it is a fundamental human need.” Existence as a normal human being, according to Atul Gawande, “requires interaction with people” (PHR 2013: 1). The consequence of long-term solitary confinement is nothing less than the foreclosure of a basic element of being.

Prisoners often describe solitary confinement as being like “the world has ended but you somehow survived,” or like living in “a tomb” or “a black hole” (Guenther 2013). In fact, the general psychological impacts of solitary confinement were well-established in the 19th Century. In 1826, Alexis de Tocqueville visited a prison and noted that the practice “devours the victims incessantly and unmercifully; it does not reform, it kills” (PHR 2013: 8). In 1842, Charles Dickens wrote that an inmate in solitary confinement “is a man buried alive ... dead to everything but torturing anxieties and horrible despair” (Ibid). More recently, Senator John McCain has stated that it was solitary confinement, not brutal physical torture, which almost broke him as a POW in Vietnam. As he put it, “It’s an awful thing, solitary. It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment” (Ibid: 23). Today solitary confinement arguably violates international prohibitions against torture (PHR 2013: 27).[[62]](#footnote-62)

The clinical impacts of isolation are known to be similar to the impacts that may accompany physical torture (NMC and ACLU 2013: 10). As a staff psychiatrist at an American prison put it, “It’s a standard psychiatric concept, if you put people in isolation, they will go insane […] Most people in isolation will fall apart” (SW 2011). As argued in Ruiz v. Johnson of 2001: “[Solitary confinement] units are virtual incubators of psychoses – seeding illness in otherwise healthy inmates and exacerbating illness in those already suffering from mental infirmities” (Ibid). United States District Court Judge Helton Henderson wrote that solitary confinement “may well hover on the edge of what is humanly tolerable” ([NMC and ACLU 2013](http://nmpovertylaw.org/WP-nmclp/wordpress/WP-nmclp/wordpress/wp-content/uploads/2013/10/Solitary_Confinement_Report_FINALsmallpdf.com_.pdf): 10). For some, the isolating conditions will drive them to a psychotic state and lead them to attempt suicide, attack others, eat their own feces, or incessantly bang their heads against the wall (ACLU 2013: 2).

Once mental illness begins or is exacerbated in isolation confinement, prisoners are then punished for actions that they have limited control over, like self-harm and smearing of feces, creating a perpetual cycle of re-offense (ACLU 2013: 13). John Quinn, first incarcerated at age 14, is an extraordinary example. When he was 19 years old, a series of minor infractions led to 15 years in near-complete isolation. He “was funny, warm and reasonably articulate” before his incarceration. Then depression turned into schizophrenia as a woman’s voice in his head verbally abuses him and demands he harm himself. This led to bizarre acts of self-mutilation, three suicide attempts, smearing of excrement on food trays and major bodyweight fluctuations, compounded by days or even weeks spent in four-points restraints. His lawyers now argue that he is too ill and too medicated to assist in his own advocacy (ACLU 2013: 7-8).

*The Survivor’s Manual for Solitary Confinement,* like the political detention center sections of the COI, is written by American prisoners and former prisoners who have similarly peculiar perspectives on the suffering they endure and the politics of their confinement. The introduction to *The Survivor’s Guide*, by Ronald Epps, describes sensory deprivation, the most severe form of solitary, as being

[…] stripped of all the common sentiments of humanity. [… These are] steel and stone torture chambers where, absent various forms of social stimuli, the human mind can become so debased, so de-humanized, and sink so low that if one isn’t careful, there is a tendency to adjust, conform, and accustom oneself to a standard of living that is lower than that which exists within the animal kingdom […] It is a form of physical, social and psychological torture, and it pushes many self-respecting, rational thinking, decent-minded men and women to a quest for excitement, acts of desperation, and to the most extreme points of paranoia ([Survivor’s Manual 2012:](https://afsc.org/sites/afsc.civicactions.net/files/documents/Survivors%20Manual_0.pdf) 9-10).

A solitary confinement prisoner, Troy Thomas, coins the term “mentacide” as “consisting of any organized system of psychological intervention in which the perpetrator injects his own thoughts and words into the minds and mouths of the victims” ([Ibid:](https://afsc.org/sites/afsc.civicactions.net/files/documents/Survivors%20Manual_0.pdf) 28). The purpose of incarceration, as he sees it,

is to reduce prisoners to a state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them desperate enough to destroy themselves (Ibid).

Many prisoners point to the historical and political function of solitary confinement, especially in terms of racial discrimination. Bonnie Kerness argues, “The U.S. didn’t abolish slavery; it simply transferred it into the prisons.” The system is not broken at all; it works perfectly as a matter of economic and political policy, just as chattel slavery did, with a whole class of people dependent on poor bodies of color for a source of income. Walter Daily quotes Dr. Edgar Schein’s 1962 lecture to US federal maximum security prison wardens in a Washington address:

I would like you to think of brainwashing [...] in terms of the deliberate changing of human behavior by a group of men who have relatively complete control over the environment in which the captives live [... These changes can be induced by] isolation, sensory deprivation, segregation of leaders, spying, tricking men into signing written statements which are then shown to others, placing individuals whose will power has been severely weakened into a living situation with others more advanced in thought reform, character invalidation, humiliation, sleeplessness, rewarding subservience, and fear (Ibid: 58-9).

*The Survivor’s Manual* sometimes approaches the hyperreal, particularly where former prisoners frame their struggle as representative of the struggle of African-Americans in general. The crucial point, to reiterate, is that most seasoned readers of politics will recognize this immediately – political dissidents and other solitary confinement prisoners are not ‘worthy victims’ beyond reproach, the American government is not wicked. Subjective descriptions of incidents and context in North Korean prisons, on the other hand, are usually non-reflexively internalized and extrapolated across the prison system – sometimes even being represented as ‘the real North Korea’ in general. It is simply not possible for the Western readers, especially laymen readers, to contextualize North Korean defector narratives in the same way as the narratives of former Black Panthers languishing in solitary confinement.

Three probable criticisms of this comparison should be addressed. The first is the notion that American prisoners in isolation are dangerous violent offenders whereas DPRK prisoners, by contrast, are mostly political dissenters and their families. The former statement is demonstrably false; prisoners can be placed in solitary for all sorts of minor or petty infractions, including immigration detainees who have committed no crime (PHR 2013: 13, 33), or for exercising leadership or political activism (Guenther 2013; Laura Whitehord cf. Survivor’s Manual 2012: 55).

The claim that DPRK prisons hold mostly political prisoners cannot be contested on any available empirical grounds. There is no reference in the entire COI report to *real* criminals being incarcerated in DPRK detention facilities – even in ‘ordinary’ prisons – as this would destabilize the victimhood narrative. NKDB (2012) claims that only 2.5 percent are in political detention facilities for a “criminal crime”, yet this data is highly problematic, as already described (primarily because it is based entirely on asking former prisoners to describe the other prisoners they knew). An additional bias is that refugees are aware that ROK intelligence screens refugees for criminals, so claiming to have been a criminal or to have associations with criminals would probably be self-detrimental. While there are probably more real criminals in US prisons, the black-and-white ‘US criminals versus DPRK victims’ dichotomy is false to an indeterminate degree.

The second rebuttal is that 80,000 prisoners is a small fraction of the American population compared to the North Korean political prisoner population. This is true. But the overall incarceration numbers are surprisingly comparable. Less than 1 in 200 North Koreans are in political detention centers by COI estimates, less 1 in 135 if ordinary detention centers are included; there are perhaps less than 1 in 500 in political detention centers if we assume the more optimistic minimum bound above (45,500).  By comparison, according to the US Bureau of Justice Statistics (Ziv 2014), 1 in 110 American adults are living behind bars in America (based on a one day snapshot in 2013) and 1 in 35 are under some sort of correctional supervision (including probation/parole).

The third rebuttal is that American prisons are objectively better than DPRK prisons: more and better food is usually provided, inmates are not forced to labour for 9-12 hours a day, due process is better, medical services are better, educational opportunities are usually better, inmates are not intentionally murdered for serious infractions, prisoners generally can access the outside world (at least by written letter). This is all true and no reasonably objective analysis would conclude that American prisons are generally *worse* than DPRK prisons – although the superior ‘humanity’ of solitary confinement over commonly used punishments for DPRK prisoners is debatable.

Here the elephant in the room must be identified, that is, the material disparity between the two countries. The DPRK is an impoverished and food-insecure country that is in a radically asymmetrical state of exception; the United States is the wealthiest country in the world and is not threatened by a greater, or even comparable, military power. American prisons should, by any reasonable normative standard, meet a higher standard of wellbeing than DPRK prisons – and they generally do. The point is that elevating DPRK violations to CAH is a political act that is premised on a subjective judgment of their violations being ‘of a different nature’ than our own. How is it morally tolerable to impose the conditions of mental degeneration on people where the state inarguably has the resources to vastly improve the conditions of their confinement, yet an existential threat to human rights to keep a comparable number of people working, severely malnourished and under threat of brutal violence, in the DPRK’s extraordinary context? How many prisoners in isolation today would willingly submit to a torture detailed in the COI report if it would lead to removal from solitary? One consistent message from solitary confinement testimonials is that direct physical brutality is not automatically worse than the psychological suffering of isolation.

It bears noting that most ‘War on Terror’ detainees are kept in solitary confinement. Former Secretary of Defense Donald Rumsfeld’s conclusion that these ‘illegal combatants’ should be treated according to the Geneva Convention, but only “to the extent appropriate and consistent with military necessity” (PHR 2013: 17), is literally indistinguishable from the formal DPRK position that sovereignty is prior to human rights. The skeptic might question the representativeness of Rumsfeld’s opinion in American politics, but one should also consider how many Rumsfeld-like policymakers there would be in the US government if America faced six decades of military/nuclear threats against a radically superior military and economic adversary. These issues – the DPRK position and the role of the state of exception – are the subjects of Chapter Three.

As will be demonstrated below, the COI justifications for finding CAH regarding the right to food and enforced disappearances are not so compelling. This is especially true of the analogy to the Holocaust and the finding of *extermination*, the latter being much less compelling in the ‘right to food’ section. There is no dispute that severe human rights violations have taken place against ‘hostile populations.’ The point is that the COI has not made an adequate case that these constitute an *extraordinary* and *ongoing* policy that justifies immediate international intervention to fulfill the responsibility to protect – it is not, *at all*, comparable to the Allied decision not to bomb the train tracks to Auschwitz. One should consider, first, the plight of the most-abused fraction of the population in other poor countries and especially in areas affected by a prolonged state of exception, and second, how the international interference mandated by the CAH label is likely to affect not only these ‘hostile populations,’ but the DPRK population at-large.

### Section II: Violations of the Right to Food

The Commission concludes that the 1995-9 famine amounted to the CAH of *extermination*. The DPRK government caused and exacerbated the famine through policy decisions that intentionally did not prioritize vulnerable populations over regime survival. Deliberate “deprivation of access to food, calculated to bring about the destruction of part of the population, amounts to extermination” (COI: 1117). The Commission does not conclude that the famine was *intentionally* caused by the DPRK, only that “authorities were fully aware” that starvation would be aggravated by DPRK policies, yet they “nonetheless […] prioritized the preservation of the political system” (COI: 1119). As already described, “this level of criminal intent is sufficient for the crime of extermination” by the COI’s deliberately broad definition (Ibid).

While the Commission is correct in labeling this a “human-made famine” (COI: 141), this can be said of *all* famines in the sense that all famines have political causes. In order to make the case for CAH, the COI must make the case for extraordinary responsibility of the DPRK government, beyond ‘normal’ government culpability in a famine context – otherwise any widespread acute food insecurity would be CAH.

There are five elements that together make the case for the exceptionalism of famine in the DPRK. The first is that a minor reallocation of resources from spending on military and luxury goods would have prevented the famine. The second is the sheer number of people estimated to have died from starvation. The third is the discriminatory public distribution system that was maintained despite its spectacular failure. The fourth is evidence of the systemic, recurring and ongoing nature of food insecurity caused by the dysfunctional DPRK economic and ideological system. The fifth is evidence that the structural conditions for famine remain in-place and acute starvation is *ongoing* in some provinces. These justifications are each individually critiqued below.

The Preventable Famine*.* The exceptionalism of the late 1990s famine rests largely on the testimony of Marcus Noland of HRNK. He claims that closing the grain gap would cost less than 0.02 per cent of national income, or less than 1 percent of military expenditures if these account for 25 percent of GDP as the Commission estimates.[[63]](#footnote-63) Noland also argues that, “even at the height of mass starvation,” USD 100 to 200 million would have closed the food gap (COI: 644). Finally, Noland shows that “as the volume of aid delivered to the DPRK increased, the volume of commercial food imports decreased” (COI: 652). The Commission therefore concludes that the aid was used “as a balance of payments support” rather than relief for the population (Ibid).

Noland’s public testimony and his (not made public) submission to the Commission are the only sources provided for these spectacular claims. Most importantly, Noland’s figures appear to assume the direct convertibility of DPRK indigenous military expenditures to US currency. It is well known that DPRK foreign currency reserves were extremely low during this period of severe acute economic distress that followed the dissolution of the Soviet bloc. Moreover, he notes in his public testimony – not included in the COI – that the statistics do not include “ancillary costs with storage and transportation.” Given acute fuel shortages in the DPRK in the 1990s period, the military importance of maintaining fuel reserves, and the poor infrastructure of remote areas in the worst-affected areas and flooding, distribution costs may have been much higher than the actual cost of bulk cereals on international markets at the time. In the context of the collapse of the public distribution system, basic infrastructure and social services, rampant corruption exacerbated by this breakdown in authority structures, and the state of exception that likely led DPRK authorities to purposefully conceal the extent of the hunger, the issue was far more complicated than simply purchasing the grain on international markets. No evidence is offered that the DPRK had hundreds of millions in USD required to purchase the grain or the organizational capacity to distribute it.

Hazel Smith (2008) has scathingly criticized the methodology Noland has applied to analyzing the famine in his book, *Famine in North Korea* (Haggard and Noland 2007). The central contention of the book, appropriately enough, is that the DPRK has committed CAH through withholding available food from the population.[[64]](#footnote-64) According to Smith, Haggard and Noland do not seem to understand the basic cereal requirements of national populations. They do not account for how cereals are needed for future crops, to feed livestock and for subsistence, and they ignore post-harvest losses that are universal in poor countries (Smith 2008: 197-8). Basic agronomy dictates that “without seed and animal feed, farmers do not have the ability to plant crops and thus feed themselves, the rest of the country, and animals used for food and transport in subsequent years” (Smith 2008: 198). As Smith concludes her book review, Haggard and Noland’s

methodology relies heavily on tautology (the DPRK government is wicked therefore it does wicked things therefore it is wicked), stretches concepts so as to mislead, cherry-picks isolated facts while leaving out those that do not support the central contentions of the book, and insufficiently acknowledges research findings from the now extensive scholarship on DPRK food, nutrition, and aid (Ibid: 202).

Smith has more recently published a rebuttal to the UNHRC argument that DPRK food policies “were uniquely causative of the vulnerability of the population” (Smith 2014: 141). She points to the over 4,500 rigorous reports on DPRK society available on UN websites that the COI was apparently unaware of (Smith 2014: 135). Instead, the testimony Marcus Noland and his literature dominate the right to food sections.

Military and Luxury Spending*.* The case for possible CAH for the 1990s famine is buttressed by showing the DPRK “has consistently failed in its obligation to use the maximum of its available resources to feed those who are hungry” (COI: 688). By this standard, of course, most if not all developing Asian countries are also guilty of CAH. It is therefore crucial to make the case that the resources were here *exceptionally* squandered in a way that is different from India or Indonesia. This is accomplished primarily through emphasis on military and luxury spending juxtaposed against extreme poverty in some regions of the DPRK.

The COI Press Release (2014a) stresses that military spending “has always been prioritized, even during the periods of mass starvation.” The Commission chastises the DPRK for its military spending, which is said to be in the range of 16 percent (official DPRK statistic) and 25 percent (cited from an NGO but originating with the US State Department) of total state budget (COI: 641). It provides DPRK military purchases as evidence of government indifference to starvation during the famine period:

In 1994, when the food shortage was already known to the authorities, the DPRK reportedly bought a number of submarines. In 1999, at the same time that it was cutting commercial grain imports to less than 200,000 metric tons, the government reportedly used its foreign currency for the purchase of 40 MiG-29 fighter jets from Belarus and 8 military helicopters from Kazakhstan (COI: 646).

These claims are both factually incorrect and incredibly misleading. First, the 12 submarines were vintage 1961-67 and “so obsolete that they are unusable for offensive purposes” and were probably used for scrap metal and parts (*Washington Times* 1994). The *New York Times* estimates their value at “upwards of 8 million” (Sanger 1993). Second, the DPRK purchased the severely outdated MiG-21s, not the newer MiG-29s as the COI stated, and the military helicopters were from Russia, not Belarus. A Russian researcher put the price of the MiG-21s at an astonishing *USD 8 million total for all 40 of them* ([Kenzhetaev 2002](http://mdb.cast.ru/mdb/1-2002/at/kmtcfs/?form=print)). The ROK Defense Ministry estimates the combined value of the fighter jets and helicopters at USD 12 million total. In fact, DPRK spending of precious foreign currency on military hardware was very modest during the late 1990s (Joo 2000). Inaccuracies aside, the passage is still severely misleading without mentioning the obsolescence and low market value of the weapons systems.

The Commission also makes the case that there has been “a pattern of diversion of international food aid to the military” based on 11 anonymous testimonies (COI: 609). An anonymous former soldier of undated defection states he stole food from civilians and that “[a]s far as I am aware, it continues up to this day” (COI: 607). The World Food Programme classifies the DPRK as ‘medium-risk’ without accusation of government malfeasance (UNWFP 2012), while long-time aid worker in the DPRK, Katharina Zellweger (2012), has emphasized that the DPRK conforms to strict conditionality. It is, logically speaking, highly likely that the military did take food from civilians at the height of the famine – some starving people with guns are likely to take food from people without guns in any realistic famine context, especially where humanitarian organizations are exclusively providing food to people without guns. Aggregation of these allegations does not constitute proof that this was a systematic policy of the DPRK government.

There is nothing exceptional about a country undergoing severe food insecurity making sure its military is fed. As Kwon and Chung (2012: 171-2) point out, “There were no indications that the ranks of the army were given excessively large rations, but unlike the general population they were more or less assured of a basic supply all year round.” They add that most families had military ties and therefore did not necessarily feel military prioritization was exploitative.

The Commission finds that the “DPRK continues allocating a significant amount of the state’s resources for the purchase of luxury goods” in violation of UN sanctions, including high quality alcohol and cinema equipment. The DPRK also attempted to purchase “a dozen Mercedes-Benz vehicles, high-end musical recording equipment, more than three dozen pianos and cosmetics” (COI: 663). These individual luxury purchases do not, in-and-of-themselves, appear particularly excessive for the upper elite of any country. They acquire their extraordinary quality from the claim that immediately follows: “Luxury goods expenditure by the DPRK rose to USD 645.8 million” in 2012 under Kim Jong-un, a sharp increase from the average USD 300 million per year under Kim Jong-il (COI: 664). Contextualizing the Commission’s USD 645.8 million claim on a per capita basis, the DPRK has spent USD 26.08 per person on luxury goods, whereas India – an extremely unequal and comparatively much wealthier society – spent only USD 5.12 per person (6.5 billion) in 2012 according to KPMG (2014).

The squandering of such wealth on luxury goods seems self-evidently indefensible until the critical reader looks closer. First, at the source of this information: a *Telegraph* article that cautiously sources (“according to”) South Korean conservative Saenuri Party policymaker Yoon Sang-hyun. Yoon has contributed to sensationalist reporting on the DPRK in the past.[[65]](#footnote-65) More importantly, South Korea’s definition of “luxury goods” with regard to the DPRK differs drastically from typical definitions. The ROK’s formal list of sanctioned luxury items (implemented in 2006) includes, among other things, all alcohol, cosmetics, cameras, timepieces, music instruments, “Automobiles (passenger cars and other vehicles, motorcycles and bicycles or sidecars with assistant motors)”, artwork, and some electronic goods. There was, for example, a three-fold increase in the purchase of television and sound equipment from China between 2007 and 2012, amounting to USD 266.9 million in 2012 (Rajagopalan 2013). Televisions and/or other middle-class items were probably included in Yoon’s USD 645.8 million estimate.[[66]](#footnote-66) The *KPMG* definition of “luxury goods” in India, by contrast, applies to goods and services only the richest could dream of affording (i.e. Lamborghini, Rolex, yachts). In a different context, the rise of such non-essential purchases would probably be understood as a sign of an increasing middle class, rather than the squandered resources of the glutinous Party center.

The DPRK is also chastised for producing a “world-class” ski resort, calling it a “prestige project that fails to have any immediate positive impact on the situation of the general population” (COI: 661). This follows the common logic that the DPRK is an exception where any large-scale project to bring in foreign currency is automatically wrong because there are people starving in the country, a judgment that would be deemed ridiculous if applied to India, Indonesia, and so on.

Excess Mortality in the Famine of the Mid-Late 1990s*.* The presentation of estimates of the death toll of the famine implicitly discounts the DPRK’s official estimate of 220,000 (COI: 666) by juxtaposing it against estimates nine to thirteen times higher. Two former officials both estimate 2.5 million, a BBC article based on South Korean intelligence estimates 2.5-3 million, and a flawed and outdated empirical study by *John Hopkins School of Public Health* concludes 2.1 million died in the famine (COI: 667-8).[[67]](#footnote-67) The more methodologically rigorous estimate of Daniel Goodkind and Lorraine West estimated 600,000-1,000,000 in 2001. Haggard and Noland found the same in 2007. With release of the 2008 UN census, Goodkind and West revised their estimate down to 490,000 excess deaths (Lankov 2013a: 79).

The Commission does not consider the more recent demographic study by Thomas Spoorenberg and Daniel Schwekendiek (2012: 153) that concludes there were “between 240,000 to 420,000 total excess deaths” based on a rigorous comparison of 1993 and 2008 census data. The 2008 Census is considered high quality by U.N. and international standards, whereas the 1993 census was conducted under restricted access. The authors, however, conclude that the 1993 data was not manipulated based on comparison to the 2008 numbers, which do not show the irregularities that would likely be apparent with manipulated data. Purely demographic studies are methodologically insulated from field-based interests to a greater extent than studies based on defector testimony or intelligence agencies. It is telling that the Commission heard that the actual figure is probably “one tenth of what’s been talked about” or “330,000” excess deaths in Hwang Jae Sung’s testimony. This is precisely between the 240-420,000 estimated by Spoorenberg and Schwekendiek and is probably a reference to that paper. It is therefore inexcusable that this estimate was not included in the final COI report.

The Commission concludes, “By all accounts, however, at least hundreds of thousands of innocent human beings perished due to massive breaches of international human rights law” (COI: 669). Elsewhere it states matter-of-factly that “between 450,000 and 2 million people starved to death” between 1996 and 1999 (COI: 140). These figures are a product of the ‘reasonable grounds’ methodology where information is apparently assessed according to how oft-cited it is in the literature, rather than their actual empirical rigor. Based on demographic data, *the range of excess mortality due to the famine should therefore be 240,000 to 490,000, at most.* The DPRK estimate of 220,000 implicitly dismissed by the Commission is probably closer to reality than the ROK and US estimates that are far more salient in the literature and news media.

DPRK Economic and Ideological Structures as Cause of Famine*.* The COI finds the DPRK economic and ideological systems were imposed and maintained by the government despite their obvious shortcomings. The economic system focused too much on heavy industry and was an input-intensive collectivized agricultural system that tightly controlled individual livelihoods (COI: 1119). The famine was aggravated by reliance on external inputs, including fuel and chemical inputs, and the clearing of forests to produce more arable land (COI: 589-590). The DPRK prohibited relocation and market activities, “effectively negating the most effective coping mechanisms to food insecurity” (COI: 611). It has “evaded structural reforms to the economy and agriculture for fear of losing control of the population” (COI: 684) and has “used food as a means of control over the population” through prioritizing some citizens over “those deemed to be expendable” (COI: 682; 572). The DPRK has, in short, maintained “a highly collective agricultural system, in the face of its overwhelming failure” (COI: 591).

Ideological indoctrination, encapsulated by the *Juche* philosophy of self-reliance, maintained the political system while information was concealed that hindered coping mechanisms to the collapsing Public Distribution System (PDS) and delayed international assistance (COI: 685). The denial of humanitarian monitoring access to some affected areas was primarily for ideological reasons (COI: 687). Ideological dispositions also led to a reliance on the USSR and China that “created the environment” for CAH to take place (COI: 1119). With the collapse of the Soviet Union, the DPRK had to pay international prices for energy in hard currency, and as the flow of inputs decreased, DPRK food production suffered (COI: 503-04). Rations decreased steadily from 1987 onward (COI: 509). In 1994, trade levels with the Soviet Union fell to 10 percent of 1990. Chinese trade fell from USD 900 million in 1993 to USD 550 million in 1995 and food imports fell by half in 1993 and 1994 (COI: 140). The Commission therefore recognizes geopolitical events beyond DPRK control as core causes of the famine, but solely blames the DPRK for over-relying on China and the USSR for food.

The Commission also treats other causes of the famine as secondary. Torrential rains and the resultant flooding exacerbated the food shortage in summer 1995 and 1996, which was followed by the longest spring drought in DPRK history (COI: 514). The COI concludes that DPRK assertions that flooding was the primary cause of the famine are false because starvation had already begun before that (COI: 515). The Commission also acknowledges that the DPRK does not have favourable agricultural conditions for food self-sufficiency, with only 14 percent arable land, making the industrialization of DPRK agriculture “heavily dependent on external assistance” (COI: 501). No mention is made of the impact of climate change, which has pushed the monsoon line northward, on recurrent DPRK flooding (Kwon and Chung 2012: 163).

There is a clear anti-Communist bias behind the critique of the DPRK economy. Among the highly politicized COI recommendations to the DPRK are to “legalize and support free market activities” on both national and international levels (COI: 1220). The Commission primarily credits market activities for mitigating the consequences of the famine and treats liberalization as synonymous with democratization: i.e. the more liberal the economy is, the less control the government has, the better their situation is. In short, the Commission overstates ideological causes of the famine and understates the geographical, climactic and especially geopolitical factors.

The Commission’s characterization of DPRK collectivist agricultural policy as an “overwhelming failure” (COI: 591) is questionable in the context of the lack of fertile land, economic sanctions, and the real nutrition outcomes of the general population over the last decades. The charge of CAH for food shortages is possible only because the economy is so controlled; starvation because a population cannot pay market prices for food is somehow more morally acceptable than starvation because of the breakdown of the PDS. When acute food insecurity in India or Indonesia is criticized, responsibility is split between the market conditions and the government. With North Korea, responsibility goes straight ‘up’ to the government. This follows the general neoliberal logic, where any organized orientation against the capitalist order is “a kind a tribalism, a throwback to a savage past, and a symptom of degeneracy” (Campbell 1992: 164).

Systemic Discrimination*.* The fact that DPRK officials wanted aid to be sent to areas more food secure than the Northeastern provinces (where most defectors are from) is given as evidence of discrimination between provinces (COI: 575). “Any discrimination in access to food, as well as to means and entitlements for its procurement, constitutes a violation of international law” (COI: 568). The video by NGO *CARE* (1997) is cited as evidence, where DPRK officials explain that their rationale is that northeast provinces are low-yield farming areas, whereas the western provinces have higher output, so it is better to invest in the latter and then transport to the former. The narrator is unconvinced: “In a more open society, the government’s logic might be believable” (Ibid). Hazel Smith asserts that there is no evidential support from UN humanitarian agencies of political classification being used as a criteria for food allocation. “It is of course true that higher status groups in the DPRK have better access to better food. The question arises as to how this is different from any other society” (Smith 2014: 138). Accusing the DPRK of CAH should also be accompanied by India and Indonesia, “a logical outcome with which campaigners on these grounds may be somewhat uncomfortable” (Ibid: 139).

In a famine, one can expect the political base of any government will be spared as much as possible. People who live in remote areas with poor agriculture and infrastructure require more resources to feed and are less politically important, making them lower priority. Of course these decisions are amoral if not immoral, but they are not extraordinary behaviours for an authoritarian country experiencing a famine.

This is particularly true of a country that already perceives itself existentially threatened. While the Commission recognizes the DPRK considered the famine to be a national security matter and this was the reason the famine was concealed to the world, this is presented simply as evidence that the DPRK could not feed its own military (COI: 566). *Juche* ‘self-reliance’ in food production is not an abstract ideological precept; it is a military necessity for a country that feels threatened by more-powerful regional powers and distrusts even its closest allies. The shocking lack of consideration of geopolitical context is evidenced by the Commission’s recommendation that the DPRK liberalize and rely on food imports, and its castigation of the DPRK for not contemplating a request to temporarily open the inter-Korean border to allow citizens into the South (COI: 627).

The logic of the Commission is apparently that, if a segment of a population undergoes an acute food shortage, the government has a responsibility to imperil itself to whatever degree necessary to feed that population. Especially considering that contemporary food shortages and military conflict are closely linked, one wonders if there has *ever* been an authoritarian poor country that perceives itself existentially threatened that has not prioritized strategic considerations over the food security of politically marginal or hostile population segments. The DPRK position is that sovereignty comes first: domestic stability is a prerequisite for the provision of food and other services and political instability would have exacerbated food insecurity (DPRK-R 2014). Sanctions and hostility from America and its allies forced the DPRK into seeking self-reliance and limited its options to address food shortages.

Ongoing Widespread Hunger and Malnutrition*.* Although “factors have evolved”, the Commission concludes that “other elements aggravating or creating starvation, which are within state control, remain in place” (COI: 675). The potential for CAH is therefore still present (COI: 1115). The Commission points to “recurring patterns” of food shortages, including 1945-6, 1954-55, and 1970, caused by the dysfunctional economic system (COI: 128). The evidence that systemic factors could lead to the recurrence of famine is reports of starvation (below), which facilitate the conclusion that, “While conditions have changed since the 1990s, hunger and malnutrition continue to be widespread. Deaths from starvation continue to be reported” (COI: 692). The Commission is thereby able to avoid concluding, based on the real rigorous empirical data available, that the food situation has substantially improved.

The Commission’s evidence for *ongoing* exceptional food insecurity is as follows:

Alarming reports continue to emerge from the DPRK. [1] In 2012, more than 10,000 people reportedly died of hunger in North and South Hwanghae Provinces. [2] These reports confirm information AlertNet, a humanitarian news service run by the Thomson Reuters Foundation, reported after visiting these provinces in 2011. The information is further corroborated by testimonies of people who have recently departed the DPRK. One witness saw 12 people die of hunger in her region in 2012 […][3] Another witness […] stated that the food situation has become worse since Kim Jong-un came to power (COI: 538)

The first [1] point references *AsiaPress International’s* report that is based on “more than 10” anonymous informants “secretly active” in the DPRK. The credibility of the report is, at best, questionable: the report acknowledges that it is “insufficient as a survey of the actual situation” and that the 10,000 statistic is merely a guess based on six interviews asking, “About how many people do you think have died?” (API 2012: 3, 9). The report’s primary author is the right-wing Japanese activist Ishimiru Jiro, a COI witness on abductions. Most incredulously, the report devotes a section to the claim that *all* interviewees spoke about “cannibalism, or illicit sales of human meat, occurring somewhere close by” (API 2012: 8). The Commission evidently determined that claims of cannibalism in 2012 are too unbelievable to cite, yet the “more than 10,000” figure met the “reasonable grounds” standard, even as it mentions reports of cannibalism during the famine and the re-emergence of such reports in 2006.[[68]](#footnote-68)

Moreover, [2] AlterNet’s report is ambiguous substantiation for *Asiapress International*, at best. It presents conflicting reports of the food situation and even emphasizes suspicions the DPRK is *exaggerating* the crisis in order to address drastic international aid shortfalls (Large 2011).

The third [3] point aims to demonstrate reasonable grounds for the continuity or even intensification of food insecurity from Kim Jong-il to Kim Jong-un (from 2011 on). “Other sources confirm these statements,” according to the corresponding footnote that lists an *Amnesty International* publication and articles from six Western news agencies. These sources are contradictory, often describe the same reports, and in some cases are irrelevant to the thesis, misleading and/or demonstrably factually inaccurate.[[69]](#footnote-69) All require that the reader give epistemological priority to one or a few individual refugee statements chosen by a Western media organization over the methodologically rigorous UN studies available. These reports do not justify the COI implication that the food situation “has become worse” under Kim Jong-un or that famine is an ever-present possibility. In fact, the actual 2011 UNICEF/WFP/WHO report that is referenced repeatedly in the footnotes credits the DPRK government, in part, for reducing the level of childhood malnutrition from 32.4 percent in 2009 to 27.9 percent in 2012, suggesting that things are *improving* under the current Kim’s authority (these rates are lower than India and Indonesia).

The primary problem with the UNHRC findings of severe ongoing food insecurity, according to Smith (2014: 141), is that they are “self-referential, factually inaccurate, and seems unaware of the reports from the UN agencies that have worked in the DPRK for many years.” Rather than survey the full body of UN agency literature, UNHRC “cuts and pastes” almost exclusively from previous UNHRC reports so that “claims are made with a sense of irrefutable certainty despite the absence of conventional substantiation” (Ibid: 135). UNHRC “seems unaware of the existence of reports on the DPRK from within the UN system itself” (Ibid), referencing only one from March 2011 FAO/WFP/UNICEF report (which was cited in several of the sources above) and taking it “so much out of context that it distorts the findings of the original report and misleads the reader” (Ibid). As already noted, there are over 4,500 reports on aspects of DPRK society on a UN website that did not receive attention. The UN organizations that wrote these reports do not argue that there is a food and health crisis of exceptional severity in the DPRK, nor that famine-like conditions prevail in the population, nor that the government is solely responsible, nor that international protection is warranted due to violations of the government (Smith 2014: 135).

If one privileges empirical UN data over individual anonymous testimonies, it is undeniable that food security is improving in DPRK. “Wasting in North Korea declined from 8.3 per cent in 2002 to 7.5 percent in 2004, falling to 5.2 in 2012”, Smith (2014: 136) writes. “The stunting rate fell from 39 percent in 2002 to 36 percent in 2004 and 28 percent in 2012.” These levels of chronic malnutrition “are typical of poor to middle-income countries” and are “not synonymous with acute malnutrition figures” (Ibid). The Commission judges that “figures of malnutrition and stunting in the DPRK continue to be very high and unevenly distributed” (COI: 670) without comparison. If the COI had considered other poor Asian contexts, it would have had to concede that uneven distribution is a universal characteristic of poverty, [[70]](#footnote-70) and that malnutrition and stunting levels in the DPRK are comparable to other much wealthier Asian countries.

In fact, DPRK children eat better than many comparatively rich Asian countries. The 2012 severe malnutrition rate for North Korea was 5 percent, compared to 20 percent in India and 13 percent in Indonesia, and an average of 4 percent in Asia and the Pacific region as a whole (Smith 2014: 137). Children’s stunting rates of 28 percent compare favourably to India at 48 percent and Indonesia at 36 percent, with a regional average of 12 percent (Ibid). The women’s maternal mortality rate (81/100,000) is on par with the regional average (82/100,000) (Ibid).

David Austin, head of *Mercy Corps*’ North Korea program, summarized the thesis of this dissertation regarding food security:

The food security situation is a symptom of the greater problem […] which is technically that the U.S. is still at war with North Korea. And so there are sanctions on North Korea. They are not allowed to get fuel; there’s no fertilizer. And so the greater political situation has a tremendous effect on the lives of the ordinary people who are not privileged to be a part of that broader solution. They’re ordinary farmers, and they’re suffering the consequences of the non-solution to the political questions. […] [U]ntil there is engagement, there’s not going to be greater solutions (cf. Hong 2014a).

Or as one defector who emigrated in 2001 bluntly put it, “The fact that the [DPRK] government cannot provide enough food rations to its people is not a human rights violation. The government is just not capable of doing so” (Song 2010: 105).

Continuing food insecurity in the DPRK has multiple causes. These include weather-related damage to agriculture, foot and mouth disease in cattle, and poor commercial import capacity. The latter is attributed to high international food and fuel prices, less exports to the ROK due to political fallout, and the devaluation of the DPRK currency that made imports more expensive (Smith 2014: 136). In short, the DPRK faces obstacles to development and food security that are typical of many developing countries, in addition to the military state of exception that most developing countries do not face. As Beal (2011: 183) put it, “While the rate of child malnutrition in North Korea is shocking, it is remarkably good in the circumstances and compared to other countries who are not burdened by sanctions.” If military and luxury spending in the context of hunger or allowing hunger to be unevenly distributed across a population constitute CAH, then the majority of governments of poor countries are also committing CAH today.

In a more perfect world, there would be no basis for making strategic calculations with regard to food. All governments would be required to provide adequate sustenance to their people and, if this were impossible, there would be an international responsibility to provide whatever developmental aid required to permanently resolve the issues. In the world as it is today, however, the COI finding that the DPRK committed ‘a particularly odious violation to human dignity’ in the form of *extermination* regarding the ‘right to food’ is profoundly hyperreal – totally detached from contextualized, comparative reality.

### Section III: The “Abductions Issue,” Enforced Disappearances of Foreign Nationals

“Enforced disappearances” are the third and final population segment the COI identifies as victims of CAH. From 1950 to present, “the DPRK has engaged in the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy” (COI: 1011). This means that “[w]ell over 200,000 persons who were taken from other countries to the DPRK may have potentially become victims of enforced disappearance” (Ibid). Congressman Connolly aptly stated the entire topic “sounds to the uninitiated almost like a science fiction UFO kind of thing, abductees” (USG 2014a).

COI framing draws a logic of equivalence across all potential “enforced disappearances” in order to establish that the violation is *widespread*. The 200,000 figure includes the following groups who were “disappeared” (roughly chronologically):

First, 80,000-100,000 (96,013 according to KWARI) “ROK civilians captured and forcedly removed to the North during the Korean War” (COI: 849). Second, 516 ROK citizens who were arrested or abducted and not returned, the vast majority of which took place during the Cold War and were sailors at sea in disputed waters (COI: 884). Third, 93,340 Koreans who voluntarily returned to Korea from Japan between 1959 and 1984 who are considered “disappeared” because they were misled, face discrimination, cannot contact relatives and are not allowed to leave the country (COI: 917).

Fourth, 14+ foreign women either forcibly abducted or lured to the DPRK for their skills or as wives for privileged foreigners in Pyongyang in the late 1970s (COI: 963, 975). The cited report by four women stated there were 28 foreign women in their camp.

Fifth, 17-100+ (up to 280 or more) Japanese citizens were reportedly abducted between 1977-1983. Officially (according to the Japanese government), at least 17 Japanese nationals were abducted and 12 not returned by the DPRK government (COI: 931). The DPRK has admitted to 13 of these abductions. There are officially 860 cases where abduction has “not been ruled out” (COI: 931). According to the testimony of ICNK Japan team, at least 40 and probably more than 100 were abducted (COI: 931). According to a Japanese NGO specializing in DPRK abductions, there are 77 classified as “highly likely” and 203 “likely” Japanese abductees (COI: 959). The Commission concludes at least 100 Japanese nationals were abducted (COI: 932).

Sixth, 19-31+ (up to 200) abductions of DPRK citizens in China from the 1980s to present. A Seoul court detailed 13 disappearances and a Chinese court detailed 6 cases (COI: 978-9). The Commission also details 12 more cases from testimonies and NGO reports (COI: 982). In addition, a “confidential submission” of unknown origin “suggested that up to 200 Chinese nationals, mostly ethnic Koreans, may have been abducted” (COI: 982).

The COI notes, “Some of the forcibly disappeared initially travelled to the DPRK voluntarily” and others were brought there “through physical force or fraudulent persuasion” (COI: 915). The COI does mention, without elaboration, the discrimination faced by many Koreans in Japan at the time most of them returned in the 1960s (COI: 918). Beal (2005: 57) points out that these Koreans were seen as “an unwelcome minority who were prone to crime and needing social assistance”, and Japanese support for the returnee policy can be understood as a form of ‘ethnic cleansing.’ The COI does not mention that the DPRK appeared to be the legitimate Korea at this time, with a stronger economy and better infrastructure and nutrition than the ROK (Jager 2013).

The crux of the charge for the vast majority of the 200,000 is that they were refused the right to emigrate from the DPRK and to inform their loved ones in Japan or South Korea of their status. Treating all returnees as “disappeared” on these grounds severely stretches the intended definition of “enforced disappearance” as a CAH (i.e. secret extra-judicial arrest, execution, or torture). The Commission leaves no space for the possibility some of these people *preferred* to live in the DPRK, implicitly assuming there would have been a mass exodus of returnees from Japan if only the DPRK government had eased travel restrictions.[[71]](#footnote-71) In short, the claim that this constitutes “enforced disappearance” is disputable and misleading, while elevating their status to extraordinary CAH arguably enters into hyperreal representation.

Only 47 (minimum) to several hundred (maximum) of reported cases – the combined population of groups four, five and six – meet a strict definition of “enforced disappearance” as CAH. The upper bound (several hundred), as with other COI statistics, should be treated with skepticism. Most Japanese and ROK activist organizations from which the Commission got these statistics are particularly anti-DPRK in orientation. Activist Japanese families have contributed to American securitization through lobbying Washington to stop any progress on relations that would put abductions on the back burner (Kim 2012: 53).

Even if we put the ideological interests of these organizations aside, families of disappeared Japanese people quite understandably want both to believe their loved one is alive somewhere and to hold someone accountable. It is impossible to know how many of these people were actual ‘abductees’ and how many disappeared by choice, or were victims of crimes unrelated to the DPRK, or some other happenstance. Beyond the officially recognized ‘abductees,’ estimates appear to be made based on reports that they may have been seen in the DPRK, where they were last seen in Japan, the perceived likelihood they would abandon their loved ones, and other similar circumstantial evidence.

 The COI emphasis on ‘abductions’ as CAH reflects the centrality of this issue in right-wing Japanese political discourse on North Korea. Hyung (2006) illustrates the Japanese media’s “obsession” with North Korea in 2003 and the hyper-salient spectacles of right-wing indignation that ran on television.[[72]](#footnote-72) He situates the abductions in Japanese culture at the time: it meshed with emerging tragedy-oriented reality TV popular in Japan at the time, it distracted from talk of apologies and compensation for Korea, it facilitated scapegoating and securitization processes of Japanese identity, and it fortified and accelerated the rightward shift of Japanese intellectuals. The construction of “North Korea as evil, the Japanese public as victims,” and Japanese bureaucrats as “corrupt and coddled […] resonated with audiences” (Ibid). Since 2002, the Japanese government has been at the forefront of “stage-managing the rising tides of public opinion against Pyongyang” (Kim 2012: 57). It reacted with a sense of betrayal to the 2008 US decision to remove the DPRK from the list of state sponsors of terrorism (Ibid: 63). There is also a perceived “unified front” between the interests of the Japanese nation and its citizens with respect to DPRK policy, by contrast to South Korea’s divided political landscape (Ibid: 61). North Korea is, in short, a real political resource for the Japanese Right.

Japanese abductions got disproportionate attention from the Commission; in fact, the story of all 17 officially recognized Japanese abductees are individually described (COI: 933-58). Of all 84 public “witnesses” heard by the Commission, 10 testify about the Japanese sub-category of enforced disappearance: eight family members of alleged abductees and two experts. The typical explanation for special attention to Japanese abductions is the self-evidently extraordinary character of the act of secretly forcing civilians from their homeland to another hostile country. The COI finds this violation of sovereignty lends extra legitimacy to international intervention.[[73]](#footnote-73) As Hyung (2006) has noted, however, neither the DPRK nor Japan officially recognize the other as a sovereign country, so it is not technically possible for them to violate each other’s sovereignty.

There is a certain perversity in making a case that could provide legitimacy for war against the DPRK based on human rights violations against 17-100+ (probably closer to 17) Japanese citizens abducted between 1977 and 1983, or 31-37 years before the COI release. Just 32 years before these abductions began, the Japanese were still Korea’s colonial masters and had ‘abducted’ (or *conscripted*) about 5.4 million Korean laborers from 1939 – 1945, over 600,000 of whom were brought to Japan (Rummel 1997: 33). Around 10 percent of the latter died due to brutal conditions from 1937 – 1945 and a conservative “mid-estimate” of the total Korean death rate would be about 7 percent of the 5.4 million (Ibid). The compellance of Korean women to sexually service Japanese soldiers and officers, often called the “comfort women issue,” is still regarded as a national humiliation in both Koreas to this day. Perhaps 200,000 women, 80 percent of whom were Korean, were put into a context somewhere between coercive prostitution and sexual slavery (Beal 2005: 34). Of course, these crimes were committed under Imperial Japanese authority and do not justify DPRK abductions. But a full recognition of the colonial legacy is necessary to understand how abductions could be self-justified by the Kim leadership for the ‘greater good’ of training DPRK operatives (Lankov 2013b) in a context where Japan has never fully came to terms with its war crimes and continues to refuse recognition and reparations to its former colony. In COI framing, the policy simply implies the extraordinary-negative character of ‘the Kim regime.’

The mystification of this context in the general discourse also lays bare the latent racism in the Japanese media discourse towards North Korea. As Hyung (2006) put it, “the parameters of allowable debate [in Japan is] set by media and lobby groups” and “many Japanese politicians and the majority of the public seem unaware that they are caught in a self-perpetuating cycle of indignation and hate” (Ibid). The Japanese abductions issue has, in short, “all the hallmarks of a contrived crisis” (Beal 2005: 224).

The COI finding that CAH related to over 200,000 abductions are *ongoing* even if the abductee is now dead of natural causes because the DPRK has not provided an accounting of their status to their families is particularly specious. By this logic, Japan’s lack of a full accounting for the exponentially more widespread “enforced disappearances” committed during the colonial period and the related suffering of families should be treated as *ongoing* CAH of much greater severity. Moreover, as Mikyoung Kim (2012: 71) notes, Japan’s denial of 90 percent of asylum seekers calls into question its true commitment to human rights. America has committed enforced disappearance as well, most recently over 700 ‘illegal combatants’ from the Middle East from 2002-9 (*Amnesty International* 2011). Finding CAH for the DPRK “enforced disappearances” and not in other cases cannot be justified in any objective sense.

### Conclusions: From Deconstruction to Denial of the Hyperreal

The crucial problem with COI findings is the exaggeration of *exceptionality*, *systematicity* and *immanence* through the privileging of testimony by highly politicized defectors and human rights organizations whose work is primarily based on the same pool of defectors and who receive their funding from American, South Korean or Japanese ROK governments or private donors. A reasonably objective report would have declined to draw large generalizations based on these sources of information. The testimony of defectors who publicly advocate the downfall of the Kim government would have been qualified as such. Violations would be contextualized through both comparisons to other poor Asian contexts and with sustained consideration of the changing geopolitical, economic and diplomatic context of each particular set of violations. In particular, the report would have presented (without *a priori* judgment) the DPRK position regarding the primacy of sovereignty and how that sovereignty has been threatened over its existence.

The purpose of this chapter was to demonstrate the indeterminacy of COI findings of CAH against ‘hostile populations,’ ‘starving populations,’ and ‘abductees,’ primarily through showing the hyperreal representational practices behind key COI findings and news media coverage of them. As Slavoj Žižek (2012a: 464) put it, “To see reality the way it ‘really is’ is not to see another ‘deeper’ reality beneath it [i.e. discovering the extraordinary-negative ‘nature’ of the regime], but to see this same reality in its thorough [ideological, field-based, temporal, geographical] contingency.”

Pursuant to the arguments that will be presented in Chapter Four, however, demonstrating the indeterminacy of COI findings is not enough. It is necessary to take an ontological position vis-à-vis poorly substantiated empirical elements that are directly connected to the extraordinary-negative frame. These elements should be identified and explicitly rejected as related primarily to the underlying activist orientation of the COI (‘take action!’) and already-extant ideological premises about the country. Specifically, this dissertation denies the representation of North Koreaas a place:

* *Where* Holocaust-like concentration camps incarcerating at least 80,000 innocents are perpetually expanding or consolidating as the incarcerated population is being exterminated; where genocide has been, or is being, committed against Christians; where entire families face imprisonment for the remarks of one ordinary person; where women face systematic and extraordinary sexual violence; where unborn babies are murdered for unfathomable ideological reasons; where unimaginable tortures are systematically committed with impunity; where every man, woman and child has seen an execution;
* *Where* between 450,000 and 2,000,000 people were starved to death in an ideology-induced episode of extermination; where extraordinary starvation is ongoing as an exceptional amount of resources are squandered on military and luxury goods; where a tiny reallocation of resources would have prevented the famine; where recurrence of famine is likely;
* *Where* over 200,000 persons have been ‘abducted’ in an ongoing episode of CAH;
* *Where* – foreshadowing key points of Chapters Three – violations are the result of the *nature* of the government divorced from geopolitical context; where ‘the regime’ is intrinsically deceptive; where military spending is based on irrational and propaganda-induced securitization; where the general population is either brainwashed or desperate to flee; where the ROK, Japan and the US have been consistently victimized by DPRK aggression and weapons development.

The crucial point is that these elements are not aberrations from the popular American/Western understanding of North Korean society; they are representations of *the rule* rather than *the exception* of popular representations. Put differently, these problematical elements of the COI and news media representations of it are not simply ideological biases on the margin of our understanding of the country, they rather *already constituted* the American/Western understanding of North Korean society derived through formal news media and entertainment-oriented fantasy. These elements are not primarily related to the ‘ordinary North Korean’ who would likely recognize these elements as propaganda reflecting, at-best, an extremely narrow narrative of their subjective reality. Rather, it is the reasonably well-educated American or Westerner with a mild interest in North Korea who is likely to cite one of more of these elements if asked, ‘what do you know about North Korean society?’ Publicization of these COI findings reifies these perceptions through the formalization of already-hegemonic elements.

Denial of these elements therefore constitutes a denial of the existence of the mythology that constitutes ‘North Korea’ as signifier in Western literature; in this sense, *North Korea does not exist*. North Korean society, as the ordinary American understands it through snapshots in formal and informal media, exists primarily as a series of hyperreal elements that will be posited as an outgrowth of American ideology in Chapter Four. The empirical reality of DPRK society is secondary; it is quilted together by the extraordinary-negative frame that forms the real center of our understanding.

For example, a 2012 UN survey found 5 percent of North Koreans can be characterized as ‘starving,’ which is a relatively small proportion compared to India or Indonesia. Where representations constitute food insecurity as ‘extraordinary’ (i.e. as more ideological, more systematic, more severe, more avoidable than other contexts), the representation is now primarily related to the political orientation and goals of COI participants rather than the food insecurity itself. Thus to deny food insecurity as CAH is not to deny the suffering of the 5 percent, it is to deny that the CAH designation is primarily related them. Or, in the case of family incarceration, it is not to deny that innocents have been incarcerated for perceived family wrongdoings, it is to attribute the framing of this policy as *systematic*, *extraordinary*, and *ongoing* to the COI, i.e., its strategy of prompting the international community to ‘take action’ through securitization.

On the other hand, ideological analogies to the Holocaust or, as Congressman Sherman put it, “a nationwide Gulag” where “this isn’t some people being oppressed, this is virtually everyone” (USG 2014a), should be forcefully and categorically rejected. The testimony before the *House Committee on Foreign Affairs* of Lee Jung-hoon (USG 2014b), ROK Ambassador for Human Rights, is a good final example. He begins labeling North Korea “the world’s worst violator of human rights” and indignantly asks, where is “the red line?” The DPRK engages in, “Direct, intentional policies to keep the people in abject poverty and despair.” Prison camps are “a different world […] One of Hell.” He claims there is an “en masse” exodus of refugees because “there’s no hope in a country ruled by political prisons, torture, hunger, and public execution.” He argues that forced abortions of mixed race babies self-evidently constitute genocide and the ‘hostile class’ should be considered a “distinct ethnicity” so as to meet the definition of genocide. He describes discrimination against and executions of Christians based on a single anonymous source 2013 *Jooang Daily* article. “As many as a staggering 2-3 million died of starvation” in the 1990s. The argument here is that the North Korea described by Lee *does not exist,* that these elements constitute a hyperreal signifier whose extraordinary-negative ‘nature’ has now been formally embedded in international law.

# Chapter Three HISTORY, ASYMMETRY AND THE DPRK POSITION

A cable news segment shows the profile of Uncle Sam, a well-respected member of his community, and his ex-partner Kim, a farmer who is accused of threatening Sam and demanding money from him. The report notes that Kim has a history of aggressive acts against Sam and his family. Kim frequently indulges in this kind of behavior, Sam says, and he continues to provide assistance to Kim's family because it is the right thing to do. Kim is not interviewed – rather, a video clip of Kim's threats is shown.

What if this news report is completely accurate in terms of its content, yet also completely wrong in terms of its message? What if the report neglected to inform us that, after Kim's initial provocation, Sam had subsequently killed a quarter of Kim's family and has worked for decades to isolate Kim from the community? What if the money Kim is demanding is a tiny fraction of the material damage Sam’s actions have caused? What if Sam *is the Law* and uses Kim's 'blackmail' to serve his interests? It is still factually accurate that Kim initiated the violent confrontation, and Kim's actions are consistent with the standard definition of blackmail. But the initial presentation is nevertheless 'lying in the guise of truth' because it presents itself as an objective representation of reality, yet it is written solely from Sam's perspective and obscures the real parameters of the antagonism, especially the radical power asymmetry between the antagonists. Sam’s perspective *is* the discourse, constrained only by incontrovertible elements of Knowledge framed from his point of view, whereas Kim’s perspective has no direct relevance.

 Concepts like ‘bias,’ ‘unfairness’ or ‘media spin’ do not adequately capture the problem here. There is no way to ascertain Kim’s perspective within the presented narrative, so even if we recognize the report is ‘biased,’ anything short of dismissing the report entirely will remain within the hegemonic frame. Yet the report is not lying; it is accurate in content. At best, we might simply conclude ‘they’re probably both at fault’ which brings it back to the fiction of two comparable entities. The point of this obvious analogy is that the (lack of) historical context provided by the COI is beyond ‘bias;’ it is a compromise position between US, ROK and Japanese official histories, with the DPRK position essentially absent, even as it is mostly not-false in terms of its content.

Of course, UNHRC reports always recognize the importance of understanding the geopolitical context of the violations under consideration. The DPRK COI formally acknowledges that the contemporary human rights situation is “shaped by historical experiences” and concludes that the DPRK’s particular circumstances correspond to “an isolationist mind-set and a deep aversion to outside powers” (COI: 85).[[74]](#footnote-74) This meek acknowledgement is never followed up with significant contemplation of the historical and contemporary origins of the human rights violations the COI documented.

If there is one inexcusable absence from the COI contextualization, it is the relevance of the ongoing state of war and the radical material and representational asymmetry between the DPRK and its adversaries. This chapter seeks to frame the COI’s near-full repression of the DPRK narrative and the material and representational asymmetry between the DPRK and its adversaries as crucial enablers of the extraordinary-negative frame (inclusive of Holocaust analogies and findings of *extermination*). It is mostly a critique of the COI presentation of historical and contemporary geopolitical context provided and how this obscures the radical asymmetries between the antagonists. It begins with an analogy between the representation of geopolitical context in American media of the DPRK and Israel, where the DPRK is abstractly extraordinary-negative by contrast to the contextualized Israeli position. The assumption that DPRK objectivity is deceptive or potentially irrational, by contrast to the ‘knowledge’ produced primarily by adversaries to the DPRK, is shown to be at least questionable. COI dismissal and misrepresentation of the DPRK position is critiqued in chronological order and the DPRK position regarding human rights, security and sanctions is presented. The US/ROK military threat and US-led economic isolation are shown to be almost entirely detached from the human rights violations of the national security state. This security context is re-framed as somewhere between a ‘relation of power’ and a ‘relation of violence.’ Finally, the 2005 US Treasury ‘action’ against the DPRK illustrates the asymmetries and foreshadows the next chapter.

The core assumption of this chapter, presented in the Introduction, is that *there is an inextricable link between gross human rights violations and the state of exception*. The real cause of political detention centers is the revolutionary postcolonial restructuring of the DPRK on socialist principles. Their existence today cannot be divorced from the ongoing asymmetrical state of war where any mobilization against the government would almost certainly receive foreign support and is likely to trigger military intervention. The late-1990s famine was inextricably linked to the consequences of the end of the Soviet bloc, enduring Western sanctions and perceived military necessities in this context. Japanese abductions (1977-83) took place within a hostile postcolonial and Cold War context. They should be understood in relation to Japanese violations against the DPRK and extralegal espionage-related violations of this era.

### The Israel Analogy

A comparison between the role of geopolitical context in representations of Israeli and the DPRK human rights violations is useful for showing what is missing from the popular American North Korea discourse. There are, in fact, many objective similarities between the Israeli and DPRK historical geopolitical predicaments. The two states were invented in the same postwar period as ambitious state-building projects that combined socialist and nationalist principles. Both are highly militarized societies that have perceived an existential threat from neighbouring countries and from hostile populations under their control throughout their existence. Both have relied on major powers to shield them from regional threats and global public opinion related to their militarism and human rights violations. Both are accused of egregious and systemic human rights violations that have cost both their once legitimate claim to the moral high ground.[[75]](#footnote-75)

Comparison between UNHRC reports on the 2008-9 Israeli Gaza offensive, the so-called “Goldstone report” (UNHRC Gaza 2009), and the DPRK COI illustrates some crucial flaws of the latter report. Both Israel and the DPRK categorically rejected their respective investigatory body, refused to participate and even actively sought to block investigators from carrying out their mandate – both on the grounds of selectivity and bias amongst members of UNHRC. In both cases, the Commissions formally asserted their efforts to reach out to the non-cooperative government and the impartiality of their report despite non-cooperation of one side of the conflict. Michael Kirby himself has compared the DPRK COI to the Goldstone report, indicating that both had exceptionally transparent methodologies by contrast to other UN COIs (Kirby 2014f). In general, Israel’s most serious ongoing violation is the continued occupation of land populated by over four million Palestinians; the DPRK’s most serious ongoing violation is the incarceration of perhaps 100,000 people in much worse conditions (by COI estimates).

The most striking difference between the two reports in this regard is the great efforts made by UNHRC Gaza (2009) to represent the position and geopolitical context of *both* sides of the conflict. Each significant alleged violation of both sides is listed and described based on available sources (often journalist accounts) making for a highly detailed report that is one hundred pages longer than the DPRK COI. In fact, both Israel and Hamas are ultimately accused of possible CAH. The DPRK COI makes almost no attempt to incorporate the perceived reality of the DPRK into its investigation, despite claiming to have “sought to effect a balanced approach and to use reliable sources” in writing the historical and political context of DPRK violations (COI: 86).

The other crucial difference between the two UN reports is the radical difference in temporal and geographical specificity of UNHRC Gaza (2009), which is focused on Gaza and Israeli areas affected by rockets in the three weeks between 2008-9, by contrast to the shorter DPRK report that spans the entire sixty-five years of its existence and the entire country, including enforced disappearances in the ROK, Japan and China. The specificity of the Gaza mandate logically requires less historical context than the de-temporalized and de-localized aggregation of violations in the COI. An objective report would contextualize each alleged violation within the dynamics of the fluctuating geopolitical situation, as the Goldstone report generally does. The greater salience and perceived legitimacy of the Israeli government position in Western discourse should also necessitate greater attention to context in the DPRK report.

There is a significant difference between how the American news media evaluates Israeli and DPRK human rights violations. This difference can be reduced to something reminiscent of the outdated ‘nature versus nurture’ dichotomy of childhood development. Israel is understood as a legitimate,[[76]](#footnote-76) institutionally and ideologically ‘normal’ country that faces an extraordinary security context through which we must understand its human rights violations. With the DPRK, the logic is reversed: violations are the result of the extraordinary and illegitimate ‘nature of the regime’ and the irredeemably flawed institutions and ideology it is built upon, almost completely removed from contemporary and historical geopolitical reality. Way oversimplified, Israel is a normal country in extraordinary (and therefore highly relevant) circumstances, whereas the DPRK is an extraordinary country in almost irrelevant circumstances.

Noam Chomsky (2014) has pointed to a major shift in recent years where criticism of Israeli policy is more tolerated in America, so the above may be less true than it was in the past. Consider a recent NYT *Room for Debate* (2014) between five experts on the prospects of a rightist government in upcoming Israeli elections. One denies the existence of Israeli ‘moderates,’ representing all Israeli politicians as extremists and concluding that it is perverse for Palestinians to negotiate their freedom with their colonial occupier. Another describes how long-term Israeli policy remains unchanged and reflects a rightward shift in Israeli public opinion against the pretense of democracy. Neither of these commentaries mention Iran or “Islamic fundamentalism,” whereas the three pro-Israel commentators all emphasize this threat. The third expert argues the rightward shift will alienate Israel as it confronts these threats and calls for unity. The fourth and fifth both argue that Israeli politics will remain unchanged because its geopolitical context remains unchanged.

Only the first unambiguously pro-Palestinian voice can be seen as homologous to the typical American framing of DPRK policy. The second and third expert explanations of Israeli policy as reflecting popular sentiment would be unthinkable for the DPRK – the discourse forecloses the possibility that persecution of ‘hostile elements’ might have significant domestic support. The fourth and fifth experts clearly articulate the missing sympathetic narrative of the DPRK’s geopolitical context, as they conclude: “Israel’s fight for survival looks roughly the same under any leadership. It’s a tough neighbourhood”; “The constraints Israel operates under both regionally and globally are not of its making, and so its maneuver room is limited” (Ibid). If these statements apply to the balance between the sophisticated Israeli military and its rivals, bearing in mind its more credible albeit unacknowledged nuclear deterrent, then they certainly apply to the radical asymmetry between the DPRK and the US/ROK alliance.

These are, however, very brief newspaper editorials; any general analysis of Israeli human rights violations over its entire existence (rather than a single offensive) that ignored the real domestic and international, political and security-related obstacles Israel faces within its geopolitical context would be instantly recognized as hopelessly biased and politically impossible in most American media. The COI has produced precisely such a report on the DPRK, that is, almost completely detached from the geopolitical context that made such draconian policies appropriate from the DPRK standpoint. The threat to the DPRK is essentially *irrelevant* to the violations. A primary consequence is foreclosure of recognition of the practical policy realities that have become the common sense on Israel: that the government is operating within a complex political context that makes peace and cooperation with opposing counterparts a *prerequisite* for any realistic proposal to permanently ameliorate systemic and widespread human rights violations.

### The Hyperreal Representation of the Absent DPRK Position

The near-total lack of unqualified positive descriptions of the DPRK in the 374-page document provides a sense of the representational asymmetry. There are only barely noticeable traces of DPRK historical achievements or examples of positive policy outcomes. In fact, there are only ten passages that could (in isolation) be interpreted as positive descriptions of the contemporary DPRK; in every case except one, however, the statement is heavily qualified, if not outright discredited, by the statements that immediately follow the positive remark.[[77]](#footnote-77) The single paragraph that could be considered an unqualified positive description, albeit within the ‘consolidation of the regime’ narrative, refers to the first major reforms of the DPRK government from 1945-7: the land reform “was generally successful and helped to strengthen the position of the new regime” and “efforts to promote national culture and education were also popular with the people” (COI: 98). Human rights reports are (obviously) mostly negative documents, but the unwillingness to attribute more than a single unqualified positive description in 374 pages covering the full 65 years of the DPRK’s existence speaks to the ideological disposition of those who wrote it and the narrow testimony they heard.

The Commission’s use of decontextualized passages from DPRK leadership statements and DPRK news reports appear to reveal two logics at work. Where the passage is construed to provide evidence to support allegations of human rights abuses, it is treated as knowledge. Where the passage contradicts COI findings, a hyper-ideological or vitriolic quote is presented, or it is juxtaposed with Western human rights literature that is presented as more reliable. In short, these passages are not intended to provide an understanding of the DPRK subjective position and context; they are simply another resource to substantiate allegations and establish the legitimacy of the COI report.

There are, to begin with, many DPRK statements that support witness allegations of violations that are treated as factual assertions. This includes the expenditure and priority placed on “building of edifices” of the leadership (44.8 percent of budget aggregated with other vague development categories, COI: 190, 660). The 2002 DPRK claim that 0.16 percent of the population is religious is taken as a fact suggesting a genocide may have taken place against believers (COI: 245). Spending on social services is “only” 38.9 percent of budget (COI: 650). Reports of executions are always true (COI: 193, 832, 833, 836) and executions can sometimes be inferred by the language used by state media (COI: 753, 833). Kim Jong-un’s admiration of the new ski resort and claim that aid is an “imperialist’s […] noose” and “dangerous toxin” implies his apathy towards the suffering population (COI: 651, 661). State media reports of Kim Jong-il touring the country for “on-the-spot guidance” is proof the leadership must have known about the famine (COI: 582). The leadership is also often quoted to show they are unwilling to reform for fear of losing political control (COI: 597, 599, 1127). There are passages from DPRK news and leadership quotes stressing the importance of monolithic leadership (COI: 132; 1186) and political centralization (COI: 122); the military-first principle (COI: 136-7, 149, 642-3); ideology, propaganda and indoctrination of children (COI: 171, 174, 188, 200, 598); DPRK law as a weapon to champion socialism (COI: 122) and political “guidance and management of economic projects” (COI: 602).

There is also a willingness to quote the leadership based on the testimony of anti-DPRK witnesses and NGO literature. According to the ROK Korean Bar Association, Kim Il-sung stated, “religious people should die to cure their habit” (COI: 254). Ahn Myong-chol quotes Kim Il-sung’s order to “eliminate” the “seed” of three generations of inmates (COI: 748). Andrew Natsios quotes Kim Il-sung’s reported response to Deng Xiaoping on economic reform: “if you open the window the flies will come in ... If we let them in, then the economy will get out of control. We will lose the control” (COI: 597). By the “reasonable grounds” methodology, these statements may be more ‘credible’ than those statements found in official DPRK texts, as these documents were used “provided that they were received from a credible and reliable source and their authenticity could be confirmed” (COI: 71). It is clear the Commission considers witness testimony and NGO reports to be more reliable than information directly from the DPRK.

Whereas these DPRK statements and statistics are framed as factual assertions, the COI also maintains the hegemonic frame of North Korea as unreasonable and hostile. DPRK “categorical rejection” of the COI is presented to be outright dismissed: “witness testimony was fabricated” and “slander” by “human scum” who were criminals in the DPRK and are being manipulated by the ROK and US (COI: 33, 384, 1208). The Commission itself is a “product of political confrontation and conspiracy”, “a political chicanery” with “a sinister political purpose” (Ibid). This ideological hyperbole is presented in order to be rejected, just as presenting Hamas according to its most anti-Semitic claims serves to constitute it as irredeemable threat without legitimate grievances.

There are other statements presented only to be rejected. The DPRK claim that military spending is 16 percent of its budget is immediately qualified with the 25 percent US estimate (COI: 641). DPRK official famine mortality statistics are presented amongst much higher estimates that are (probably inaccurately as shown in Chapter Two) found to be more accurate than DPRK statistics. The DPRK claim that Korean War defectors to the North were patriotic heroes is followed by documentation that Kim Il-sung informed Stalin of 12,000 prisoners unreported in the press (COI: 866). The reader is also clearly encouraged to dismiss all ten qualified positive statements listed in the footnote above.

In particular, the Commission is skeptical of “[d]ata, indicators and figures emanating from the DPRK” because they “have been widely considered to be unreliable” (COI: 583). Moreover, “International organization” data (read: UN data) must “be treated with caution” due to lack of random sampling and extrapolation “based on data gathered in a limited portion of the country in very controlled settings” (COI: 584). The only accompanying citation is a *2006* HRW report that does indeed argue that DPRK data is unreliable. Unfortunately, the Commission simply ignores the rigorous *2008* UN-sponsored and UN-monitored census that met international standards of access. Based on this 2008 census, Spoorenberg and Schwekendiek (2012: 151, 155) were able to broadly validate the DPRK’s 1993 ‘controlled’ census and conclude, “North Korea’s government does not seem to adjust its demographic data based on political considerations” and the data is “in general consistent with the reality.”

Of course, any human rights report will deem some statements of the government under investigation as factual and others as fabrications. My point is that the contextualized DPRK position is basically absent from reproductions of its own statements. They are instead used to validate allegations of human rights violations or discredit contradictory evidence, providing a hyperreal representation with only isolated traces of the real DPRK position regarding the real empirical record.

The reputation of the DPRK as a consistently deceptive country is typically attributed directly to the historical record. Jong-Han Yoon (2011) provides a list “of several cases in which North Korea is deemed to have cheated on negotiated agreements and promises” including breaking the Geneva agreement of 1994, uranium enrichment, provoking military clashes in the yellow sea in 2002, not following through on family reunions, testing long-range missiles and nuclear weapons in 2006 after the 2005 joint statement. Most of these elements, and other more recent ones, will be addressed in this chapter in order to show that the trope of extraordinary DPRK deceptiveness is not primarily related to empirical reality.

### The Absent DPRK Position: Sovereignty as Human Right

Arguably the most comprehensive and readable DPRK statement on its position regarding human rights was published as a rebuttal to the COI. The document, entitled *Report of the DPRK Association for Human Rights Studies* (henceforth DPRK-R), is a long, rambling document, loaded with ideological language, with no pagination and no bibliography. It was clearly written with a tiny fraction of the resources available to the COI. It does not directly address detention centers or enforced disappearances. The document is useful, however, for its enunciation of the official DPRK philosophy regarding human rights and the reasons provided for why the DPRK has not achieved its human rights potential that are stated without actually acknowledging the lack as such.

 Predictably, the influential and salient representations of the DPRK rebuttal consistently fail to enunciate the DPRK position in a sincere and contextualized manner. Articles were published in NYT (Choe 2014) and WP’s *Worldviews* blog(Taylor 2014), both of which present the DPRK position only to be dismissed by the reader. DPRK-R is framed as an angry and reactionary rebuttal through a selection of its most implausible and paranoid language, including ridiculous claims that the DPRK is an exemplar of human rights and ugly rhetorical attacks against COI participants. WP goes so far as to suggest that even DPRK-R authors “know it won’t convince anymore” (Ibid). Another WP article called DPRK-R “diatribe” that would be “laughable if they weren’t about such serious issues – like totalitarian repression of 23 million people” (Fifield 2014).

DPRK-R makes clear that the DPRK certainly does not reject human rights principles, nor does it appeal to cultural relativism. It painstakingly chronicles how the DPRK has already formalized most basic human rights principles into its constitution as “a universal ideal of justice” (DPRK-R 2014). In stark contrast to typical Western representations, the DPRK “never opposed” human rights dialogue and agrees to give “serious consideration to suggestions and recommendation[s] by human rights treaty bodies for their implementation” (Ibid). What the DPRK explicitly opposes is dialogue that is “used by some states as a means to infringe [on] the sovereignty of other countries” through legitimating a policy of regime change (Ibid).

The DPRK view of human rights is less contradictory than usually thought. Their argument is simple: state sovereignty comes *before* human rights, in fact, “human rights is [literally] state sovereignty” (Ibid). Without sovereignty, human rights are meaningless, as demonstrated by the history of Japanese brutality in colonial Korea, the 2003 Iraq war and other recent Western interventions. Wars justified in the name of human rights and the violent consequences of unrestrained market forces are the worst human rights violations, depriving the country of self-determination and dignity. The most fundamental human rights are not those codified in the American and French Declarations that primarily benefitted the already privileged classes; the key rights are sovereignty, peace, environment (i.e. climate change) and social and economic development. Above all, “[t]he safeguard[ing] of national sovereignty is the precondition and indispensible necessity for the protection and promotion of human rights” (Ibid).

The right to self-determination and development has been affirmed by many cultural relativists, collective rights theorists, communitarian idealists, and leaders of traditional communities (Song 2010: 95). These are also seen as core rights in Chinese human rights discourse (Ibid: 97). In the DPRK context, “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” (Weatherly and Song 2009: 283). The utility of this narrative to the legitimation of the DPRK leadership is self-evident, but this does not automatically make it ‘empty’ or illegitimate. US Supreme Court interpretations of freedom as including the unlimited accumulation of capital and the expenditure of this capital for political purposes as literally ‘free speech’ is no less self-serving to the elite, yet most would not conclude that this makes American ideology/‘freedom’ empty or illegitimate.

In fact there is nothing particularly novel about the DPRK position. It is generally consistent with the American radical position articulated by Herman and Chomsky (1988). The overall US strategy is to “obliterate socialism on earth in the long run” through sanctions and military pressure (DPRK-R 2014). The US selectively and instrumentally takes issue with human rights in countries who are not ‘allies’ or ‘partners’ for political purposes. The double-standards are a continuation of Western colonial policy where instrumental uses of human rights justify military interventions. The fiction of the United States as exemplar of human rights, as Doty (1996: 142-3) put it,

enabled international practices such as the training of dictators and members of death squads (the School of the Americas), intervention that overthrew elected leaders (Guatemala, Chile), and later military action that caused extreme suffering and death among civilians (Panama and the Gulf War[s]). The US could be implicated in such practices and still not be considered a violator of human rights.

The DPRK draws directly from the 1993 Bangkok Declaration of Human Rights (see Kim 2012: 3): “[P]oliticization, selectivity and double standards” in human rights should be countered through principles of “sovereignty, non-interference […] and maintaining impartiality and objectivity.” American human rights promotion is an “impudent” claim of superiority unrelated to the empirical record, DPRK-R claims, consistent with Herman and Chomsky and the critical literature more generally.

The core *antagonism* between the COI position on human rights and the DPRK position can be understood as a matter of which has priority over the other: the group right of sovereignty, or universal human rights. The DPRK sees sovereignty as a prerequisite to universal individual rights. Threatened or actual violations of sovereignty in the name of human rights ensures a deterioration of the human rights situation in the target country. Since the DPRK’s sovereign right to peace and development has been severely impeded since 1945 by the hostility of America and its allies, the DPRK’s human rights accomplishments have not reached their full potential. The COI, on the other hand, sees the geopolitical and historical context as almost irrelevant to the responsibility of the DPRK government to secure basic individual rights for the bottom of the DPRK social hierarchy. Not only are military threats and sanctions disconnected from the DPRK human rights situation, these violations of sovereignty can be justified according to the responsibility to protect principle. Geopolitical context is irrelevant if one narrowly privileges individual human rights as the responsibility of every government regardless of circumstance; geopolitical context is highly relevant if sovereignty is understood as a prerequisite to the institutions that ensure individual human rights.

Michael Kirby stated in a follow-up hearing to the COI that he read DPRK-R and noted the frequent assertion that they recognize human rights as universal, “But to accept it and implement it, it must accord with *our decision and our will*” (UN Web TV 2014, emphasis in original articulation). He goes on to characterize the DPRK position as reserving for them the right to “a veto” that is unacceptable, he declares, because universal human rights belong to the people of the world (Ibid). Kirby’s logic, consistent with COI logic, relies upon the full repression of the state of war context. It is essentially true that the DPRK believes it is entitled to a legitimate “veto” over implementation of COI recommendations that would endanger the sovereign existence of the DPRK. The question is how this is extraordinary: international relations scholars, especially realists, would expect this, and it is fully consistent with Rumsfeld’s position (see Chapter Two).

 The following presents a roughly chronological account of the DPRK position that is absent from the historical and comparative context provided by the COI. It is presented in roughly chronologically order. The following section then describes the DPRK normative and material interests and contrasts them with the COI. The final section describes and reconceptualizes the radical military and economic asymmetry between the DPRK and its adversaries. This is not an impartial synopsis; it is a self-consciously ideological counter-narrative intended to demonstrate the ideological nature of the COI.

### (Pre-)Colonial Korean History and the Korean War

The pre-colonial history section briefly describes “the deep-rooted Confucian underpinnings of Korean society” and the hierarchical and repressive *yangban* system – which included slavery until 1894 (Cumings 2003: 129) – of pre-modern Korea (COI: 87-9). No parallel is drawn between the *yangban* class system and the DPRK system. Indeed, any hint of cultural relativism in this section is effectively negated as the Commission describes how Confucian principles were “instrumentalized” by Kim Il-sung in his efforts to “consolidate his authority”, which “has facilitated the unchecked violation of human rights in the DPRK” (COI: 110). Unlike the progressive wing of the ROK discourse that has come to see the DPRK as primarily “a neo-Confucian state” (Kwon 2010: 14), the COI apparently views DPRK culture simply as a tool of repression.

The section on Japanese colonialism (1910-45) reflects a compromise between prevailing sentiments in both South Korea and Japan. It recognizes that Koreans see this period “as negative and brutal”, that Japanese policies were discriminatory and caused the relocation of a fifth of all Koreans, and that “thousands of Koreans” were arrested and many died due to injuries sustained by torture (COI: 91-4). It declines, however, to characterize this period of negative, balancing the negativity with “various modernizing reforms” and finding that the role of Japan in Korean modernization is “highly contested” (COI: 92). This concession to Japan contributes to the mystification of the consequences of colonialism for the militarism and repressive character of DPRK institutions. Legitimate DPRK grievances concerning Japanese conscription and forced prostitution of Koreans are relegated to a brief footnote and even here Japan is given the final word: “outstanding issues” must be resolved before normalization (COI: 160).

It bears noting that American concern for human rights in Korea is a recent phenomenon. ‘Corea’ received a column from the Senate Committee on Foreign Relations each year before 1911, yet after Japanese annexation it literally disappeared from these documents as a distinct entity and received only rare mentions in the section on Japan. Japanese colonialism was seen as unproblematic, and even as the general violence of Japanese imperialism became well known, the plight of Koreans was not a public concern. In fact, President Roosevelt welcomed the annexation as a “check upon Russia”, believing Japan to be an antidote to the “Chinks” (Han and Jung 2014). Severe ROK repression particularly in the years before and after the Korean War was generally ignored as economists praised its speedy economic development as an ‘Asian Dragon.’

The COI provides a deeply ideological account of the division of the peninsula and the Korean War (1945-53). This narrative reflects the official US/ROK ‘surprise attack’ historical narrative that places primary (if not exclusive) responsibility for the war on the DPRK (COI: 104-5). Although “both sides of the divided peninsula contemplated the use of military force to achieve reunification” (COI: 102), the COI does not elaborate on severe and more frequent ROK military provocations, including its publicly stated intention to start a war and apparent preparations to do so, in the years immediately preceding the general war of 1950 (Cumings 2005: 253, 258; Endicott and Hagerman 1998: 92). Even as the DPRK certainly bears responsibility for the 1950 escalation to full-scale war, the DPRK is not solely *responsible* for the war. The USSR and China both green-lighted the escalation and then the USSR abstained from vetoing the UN-backed intervention under MacArthur. Less important, whether it was the ROK or DPRK that fired the first shots in June 1950 will only be known with access to all belligerents’ archives (Cumings 2005: 263).

The COI report does note that US forces tasked with the partition of Korea “were often met with resentment and resistance” and there “was less resistance to the Soviet Union’s influence in the North” (COI: 98) in the 1945-50 period. This is implicitly attributed to “generally successful” land reform measures, nationalization of industry and “efforts to promote national culture and education” (COI: 98). These (under)statements are true, but fail to address another crucial reason for the DPRK’s popularity relative to the ROK: the old pro-Japan elite, perceived as collaborators, who were put back in positions of power during the American occupation and whose unpopularity led to a massive rebellion in 1946 and Southerner guerilla movements in 1948-9 (Cumings 2005: 203, 192-4). South Korea became “one of the worst police states in Asia” and one of the most corrupt as well, in stark contrast to the unprecedented popularity of the Northern system by Korean standards (Ibid: 209, 280, 306). Moreover, to say the ROK government was ‘propped up’ by American aid is an understatement: “aid funds alone amounted to 100 percent of the ROK government budget in the 1950s” which does not include the economic advantage of having thousands of American soldiers with disposable income stationed in the country (Ibid: 307). The Commission does not link the perceived return to colonial occupation of the ROK to the Korean War, instead ambiguously referring to “[t]ensions and military provocations” of the period (COI: 104). Moreover, the partition itself was primarily an American invention without historical justification (Cumings 2005: 186), and the record suggests that the US intended to trade the ROK to the Soviet Union for uncontested control of Japan, but Stalin had little interest in Asia, so the US essentially decided to keep both (Cumings 2005: 186-209, 280). These gave the DPRK anti-colonial legitimacy in both Koreas for the escalation to general war. As Cumings (2005: 264) concludes, “civil wars have no single authors.”

What is usually forgotten is that, without intervention, the peninsula would have been unified. The DPRK would have swiftly defeated the deeply unpopular Seoul government had it not been for American intervention, and likewise though less certainly, United Nations Command (UNC) forces – overwhelmingly American – probably would have defeated the North within the first year had China not intervened.[[78]](#footnote-78) It was first American intervention and then Chinese intervention that turned what would have probably been a brief civil war into a three-year ‘total war’ scenario that killed exponentially more people, annihilated the peninsula, and left it divided along almost the same line the US had drawn in 1945. Based on the inextricable linkage between armed conflict and human rights violations, one can assume that this hypothetical unified state would have had a much better human rights record than both of the contemporary Koreas.

The COI quotes a military historian who called the Korean War the “century’s nastiest little war” (COI: 105). When the report mentions that “more bombs were dropped on the DPRK than had been deployed in the entire Pacific theatre during WW II” (COI: 105), it does not specify that these were almost entirely *American* bombs. DPRK-R emphasizes that the War “wipe[d] 78 cities of [the] DPRK off the earth surface” with more bombs dropped on Pyongyang than its population at the time, including the use of biological weapons of mass destruction. It is not inconceivable that the US would have resorted to biological warfare, Endicott and Hagerman (1998) argue, given the savagery with which the US was conducting its air war and the very serious consideration that was given to using nuclear weapons at this time. [[79]](#footnote-79) The US Air Force flew over 90,000 sorties from 1951-3 and the relative urbanization of the North led to a death toll that dwarfed the Vietnam War. One British journalist and witness, who was repulsed by the asymmetry of the air war, called it “genocidal” in nature:

handfuls of peasants defied the immense weight of modern arms with a few rifles and carbines and a hopeless courage […] and brought down upon themselves and all the inhabitants the appalling horror of jellied petrol bombs […] Every village and township in the path of the war was blotted out […] the slayer needs merely to touch a button, and death is on the wing, blindly blotting out the remote, the unknown people, holocausts of death, veritable mass productions of death, spreading an abysmal desolation over whole communities (cf. Cumings 1998).

The claim of genocidal intent is also derived from the war crime of attacking irrigation dams that supplied 75 percent of Northern food production, starving to death an unknown number of Koreans (Cumings 2003: 28-9). Hungarian Tibor Meray declared that there were “no more cities in North Korea.” Far more napalm was dropped on Korea than on Vietnam two decades later – from June to October 1950 alone, for example, American B-59s dropped 866,914 gallons, which was characterized as ‘precision bombing’ to the press (Cumings 2003: 19). A chief architect of the air war, American General Curtis LeMay, described how “over a period of 3 years or so […] we burned down every [sic] town in North Korea and South Korea too” (cf. Cumings 2003: 31). The narrative supplied by the COI completely mystifies the horrifying violence of Allied bombing in the Korean War and Allied responsibility for the war itself, obscuring the true dimensions of the founding traumas upon which the DPRK state was built: Japanese colonialism and American intervention (and especially bombardment).

The crucial difference between the Korean War and the Vietnam War is the much greater degree of American recognition of how US policy, as one NYT Op-Ed put it, “couldn’t have been more callous or contemptuous towards human life” in the Vietnam War and that this “[e]nraged and alienated” the Vietnamese and left Americans with a “counterfeit history of the conflict” (Turse 2013). The ‘counterfeit history’ of the Korean War is still almost entirely unknown to the American public. This reflects not only Americans’ greater knowledge of the brutality of Vietnam, but also a remarkable shift in the value attributed to Asian life in the period between 1950-3 and 1965-73.

It is the near-total repression of DPRK objectivity of the Korean War that makes the repression of DPRK suffering appropriate in the COI. This can be illustrated by looking at the most salient representations of the conflict in American discourse. *The Korean War in Color* (2001) is by-far the most-watched documentary on the topic.[[80]](#footnote-80) This 83:00 minute documentary begins with brutal footage of an ROK mass-execution of Northerners (0:40 – 1:30) and ends shortly after a segment on ‘the air war’ (74:30 – 78:30). This essentially brackets out ROK atrocities and the radically asymmetrical air war from the presented nationalistic American narrative. While the ‘air war’ segment begins saying US air power “pulverized North Korea ceaselessly from above” from 1950-3, it then narrates a single successful attack on hydroelectric dams with footage showing only small twin-engine bombers, concluding with ROK leader Syngman Rhee describing how bombing struck “enemy military centers” and “communist columns.” There is not a single image or mention of the suffering, indiscriminate nature of this campaign, or the giant bombers that inflicted most of the damage. In fact, there is no mention of the bombing of Korea, much less a detailed description of the suffering caused by it, in the 26 most-reviewed political books that appear with a search for “North Korea” at *Amazon.com*, even though several include criticism of the bombing of other countries, especially Vietnam.*[[81]](#footnote-81)* It is unthinkable that a wide-release American documentary or book spanning the entire Vietnam War would callously ignore the bombing and suffering inflicted by it – whereas this is the norm with the Korean War. This silence extends to major documentaries on the DPRK, including *PBS Frontline* (2003, 2014), *BBC Panorama* (2013, 2014), among others.

Although the COI report does not directly link the Korean War and human rights in the DPRK, Justice Kirby has stated in subsequent lectures that the violations “might be viewed, in material respects, as consequences and indirect outcomes of the War,” suggesting that “they attract the special attention and a sense of responsibility for what has transpired, of the Security Council and its members” (Kirby 2014f). This ambiguous statement, in-itself fully consistent with this dissertation, justifies Kirby’s argument that UNSC should place whatever pressure necessary to effect a prompt improvement in DPRK human rights. This dissertation argues that the legacy of the Korean War means UNSC has a ‘special responsibility’ to agitate all belligerents to normalize relations and promote economic development in the DPRK, both as an effort to promote human rights and, more within UNSC’s mandate, to promote long-term peace and stability within the region. One must have already succumb to the extraordinary-negative frame to accept the counterintuitive belief that economic and military pressure is more likely to promote peace and stability than normalization and development.

### The Cold War and its Consequences

The COI describes Cold War hostilities exclusively in terms of aggressive DPRK behavior. The Commission lists five attacks against the ROK from 1967-1987, including “terrorist acts” which all together killed less than two hundred people (COI: 108). The Cold War context of these acts of violence is completely ignored, including the acts and threats of violence by the US and ROK in this period that are described further below.

The bulk of this section focuses on the consolidation of the Kim faction at the helm of the DPRK from 1949 to 2013; from the formal ascension of Kim Il-sung to the December 2013 execution of second-in-command under Kim Jong-un, Jang Song-thaek (COI: 110-157). These paragraphs describe the development of the state security apparatus; the *songbun* class-system and the *Juche* ideology; Stalinism and the personality cult; persecution and purges, especially of rival factions and Christians; the establishment of the Public Distribution System for food as a means of control; lack of judicial independence and codification of anti-state acts into formal law; development of missile and nuclear technology as well as “other asymmetrical forces” (COI: 137); the rise, succession and consolidation of power of Kim Jong-il and then Kim Jong-un; economic reform and the proliferation of private markets; and finally, inter-Korean, US-DPRK relations and United Nations sanctions.

In these 47 paragraphs, the Commission never strays far from its thesis statement in the introduction to the chapter: “Rigid ideological tenets loosely based on socialist Marxist-Leninist theory and an extensive security apparatus sustain this regime” (COI: 86). All these developments are framed as attributable to the Kim dynasty’s efforts to centralize and maintain control, or simply as “means of control” or “elements of control.” The problem is not that these statements are untrue; it is possible to write the history of any relatively stable (especially authoritarian) country as ideological and/or religious indoctrination combined with a repressive police apparatus – this is a crude version of the standard Gramscian (Marxist) view of the modern state. Moreover, no consideration is given to the role of hostilities forming the DPRK’s contemporary character. For example, the some 10,000 – 13,000 ROK agents (spies) sent into the North during the Cold War, of which more than half, and perhaps more than three quarters, did not return (Beal 2005: 135; Feffer 2012). As John Feffer (2012) put it, “From the Pentagon’s perspective, it is not only useful to try to insert spies into North Korea but to have North Korea believe that spies are constantly in their midst.” Framing DPRK history as the development of its ideology and institutions of repression, without applying a Gramscian formula to the DPRK’s adversaries and without describing any positive social consequences of DPRK policies or the context that led it to become a national security state, produces an ideological narrative that is a completely inadequate as an objective contextualization.

For its part, DPRK-R (2014) specifically justifies its military expenditures in the early 1990s as necessary in the context of the collapse of the socialist bloc and subsequent “anti-socialist human rights offensive” that sought to “orchestrate” the end of DPRK socialism. Here DPRK-R appears to cautiously link the state of war to the repression of dissidents, stating in convoluted language that the threat posed by America compelled the DPRK to strengthen the state and wage “an intensive legal struggle against all sorts of hostile elements” (Ibid). Since sovereignty is a prerequisite for human rights progress and sovereignty “can only be secured by arms”, military expenditures are framed as a core element of the DPRK’s pro-human rights strategy. Today, the DPRK is “virtually the only” country willing to stand up against American imperialism, DPRK-R claims. If not for the imperialist US policy, the DPRK would not need military expenditures to protect its sovereignty/human rights and could, the report implies, work towards better implementation of human rights conventions already enshrined in the DPRK constitution. Regardless of whether the reader agrees with these statements, it must be acknowledged that the state of war is at the very center of the repressive state apparatuses of the DPRK.

### Contemporary ‘External Dynamics’

“External dynamics and the human rights situation” is the final five paragraphs of the history chapter of the COI and the only section to address the contemporary geopolitical context of DPRK human rights violations (COI: 157-62). It acknowledges, without elaboration, that the “Cold War has played an important role in international relations that have impacted the DPRK” (COI: 158). It then provides a paragraph each to China-DPRK, Japan-DPRK and ROK-DPRK relations and the unresolved Korean War (COI: 159-62). This section is even more one-sided than the history section.

The COI’s implicit blaming of the DPRK for the ongoing hostilities with both Japan and South Korea is blatantly ideological. The so-called “Sunshine Policy” (1998-2007) that peaked with a historic summit in Pyongyang in 2000 between the two Koreas is understood to have provided “USD 3 billion in aid from the ROK to the DPRK” (COI: 143). The DPRK then reacted with “personalized attacks” and “escalated tensions” with the 2007 ROK election of President Lee, a conservative who rolled back the Sunshine Policy (COI: 143). The COI obscures a crucial cause of the failure of the Sunshine Policy: the Bush administration’s unwillingness to follow its principles (Matray 2013: 147). It is instead presented through the typical extraordinary-negative frame of extracting concessions (i.e. blackmail).

Moreover, the COI implicitly blames the DPRK for its rejection of the conservative ROK *trustpolitik* policy that, according to the COI, involves “a tough position as well as flexibility for negotiating when there are openings” (COI: 161). This excessively favourable portrayal of the ROK policy does not mention that the DPRK has been loudly critical of the policy since the electoral campaign. As one participant in recent Korean unification fora on ROK unification policy under Park summarized “the underlying philosophy” of *trustpolitik*: “changing the North Korean state to the extent that it would cease to exist and be unified with the ROK on Southern terms” (Toloraya 2014). The DPRK should trust ROK intentions, “not the other way around” (Ibid).

The Commission also claims that, “the ROK has placed great importance on advancing” family reunions “without this desire being reciprocated by the DPRK” (COI: 481). It explicitly notes that the DPRK suspended talks in August 2013 without providing the DPRK rationale or mentioning that South Korea had in 2011 suspended reunions after DPRK shelling of *Yeongpyong* Island. The reunions went ahead after the COI was written, in February 2014, despite DPRK criticism of US/ROK military exercises.

The Japan-DPRK relations paragraph is also deeply biased. The claim that, in 2002, normalization with Japan was “derailed by the failure of the DPRK to follow up on its admission of the abduction of Japanese nationals” (COI: 160) implicitly assumes that Japan has a legitimate right to maintain hostility against its former colony over lack of proof of the status of a relatively tiny number of people taken between 1977-83 who are probably deemed national security threats by the DPRK (Lankov 2013b).[[82]](#footnote-82) These are not, in short, reasonably objective descriptions of ROK-DPRK and Japan-DPRK relations.

Only the final “external dynamic” paragraph addresses the state of war context:

In 2013, 85 year-old United States citizen Merrill Newman, a veteran who fought in the Korean War, was arrested and detained for over one month in the DPRK. This event again highlights the sensitivities over the Korean War that remain in the DPRK. Resolution of this conflict may need to be part of any process that integrates the DPRK into the international community as a responsible nation-state that respects the human rights of its own people. Likewise, the DPRK has continued to express discontent over the colonial occupation. These matters similarly require attention as part of the process. *Pursuing gradual progress on these matters should not detract from the Democratic People’s Republic of Korea’s obligations under international law that it must immediately implement* (COI: 162, emphasis added).

To begin with, the referencing of the 2013 arrest of an elderly American veteran is intentionally misleading. In fact, Newman was not a regular soldier, but a so-called White Tiger (predecessor to US special forces) who trained an infamous anti-Communist guerilla outfit tasked with sabotage, espionage and other guerilla activities that would meet widely accepted definitions of terrorism. The guerillas he trained likely committed atrocities behind enemy lines and continue to be viewed as ‘the embodiment of evil’ in the DPRK.[[83]](#footnote-83) Newman’s decision to reveal his guerilla history to his tour guide while visiting the DPRK and ask to meet his former comrades was therefore rather ill conceived. The COI framing evokes the popular belief that the DPRK is inextricably stuck in its anti-American past and thus leads the laymen reader to see the DPRK’s security dilemma as illegitimate and irrational.

The remaining four sentences of the above paragraph are examined in conjunction with the final paragraph of the entire COI report (the final Recommendation), as together they are the *only* direct references to the impact of the ongoing state of exception/war:

 *Without prejudice to all the obligations* under international law that the Democratic People’s Republic of Korea *must immediately implement*, the United Nations and the states that were parties to the Korean War should take steps to convene a high-level political conference. Participants in that conference should consider and, *if agreed*, ratify a final peaceful settlement of the warthat *commits all parties to the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms* (COI: 1225, emphasis added).

These two paragraphs that conclude the ‘external dynamics’ section, and then conclude the whole COI report, read as strangely out-of-place in the 374-page document that otherwise ignores the consequences of the state of exception for human rights. The crucial point, as demonstrated by the emphasized passages, is that the Commission considers resolution of the state of war to be secondary to the immediate goal of improving human rights performance. The language of “respect for human rights and fundamental freedoms” is to be embedded in this “peaceful settlement” – clearly implying that there should be no “peaceful settlement” without progress on DPRK human rights.[[84]](#footnote-84)

The COI report therefore concludes with recommendations of securitization disguised as advocacy for peace and de-militarization. The Commission does not simply ask for ‘progress’ on these issues; it demands ‘immediate implementation.’ Moreover, there is no elaboration on the threshold of human rights improvement whereby a “peaceful settlement” would be appropriate. One can, however, draw conclusions from COI recommendations, which include (among others):

1. “profound political and institutional reforms” including “an independent and impartial judiciary, a multi-party political system and […] genuinely free and fair elections,” as well as “genuine checks and balances,”
2. “legalize and support [domestic and international] free market activities”,[[85]](#footnote-85)
3. abolish political propaganda,
4. realign resources from the military to nutrition,
5. allow freedom of movement and religion,
6. institute the rule of law,
7. ratify the ICC and prosecute those most responsible for crimes against humanity,
8. provide reparations to victims’ families (COI: 1220).

These amount to demanding that the DPRK discard its political and economic system, subject its revered leaders to criminal prosecution, and transform into a post-Kim liberal democracy friendly to foreign capital. If these are the ‘obligations’ that the DPRK must ‘immediately implement’ *before* a peace treaty, then the COI is recommending coexistence and cooperation only after holistic capitulation of the Kim government.

The hidden assumption behind linking the state of exception to human rights violations is that, in the absence of pressure, a geopolitically normalized DPRK would continue committing gross human rights abuses against its citizenry in a postwar context – or even intensify CAH having quelled the international scrutiny. In order to accept this position, one must have already internalized the salient Western news media narrative of the DPRK system as *extraordinary* in the sense of being in some sense *irredeemable* (somehow fundamentally wicked, criminal, immoral, etc.). If the DPRK is understood as ‘a normal country in extraordinary circumstances’, like Israel, then a change in those circumstances would also bring about a gradual change in the practices of the government. Suggesting that it is in the *nature* of the Israeli government to commit gross human rights violations and therefore discussions of a permanent one- or two-state solution should only begin after Israel has ended the occupation and give full rights to all Palestinians would be understood in American discourse as unworkably biased – and probably anti-Semitic as well.

### The Nuclear Issue: An Extraordinarily Deceptive Country

The COI provides a brief summary of the DPRK nuclear and missile programs that is indistinguishable from the official American history. At each point, North Korea is represented as the active agent, where the transgressions and belligerence of the US, ROK and Japan – where these are represented at all – are reactions to former DPRK transgressions and belligerence. The first “nuclear crisis” of May 1994 is framed as precipitated by DPRK unloading fuel roads and ejection of IAEA inspectors, thereby “derailing progress on the amelioration of relations with the United States” (COI: 138). The DPRK then received a series of “concessions” from the Clinton administration with the October 1994 Agreed Framework (AF, COI: 138). The COI gives no indication here of how close the US came to attacking DPRK facilities in October 1994; the gravity of the episode is evidenced by how the Korean stock market (rarely seriously impacted by periodic tensions) took a 25 percent dive in 48 hours (Gibbs and Duffy 2012: Ch. 21). It also does not consider the loss of security guarantees from the USSR and high-level talk in the US and ROK of impending ‘regime collapse’ as a logical reason for nuclearization.

The second nuclear crisis occurred in late 2002 after a US delegation headed by Assistant Secretary of State James Kelly “announced evidence of a secret uranium-enriching program carried out in violation of the 1994 Agreed Framework, which he said DPRK authorities had acknowledged” (COI: 144). The DPRK subsequently restarted its plutonium operation and in 2003 and the Bush administration “ended bilateral discussions with the DPRK” in favour of the Six Party Talks (COI: 144). This episode, along with the ‘surprise attack’ narrative of the Korean War, is at the very center of the anti-engagement trope that the DPRK is extraordinarily deceptive and unreliable.

The claim that the DPRK acknowledged a uranium facility is based on an ambiguous statement (Ibid: 14) and may have been the result of mistranslation, as DPRK officials sought to demonstrate to American negotiator John Lewis in 2004 (Beal 2005: 210), or an empty claim by a frustrated negotiator who likely would not have been privy to such information anyways. Carlin and Lewis (2008: 11) maintain that the uranium program could have been addressed within 1994 AF channels. Allegations of a uranium enrichment site in 1998, for example, was inspected and cleared with DPRK cooperation.

The COI provides an extraordinarily one-sided reading of the events surrounding the 1994 AF. It was *not* a de-nuclearization agreement, it was a *political* agreement (Ibid: 5). The DPRK made the agreement in exchange for progress towards better relations with the United States and two light-water (non-weaponizable) nuclear reactors. The agreement was declared dead in 2002 as the Bush administration, based on classified evidence, accused the DPRK of ‘cheating’ with a uranium program.

The problem with representing the uranium program as legitimate justification for ending the agreement, if this program indeed existed in 2002, is that the AF was only intended to end the plutonium program. It contained a reference to the 1992 ROK-DPRK Joint-Statement that prohibited uranium enrichment, but Carlin notes that this was added at the very end of negotiations (only the final draft) and was intended to symbolically include the ROK in the agreement; it was not a ‘core’ obligation and was not intended to bring uranium into the agreement. In fact, negotiators explicitly decided to exclude uranium from the agreement because it was unverifiable and the pressing issue was the plutonium reactor (Carlin and Lewis 2008: 10).

Even acknowledging this as a non-core violation, a very reasonable argument can be made that the DPRK more closely followed the 1994 AF than the United States. The DPRK froze its plutonium reactors and stopped construction, accepted international monitoring and cooperated with spent fuel – it failed to remain part of the NPT and transgressed the 1992 North-South Joint Declaration, possibly before 2002. The US delivered the fuel shipments, though often late (Carlin and Lewis 2008: 5, 9) – the US made no progress towards normalization or formal security assurances against nuclear attack or threats thereof, *which were core obligations*. The US also implicitly violated the prohibition against military threats by going ahead with military exercises in June 1998. The disclosure of OPLAN 5027-8 revealed that these 1998 exercises were more offensive than defensive (Beal 2011: 161) and included simulated nuclear bombing of the DPRK. The latter, Lim Soo-ho (2013) writes, indicated to the DPRK that the “United States’ security guarantees were not to be trusted, and they were not even worth the paper they were written on.”

The AF and the institutions it created were “no less than a paradigm shift in dealing with the North Korean problem”, where what “seemed impossible […] gradually became possible” (Kartman et al 2012: 73, 163). The DPRK representatives had offered to deal with all US security concerns, including (it implied) the uranium program, yet this was completely ignored as the American delegation in Pyongyang declared the DPRK in gross violation. The reason for this was entirely political: “Key members of the Bush administration came to office intent on killing it. That intent was specific and public” (Carlin and Lewis 2008: 11). Hostility in the Republican-led Congress even before the Bush administration was palpable (Kartman et al 2012: 12, 23, 29, 48, 61).

American policy was incredibly duplicitous during the Bush administration, as demonstrated by the deception surrounding the shut down of the *Korean Economic Development Organization* (KEDO), tasked with provision of light-water reactions to the DPRK and fostering progress on diplomatic relations. Faced with contradictory pressures from the US to kill the framework and pressure from allies not to derail negotiations, KEDO began an “invisible slowdown” in 2002 just as it was gaining some momentum. It was “a freeze that was not supposed to be obvious to the North Koreans” (Kartman et al 2012: 121). This was formally justified as a measure to protect the staff. One South Korean participant stated that the “invisible slowdown” was successful: “North Korea didn’t know what was going on at the time, until several months before the formal suspension” (cf. Ibid: 132). The DPRK “increasingly expressed fears for the future” during this period (Ibid: 138), yet remained within the agreement’s parameters in the hopes that the Bush administration would not renege on the Clinton deal. Whatever trust had developed was clearly misplaced as the administration suddenly ended this trust-building exercise in 2005 without any concern for staff safety, although the DPRK never acted outside of protocols (Ibid: 122, 141, 146). The duplicity of American policy in 2005 is even more vividly illustrated in the *Treasury’s War* section further below.

The COI describes how the DPRK engaged in several missile and nuclear tests between 2006-13 and in 2009 “accused the United States and the ROK of declaring war” for their role in passing Security Council Resolution 1874 that tightened sanctions on the DPRK (COI: 146, 148). The April 2012 agreement between the DPRK and US for verified suspension of nuclear tests in exchange for food aid was “cancelled” because of a DPRK “launch of an advanced missile” (COI: 151). The DPRK did not, however, launch an ‘advanced missile,’ it launched a satellite: a missile needs a re-entry shield and targeting rather than simply putting an object into orbit, and it follows a different trajectory (Hauben 2013; Weeden 2012). In fact, the DPRK had made its intention to launch a satellite clear before Kim Jong-il died, yet satellite launches were not proscribed in the text of the agreement (Sigal 2012). US Department of State spokesperson Victoria Nuland (2012) accurately described this “as a matter of semantics […] I mean, they say they’re launching a satellite. We say you’re launching it with ballistic missile technology” against UNSC resolutions. In short, North Korea should have understood that it is an exceptional case proscribed from developing satellite technology. In fact, the test led the US to cancel humanitarian aid, which Nuland explicitly justifies on the grounds that the DPRK is extraordinary deceptive and therefore an exception to the policy of not linking humanitarian aid to other policy issues:

its very hard to imagine how we would be able to move forward with a regime whose word we have no confidence in and who has egregiously violated its international commitments [...] there are complications as a result of dealing with a government who, frankly, we're just not sure now whether they're acting in good faith (Ibid).

The notion that the DPRK is intrinsically deceptive is not a function of the empirical history. The DPRK has certainly ‘lied and cheated,’ but what is rarely recognized is that its negotiating partners have reneged on agreements and engaged in deception as well. Presenting 374 pages of extraordinary human rights violations and assuming extraordinary aggressiveness and deception implies an extraordinary-negative ‘essence’ that will be analyzed in Chapter Four as a function of American ideology. On the other hand, seeing a country’s violations in the context of an existential threat posed by a major power with which it has sincerely sought peace and found itself rebuffed is an entirely different perspective. It is this sort of perspective that, for example, makes it possible to claim to be both ‘pro-human rights’ and ‘pro-Israel’ without appearing to be a hypocrite.

### What Does North Korea Really Want From America?

The reader may point out that just because the DPRK leadership has made commitments and reiterated appeals for peace with the US and its allies does not mean this is what they *really* want. It is a hegemonic stream of thought, most clearly articulated by Brian R. Myers (2009), that North Korea *needs* America as a threat, that the state of exception is what holds together the entire ideological system. The implication is that any agreement made with the US is intrinsically dishonest and temporary, reflecting a devious longer-term strategy. The typical evidence provided for this position is vitriolic or aggressive DPRK rhetoric, propaganda and policy documents attributed to them, as well as DPRK policy reversals and other transgressions isolated from broader context.

To begin with, the reader should be reminded that this logic, like the COI and the North Korea nonfiction literature more generally, assumes a monolithic leadership making decisions in their collective best interests. The highly opaque decision-making process of the DPRK and the mythology of totalitarianism both lend to analyses that assume the DPRK is a unitary actor. There is some evidence that this is not the case, however – both limited direct evidence that there are significant bureaucracies that compete for influence, and historical precedent (all Stalinist-style governments feature complex bureaucratic politics). In fact, Carlin and Wit (2006) demonstrate the relatively vigorous internal debate that took place in DPRK news media after Kim Jong-il economic reforms of 2001: “The idea that, on a question like economic reform, nobody matters in Pyongyang but Kim Jong-il is almost certainly wrong” (Ibid: 10). Debates tend to go for long periods and the DPRK’s “policymaking (as opposed to its rhetoric) is cautious, as befits a small, weak power unsure of its next step and fearful of what might lie ahead” (Ibid: 16). Far from maintaining a steady course since the 1960s, DPRK policy has changed considerably due to generational change in the leadership and changing security circumstances: “the North Koreans have always tended to favour pragmatism over ideology” (Ibid: 22). Carlin and Wit argue that Bush administration hostility empowered DPRK hard-liners to discredit reforms on the grounds “that the external environment makes reforms not only dangerous, but suicidal” (Ibid: 37-8, 60). The influence of DPRK hard-liners suggests that “even a sustained North Korean commitment to reform would have little or no chance of succeeding without the right external environment and access to international assistance and financing” (Ibid: 54).

It is crucial to assume a complex institutional character even if the actual bureaucratic politics are invisible to us. Indeed, the assumption of monolithic decision-making is crucial to the extraordinary-negative frame and perpetrator/victim dichotomy (i.e. *systematicity* of Chapter Two). It is also crucial to Myers’ argument: even if we accept that normalization with the US would existentially threaten the ideological foundations of the government – which is debatable considering that anti-Japan sentiment is stronger than anti-American sentiment[[86]](#footnote-86) – it is only if the leadership is a monolithic decision-maker that this would permanently foreclose normalization.

The assumption of totalitarianism might be replaced with a Machiavellian classical realist view of the state as competing interests struggling for power and a leadership constantly seeking to balance them and forestall the state’s inevitable demise (Walker 1993: 109). In this frame, it is a reasonable calculated risk to assume that enterprising elites who could enrich themselves *would* embrace normalization and economic opening if it were genuinely offered to them, even if they believe this would imperil the government in the long-run. Perhaps the most crucial factor here is convincing the leadership that they can survive and remain privileged even in a post-Kim DPRK (i.e. the Chinese and Vietnamese models). Unfortunately most elites already believe “they will lose everything” if the ROK takes the North,[[87]](#footnote-87) and the criminal prosecution sought by the COI can only reinforce this all-or-nothing mentality.

There is plenty of evidence, based on knowledge accumulated through US-DPRK negotiations, that the DPRK has been interested in normalization with the United States for at least two decades. Beal (2011: 65) argues that DPRK policy “can be summed up as the desire for ‘peaceful coexistence.’” Carlin and Lewis (2008: 8) emphasize that Kim Il Sung made a strategic decision in the early 1990s to pursue rapprochement “as a hedge against expanded, potentially hostile, Chinese and Russian influence.” Statements made by DPRK negotiators as early as January 1992 and even Kim Jong-il himself in his 2000 meeting with Madeline Albright strongly support the conclusion that the DPRK believes a positive relationship with the US is in its interests, especially to prevent any one regional power (China) from acquiring disproportionate influence over the DPRK (Beal 2011: 19). As one DPRK official put it in August 2003,

The basic strategic fact for us is rooted in history. We have been victimized by all our neighbors from Qing times on. This is why we want closer relations with the U.S. Do you know the Chinese saying, “Keep those far away close, and those close to you keep at a distance”? This is our strategic reality, and this is why we want closer relations with the U.S. It is time for us to become friends. We have learned a lot about each other in the last fifteen years, and we have come to know each other. For over a century, the countries around us have competed to control us for their own strategic security and economic reasons, and we became their battlefield. You must look at the strategic picture—the big picture—as we have to in order to survive (Carlin and Lewis 2008: 3).

The so-called ‘six party talks’ have always been skewed against DPRK interests because inclusion of China, often misrepresented as a concession to Pyongyang, is not consistent with Pyongyang’s basic goal of limiting Chinese influence by improving US-DPRK relations (Ibid: 11, 21). In fact, American military departure “is the last thing the North Koreans want”, yet “explicitly requesting that the United States stay is one of the most difficult things for them to do” (Ibid: 21). That the DPRK wants a “hedge against its continental neighbours was only dimly perceived in Washington for many years and now has been largely forgotten” (Ibid: 3-4). Carlin and Lewis, make these arguments based on “thousands of hours of face-to-face contact” in US-DPRK negotiations from 1993-2000, with barely concealed of hostility for the Bush administration for obliterating seven years of their diplomatic work in 2002 and replacing their accumulated knowledge with “a thicket of misapprehension and myth” (Carlin and Lewis 2008: 7).

### DPRK Grievances: Military Exercises, Nuclear Threats and Sanctions

Having established this context, this chapter now seeks to present the specific DPRK-R arguments related to the COI, supported by critical literature. DPRK-R argues that sixty years of belligerence is unprecedented in modern history. The US has never demonstrated sincere interest in peace and cooperation; American Korea policy essentially remains “pro-US unification.” The COI’s “internationalization” of DPRK human rights can only “produce distrust and enmity between countries” at the expense of human rights. The report puts this concisely: “interference in internal affairs and ‘collaboration’ and ‘cooperation’ are incompatible” (Reminiscent of Einstein’s famous wisdom, “You cannot simultaneously prepare for war and plan for peace.”). There are three specific existential threats – military exercises, nuclear threats and economic sanctions – that are together the most significant obstacles to better human rights outcomes according to DPRK-R:

*(1) Military Exercises:* DPRK-R (2014) argues the US engages in Janus-faced overtures, such as statements of non-hostile intent that are accompanied by an intensification of military exercises. “Aggressive War Exercises” mobilize a “huge [number of] troops” that would be “more than enough to wage a war” (Ibid). These are rehearsals for invasion and the DPRK is keenly aware the operational plan of exercises is regime change. Rudiger Frank (2003: 726) has characterized these exercises as “an unnecessarily aggressive north-bound scenario” that stress, as Moon Chung-in (cf. Ibid) describes, “bold and vigorous strikes into the enemy’s rear.” Robert Beckhusen points out that the latest round of exercises demonstrate that US special forces are training for guerilla conflict and how to train an “indigenous resistance organization” in North Korea (Glaser 2014). He asks how the US would react if an enemy state were preparing for regime change contingencies along the Mexican border (Ibid). As already noted, it was leaked that the 1998 exercises included simulated nuclear strikes.

The COI does not mention military exercises, even where it describes the 2010 sinking of an ROK naval corvette, the *Cheonan* (see Introduction, COI: 149), which occurred during such exercises. Moreover, no mention is made of the disputed maritime boundary, the “Northern Limit Line” unilaterally established by the US that is an exception to international law and probably illegal (Beal 2011: 149), nor is there any mention of ROK violence against DPRK vessels in the preceding years that killed a comparable number of North Koreans (Beal 2011: ix).

The US news media consistently represses the threat the DPRK perceives from these exercises and the perceived necessity of deterring them. Consider Choe Sang-hun’s NYT article, *North Korea Threatens to Attack U.S. With ‘Lighter and Smaller Nukes.’* Choe (2013c) states the DPRK has declared the truce “null and void” and closed the military hotline, as it has “many times” in the past. The ninth paragraph notes “experts largely [see the threat] as propagandistic bluster.” The quoted threatening statements are:

Now that the U.S. imperialists seek to attack the DPRK with nuclear weapons, it will counter them with diversified precision nuclear strike means of Korean style, […] The army and people of the DPRK have everything including lighter and smaller nukes unlike what they had in the past.

As we have already declared, we will take second and third countermeasures of *greater intensity* against the *reckless hostilities* of the United States and all the other enemies, […] *They had better heed our warning* (emphasis added).

There are two crucial problems here. First, Choe does not inform the reader that the second paragraph is entirely his own translation of the Korean (domestic) edition. The first paragraph comes directly from the English (international) edition (KCNA 2013). The English edition does not include the emphasized passages. Without these the threat is ambiguous, if it can even be considered a threat rather than a deterrence statement.

The second problem is that it ignores the first two-thirds of 1300 word DPRK article. This states unequivocally that the DPRK perceives an existential threat from US military exercises using nuclear-armed weapons systems, in addition to UNSC sanctions. Despite the fact that Koreans “have neither shot even a single arrow nor thrown a single stone at the land of the U.S.” throughout history, the DPRK must conclude the US intends to “swallow up the DPRK” (Ibid). The framing of this NYT article is made possible by ignoring the deterrence message of the majority of the article and cherry-picking the most threatening quotes from the two versions, then labeling it all ‘bluster.’ This is, however, very consistent with how most American news media represented this DPRK statement.

I wrote the NYT Standards Department arguing Choe had misrepresented the deterrence language of the article and its unambiguous emphasis on the threat posed by the military exercises. Choe responded through the Standards editor that “any reporter or analyst” knows that the DPRK is “playing with” the “fear among the US and its allies” that the US is getting closer to a nuclear-tipped missile in the context of prospective UNSC sanctions. Choe apparently considers the exercises to be irrelevant to the statement. Existential deterrence *is* ‘playing with the fear of the adversary,’ and given the majority of the KCNA article’s language and upcoming UNSC sanctions, a reasonably objective news article would tie these are statements directly to the perceived military threat posed by US/ROK exercises.[[88]](#footnote-88)

Beyond the perceived military threat posed by these exercises, acting out scenarios themselves create and reinforce “a sensorial environment in which perceptions are created” through a reasonably plausible narrative that derives from the imagination (Aradau and Munster 2011: 75). Military exercises are “spectacles, theatrical arrangements” (Ibid) intended to materialize the threat and rehearse offensive tactics – likely really targeting China and Russia – in a context where this is internationally legitimate. Cumings (2003: 201-2) notes that these exercises are among the few places the US army “can flex its muscles against a real, live enemy […] hold war games, gain field experience for officers, and plan incessantly about how to fight the next war.”

*(2) Nuclear Threats:* The COI report is silent on the nuclear threat posed by the US/ROK alliance that the DPRK has endured almost since its foundation. Whereas the Commission apparently considers nuclear threats irrelevant to human rights abuses, DPRK-R argues nuclear threats are a violation of the human rights of its citizenry. “No nation in the world has been exposed to the nuclear threat so directly and for so long [a] time as the Korean nation.” The DPRK remembers how President Truman publicly discussed the use of nuclear weapons in the Korean War, and General McArthur spoke of a “radioactive corridor” that would kill anything in the DPRK-China border area for 60-120 years. The US introduced nuclear weapons to South Korea in the late 1950s and there were over a thousand nuclear weapons by the mid-1970s. Every generation of DPRK citizens has been “exposed to the danger of nuclear war.” As demonstrated by the 2002 *Nuclear Posture Review* that exempted North Korea from the pledge of no preemptive attack, as well as the memoirs of former CIA director and Secretary of Defense Leon Panetta,[[89]](#footnote-89) the threat of American use of nuclear weapons in a conflict continues to this day. DPRK-R also emphasizes that US nuclear policy has always been less reluctant to use nuclear weapons against the DPRK than against European targets. In fact, around 15 percent of the total civilian death toll of the Hiroshima bomb in 1945 were Korean “slave labourers” who had been subject to “enforced disappearance” (at least by COI definition) as a matter of Japanese policy (Stone and Kuznick 2013: Ch. 4)

The US came very close to the use of nuclear weapons during the Korean War, with ambiguous approval given at the highest levels (Cumings 2005: 72; Cumings 1998). The order under President Truman was to use them against Manchurian bases if the Chinese sent over another large contingent of soldiers (Cumings cf. Stone and Kuznick 2013: Ch. 8). A 1950 Gallup poll found 52 percent of Americans approved of the use of nuclear weapons in Korea with 38 percent opposed (Stone and Kuznick 2013: Ch. 8). President Eisenhower also publicly mulled the use of nuclear weapons in 1953 on the grounds that they would be cheaper than conventional weapons (Ibid).

The US introduced nuclear mines and regularly placed and re-placed them by helicopter at the edge of the DMZ during exercises in direct violation of the armistice (Cumings 2003: 65). By 1968, the US F-4 fighter planes on constant alert were apparently loaded *only* with nuclear warheads (Cumings cf. Hayes 1990: 47). Declassified documents indicate that the use of tactical nuclear weapons was seriously considered by the Nixon administration in response to the downing of a US reconnaissance plane in 1969, and it is likely that that Henry Kissinger advocated their use (Wampler 2010). In fact, what prevented an American retaliatory attack was precisely the DPRK deterrent; its capacity to do a politically unacceptable amount of damage to US allies even after a series of .2 to 10 kiloton (low end) or 10 to 70 kiloton (high end) nuclear weapons upon key military targets. Due to DPRK capabilities, “There were no plans that could combine limited action with a guarantee against retaliation and escalation” (Ibid).

Cumings (2003: 53; 2005: 495-6) reports, based on private conversations with a former commander of US forces, that the operational plan from the 1960s to the 1980s was the use of nuclear weapons within an hour of the outbreak of war, in stark contrast to the doctrine for Europe. This might include neutron bombs in Seoul “to kill the enemy but save the buildings” in case of mass invasion (Cumings 2005: 495-6). The Commander also points out that the reason North Korea moved eighty percent of its force to the DMZ in the 1980s was “to mingle with ROK Army forces and civilians before nuclear weapons would be used, thus making their use less likely” in a hot-war scenario (Ibid). This is almost always misunderstood in the literature as indicating aggressive intent; for example, in the influential assessment of the DPRK military threat by Scobell and Sanford (2007: xiii). US Defense Secretary Caspar Weinberger’s five-year defense guidance of 1983 suggested that the US might retaliate against Korea if the USSR invaded the Persian Gulf. This “truly horrified the North Koreans” (Cumings 2005: 475).

As the Clinton administration considered airstrikes against the DPRK in 1994, American General Gary Luck famously pointed out that another Korean War would kill or wound 1 million civilians, cost more than USD 60 billion and cost the South Korean economy USD 1 trillion (Wit et al 2004: 181). The US considered attacks against DPRK retaliatory capabilities, but international opposition to aggression beyond targeting the nuclear program was deemed too severe (Ibid: 211). Again*,* *it was ultimately the DPRK deterrent that made American airstrikes politically impossible.*

President Barack Obama's 2010 *Nuclear Posture Review* “sent a message” to North Korea by renouncing the use of nuclear weapons against any country that is in accordance with the non-proliferation treaty, thus excluding North Korea and Iran. As Secretary of Defense Robert Gates put it, “all options are on the table” with these countries (Sanger and Shanker 2010). Moreover, in 2002 North Korea topped a list of seven potential targets for the use of nuclear weapons (Funabashi 2007: 110-11). Pyongyang reacted to the preemptive strike doctrine by labeling Washington officials “nuclear lunatics” and asserting the need to bolster their deterrent (Frank 2003: 727).

The primary DPRK deterrent through the Cold War was its 10,000 artillery tubes, now decades old, positioned north of Seoul which were “heretofore impregnable” but are now probably defeatable by American precision-guided munitions (Cumings 2003: 99-100). A major 2007 American military publication concluded that these are the primary DPRK deterrent (Scobell and Sanford 2007: 130). It should therefore be no surprise that the DPRK has sought the ultimate deterrent despite international condemnation.

The ICC characterizes the use or threat of use of nuclear weapons as “the ultimate evil” because the fallout does not discriminate between military targets and civilians, the consequences are beyond human control and the suffering it causes is immense and unnecessary (Cumings 2003: 26). It breaches two fundamental human rights: the right not to have life taken arbitrarily and the right not to be subjected to torture, in this case, by ionizing radiation (Robertson 2013). The court was unable, however, to conclude as to the legality of use of nuclear weapons in the context of existential threat. “By this standard, North Korea is more justified in developing nuclear weapons than the United States is in threatening a non-nuclear North Korea with annihilation” (Cumings 2003: 26). The US issued the most nuclear threats of any country in the world from 1970 – 2010, with 5 of 12 in the post-Cold War period being directed at the DPRK, by contrast to the DPRK’s single nuclear threat against the US (Black 2010). American media typically ignores how the DPRK has been the subject of periodic US nuclear threats for decades, “yet until now it has possessed no such weapons itself” (Cumings 2005: 491).

The invisible impact of nuclear threats on DPRK human rights abuses is almost never considered even in the most critical texts. Gavan McCormack (2009) aptly writes: “If anything is calculated to drive a people mad and to generate in it an obsession with unity and survival, the threat of nuclear weapons must be such an experience.” To invoke an analogy made in Chapter Two, one should consider how many Donald Rumsfeld-like thinkers there would be in American politics if the US has no nuclear weapons and faced 65 years nuclear threats from a far more powerful adversary that devastated the country in the early 1950s. What would the American bill of rights look like today in this context?

In fact, the DPRK has every reason to be skeptical of these ‘security assurances.’ As Pyongyang announced in response to the invasion of Iraq the UN inspected Iraq and successfully disarmed it, “that is when the United States decided to invade; America would not have invaded Iraq if it had nukes; this is not going to happen to us” (as translated by Cumings 2009). The more recent invasion of Libya directly demonstrated to the DPRK the meaninglessness of US security guarantees: “Libya’s giving up its nuclear arms […] was used as an invasion tactic to disarm the country by sugarcoating it with words like 'guaranteeing security' […] strength was the only way to keep the peace (Rapp-Cooper and Waltz 2011). Another DPRK spokesman stated in October 2002: “If we disarm ourselves because of US pressure, then we will become like Yugoslavia or Afghanistan’s Taliban, to be beaten to death” (Pritchard 2007: 25). Even most Western analysts seem to agree that, “Pyongyang has drawn a sobering lesson from what happened to the Soviet Union, Iraq and Libya when they acceded to the West’s surrender-your-weapons demands” (McDonald 2012c). These countries “took the economic bait, foolishly disarmed themselves, and once there were defenseless, were mercilessly punished by the West” (Ibid). As Stephen Gowans (2013a) put it bluntly, disarmament has demonstrably increased the chances of US military intervention in any given country: “[disarmament] doesn’t reduce the risk of wars of conquest – it makes them all the more certain.” As an Israeli Major-General put it, “Who would have dared deal with Gaddafi or Saddam Hussein if they had a nuclear capability? No way” (Ibid).

This context makes the DPRK nuclear program intelligible. The leadership sees it as necessary to deter American aggression or intervention in a future context of organized challenges to DPRK authority. It became clear in 2002 that DPRK efforts at dialogue and international had failed, so “[t]he only choice left for the DPRK was to ‘counter the threat of nuclear weapons with nuclear weapons’” (DPRK-R 2014). For now, the imbalance in Northeast Asia “where the DPRK had been the only ‘blank’ with neither nuclear weapons nor the protection of [a] nuclear umbrella” is corrected (Ibid).

*(3) Historical and Contemporary Economic and Financial Sanctions:* DPRK-R argues that the sanctions imposed against it amount to the crime of “genocide.” The “economic difficulties” that led to “people’s rights to existence [being] threatened” were “entirely attributable” to the economic blockade and sanctions imposed by the U.S. and other Western countries. All credit loans, external aid and investment are prohibited by the US Treasury. The US list of prohibited export items includes strategic materials, hi-tech machines, and semiconductor devices. The dubious language of sanctions resolutions in particular pose a severe barrier to human rights. They “obstruct the right of development” and are therefore “anti-human rights” (Ibid).

The COI repression of the impact of international isolation and sanctions starts at the very beginning of the history section that refers to the “largely self-imposed relative isolation” of the “Hermit Kingdom” (COI: 87). This suggests “that the insularity of the North has been characteristic since its beginnings” (Ibid). This usage of the highly ideological signifier “Hermit Kingdom” is simply inaccurate: the DPRK was a leader of the non-aligned movement (NAM) in the 1960s and 1970s and even today has more diplomatic relations than Taiwan (Shim 2013: Ch. *Introduction*). Similar to Cuba, the DPRK has made significant efforts to engage the world, especially other developing countries with similar socialist and postcolonial ideological affinities. As Kwon and Chung (2012: 140) put it, “North Korea clearly had ambitions of becoming a world-class revolutionary leader in the postcolonial world.” The isolation of the DPRK is very much externally imposed as a result of the influence of its adversaries.

The few paragraphs that actually mention sanctions against the DPRK severely obfuscate their hostile character and consequences. The COI “duly considered” the role of sanctions in the famine, yet it never pronounces a position on their human rights impact (COI: 674). The only other reference to sanctions in the Findings section has one anonymous former DPRK official stating he “believed everything the Party said” (note past-tense), including that food shortages were a result of Western sanctions (COI: 605). The Commission concludes by endorsing “targeted sanctions against those who appear to be most responsible” for CAH, but “the Commission does not support sanctions […] that are targeted against the population or the economy as a whole” (COI: 1225). Whereas the DPRK considers sanctions the worst form of human rights violation, the Commission believes they can be used in a “targeted” fashion to promote human rights.

The Commission’s distinction between “targeted sanctions” and sanctions against the general population is not elaborated. Financial sanctions, for example, are widely recognized as “targeted” against the elite. This appears quite logical: the average North Korean does not have access to international financial markets, whereas upper-elite Koreans do. By limiting the foreign currency available to the DPRK elite, the logic goes, sanctions can reduce the purchase of luxury or military goods and limit the ability to reward officials with foreign currency (Zarate 2013: Ch. 9). This follows the popular belief that the DPRK is a “failed economy” designed exclusively for the acquisition of luxury goods and weapons programs, seen as crucial to the survival of “the regime” (Ibid). But Juan Zarate, a former Treasury official, fails to recognize that financial sanctions also limit the capacity to import agricultural inputs and to supplement grain shortfalls with imported grain. The Commission does mention that the lack of foreign currency precipitated the famine, yet implicitly blames this entirely on the DPRK’s poor credit history (COI: 503). The real irony here, as Hong (2013a: 523) notes, is that the most vociferous criticism of the DPRK for not following market principles “comes from the very human rights camp that has agitated for a fortified sanctions regime against the country, thereby restricting its access to capital.”

At a US Congressional Hearing on COI findings (USG 2014a), Bruce Klinger of the *Heritage Foundation* advocated for harsher financial sanctions against the DPRK. He emphasized that sanctions on Iran are more severe and that the DPRK is not the most sanctioned country on earth despite “widespread misperception.” These sanctions “are precision guidance munitions and not economic carpet bombing” and “they would not impact the populace.” In his submitted testimony, however, he advocates targeting the DPRK “*writ large*, not just individuals or departments.” His recommendations include designating the whole country a “primary money-laundering concern”, banning DPRK accounts in the US, removing the DPRK from the world hub for financial transactions, formally charging the DPRK as a counterfeiter, enhancing inspections of shipping cargo, and prohibiting more materials and items. Klinger’s argument that these “would not impact the populace” relies on an incredibly strict understanding of causality.

The implication of Klinger’s testimony is that US policymakers have, for some mysterious reason, dealt with the DPRK with velvet gloves. Understanding why the US has not imposed more severe sanctions requires considering the radical asymmetry. The US *could* further isolate the DPRK from the global economy, but it cannot do the same with Iran (primarily due to Europe’s reliance on Iranian oil). The logical reason why they do not is the consequences of precipitating a situation where the Kim government remains in power but the country undergoes another economic collapse. This would be extremely unpalatable to the ROK and probably vigorously opposed by China and Russia.

Another prescient example is the ‘targeted sanctions’ against luxury items already described in the previous chapter. The 2006 UNSC sanctions against “luxury goods” in response to the first nuclear test left the definition of “luxury” up to individual countries. Whereas Russia and China define “luxury goods” narrowly – goods only the rich could afford – Western countries define them in extremely broad terms. The American list includes (among many other things) *all* tobacco, alcohol, DVD players, televisions over 29”, sporting goods, works of art, laptops, as well as “motor vehicles to transport people (other than public transport), including station wagons” and scooters (UNSCR 2013).[[90]](#footnote-90) These sanctions can be understood as an attempt to impede DPRK development and stifle the emerging middle class, driving up the cost of items that are crucial to a poor country’s development. Scooters, for example, are crucial to the economies of developing Asian countries and the lives of the majority of working-class people living in them.

It is a reasonable symbolic assumption that any ‘targeted sanction’ that is broad and strict enough to impact the foreign bank accounts of elites in general will impact the general population, whether through limiting the capacity to import food and agricultural inputs, construction materials, etc., or through dis-incentivizing foreign investment. Moreover, the notion that raising the costs of procurement of military and luxury products will somehow increase the money spent on public goods is illogical. The opposite is more likely: the population will be called upon to make sacrifices to maintain the DPRK military deterrent and elites will find more costly avenues to obtain their luxury goods.

The implications of American trade and financial sanctions go far beyond a lack of access to the American market. Countries under comprehensive American sanctions are under the jurisdiction of a rather mysterious Treasury department, the Office of Foreign Assets Control (OFAC, Lee and Slear 2006).[[91]](#footnote-91) Specifically for the DPRK and Cuba, these regulations apply not only to US companies but also foreign subsidiaries of companies owned or controlled by Americans and extend extraterritorially if they involve some American ownership or control (Ibid). As a consequence of the complexity of administering OFAC compliance for a large company, the adverse publicity for doing business with hostile states, and the draconian penalties for even inadvertent violations, many companies simply adopt “a policy of global compliance with Ofac [sic] requirements, regardless of locale” (Ibid). They therefore go beyond what is required by sanctions regimes themselves. Under OFAC, virtually all shipments or travel with goods require a license, even if the goods are not prohibited, which take months to procure and only a handful of which are available.

The DPRK calculates the total cost of sanctions from 1945 to 2005 at 13.8 trillion (Beal 2011: 19). This is obviously a self-serving guess. The fact that the DPRK has never experienced a sanctions-free environment makes it essentially impossible to assess the real economic and humanitarian impact. This indeterminacy facilitates repression of our normal knowledge and assumptions regarding the effects of sanctions on the population of target countries. This dissertation holds that the lack of transparency of the DPRK – again, closely related to the existential threat it perceives – is not a legitimate justification for the apparent ignorance of the COI to the well-documented violence of sanctions and the presumable consequences for the DPRK population. As Tim Beal (2011: 169) put it, “sanctions are definite in intent and effect. They kill and main people, and impoverish them, and are designed to do so.”

### The Security Dilemma Does Not Exist: Mystification of the Military Asymmetry

At the center of the COI failure to accurately represent the DPRK geopolitical context is the Commission’s apparent lack of appreciation for the military asymmetry between the DPRK and the US/ROK alliance (one might also include Japan). The Commission notes the declining capabilities of the North, where WMD and other “asymmetrical forces” including the “world’s largest stockpile of chemical weapons” is “destabilizing security in the region and further isolating the DPRK (COI: 137). It also notes its “1.2 million active troops and 7.1 to 8.3 million in paramilitary reserves.” These programs are all framed as “keeping with the *Songun* [military-first] orientation” and as contributing to food insecurity (COI: 137); there is no attempt to rationalize this by relation to the objective threat it faces from the US/ROK alliance.

One statement encapsulates COI mystification of the military asymmetry: “On both sides of the border, there remains fear of invasion and infiltration” (COI: 106). The DPRK is understood by the COI, and the discourse in general as Smith (2000) argues, to instrumentalize this fear to maintain a state of emergency that justifies single-party rule, human rights violations, perpetual shortages, and so on. The ROK also has “insecurities” and policies that “appear to infringe” on human rights, but these are written as legitimate security concerns (COI: 106). In the real world, both the DPRK and ROK have legitimate security concerns, and both the DPRK and ROK engage in securitization for political purposes. A purely materialist and objectivist analysis would have reversed and nuanced the Commission’s logic: DPRK military expenditures are a response to a real existential threat which is also used for propaganda/securitization purposes, whereas the ROK is engaging in securitization that has marginal military significance.

As already described in Chapter Two, the DPRK failure to achieve food security and economic outcomes is attributed to ideological adherence rather than the imperatives of the state of exception. Any realist would assume that a state facing an existential threat without reliable allies would develop a self-sustaining food supply and indigenous military production capabilities. There is nothing peculiar or particularly ‘ideological’ about the military origins and applications of DPRK concepts of *Juche* (self-reliance as philosophy) or *Songun* (military-first as political slogan).

The COI framing of DPRK nuclear and missile programs as a criminal activity and a function of the *Juche* ideology intended to force “concessions” from the international community therefore crosses into hyperreality. This is likely attributable to the primary international relations expert witness for the COI, Victor Cha (i.e. Cha 2002: 214), a Bush administration negotiator.[[92]](#footnote-92) Cha (2013: 303) grants that “there is some truth” to the notion that the DPRK wants nuclear weapons to deter America. He then proceeds to discredit this position by referring to a ‘blame America’ discourse of North Korea ‘sympathizers’ who see the US as the root of all problems. This reaches a climax where, in a profoundly hyperreal exercise intended to mislead the reader through sheer volume and repetition, Cha produces an 8-page list of American ‘security assurances’ to the DPRK (Ibid: 306-7). Many of these ‘assurances’ are very weak, and the strongest of them essentially say ‘we do not intend to attack you’ (*at this time*) and have ‘no hostile intent’ (*at this time*). These statements are, of course, true: the US is not planning a preemptive ground invasion of the DPRK. But they would mean *almost* *nothing* in the context of escalation to open warfare outbreak with the ROK or large protests or civil conflict in the DPRK.[[93]](#footnote-93)

The typical mystification of the threat posed to the DPRK usually begins from ‘does the United States want to invade North Korea?’ Andrei Lankov (2013c) noted at a March 2013 webinar that there is no political support for invading the DPRK. Yet re-framing the question results in an entirely different answer. In the question period of this webinar, I asked Lankov (paraphrasing): ‘if there were medium- to large-scale protests, riots or rebellion going on in the DPRK, would the US/ROK intervene as they did in Libya?’ He was unequivocal (again paraphrasing): ‘US forces would intervene, at minimum to secure the nuclear program, and possibly to finally remove the regime.’ And he added that the intervention would be primarily American, as sending Koreans to kill other Koreans is politically impossible in ROK politics,[[94]](#footnote-94) and sending Japanese troops is out-of-the-question for political/historical reasons. Tim Beal (2011: 38) also emphasizes how American intervention would be justified in terms of securing WMD materials in the context of war of breakdown of authority in the DPRK. Moreover, the hidden point of OPLAN 5029 is apparently that the US would want to preempt the ROK from taking control of the DPRK nuclear arsenal and would therefore seek to seize them first if the DPRK were to become unstable (Funabashi 2007: 250).

DPRK military planners face a reality where any significant resistance that becomes known to the world will – they must presume – lead to political pressure in the ROK, US and Japan to ‘take action’ to help the repressed masses and their representative freedom fighters. Recent post-Arab Spring history evinces the high probability that any armed rebellion would receive clandestine support from the US, ROK and/or Japan. It is not simply that the state of exception is used to *justify* crushing any dissent against the government; any dissent against the government *also* constitutes an existential threat to the government in the present geopolitical context. The same logic applies political detention centers: the state of exception justifies prisoners’ incarceration and simultaneously makes their incarceration a perceived security necessity, lest ‘hostile elements’ be given the space to organize against the government. During the 1990s famine, the state of exception led the military to believe that the collapsing DPRK infrastructure might embolden the US/ROK alliance to take military action against it – the fact that the US came so close to bombing facilities in 1994 could only reinforce this perception. It is possible, in short, to recognize *both* that the state of exception is instrumentalized for the purpose of securitization *and* that it poses real constraints on the DPRK’s capacity to improve human rights. They are not mutually exclusive.

When Jean Baudrillard wrote *The Gulf War Did Not Take Place* (1995), he did not intend to deny the violence that took place in Iraq in 1991. He critiqued the notion that this asymmetrical exercise of violence could be said to constitute a ‘war’, on the one hand, and he argued that hegemonic media representations completely obfuscated the actual violence inflicted. This dualistic meaning is retained here. The hegemonic common sense (maintained by the COI) should be reversed: the security dilemma *does not exist* for the DPRK (it is repressed from hegemonic representations and its violence is not acknowledged) and the security dilemma *really* does not exist for the US/ROK alliance (the DPRK is not a threat). Secretary of Defense William Perry captured this kind of asymmetry as far back as 1984: “If I had to sum up current thinking on precision missiles and saturation weaponry in a single sentence, I’d put it like this: once you can see the target, you can expect to destroy it” (Virilio cf. Shim 2013: Ch. 4).

The primary cause of the general lack of appreciation for the radical power asymmetry in the Western discourse between the US/ROK alliance and the DPRK is their shared interest in repressing it. For the DPRK, admissions of military impotence do not jive with their brand of sovereignty-first anticolonial ideology. There is also an unrecognized deterrence component behind sometimes blatant exaggeration of DPRK military capabilities by the North’s military officials. For the US, ROK and Japan, on the other hand, debating the radical asymmetry logically calls into question the need for the military presence and related appropriations (like BMD). It suggests, at least somewhat correctly, that these weapons systems are primarily directed towards the encirclement of China and perhaps Russia. It also lends legitimacy to DPRK assertions that its nuclear and missile programs are a legitimate deterrent to potential US/ROK aggression.

Influential English-language books written about Korean security and nuclear issues consistently mystify the military asymmetry. This is not only related to ideological orientation, but also drawing audiences: a book about military capabilities, intentions and strategy is only interesting in the context of potential future warfare. For an author to acknowledge the asymmetry and maintain realist assumptions essentially amounts to admitting that their work is all but irrelevant – *deterrence holds,* at least for the DPRK.

Joseph Bermudez (2001), the other major security expert witness to the COI (albeit testifying as a satellite imagery expert), provides an example. He argues that the DPRK remains aggressive, as demonstrated by its own official documents (written in 1966, 1970 and 1972 respectively) and rhetoric. He relies upon DPRK documents written in 1966, 1970 and 1972 respectively, concluding that the DPRK intention is to reunify the peninsula with massive and swift force within the first month of hostilities using its asymmetrical capabilities. This relies heavily on racialized tropes of Asian irrationality: soldiers willing to endure extraordinary hardships and privation and become “human bombs”, acting “with minimal consideration of the danger involved” (Ibid: 12, 14).[[95]](#footnote-95) The declining quality of DPRK forces and increasingly asymmetrical balance of power implies that the DPRK has every reason to initiate hostilities as soon as possible (Ibid: 19). No substantial comparison is made to US forces and no effort is made to describe the deterrence role of belligerent public statements. These 12 pages on DPRK policy and strategy set the stage for 271 pages of mostly quantitative statistics and institutional mapping that leads the laymen reader to believe that the DPRK is an existential threat to the region. It then becomes evidence of DPRK aggressive intent in US military publications (i.e. Sanford and Scobell 2007: 36).

In American security texts and news media, the hegemonic representation of the balance of power compares DPRK and ROK military capabilities and formal political objectives from the end of the Korean War until today. This typically starts with the relative DPRK strength of the immediate postwar period, then its decline to parity with the ROK of the mid-1970s, precipitous decline in the early 1990s, and finally the more recent rise asymmetrical warfare, particularly the DPRK nuclear program and other WMD. This conceals the fact that a US Army General continues to have operational control of ROK forces during wartime and the US would therefore be almost automatically involved in any defense of the ROK; allowing Seoul to fall to North Korean attack is unthinkable. The Key Resolve exercises rehearse OPLAN 5027, where the US is “committed to dispatching” around 690,000 troops with 1,600 aircraft, and 160 ships including aircraft carriers, all of radically superior quality to DPRK weapons systems, “within 90 days after an outbreak of war” (Beal 2011: 153). The critical analyst should be intensely skeptical of military analyses that bracket out American power.

Even if the analyst does bracket out US power – which should not happen – the DPRK is still seriously disadvantaged. Rudiger Frank (2003: 734) admonishes the ROK military’s tendency to raise alarm through juxtaposition of misleading quantitative metrics, such as “1,170,000 standing forces against the 690,000 of the South, its 78 brigades against the 19, its 23,001 armoured vehicles against the 2,400, its 50 submarines against 6, etc., etc.” The state origins provide these statistics with “a degree of political and moral authority that goes far beyond its empirically sustainable claims” (Ibid). Critical security writers have shown that the ROK is “far superior” in military capacity, that the “one-million-man army” is largely fictional, as well as the obsolescence of DPRK capabilities and the serious lack of oil (Ibid: 734-6). Obsolescence and lack of logistical capacities alone should rule out aggressive intent (Sigal 2006: 33). The emphasis on quantity over quality and revisionist intentions is reminiscent of Cold War-era inflation of the Soviet threat and the more recent Chinese military modernization threat (Beier 2005).

Especially if the US is assumed to be at least providing logistical support in any US/ROK conflict, which DPRK military planners must assume, then any argument that the DPRK poses a threat ultimate rests on the extraordinary-negative frame. Specifically, that North Korea must be potentially *irrational.* The 2003 Iraq war was publicly justified in exactly these terms: Saddam Hussein is not rational and therefore not deterrable (Lupovici 2010: 723). It is only after toppling him that it became clear that he was not a madman but a pragmatic leader trying to stay in power (Žižek 2004: 17). Bruce Brechtol, for example, imagines how the DPRK might seek to suddenly annex Seoul to force the ROK to make “a deal.” He then points out that this would be “foolhardy” and the counter-attack would end the government, so they “probably would not do it” (York 2014b). Or in another segment, he asserts that some ROK weapons systems are obsolete, DPRK military developments, and its numerically larger army. He then negates these statements by ceding that US entry would “make the war unwinnable for the NKPA” (York 2014b). In both cases the space is left open that they *might* attack, the space of *irrationality* that should be understood as the center of the ‘North Korean threat.’

Or consider the logic of Jeremy Suri’s *New York Times* opinion piece that advocates bombing a rocket North Korea was on the verge of testing. It relies on an internally contradictory relationship to DPRK rationality. Suri begins by establishing that North Korea is a negative-exceptional threat through pointing to its rhetoric, nuclear tests and closing of diplomatic channels, which also serve to embolden Iran. Given that attacking the US/ROK is suicidal, his logic rests on the unspoken assumption that the DPRK may engage in suicidal (irrational) behavior; or at least that Iran perceives that the US perceives the DPRK as potentially irrational, so they would be emboldened by American non-aggression. He then defends his prescription to bomb North Korea on the grounds that the DPRK is *not* suicidal and so it will not retaliate; an attack on Seoul “would be an act of suicide for him [Kim Jong-un], and he knows that.” Kim, however, “might feel obligated to start a war to save face” (i.e. may act irrationally to maintain his dignity) which would then imply that war was inevitable all along, so America ought to attack now before the DPRK improves its capabilities. In short, the DPRK is a threat because it may behave irrationally and is internationally perceived as such, but we can presume it is not suicidal and so we can attack it, but if it does turn out to be irrational, it is better to fight the war now rather than later.

North Korea scholar Jennifer Lind (2012) also maintains a sharply contradictory relationship between the poles of rationality. North Korea is seeking to cultivate a “madman image” in a “Richard Nixon sense”, feigning irrationality and “powerfully deterring these far more powerful actors from wielding force against it.” North Korea is seeking to convince the US and South Korea that “with such an opponent, a game of tit-for-tat retaliation, that most countries understand the rules of and the limits of, is just too risky [...] too likely to lead to all-out war.” As Lind stated in dramatic fashion:

North Korea through its behaviour at home and abroad has told the world that we will not swerve, we will starve our people to death, we will wail when the dear leader dies, we will devote a quarter of our budget to defense, we will hack up your soldiers with axes, and we will shoot your presidents [...] *we are that crazy*.

Most of these events took place before the 1990s and it is unclear how they amount to a policy of deliberate insanity. Even as she represents North Korea's strategy as a rational and cunning *masquerade* of irrationality, she also suggests North Korea may not grasp the rules of international diplomacy, adding: “so is North Korea that crazy? The answer is: [pause] no one wants to find out.”[[96]](#footnote-96) And if North Korea *did* go to war, the leaders would have nothing to lose and “so they would have every incentive to use WMDs” (Ibid).

Rather than suggesting North Korea has essentially ‘duped' the US and South Korea through an astounding feat of strategic ingenuity that she herself is somehow immune to, Lind might have looked at how Western experts have duped *themselves* into believing North Korea might be irrational. Even academics well-versed in realist international relations theory seem to forget the core deterrence logic behind vitriolic DPRK official statements. This is at least partly attributable to the ‘rogue state’ metaphor and other concepts that suggest the DPRK cannot be deterred and therefore cannot be trusted with WMD, even though some scholars highlight that WMD-armed ‘rogue states’ are *more* deterrable than without WMD and are likely to pursue more conservative policies in a context of less asymmetrical ‘mutual deterrence’ (Lupovici 2010: 720, 724).

If everyone *knew* that North Korea would never use its nuclear weapons unless it was existentially threatened, as we know with France (for example), then they have little strategic value. Consider Schelling's (1960: 17) seminal text on brinksmanship, where he points out that “a careless or even self-destructive attitude towards injury […] can be a genuine strategic advantage.” He uses the example of a mental patient who screams, “I'll cut a vein in my arm if you don't let me...” to get what he or she wants (Ibid). By making the adversary believe that the decision is partially out of the leader’s control, the normal threat that “I may or may not, according to what I choose” can be substituted for the more potent “I may or may not, and even I can't be altogether sure” (Ibid: 187-88). By necessity in the context of asymmetrical deterrence, the DPRK must demonstrate willingness to escalate even in unwinnable circumstances (Lim 2013: 5526), i.e., if you insist on that unacceptable action, I will kill some of your people *with the full knowledge that you will then annihilate my entire society, probably inclusive of myself and my closest relations.* One becomes a ‘dupe of ideology’ when this understanding is repressed and the recurring vitriol comes to be seen as an indication of some extraordinary-negative ‘Secret’ outside our grasp. This Secret is at the very center of the following chapter.

Dennis Roy’s (2010) *Parsing Pyongyang’s Strategy* is a particularly oft-cited article on DPRK strategy. He begins by introducing indeterminacy to the claim that “fear of aggression […] is a principal driver of North Korean foreign policy” (Ibid: 111). He asks why the DPRK would engage in provocative actions if they *really* feared America, supported only by the 2009 nuclear test and, in a footnote, two anecdotes of DPRK officials suggesting the possibility of nuclear transfer.[[97]](#footnote-97) Having added indeterminacy to the normal assumption of deterrence, he weighs three alternative explanations: (1) irrational or desperate, (2) “they need an external enemy for domestic political purposes,” or (3) “fomenting crises serves two basic North Korean objectives: security and extracting concessions” (Ibid: 111-2). Because the origins of DPRK ‘irrationality’ are located in DPRK strategy and internal politics, not American ideology itself, his forceful rejection of the premise nevertheless serves to reify it as an element of knowledge (see Chapter Four). Roy’s favored explanation, “security and extracting concessions,” links a “policy of extortion” against America with recognition of deterrence as a core DPRK strategy (Ibid: 124). If DPRK national security fears were genuine, they would simply open their economy to the world and build military capacity, he writes – the state of exception and sanctions are apparently irrelevant. He essentially finds that DPRK security policy is an extraordinary-negative policy of extortion and cult preservation devoid of public benefit.

COI witness Victor Cha’s (2002) article on DPRK strategy similarly adds indeterminacy to deterrence through weighing it against fanciful offensive strategies and national prestige, the crux of which is that, “nuclear proliferation, rather than deterring, actually increases the likelihood of attack” (Ibid: 222). This logic conflates ‘attack’ with ‘invasion’: the DPRK probably believed (correctly) that the program would not trigger invasion and airstrikes on its reactor would not be an existential threat to the government.

A crucial point is that deterrence is the only explanation that scholars (though not news media) absolutely must engage in any discussion of DPRK nuclear policy. Any other one of the explanations of Roy or Cha could conceivably be dismissed outright and still pass peer review in a respectable international relations journal, yet mainstream realist security articles rarely privilege this over other explanations – not least because placing primary responsibility for the DPRK nuclear program on the US/ROK threat makes any text appear biased or ‘ideological’ (anti-American) to readers. The literary creativity of these articles is in simultaneously acknowledging the centrality of deterrence *and* repressing it in favor of alternatives that assign responsibility to the DPRK.

The crucial point is that the ‘North Korea threat’ fundamentally relies upon the extraordinary-negative frame (i.e. irrationality or wickedness). Recognizing and rejecting this frame means applying normal assumptions of state behavior to the DPRK and therefore acknowledging that *there is no security dilemma for the US/ROK alliance*. It also means recognizing the radical security dilemma of the DPRK and the deadlock it faces between maintaining deterrence and justifying the state of exception to its people on the one hand, and promoting normalization, engagement and investment on the other. It means, in short, acknowledging DPRK *impotence* to *change* their geopolitical context, acknowledging the role of the state of exception in the serious human rights violations it commits, and therefore acknowledging the responsibility of the West both for the state of exception and its deleterious effects on DPRK human rights in general.

### A Relation of Violence

One way to re-conceptualize the struggle between the US and the DPRK that puts the radical asymmetry front-and-center is to model it by its proximity to a relation of violence. For Michel Foucault, a *relation of power* presupposes the capacity for resistance; if there is no capacity for resistance, then it is a relation of violence (Edkins and Pinfat 2005: 4-5). An exercise of power, in other words, presupposes a free subject – a slave is in *a relation of violence*, bound to the arbitrary violence of the master, until the moment of possible escape presents itself (Ibid: 10).

The American military goal is better understood as a never-fully-achievable effort to assert “sovereign power” over the DPRK, to neutralize the capacity to deter American military Will and therefore leave it open to arbitrary violence restrained only by the interests and collective consciences of American policymakers. Far beyond simply seeking to ‘deter’ DPRK aggression, US strategy since the Cold War has been to prevent the DPRK from achieving or maintaining *the capacity to deter American power*. If the DPRK is extraordinary-negative, then it must not achieve the capacity to harm America or its allies. No credible offensive capabilities means no capacity to deter, and therefore no capacity to compel or defend core DPRK commitments against any violence short of a US/ROK ground invasion. A hypothetical/impossible situation where the DPRK is *incapable* of blackmailing another country, where all its capabilities are fully neutralized by countermeasures (i.e. where its artillery can be destroyed in minutes by US air power, where BMD reliably intercepts its missiles, and so on,) is precisely a relation of violence.

The DPRK nuclear program should be understood in the context of endlessly reiterated DPRK assertions of the primacy of sovereignty; it is precisely a demand for properly political power relations (Edkins and Pin-Fat 2005: 181). By all accounts, a credible nuclear deterrent takes military intervention off the table for all the Allied powers (for example, Hecker 2010: 53). Lim (2013) calls this “existential deterrence” where the nuclear deterrent “operates independently of any asymmetries in power.” Beal (2005: 181) makes a similar point by noting the US has more nuclear weapons than there are targets in the DPRK, but if the DPRK has nuclear weapons, “the US would no longer be invulnerable, and this is the key.” The irony is that, if the hyperreal extraordinary-negative frame were somehow completely removed from the discourse without removing the state of exception, the DPRK strategic context would be closer to a relation of violence than it is today simply because DPRK willingness to retaliate in unwinnable circumstances would not be compelling.[[98]](#footnote-98)

The notion that properly political (diplomatic) power relations with the DPRK would be an act of violence also hinges on the extraordinary-negative frame: that the government is potentially irrational and aggressive, that it gratuitously abuses its citizens, the liberal dogmatism that government economic ‘collapse’ is immanent, and so on. If this line of argumentation is rejected, then refusing properly political power relations with the DPRK *is* an act of violence. It simply cannot be justified by relation to ordinary North Koreans’ interests in the absence of extraordinary-negative elements and a method of eliminating the government without resorting to a massive act of violence.

### The US Treasury’s War on North Korea

One episode illustrates four key elements of this chapter: the impotence of the DPRK in the context of radical material asymmetry, the mystification of this asymmetry, the absence of the DPRK position, and the deceptive character of American policy. On September 25 2005, within a week of an agreement involving significant DPRK nuclear concessions, the US Treasury launched an “unprecedented” and “devastating” program intended to isolate the North from the global financial system (Zarate 2013: Ch. 10). Within two months, the US would also end KEDO and engage in a nuclear war exercise that targeted North Korea (Chossudovsky 2013). The action was formally justified as a measure to protect the American financial system from extraordinarily high quality counterfeit US currency supposed to originate in the DPRK, described below.

Treasury had used a provision buried in the Patriot Act, Section 311, to cause a run on a small Hong Kong-based bank that held DPRK accounts. Most of the assets were related to legal sales of precious metals (Zarate 2013: Ch. 9). Although consistently misrepresented as a financial sanction, the Section 311 was simply a clear, informal threat to global financial markets: ‘if a bank holds DPRK assets, it could be removed from the financial system, which would inevitably lead to it being dismantled by its own creditors.’ Since DPRK assets are insignificant compared to many personal accounts of international banks, let alone institutional accounts, even Chinese banks had no incentive to resist (Ibid). The risk of holding DPRK assets went up astronomically overnight and it appears that every international bank the DPRK had deposits with immediately demanded withdrawal of all their holdings. To this day, North Korean assets are “kryptonite for most banks, which continue to avoid transactions with the country even when they are not expressly banned” (Talmadge 2015).

The DPRK then spent a year and a half demanding reversal as a precondition to moving forward on the 2005 agreement. The State Department would learn the ‘action’ could not be fully reversed and even partial reintegration of the DPRK into the financial system would be difficult: the message had already been sent. Even with the positive signal of openly transferring the money back to the DPRK, the potential for another Treasury action in the future permanently raised the risk of holding their assets (Zarate 2013: Ch. 11). Even if the risk to any one bank is remote, the consequences for a targeted bank are catastrophic. The mind-bending duplicity of US policy in this period probably reflected bureaucratic politics between the pro-engagement officials (primarily the State Department), and anti-engagement officials (primarily Treasury and the Vice-President).

Equally remarkable is the near impossibility of ascertaining this knowledge in American news media at that time. NYT coverage consistently framed the DPRK position as simply demanding the return of their ill-gotten USD 25 million, with only hints here and there as to *why* – in fact, only USD 12 million of it was actually DPRK accounts (Zarate 2013: Ch. 11). Again and again the action was depicted, usually through quotes by American officials, as unrelated to nuclear negotiations: “a law-enforcement action by appropriate government agencies” to protect the US currency, as David Asher put it (Mihm 2006). In fact, one suspects NYT journalists – and Western journalists more generally – did not really understand what was going on until at least 2007.

Below is a roughly chronological look at examples from NYT coverage that come closest to explaining the real stakes of the situation.[[99]](#footnote-99) Early articles represented the action simply as a “new effort” to limit DPRK illicit activities, primarily counterfeiting (Sanger 10/24/2005; also Kahn 11/12/2005). The first article to question the timing of this action states that “critics” see it as “suspicious” and suggests it might be poor coordination, neoconservative sabotage of negotiations, or (most emphasized) simply a coincidence (Fackler 01/29/2006). Only after March 2006 do we get a sense of the effects of these sanctions: banks were “limiting their dealings with North Korea” (Brinkley 3/10/2006, also Lague 12/22/2006), “sanctions” were “hurting not only illegal but also legitimate financial transactions for the North” (Choe 9/19/2006), and the action “curtailed” DPRK access to the financial system (Lague 12/19/2006). One article labels the action “a tremendous blow to the regime”, not due to the general isolation imposed, but because the DPRK relies on counterfeiting and weapons sales (Choe 9/19/2006); the relatively tiny total seizures of counterfeit dollars (USD 50 million) is not mentioned. DPRK refusal to return to talks is framed as an excuse not to engage in serious negotiations (Kahn 12/23/2006) and as having “angrily boycotted” them (Weisman 3/1/2007). While the ‘sanctions’ are recognized as causing “economic pain for the North […] the regime focused most of its attention on the frozen funds in Banco Delta Asia […] even though the sum involved was fairly small” (Lague 3/22/2007), without actually saying *why* the DPRK was obsessed with the USD 12 million. One article notes that banks “started to shun business with North Korea, creating an informal financial embargo of the country”, and then suggests the DPRK should no longer hold up negotiations because it can now withdraw the funds (Greenless and Lague 4/11/2007), wrongly implying the funds had been frozen and without mentioning why the DPRK did not withdraw the funds. NYT inches closer to truth in June 2007 with a very poorly worded passage: the DPRK “insisted that the money be routed through an international bank in a transaction be in dollars [sic]” (Weisman 6/12/2007); an article four days later mentions that this was “apparently to prove that its money was clean” (Choe 6/17/2007). Finally, in an article primarily about the possibility of applying similar sanctions to Iran, the NYT comes the closest to a realistic analogy: “What Banco Delta Asia demonstrates is that once you find yourself in this tar pit, it’s almost impossible to extract yourself” (Weisman 7/3/2007). Even after the funds were openly returned, Treasury continued to move forward on excluding BDA from the financial system (Greenless 9/29/2007), although the article does not describe the crucial meaning of this: a signal to banks that DPRK assets are still dangerous *despite the return of the funds*, thus negating the intended message.

The refusal to return to negotiations for 18 months over such a relatively tiny sum of money strongly implies the extraordinary desperation or unreasonableness of DPRK officials to any laymen reader of a few of these articles. It was arguably the release of Juan Zarate’s (2013) memoir on Treasury’s post-9/11 role in American foreign policy, *Treasury’s War*, which made it possible to grasp what was really going on. What is only sporadically and ambiguously implied by the NYT is that the DPRK was, in actuality, demanding that the US reverse the damage it had caused: “the North Koreans knew exactly what they wanted [during the 18 months] – restoration of their ability to access the financial system”, an “antidote” to the damage caused, starting with an open transfer of the funds by a US bank to signal their assets are not toxic (Ibid: Ch. 11).

Even more incredibly, there is good reason to believe that counterfeiting, the “*causus belli”* for the Treasury action (Zarate 2013: Ch. 9),[[100]](#footnote-100) may have been a false accusation. Felix Abt (2012) notes how renowned German bank note expert Klaus Bender has argued the DPRK does not have the vast technological prowess and very specific materials needed to make the so-called ‘supernotes’ and the requisite printing machines are closely tracked by Swiss federal police. Bender has written that these counterfeits are of such high quality that they are “not a fake anymore. It’s an illegal parallel print of a genuine note” (Hall 2008c). Swiss police noted that not only are the bills technically perfect, but the counterfeiter appears to have deliberately added “miniscule extra strokes, as if trying to flag the phony bills” (Hall 2008b). There are at least 19 versions of the bills in circulation and the paper must have been perfectly made from scratch, indicating a “huge commitment” of resources well beyond the value of the counterfeits believed to be in circulation (Hall 2008c). Moreover, the 10-month *McClatchy Newspapers* investigation concluded that the stories of defectors who substantiated this claim were “dubious and perhaps bogus” (Ibid; see also Johnson 2008). The US Secret Service assembled 60 experts on one occasion, yet never provided hard evidence; their case rested on having faith in their classified intelligence (Hall 2008c).

In 2007, the State Department dropped counterfeiting from the list of complaints against Pyongyang (Hall 2008a). In fact, Congressional Republicans first followed Israel in blaming Iran and Syria for the notes in February 1996, whereas the first formal blaming of the DPRK was by a US Grand Jury in September 2004 (Hall 2008a). Criminal gangs in Russia and China have also been suspected of producing the notes (Hall 2008c). Both Bender (Hall 2008c) and Giovanni Di Stefano (2013), apparently from his prison cell,[[101]](#footnote-101) have concluded that the CIA is probably the culprit, whereas the *McClatchy Newspapers* arguably represents this as the least unlikely possibility, pointing out as precedent that the CIA had a counterfeiting program to undermine the Soviet economy (Hall 2008c). The logic here, most clearly enunciated by Di Stefano, is that the CIA acquired the US printing materials, hired counterfeiters and then distributed the notes to Middle Eastern and African organizations and governments that the US cannot openly support. These actors then used some of the money to purchase weapons from the few sources outside the ‘international community’ willing to sell to unpopular regimes (i.e. the DPRK). Given the quality of the bills, the unprofitably small quantity believed to be in circulation, and their apparently intentional imperfections, this is as plausible an explanation for why DPRK officials have been repeatedly caught with the notes as their having produced them. If the CIA turns out to be the culprit – or a criminal syndicate or a different government – one should consider how DPRK officials would see their financial isolation. The ‘action’ was arguably an act of war and inarguably (if the DPRK is vindicated) a policy of extraordinary deception, libel and extortion to cripple the DPRK economy, further tarnish its reputation, and force it to capitulate to US demands.

This is a stark example of what Cumings has described as “the absurd result” of “severe and often state-induced [Western] media bias”, where it is “exceedingly difficult to figure out the real stakes of the conflict” (Cumings 2003: 47-8). In fact, Zarate (2013: Ch. 11) notes that baffled senior US officials often asked their briefers if they were mistaking 24 ‘million’ for ‘billion’. Not a single NYT article directly questioned whether the DPRK was really the source of the ‘supernotes,’ nor did a single article consider how the action would affect the DPRK population.[[102]](#footnote-102) NYT coverage thus crossed into hyperreality proper – arguably featuring total disconnection between representation and empirical reality and functioning to project the extraordinary-negative frame in the space of the never-fully-answered question: *why would the DPRK scuttle negotiations over USD 25 million dollars in illicit or counterfeit currency?!* It also suggests that the economic field is already a relation of violence where the DPRK is not only unable to deter aggression; its objectivity is simply absent from the Western discourse.

Chapter One contended that the primary function of the COI is to facilitate securitization and that there is a clear linkage between seeing North Korea as a human rights catastrophe and as a national security threat. COI hyperreal representational practices serve to depict the DPRK government as extraordinary-negative. Chapter Four will suggest it is essentially the *same* extraordinary-negative element that stretches across the three fields and that it originates in American/Western liberal ideology. One should seek out the beneficiaries of such framing and the intrinsic linkage between its field-based manifestations: military (i.e. potential suicidal aggression), economic (i.e. a criminal regime), and human rights (i.e. a Holocaust). For example, understanding the military asymmetry not only makes it possible to comprehend their foreign policy behavior, it also puts human rights violations within context and makes the militarized command economy (and corresponding lack of economic development) understandable.

A likely initial reaction to this chapter is, ‘why devote so many pages to military and economic issues when this is a critique of a human rights report?’ It is testament to the ideological character of knowledge produced about North Korea that security, economy and human rights issues are seen as mostly distinct issues. Not only are human rights violations removed from the state of war, the policies that reify it become appropriate remedies to the violations. The consequences of radically asymmetrical military threats and economic isolation on human rights and developmental outcomes should be obvious. In fact, one might ask whether there has *ever* been a small country, existentially threatened and isolated by a global/regional hegemon for decades, that has *not* severely restricted the freedom of its citizenry and sacrificed long-term economic development for short-term national security concerns.

Imagine some scenario in which ISIL acquired suitcase-size nuclear weapons and then declared not only its right to possess them as a deterrent to escalation, but that they had already smuggled some onto US soil in order to make the deterrence posture credible (as they do not have ICBMs). Would responsibility for the human rights consequences of this action be disconnected from the nuclear threat and attributed entirely to American policymakers? Would civilian supporters of the national security measures be dismissed as too indoctrinated to see the truth? This is the predicament of the COI and the popular Western human rights discourse towards North Korea more generally: *the near-complete detachment of the military threat from the human rights violations of the national security state*. Former Vice-President Dick Cheney once stated that,

Homeland security is not a temporary measure just to meet one crisis. Many of the steps we have now been forced to take will become permanent in American life. They represent an understanding of the world as it is, and the dangers we must guard against perhaps for decades to come. I think of it as the new normalcy (cf. Aradau and van Munster 2011: 109).

If many Americans are willing to accept a normalized state of exception in the US geopolitical context, i.e. as global hegemon whose mainland has never been existentially threatened, why is it so difficult to imagine how North Koreans could accept a similar argument? The following chapter begins to answer this question by locating what has been called the ‘extraordinary-negative frame’ in American ideology through arguing that North Korea is *objet petit a* of American ideology.

# Chapter Four NORTH KOREA IN AMERICAN IDEOLOGY

As this dissertation is prepared for pre-defense submission, as of July 16 2015, international news media has been buzzing with speculation about North Korea’s chemical and biological weapons capabilities, particularly regarding shocking accounts of experimentation on human beings. This began with a very short report in *Yonhap News* (July 2 2015, ROK, only 160 words,) that did not credit an author and was buried in the *Industry* subsection of the *Business* section. It asserts an anonymous source from an unnamed North Korean human rights group had learned that a 47-year old North Korean biochemical expert, known only as “Lee,” defected to Finland the month before. He reportedly carried with him 15 gigabytes of information on human experimentation that will be presented to the European Parliament (EP) at the end of July. Many major Western news outlets then ran the story and sought to substantiate it, always at least mentioning the horrifying accounts of a former DPRK special forces soldier, Im Cheon-yong, who defected in 1997 (*Newsweek*: O’Gara 2015, *USA Today*: Johnson 2015, *The Independent*: Ware 2015, *The Telegraph*: Ryall 2015, *The Daily Beast*: Chang 2015, *Daily Mail*: Crone 2015).[[103]](#footnote-103) Im has long maintained that he is a first-hand witness to chemical and biological weapons testing on disabled children and adults and their ensuing agonizing deaths. As described in Chapter Two, these highly suspicious allegations that received extensive coverage in the early 2000s were rejected by ROK intelligence (Beal 2005: 137) and did not meet ‘reasonable grounds’ in the COI.

On July 10, *The Diplomat* (Power 2015) cast doubt on Lee’s defection based on EP being unaware of his upcoming speech and relevant Finnish government institutions denying any knowledge of him. The article does not mention the serendipity that the defection *Yonhap* claimed (on July 2) took place on June 6 was the same day North Korea released images of a pesticide factory that, according to *38 North*, features dual-use technology and is probably “intended to produce military-size batches of anthrax” (Hanham 2015, the DPRK vehemently denies this). *The Diplomat* also hedges its bets: it concludes suggesting the story may still be true with a reference to Im’s allegations.

Whether or not this report is true will only be known at the end of July, when “Lee” will be revealed or he will not. If not, then a human rights advocate will have successfully provoked dozens of well-read propaganda articles that reinforce Holocaust analogies with little risk to his/her public reputation; as Richardson (2007: 185) points out, people are “much more likely to remember the first reports” than any subsequent retractions. When confronted with this kind of totally unverifiable story, one should resist approaching the question as ‘could it be true?’ Instead, one should ask how is it possible for such severe atrocities to be reported across the world with such weak substantiation, and who benefits from this story. The critical analyst does not need to wait to find out the veracity of the story to approach this question.

The previous chapters attributed such representational practices to the extraordinary-negative frame, where popular knowledge of North Korea is overdetermined by field-based biases that sometimes detach from reality entirely. This chapter conceptually inverts this proposition: popular discourse is ‘bias’ (an ideological manifestation) that is distorted by knowledge; when viewed from a certain angle, it gives us glimpses of truth, albeit more about *ourselves* than the Other. Whereas the previous chapters sought to add indeterminacy to claims that the DPRK is extraordinarily brutal, aggressive and deceptive,this chapter argues the primary contemporary origin of these tropes is American fiction, particularly film and television, based on Slavoj Žižek’s critique of ideology. The core *aim* of this chapter is, first, to suggest the linkage between the Symbolic (knowledge) and the Imaginary (ideological fantasy) in the constitution of North Korea in American discourse, and second, to conceptually divorce the latter from the real DPRK. The core *claim* of this chapter is that North Korea is Lacanian *objet petit a* of American ideology: North Korea is an abject Other of American exceptionalism and, as such, constitutes an ideological fantasy-space that is the subtext or frame of empirical knowledge of the country. Fantasy provides consistency, enjoyment and marketability to otherwise boring and abstract nonfiction accounts. It also made appropriate the biochemical expert defector story, COI findings of 13 counts of extraordinary CAH and recommendations that stop just short of explicitly advocating regime change.

North Korean identity as we perceive it should be understood according to its structural ideological role in American/liberal ideology, just like other asymmetrically constituted fantasy-figures, including the conceptual ‘Jew’ of anti-Semitism and ‘the Lady’ of misogynism which are both applied below. Although the identity of the real Jewish person or real woman is, to an undecideable degree, constituted by hegemonic ideology, the ideological *function* of ‘the Jew’ and ‘the Lady’ has nothing to do with the real people themselves. To project *objet a* into another person is to position him/her as the lack in myself, to see what I perceive to be missing from myself in the Other, so as to maintain the consistency of my symbolic universe. Where a person is elevated/debased to *objet a*, they are often an object of love (‘the Lady’ who will make me Whole) or object of hatred (‘the Jew’ who is the obstacle to my Wholeness). The victimized ‘ordinary North Korean’ is typically an object of love, a narcissistic projection, a kind of pre-revolutionary proto-American subject who sees our hidden treasure, i.e. *freedom*, and on account of whom I perceive my ideology to be worthy of desire (Wood 2012: 129). *North Korea does not exist* in the sense that the extraordinary-negative ‘nature of the Kim regime’ as object of hatred originates in American ideology; homologously, there is no ‘feminine Secret/essence’ and no ‘Secret/nature/conspiracy of the Jew.’

The reason for emphasis on *American* liberal[[104]](#footnote-104) ideology is threefold: North Korea is most salient in American discourse and the hyperreal elements appear to have their logical origins in American culture (since the Korean War). Most importantly, to the extent that North Korea is a national security state and political and economic isolation has impeded its development, it is American policy more than any other that will determine the future of North Korea and its inhabitants.[[105]](#footnote-105) American libidinal investments are therefore a core obstacle to policy prescriptions that would address the root causes of DPRK human rights violations. The extraordinary-negative framing exists around the world, however, so it is not wholly an American obsession.

The present chapter seeks to make a ‘logical grounds’ case that the popular understanding of the DPRK is based on ideological fictions almost unrelated to the country. It begins by reconciling hyperreality within Slavoj Žižek’s edifice and providing some examples of the role of fantasy in knowledge about and experiences of the country. The chapter then introduces and asserts the relevance of other Žižekian readings of Lacanian concepts to the popular understanding of the DPRK, relating these to constructivist theory and asserting realist social constructions. Four propositions are presented that each assert the presence of *objet petit a*: (1) North Korea is constituted by inconsistent or contradictory elements and held together by implications of a ‘Secret’ (or ‘nature’, conspiracy) and the ironic/cynical distance created by popular entertainment; (2) North Korean society is formally constituted by the abject elements of American ideology homologous to the asymmetrical constitution of ‘feminine’ as derivative of ‘masculine;’ (3) representations of North Koreans follow the logic of racism and the logic of misogyny insofar as it is presented as an obstacle-threat, an object of self-love, or a delusive and degenerated form of masculinity; (4) North Korea is the Real of America, reflecting primarily American egotisms, anxieties and repressions. As a concluding provocation, North Koreans may be better positioned than Americans to grasp the distinct subjectivity of the Other. This lays the groundwork for the next chapter, which applies these insights to the COI and argues that ideological fiction is constitutive of the DPRK geostrategic and economic reality.

### Introduction to the Concepts of Slavoj Žižek

The theoretical foundation of the remainder of this dissertation is Slavoj Žižek’s philosophy and it is necessary to introduce the most relevant concepts. The ordering and presentation of these concepts is heavily indebted to Kelsey Wood’s *Reader’s Guide* (2012); Žižek offers no comparable resource with which to simplify his work. Moreover, the reader should be aware that what follows are contestable interpretations of sometimes highly ambiguous concepts. Wood (2012: 13) argues that to understand any one of Žižek’s concepts one must also understand all the others in their dialectical relation to it – this is simply not possible here.[[106]](#footnote-106) Simplification and a certain ambiguity are necessary to keep this text readable to the uninitiated, within a tolerable length and within the competency of this student. This analysis strives to balance the critical task at hand with Žižek’s intended meanings and general emancipatory project; the former is, however, privileged over the latter as concepts are interpreted to meet the imperatives of this project. As Wood (2012: 2) summarizes Žižek’s position: “Hegelian in philosophy, Lacanian in psychoanalysis, Christian-materialist in religion, and communist in politics."

To begin with, there are three distinct but interrelated levels to Lacanian ontology: the Symbolic (i.e. the realm of communication and the social construction of reality, pure difference between opposites); the Imaginary (i.e. the realm of the unconscious and ideological fantasy, any notion of harmony between opposites), and most difficult, the Real: what *really* drives the subject (i.e. *jouissance*, *objet petit a* as the supplement to subjectivity) and, more importantly here, *the universal* of antagonism, that is, the class and gender fissures that cut through all societies and produce a plurality of perspectives. In society, the Real *is* the insurmountable antagonism between subject positions; it *is* the split between two objectivities that allows for no neutral ground.[[107]](#footnote-107)

So if the Real of society is entirely negative (universal antagonism), how can the analyst avoid the trap of radical relativism that is arguably the Achilles heal of poststructuralist political interventions? Žižek revives Hegelian ‘concrete universality,’ that is, universality that is only realized through partisan side-taking: if class and gender antagonism is the Real (with racism always being an Imaginary pseudo-antagonism) and every ideology relies on the exclusion of certain Others, then the ‘concrete universal’ position is identification with those who are excluded, the “excremental remainder” (Wood 2012: 43). For example, ‘the Jews’ as *objet a* of Nazism are “the direct embodiment of [the] truth” of this ideology (Ibid: 275).

Crucially, this means that the narratives of the political prisoner, the ‘abductee,’ and the impoverished resident of *North Hamgyeong* facing severe-acute malnutrition, are all positions of truth of DPRK ideology. But hyperreal extrapolation of these narratives is still inherently ideological: it serves to mystify the real stakes of the antagonism between the DPRK and its adversaries through casting the country as extraordinary-negative and hostile policies as moral (pro-human rights). These narratives are never embedded in an acknowledgement of the positions of Truth of *our* society, e.g., the 15 year old urban gangster or the woman who was denied refugee status, both in solitary confinement and fearing for their lives after release. Hyperreal emphasis on DPRK victims obscures the violence of abject positions of Western ideology as somehow ‘of a different *nature’* than their abjections: of a greater severity than Indian slaves, for example. North Koreans’ ideological function derives from their position in our ideology rather than their empirical reality, effacing their distinct subjectivity. This is one reason critique of Western representations of the DPRK must begin with a critique of our own ideology; otherwise the critic is typically deadlocked into the unethical position of dismissing defector suffering that is only partially justifiable as resistance to hegemonic interests.

The argument here is that the properly ethical position asserts the distinct and irreducible subjectivity of all three relevant positions of Truth: the ‘Kim regime’ as *objet a* of American-style global liberalism, the ‘ordinary North Korean’ as *objet a* of American North Korea discourse (i.e. the figure that explodes the perpetrator-victim dichotomy in Chapter One),[[108]](#footnote-108) *and* the ‘repressed North Korean’ as *objet a* of DPRK ideology. The DPRK state should be understood as a (not-extraordinary) authoritarian country and its elites, the ‘ordinary North Korean’ and the ‘repressed North Korean’ should all be understood as reasonable and self-interested political actors with their own perceptions that derive from the contexts they are operating within. They should all be afforded the dignity of assuming they are imperfect political beings who cannot be reduced to victims, perpetrators, freedom fighters, and so on. Of course, the interests of the most-repressed in the DPRK are antagonistic to the interests of the elite, and one can make a reasoned argument that economic and military pressure against the DPRK government serves the interests of the most-repressed segment of the population, as one can argue of almost any poor authoritarian country in the world.

The prescription of unconditional normalization and investment, however, arguably provides an alternative that can theoretically reconcile these positions. It would begin the process of discrediting notions of the extraordinary-negative ‘nature of ‘the Kim regime.’ It would also raise the material quality of life of ‘ordinary North Koreans’ and economically empower them against government control. More provocatively, this also reflects the long-term interests of the ‘repressed North Korean’ insofar as it causes the elimination of the state of exception that is the government’s primary justifications for brutal repression, causes rapid and likely de-stabilizing systemic change in the DPRK through accelerating the influx of foreign capital and culture, and empowers the ‘ordinary Koreans’ who are kin and neighbours to the most-repressed persons. The precondition for accepting this line of argument is rejection of the extraordinary-negative frame, especially the COI finding of *extermination* and the Holocaust analogy, as political determinations unrelated the empirical reality of the country. Normalization is only progressive if the DPRK leaders’ goal is interest-maximization and survival as opposed to hateful annihilation of enemies.[[109]](#footnote-109)

Returning to Žižek’s concepts, at the very center of subjectivity is *jouissance*, “surplus enjoyment that manifests as a strange fascination accompanied by uneasiness or discomfort (e.g., gawking at a car crash)” or “pleasure in pain” that all successful political projects must somehow enlist (Wood 2012: 4). It is generated by both fantasies about the Other’s desire and fantasies of (impossible) Wholeness (Ibid). The Real enjoyment-in-pain Westerners extract from stories of passive suffering abroad (Wood 2012: 160), exemplified here by the wide dissemination of COI findings and their hyperreal character, is for Žižek a function of modern capitalism: it obscures the capitalist origins of the suffering (i.e. the beneficiaries of the state of exception and anti-Communism from 1945 to present) and instead presents false depoliticized accounts, such the extraordinary-negative character of the ‘Kim regime’ or variations of ‘ethnic hatreds’ (i.e., *songbun* framed as approximating distinct ethnicities).

 *Ideological fantasy* teaches the subject how to desire and simultaneously serves to cover over trauma and Real social antagonism (Wood 2012: 39, 26); in its most fundamental dimension, it is a fantasy “that we might have full *jouissance*, if only it weren’t for some Other who steals or threatens our enjoyment” (Ibid: 60). It is not that we cannot access reality; we simply fail to see how ideological fantasy is constitutive of it (Ibid: 70). The critical project is therefore to show how the Other does not threaten our identity, nor possess what we lack, and then invoke the Real antagonism, the ‘concrete universality’ of North Koreans as properly political agents, to locate who the *real* enemies are (i.e. Capital – beneficiaries of the state of war in all fields and all national contexts).

The Master-Signifier (M-S) is the Symbolic “tautological moment whereby a name refers to an object only because it is called that” (Wood 2012: 8). Common terms that function as a Master-Signifier include freedom, human rights, democracy, God, nature, and so on. It is necessarily an empty signifier (a ‘nodal point’ for Ernesto Laclau) that, because it has no definite meaning whatsoever, can unify a field and allow subjects to engage with it with some consistency through pinning down (or ‘quilting’) the field of meaning. The radical emptiness of the M-S means it *is* its own lack (it *is* what is missing from it). ‘Freedom’ is a particularly relevant example: it only has formal meaning vis-à-vis its differential relationship to what is posited as its exception (not-freedom, i.e. totalitarianism). Moreover, for those who treasure it, the very indefinability of ‘freedom’ proves its transcendental validity; its radical inconsistency bestows fantasmatic fullness (Ibid: 52). One can also understand the M-S in terms of Žižek’s earlier formulation of it as “‘the truly essential dimension’ about which we need not make any positive claim […] the ‘signifier without signified’” (Žižek 1994b: 17), i.e., the M-S of ‘North Korea’ is *extraordinary-negative*, or the M-S of the COI is *we must take action!*

The *sinthome* can be understood as the unconscious underside of the Master-Signifier. It is only the *jouissance* it confers to the subject, it exists only for ideological enjoyment (Wood 2012: 72). Whereas ideology is usually approached as ‘simply a mode of discourse’ tied together with nodal points (i.e. Laclau and Mouffe 1985), the *sinthome* suggests there is something more to ideology, some excess of *jouissance* – nationalism, for example, is experienced as the Freudian ‘Thing’ as materialized enjoyment. The consequence is that confronting the Master-Signifier with its repressions is not enough; one must identify the object as a *fetish* and evacuate the surplus *enjoyment* from it (Wood 2012: 72-3). The emancipatory task of de-fetishization is thus to recognize that ‘freedom’ is an imposture sustained through the subject’s transgressive enjoyment of it; to recognize how my treasured freedom that subjectivized me into hegemonic ideology was always worthless (Ibid: 53).[[110]](#footnote-110) Or with anti-Semitism, empirical critique of their claims versus the real Jewish person is not enough; one must target how and why the anti-Semite *enjoys* his hatred and how it structures his reality.

The point here is the inadequacy of showing COI epistemological issues (Chapter One), the indeterminacy of CAH (Chapter Two), and the historical and geopolitical repressions (Chapter Three). De-fetishization of North Korea begins with recognizing our transgressive *enjoyment* of the victim-Other’s suffering and longing to be like us, our enjoyment of ‘the regime’ as obstacle to wholeness (i.e., primordial father) and other fantasy-roles described further below. It is the positioning of this *sinthome* (North Korea as fantasy-object) as fully internal to the reality of the Other that makes possible the ultimate destructive act: the *passage a l’acte* (i.e. war, Ibid: 92) described at the very end of this dissertation. By contrast, de-fetishization means locating the *sinthome* entirely within *our* ideology, giving it a Symbolic presence and thereby laying bare its emptiness.

The last and probably most-difficult concept is *objet petit a*. It is simply an objectification of the void/discontinuity created by the emergence of the M-S that is intrinsic to the subject as the space of her fantasy/desire*.* As applied to ideology, the abject Other (the excluded persons of any ideology) is the space of ideological fantasy, and these fantasies always depend upon the repression of the Other’s real subjectivity.

To avoid confusion, it is crucial to recognize that *objet petit a* is a massive concept at the very center of all subjectivity for Lacanians. This application to ideology is just one of myriad forms it can take. In fact, *objet a* is the diametrical opposite of the M-S: whereas the latter is “the subjective supplement which sustains the symbolic order”, *objet a* is “the objective supplement which sustains subjectivity” (Žižek cf. Wood 2012: 14). It is the surplus to the ‘mirror surface’ of the subject that becomes relevant as the subject is ‘split’ or ‘castrated’ in early childhood with entrance into language (i.e. becomes divided between conscious and unconscious). The Lacanian subject *is* a mirror surface (a ‘blank slate’) plus *objet a* (i.e. how I perceive myself in the Other’s gaze, how I project myself into an object)*.* Thus anytime we become obsessed with a former lover, or feel some strange attachment to an object that was owned by a recently deceased loved one, or see something beyond ourselves in the eye of the Other, we are encountering *objet a*. To say an Other is *objet a* of ideology is to identify this Other as the abjection that plays a set of roles in ideological fantasy and sustains the hegemonic Master-Signifier (ideology).

*Objet a* manifests itself in the surplus of an object beyond its properties, a Secret (or a void, an enigma, a mysterious excess of meaning) with no positive consistency:

what is just an ordinary object to you is to me the focus of my libidinal investment, and this shift is caused by some unfathomable X, a *je ne sais quoi* in the object which can never be pinned down to any of its particular properties [...] the noumenal core of the object beyond appearances, for what is 'in you more than yourself' (Žižek 2006b: 17).

In big-picture terms, it is “the disturbing stain which forever blurs our picture of reality” and permanently forecloses access to objective reality (Žižek cf. Wood 2012: 239). *Objet a* is also the reason why an object can have two meanings that cannot be reconciled, which is to say, it is the *cause* of the “parallax gap” that separates an object *from* *itself* (for example, the brain as consciousness/Self and the brain as organic tissue are distinct universes of meaning that cannot yet be reconciled). More relevant here, *objet a* is the object of fantasy that attempts, but never fully succeeds, to resolve the Real enigma of the Other’s desire: what does s/he *really* want from me?? (Wood 2012: 304).[[111]](#footnote-111)

At this point it is appropriate to clarify the thesis, ‘North Korea is *objet petit a* of American ideology.’ It is certainly not that North Korea is *the* ground or *the* center of American ideology as Žižek conceptualizes the conceptual Jew of Nazism; it is that representational practices in asymmetry have constituted it almost entirely as such – as an outgrowth of American ideology – even though its significance as ground of American identity is marginal. It is also to say that North Korea has a set of well-established fantasy roles that Western subjects are exposed to (or choose to engage with) that position North Korea, even very briefly and among myriad more fundamental vessels of *objet a*, as an obstacle to our or Others’ enjoyment and as objects of self-love. This is closely related to the representational asymmetry: there is no counter-narrative and almost no context, while nonfiction tends to draw audiences by relation to these fantasy-frames and sometimes even relies upon them as evidence (i.e. the potential irrationality subtext is crucial to the formal presentation of the DPRK as a threat in Chapter Three). When a newspaper prints something like, ‘the young, enigmatic, untested leader with a small nuclear arsenal’, the reader’s imagination is given Symbolic license to run wild.

The M-S and *objet a* are similar concepts: they both refer to “the abyssal X in the object beyond its positive properties” (Žižek 2012a: 357). The difference is that

*objet a* is on the side of the signifier, it fills in the lack in/of the signifier, while the Master-Signifier is the “quilting point” between the signifier and the signified, the point at which the signifier falls into the signified (Žižek 2012a: 437).

Here *American exceptionalism* – or liberalism, freedom, human rights, capitalism, Christianity, and so on – is the M-S that quilts together ideological knowledge, whereas ‘North Korea’ is the positivization of the lack of these signifiers, it embodies (and mystifies) the negativity/repressions of these signifiers and provides fantasy terrain to enjoy them. While North Korea can be understood as an M-S in its own right by Žižek’s early work, as *extraordinary-negative*, it is better understood as *objet a* of American/Western liberal ideology. This is because North Korea is pure negativity; it has no meaningful positive consistency to its symbolic constitution. Yet it does have negative consistency: it can be clearly linked to abject elements of the global ideology in general and American exceptionalism in particular in the context of a 65-year long state of war with this global hegemon. It is by contrast to American/Western liberal elements that it becomes possible to ‘quilt’ together North Korean elements in a highly consistent manner (see Proposition Two). As *objet a*, its extraordinary-negative character is a by-product of its ideological function (as obstacle, source of amusement, and so on), and its lack of any positive consistency manifests a Secret to be uncovered (see Proposition One).

 Invoking human rights *requires* a transgression of rights; it structurally depends on there being some “barbarian group” that “only understands force and cannot be reasoned with” in order to unite the community (Campbell 1992: 183). “At the heart of every argument” is some notion that “Progress” requires the civilizing of societies (Ibid). It is the victims of the ‘barbarian’ who are supposed to need human rights; those whose human rights are supposed to be assured have no use for them in their day-to-day struggles. Thus it is precisely in the act of ‘sending’ human rights to the needy that we are able to experience and act upon our human rights. As Jacques Rancière eloquently wrote of how the West today gets its human rights:

when they are of no use, you do the same as charitable persons do with their old clothes. You give them to the poor. Those [human] rights that appear to be useless in their place are sent abroad, along with medicine and clothes, to people deprived of medicine, clothes, and rights. It is in this way, as the result of this process, that the Rights of Man become the rights of those who have no rights, the rights of bare human beings subjected to inhuman repression and inhuman conditions of existence. They become humanitarian rights, the rights of those who cannot enact them, the victims of the absolute denial of right. For all this, they are not void. Political names and political places never become merely void. The void is filled by somebody or something else. /.../ if those who suffer inhuman repression are unable to enact Human Rights that are their last recourse, then somebody else has to inherit their rights in order to enact them in their place. This is what is called the "right to humanitarian interference" - a right that some nations assume to the supposed benefit of victimized populations, and very often against the advice of the humanitarian organizations themselves. The "right to humanitarian interference" might be described as a sort of "return to sender": the disused rights that had been sent to the rightless are sent back to the senders (Rancière cf. Žižek 1995a).

The depoliticized human rights will thus ultimately hinge on ethics: “reference to the pre-political opposition of Good and Evil has to be mobilized” (Žižek 1995a).

North Korea is a patriotic place to ‘send your disused rights’ in order to re-acquire them not only as proof that we have our human rights (we are free and ethical by comparison), but to appropriate them from political adversaries through demanding action on behalf of their universality: to demand securitization and discredit or emasculate those who resist it. The demand that the world ‘take action!’ is an enjoyable trope of liberal-conservative indignation at the Other whose violence must *not* be tolerated, who must be purified not only in the name of the intolerable suffering of its victims, but to defend the civility of the ‘international community’ in general.[[112]](#footnote-112)

### The Saturation of Objet Petit a

Of course, the popular understanding of *all* foreign Others, especially those deemed ‘exotic’, largely derives from ideological fantasy; the point here is the 65-year state of exception with a militarily and culturally hegemonic foe has led to particularly destructive fantasies of the DPRK that have displaced our typical/normal assumptions that are reflexively applied in other national contexts. The fact that it is impossible to ‘prove’ the influence of fantasy on the COI and Western policy should not blind us to its consequences.

What were labeled ‘hyperreal representational practices’ in the preceding chapters are here understood as the ‘saturation’ of our normal ‘symbolic fictions’ (i.e. normal realist assumptions about how international agents behave) with *objet a*. We lose the distance between reality and *objet a* when it becomes saturated by hyperreal representations. The result is “a ‘de-realization’ of reality itself: reality is no longer structured by symbolic fictions; fantasies which regulate the imaginary outgrowth get a direct hold on it” (Žižek 1994a: 76). In other words, in the context of hyperreal representations, North Korean society is increasingly constituted directly by ideological fantasy. The space between our normal diplomatically constructive assumptions and ideological fantasy dissolves. For example, Irish men are regularly depicted as violent alcoholics in Western fantasy; the space between fantasy and reality would be comparably collapsed if we begin to see an aggressive Irish foreign policy on this basis.

Particularly in the case of North Korea, however, it is not that fantasy obscures the empirical reality of the ‘ordinary DPRK citizen’ – by contrast to Ireland, most Westerners know very little about Mongolia or Laos, for example, and the gap is reflexively filled by ‘normal assumptions’ (which may be racist or otherwise problematic, but would not assume extraordinary negativity). The crucial point here is this: ideological fantasy ‘saturates’ *our normal assumptions about an unknown Other* completely outside everyday experience. *Objet a* makes the chemical experimentation story possible *and* the negative-exceptionalism of this story then further discredits our normal assumptions.

Choe Sang-hun (2011), leading NYT reporter on North Korea, sheds light on the exceptionalism of news media coverage. He laments the “anything goes” mentality of journalists based in Seoul, where the greatest fear is not producing a false report, but being left behind on an extraordinary scoop. The extraordinary-negative frame (“a strange country, totalitarian […] a source for fun”) amounts to “one fundamental criteria when editors and reporters try to judge what is news about North Korea.” He concludes:

This is a cardinal rule of journalism: people read about the extraordinary, they don't read about the ordinary.  So we are naturally attracted to something weird and strange and uncertain, stuff like trigger happy army, uncertainty in the leadership.  Well you know, if the news media reports something extraordinary about American society for example, we interpret that report in the context because we live in the US and we know what is the ordinary in American society.  And we read the extraordinary news reports as something entertaining or whatever.  But the problem with news media coverage of North Korea is that we don't know what is the ordinary on North Korea, and we just focus on the extraordinary aspects of North Korea again and again.  *So the extraordinary becomes the ordinary.*  I'm exaggerating a little bit here, but if I summarize it, I guess this is the main problem of American coverage on North Korea (Ibid: emphasis added).

The focus on the extraordinary should be understood as intrinsic to contemporary ‘free’ journalism, i.e., “the isolation of events and actions from whatever makes them understandable, whatever would minimize surprise and mystery” (Edelman 1988: 101).

Sung-Yoon Lee, a professor at *Tufts University*, relentlessly invokes the *extraordinary* character of all aspects of the DPRK in his testimony before US Congress:

[t]his odd approach to national policy practices by the regime has created a country that is quite abnormal. I would call it […] “uniquely unique.” [… North Korea is] the world's sole hereditary Communist dynasty. It is the world's only industrialized, urbanized, literate, peacetime economy to suffer a famine. It is the world's most cultish, isolated country, albeit one of the world's largest militaries […] an abnormal state [… which] exercise[s] disproportionate influence over regional politics [… It has] vast Gulags […] so gruesome they come across as unbelievable. [The North is] uniquely vulnerable to targeted financial sanctions […] The North Korean system is unique in that the near total monopoly of power by the clan, by the Kim family and the party over the rest of the nation including the military, has been nearly perfected (USG 2013).

Or another example: *Time* ran Kim Jong-un’s image on its cover (titled “Lil Kim”) with the by-line: “Inside the bizarre world of North Korea’s Kim Jong Un, the untested leader of a nuclear nation.” It refers to the country as “the planet’s most hermetic society,” “the least-known, most dangerous country”, and “probably the world’s most despotic regime”, headed by “the least known and understood leader ever of a nuclear-armed nation” (Powell 2012). These exceptionalist representations displace normal assumptions; they are formal appeals to primordial negative-difference that derives from the Imaginary.

### Touring the DPRK as Adventure in Liberal Ideology

The saturation of normal assumptions was vividly demonstrated to me on a tour of the DPRK in May 2012. Westerners who take a tour of North Korea often *want* a profoundly ideological experience, and they get precisely that – but this adventure in ideology has little to do with DPRK propaganda. Ubiquitous DPRK ideology functions as a mere curiosity; the giant monuments, revisionist history, etc., will not turn tourists into followers of *Juche*. It is, rather, a profoundly *liberal* ideological experience. Just as the fall of real Socialism taught the world that capitalism is natural (Žižek 1994b: 12), DPRK ideology teaches us what ‘real ideology’ looks like and thereby reinforces our society as ‘the natural state of things.’ What appears as totalitarian propaganda from our vantage point reinforces our perception of our ideology as Truth.

I went to the DPRK with an open mind – before engagement with Žižek’s work – determined to let go of ideological predispositions and experience the place as it *really* is. Today I would contend this is probably impossible. Of course, prior dispositions will influence the experience of any country on a five day trip; but the predispositions we bring to North Korea, in particular, are precisely to be cynical about everything we see, to feel threatened, to not trust the tour guides, and so on. I found myself constantly questioning, both in my head and in conversations with other tourists, whether what I was seeing was real, whether farmers were being supervised, whether people were avoiding eye contact with me, whether my room was ‘bugged,’ what would happen if I said this or did that; even as I consciously sought distance from my ideology, what I was *actually thinking* was still entirely *in-ideology*. This is precisely the efficiency of the Master-Signifier: its “exemplary case” is precisely when one “assumes[s] that every sentence harbours some hidden profound meaning – and since we assume it in advance, we usually find it” (Žižek 1994a: 172). Tourists already expect totalitarian wierdness and deception; they therefore find traces of it everywhere.

Whereas most engagement-oriented academics support the tours, Robert Carlin gave a more nuanced response that indicates his sensitivity to this problem:

I'm worried that if they are not careful it could backfire [in countering Western perceptions]. First of all, this first visit to North Korea is the most dangerous - for everybody. When you first go to North Korea, everyone feels as if they just landed on the moon, and they are the first human ever to experience this wierdness. And everything they see they interpret through this lens of wierdness. Before people go to North Korea for the first time, I try to have them play a little game. I say: go out for a walk in front of your house at seven o'clock in the morning and interpret what you see as if you didn't know what this was. So you walk down the street and you see potholes, what would you conclude? Ahh, there's a shortage of ashfalt. Oh here comes a woman walking by in a really short skirt - well, they have a shortage of cloth obviously, its a big problem here. I did this with CNN reporters once in Washington DC and their mouths dropped open as they began to see - if you are not careful, if you don't know the context, you can really interpret things the wrong way (Carlin 2011).

Here ‘context’ is understood as ‘contextual assumptions’ (i.e. symbolic fictions) and the ‘lens of wierdness’ as the extraordinary-negative frame. What the cynic who ‘believes only his eyes’ misses is how ideological fiction always structures our experience of reality (Žižek 2006b: 346). The cynical subject who visits North Korea and seeks to ‘see for himself’, putting aside his pre-existing knowledge and dismissing the guide’s narrative as propaganda, will inevitably remain fully within his own ideology. The only way to progressively *see* North Korea is to *believe* normal symbolic fictions, to *reject* the surplus enjoyment derived from the extraordinary-negative frame of experiencing a ‘weird’ country. The cynical Western empiricist will usually fall into the hegemonic frame not only because it is the most salient, but because it is far more enjoyable and marketable than normal assumptions.

There are a number of travel documentaries by filmmakers who took basically the same tour of North Korea that unfailingly interpret everything they see in as extraordinary-negative terms as possible. *VICE* (2008) summed it up at the end of their first video, “Its so surreal. There's nothing normal that happens – ever – in this whole country.” An event from the most popular North Korea travel documentary on *YouTube*, *DPRK: Land of Whispers* (2013), provides a typical example. As the documentarian’s train is leaving Beijing for Pyongyang, he witnesses a man in a full suit running along the platform frantically signaling the conductor to stop the train. The narrator asks, “what’s going to happen to this guy, when this train arrives in Pyongyang, and he’s not on it – it’s dramatic.” He then locates the brother of the businessman on the train. The brother informs him that the businessman had already brought his luggage on the train and will take another train or a flight, adding that he will not be punished, he will be “criticized.” Despite the fortuitous explanation, the drama is not lost as the documentarian concludes, “now, what does *criticized* mean?!” Even the logical explanation that would suffice in just about any other context is not enough to shed the extraordinary-negative meaning of this event.

Suki Kim’s (2014) popular memoir, based on six months teaching English in the DPRK, is a more provocative example. She describes getting a “glimpse” of “slaves” at a construction site from a tour bus window: “the workers became visible, with hollowed eyes and sunken cheeks, clothing tattered, heads shaved, looking like Nazi concentration camp victims” (Ibid: 101). She goes on to describe having seen them throughout Pyongyang doing the lowest jobs, but these construction workers “appeared even more emaciated” (Ibid: 102). Importantly, she often “wonder[ed] whether any of them [the slaves] could be my mother’s brother”, the ‘abduction’ of whom is presented as key to her family history (Ibid: 101). This observation is crucial to her general perception of the country – “There they were, every direction we turned: soldiers and slaves” (Ibid: 123) – and the only experiential basis for her Holocaust analogy. The problem is, if one observes from a bus window crossing through poor areas of China, South or South-East Asia, one will likely see emaciated construction workers who look markedly differently from their compatriots: clothing tattered, their bare feet covered in mud, with crooked backs and darker skin from laboring in the sun. If their labour is signified as exploitation by a government that wronged your family, you might see a cry for help in their eye (*objet a*). The fact that a Holocaust analogy can hinge on this scene again speaks to the degree that our perception of North Korea is saturated by ideological fantasy.

### The Salience of North Korean Brutality

The primary utility of invoking *objet petit a* is to establish a linkage between nonfiction and fictional entertainment. While it may be naïve to ascribe a causal policy role to fictional representations, it would also be naïve to dismiss them as irrelevant. As Hansen (2006: 7) puts it, it would be “extremely unlikely – and politically unsavvy – for politicians to articulate foreign policy without any concern for the representations found within the wider public sphere” in justifying their policies to their constituencies. Or in Woodward's (2007: 161) words, “There is no simple line separating art from politics and entertainment from political persuasion.” He adds, “there is something to be said for the possibility that propaganda perhaps never works more effectively than when it appears in the benign costume of 'entertainment'” (Ibid: 170).

Policymakers do not justify their foreign policy against empirical reality; they justify it against salient media. And there is simply no interest in the US for positive representations to encourage better diplomatic relations with the DPRK. As a senior White House official put it,

There is no political advantage to promoting US-DPRK relations [...] On the contrary, we are simply criticized domestically. There is absolutely no political support base in the United States for better US-DPRK relations (cf. Funabashi 2007: 160).

The political utility of labeling efforts to engage North Korea ‘appeasement,’ a neoconservative rallying call against engagement since before the 1994 US-DPRK agreement (Kim and Kang 2009: 2), derives from what the audience *believes* about North Korea based on whatever information (fictional or not) they have already internalized. The relevance of the Imaginary can be partly attributed to what cognitive psychologists call the ‘availability heuristic’: people tend to be biased towards salient, vivid and recent information that is easiest to recall (Kahneman et al 1982). Affective representations are easier to remember than the boring aggregation of points of fact.

Christopher Wlezien (1996) has captured the correspondence between Congressional defense appropriations outcomes and public preference polls in defense spending. The point here is not to affirm the democratic character of defense spending, but to recognize that military appropriations are closely related to public opinion. So if public opinion on a threat is formed in large part by salient entertainment, defense spending is facilitated by the Imaginary in addition to formal Symbolic knowledge.

North Korean human rights receive privileged attention in American discourse as indicated by post-COI polling results presented in the Introduction. In addition, annual Gallop (2012) polls from 2000 – 2012 have consistently rated North Korea as one of the top four most serious enemies of the United States (usually behind Iran, sometimes behind Iraq or China). The 2003 Tyndall Report found North Korea and three other topics (terrorism, Israel and Iraq) were the only foreign news stories given substantial coverage in America (Woodward 2007: 47). American responses to the question 'how interested are you in news about ... country' are intriguing: North Korea ranks third out of the forty countries for both the most 'very interested' and ‘somewhat interested’ responses (Pew 2011). The American curiosity with North Korea is more difficult to explain than the others: Afghanistan and Iraq (both subject to recent American invasions) and Israel and Iran (the former with deep ties to America, and the latter seen as a threat to the former as well as American geopolitical interests).

The security dynamics would appear to be the common denominator, but the fact of an armistice rather than a peace treaty does not in-itself explain popular perceptions. Tim Beal (2011: 70) points out that it may be possible to identify the reasons why the US does not engage the DPRK, but “that still leaves the basic reason for the enmity unexplained.” Han Jong-woo (2014) argues that the depth and length of this enmity cannot be reduced to DPRK behaviour. He locates this in the American history of “apathy toward the Korean Peninsula” and North Korea’s image as totally contra the American value system, the guiding assumptions/beliefs about diplomacy with the country, and the geostrategic interests served by these policies (Ibid). This chapter locates this enmity squarely in North Korea’s Imaginary function in American ideology.

### The Imaginary and International Relations Theory

Consider the common constructivist analogy to the game of chess. For John G. Ruggie (1998), chess is essentially the “constitutive rules” that govern it, the scientific and common sense view of chess. Karin M. Fierke (2001: 131), on the other hand, invokes Wittgenstein's *language games*, where language and action are interwoven and inseparable within inter-subjective communication. “A knight is a knight rather than a piece of wood by virtue of its role in the game”, so the rationality of moves in a game of chess have meaning only by reference to the agreed rules and the player's position in the unfolding game (Ibid).

The problem is that both constructivisms exist exclusively at the Symbolic level: the game is constituted by transcendental or communication-based rules that compose it in both frames – there is no little interaction with the Imaginary in either concept.[[113]](#footnote-113) What is 'the Imaginary' of chess? Simply what makes the game attractive to play: how we identify with our God-like commander status, the names of the figures and their strictly class-based hierarchical organization (Žižek 2006a: 8). It is easy to dismiss the Imaginary meanings as totally irrelevant to the Symbolic rules, i.e. it has no effect on strategy, skill or the debates over rule changes over the centuries. But the Imaginary and the Symbolic are nevertheless still mutually constitutive of the game; the military fantasy obviously structured the invention of the game and the design of the board and rules of the game cannot be separated from it. If the analyst wants to understand how chess is *sold* – its mass appeal as an artisanal then mass-produced product over the centuries – then she needs to understand how it interacts with the Imaginary (desires and fantasies) of casual players who purchase the game. North Korea should, in short, also be understood as a cultural *product*; how it serves an entertaining ideological function that has real consequences for the popular perceptions of the country and therefore influences policy.

The other crucial problem with constructivism (and post-structuralism) is its inability to fathom the relevance of power asymmetry to the process of social construction. This dissertation refers to this as ‘representational asymmetry:’ the differential capacity to objectify the Other, where the ideological projections of the one party (i.e. Uncle Sam in the intro) substantially constitute the other and the reverse is unthinkable due primarily to the radically asymmetrical legitimacy of their ideologies (*Juche* versus liberalism) and the closely related asymmetrical distribution of capital. This can be simplified as a radical case of how, in the news media, “facts about the powerful are treated with more care than those about the powerless” as the editorial standard is higher where hegemonic knowledge is challenged and where verification is difficult (Richardson 2007: 89, 127). In the Symbolic order (news media, documentary, academia), this refers to the asymmetrical capacity to formally construct the country to the world (i.e. the COI). In the Imaginary (Hollywood, television), it is the capacity to position the Other within intimate ideological fantasy, providing narratives that bestow surplus meaning and consistency to the formal social construction. Wherever ‘the nature of the regime’ is invoked, a statement with no necessary determinate meaning whatsoever, the critical reader should understand it as a direct appeal to the Imaginary meaning that ‘quilts together’ the social construction of North Korea as an existential threat, ‘the worst human rights violator,’ and so on.

Resistance to representational asymmetry should not assert DPRK official ideology as ‘truth,’ but assert an alternative ‘frame’ (or Master-Signifier) that detaches the Symbolic from the Imaginary. The contention here is that realist *symbolic fictions* from international relations theory are a more progressive alternative to the liberal-exceptionalist frame that exists today. It is crucial to differentiate this usage from a realist *ontology* which would seek to pigeon hole the current geopolitical situation within its assumptions – i.e. US policy towards North Korea is geared towards containing China and maintaining the US-centric security arrangement with the ROK and Japan, including maintaining the nuclear status-quo. There is some truth here, but there are other factors, both identity-related (North Korea as *objet a*) and material (such as arms industry interests) that are fully obscured by a realist approach.

Realist expectations should therefore be asserted as nothing more than hegemonic social constructions that assume the state is not extraordinary-negative as a more ethical and objective alternative to the essentialization of North Korean identity caused by the liberal frame. The indeterminate DPRK state apparatus can here remain a void or ‘black box’ and normal assumptions that facilitate peaceful coexistence between countries can be asserted: leaders are not suicidal, they seek to maximize their self-interest, deter and balance against adversaries, will prioritize existential security over economy and human rights, and so on.

This usage of realism is consistent with the most influential critical work on US-DPRK relations. Smith (2000: 614-5) similarly advocates seeing the DPRK as a frustrated developing society and a rational actor within a particular historical and contemporary context that observes the logic of balances of power and is capable of sincere negotiations. Realist theory is also the general theoretical foundation of the primary sources presented in Chapter Three to describe DPRK strategy and intentions, including mostly Clinton-era negotiators. As Carlin and Lewis (2010) concluded a dissenting *Washington Post* opinion piece, “U.S. policymakers need to go back to square one” on North Korea policy, and “[a] realistic place to start fresh may be quite simple: accepting the existence of North Korea as it is, a sovereign state with its own interests.” Finally, it meshes with Žižek’s Hegelian logic of resistance: refusal to engage realism for anything but critique, refusal to identify with and redefine it *from the inside*,cedes its powerful symbolic fictions of diplomacy to those who use them to justify securitization and military interventionism.

The dissertation now turns to the four propositions that each imply North Korea is *objet petit a* of American ideology. It provides an array of examples of the ideological roles North Korea plays in the Western Imaginary. As this relates to the previous chapters, the purpose is to lay the groundwork for the following chapter that then applies these insights to the COI in particular and North Korea in general with special attention to its consequences for policy and forms of critique.

### Proposition One: Representations of North Korea are inconsistent or contradictory and held together by both the suggestion of a ‘Secret’ (or ‘nature’, conspiracy) and the ironic distance created by popular entertainment.

The conceptual ‘Jew’ as *objet a* of Nazi ideology is both the negativity of high society and the lowest forms of degeneracy at the same time (lazy/smart, intellectual/filthy, voluptuous/impotent). This is attributable to the inconsistent meaning of ‘the Jew’ in different fields of anti-Semitic insecurity: “economic (Jew as profiteer), political (Jew as schemer, retainer of a secret power), moral-religious (Jew as corrupt antiChristian), sexual (Jew as seducer of our innocent girls)” (Žižek 1989: 125). Signification of North Korea is radically consistent in its near-universal conformity to the extraordinary-negative frame, yet radically inconsistent in terms of the actual elements that constitute it, and this inconsistency is also a function of distinctive fields and fantasy-roles. Showing the radical inconsistency is a useful starting point to demonstrating North Korea as *objet a*; in fact, the inconsistent Symbolic constitution of an object is always a clear sign that it is embedded in ideological fantasy (see Wood 2012: 241-2).

The co-mingling of analogies between the DPRK and both Stalinist communism and Nazi fascism indicate the degree to which ‘totalitarian’ is an ideological element of liberalism.[[114]](#footnote-114) The leadership is supposed to hate the West/America yet is typically supposed to love its luxury items, cultural products, women, sports, and so on.[[115]](#footnote-115) They are obsessed with how the world sees them, going to incredible lengths to build ‘Potemkin villages,’ yet are also unusually apathetic about world opinion, engaging in ‘self-imposed isolation’, inexplicable military provocations and gratuitous human rights violations. The state is a timeless Stalinist throwback that has changed little in the past few decades, yet it is also constantly on the cusp of massive social upheaval. Their economy is somewhere between extremely dysfunctional and collapsed, yet they are also thought of as extraordinarily efficient in military research and development.

Kim Jong-il was regularly depicted as a lunatic, yet Americans who actually met him usually described him as reasonable and intelligent. Madeline Albright states she was briefed before her 2000 meeting with him to expect “a weirdo […] a reclusive-like, with many girlfriends and watching porno movies and basically a very weird kind of person” (cf. *DPRK: Land of Whispers* 2013). Yet after meeting him she made clear she does not believe he is delusional at all, citing ROK President Kim Dae Jung in emphasizing his “perfectly decent, rational conversations with him” (PBS *Frontline* 2003). Charles Kartman (who accompanied Albright) describes him as “a reasonable man whose rationality was well grounded, he was well connected to the world. Seemed to be well informed” (Ibid). These reports are consistent with other dignitaries who have met him – none have ever claimed he was anything less than polite and logical. This and the general popular view of the Kim government as extraordinarily unreasonable, childish and emotionally reactive then coexist with regular expert opinions that they are *extraordinarily* *rational*, “rational to the extreme, being, perhaps, the most perfect bunch of Machiavellians currently in operation” (Lankov 2013: 112; see also Kang 2013).

Representations of typical North Koreans are just as contradictory. As David Kang (2013) put it in a lecture, “either they're brainwashed robots, or groaning everyday wishing they could leave.”[[116]](#footnote-116) These two mutually exclusive representations can coexist in the greater discourse because they derive from the same basic (misogynist) logic: as they become increasingly exposed to our Knowledge, regular North Koreans are either still brainwashed to love their leaders, or privately hate their leaders and want to rebel or emigrate. In gendered terms, they are either unnaturally apathetic or hostile towards the Phallus/Knowledge as a misogynist sees the feminist who rejects the ‘natural’ sexual order, or they yearn for the Phallus/Knowledge yet are forcibly prevented from embracing it – or both, as Hassig and Oh (2009: 62) reconcile the two mutually contradictory ideological elements:

It would be a gross exaggeration to say that the people support Kim Jong-il, rather, it does not occur to them to oppose him. In any case, what people actually think of him is largely irrelevant because they have no political power.

Thus they are too indoctrinated to see the potential for resistance, and even if they did, the country is too repressive for them to exercise power. This can then coexist with their claim that “people do not obey […] when they can get away with it” (Ibid: 136). Polar opposite images of ordinary Koreans as ultra-collectivized Communists and atomized starving masses, or as hyper-religious and atheistic, follow the same logic.

*Rule, transgression, and humour.* For Žižek, the role of ideology is to split the formal rules/law and the informal rules that tell subjects how to transgress these rules. For example, the strict discipline of military life is rendered livable by unwritten rules and rituals, such as homoerotic rituals, obscene marching chants, and so on. This is why the purest form of ideological experience for Žižek is “the moment we adopt an attitude of ironic distance, laughing at the follies in which we are ready to believe” (Žižek cf. Wood 2012: 282). This liberation from absurdity – i.e. the blatantly absurd contradictions above – is the point where “ideology exerts its strongest hold over us” (Ibid).

The most salient American references to North Korea are probably as a source of amusement and mockery. Usually dismissed as an irrelevant distraction, humor should be located at the center of the popular understanding of the country. As a rule, North Korean military threats and human rights are presented as deadly-serious, which then opens the space for all sorts of enjoyable transgressions of this rule. The public internalizes the formal hegemonic elements largely through enjoying the transgressions that come with them. Tropes of wickedness (like Kim as a fat, spoiled child in a starving country) or absurd contradictions between stereotypes (like Kim as a lunatic and genius manipulator) are internalized through entertainment that we *want* to believe *because we enjoy it.* To enjoy a joke poking fun at Kim’s barbarity is to enjoy the rule itself, it structurally depends on at least *pretending* Kim is barbaric, and it therefore reifies this belief.

COI witness Victor Cha showed how the irrationality trope can be internalized through satire on *The Colbert Report*. Colbert’s first question, after lauding Cha’s career, was: “Should I actually be frightened by what is happening in North Korea? Is it [dismissive tone] 'ahh, he's crazy…' or [alarmed tone] *‘ahh!!, he’s crazy!!'*” Cha laughs,

I think its a little of both. On the one hand, he's done a lot of weird things over the past year that look harmless. On the other hand, they are developing weapons, long-range missiles and nuclear weapons, and they're trying to develop the capability to reach the United States. They can't do that right now, but they want to do that and there's nothing stopping them (Cha 2013a).

The crucial point is that the cynical/ironic distance from the trope established by Colbert, and Cha’s laughter, provides the necessary enjoyable ambiguity to translate ‘crazy’ to knowledge here. If Cha were asked if Kim is crazy in a formal venue, his response would be entirely different – and even if he gave the same response, it would not be as effective.

*The Secret.* The inconsistent Symbolic constitution manifests in references to a Secret – an enigma, a conspiracy, something more than meets the eye. For example, the inconsistent symbolic constitution of the anti-Semite’s ‘Jew’relies upon a fantasy supplement that sutures the signifier together, like ‘Jewish conspiracy’ or ‘the Nature/Secret of the Jew.’ One of Žižek’s crucial theses, here bridging his *The Ticklish Subject (1999)* and *The Parallax View (2006b)*, is that *objet a* is precisely what tickles the ticklish subject (see Wood 2012: 241-2). The American fascination with North Korea is related to the ongoing state of exception, but cannot be reduced to it. Its ultra-negative inconsistency, deriving from its inconsistent roles in ideological fantasy and countervailing knowledge, is what tickles the curiosity/intrigue of Western consumers.

When the topic of North Korea comes up in conversation, people are likely to draw upon salient frames they have been exposed to or told by respected others.[[117]](#footnote-117) We register glimpses of North Korea in many mediums: as villain (Hollywood and video games), as military threat or perpetrator of suffering (news media), as failed Communist state (economist texts), and so on. Thus most people understandably come to the conclusion that there is ‘an expert supposed to know’ with compelling reasons why these hyper-negative elements have come to define the country. ‘The Secret,’ the subtext that there is something more here that we are missing, causes people to watch a documentary or read an article. It invokes ‘the enigma of the desire of the Other,’ the space of *objet a*, yet the reason one becomes interested in *this* Secret rather than infinite others is typically its inconsistent hyper-negative signification of radical alterity as a threat to our way of life and how this meshes with hegemonic ideology. The center of North Korea as *objet a* is the ideological *jouissance* produced through enjoyable narratives that offer an answer to this question – such as irrational, evil, communism. The profoundly negative character of these fantasy-solutions and the salience of Nazi/Holocaust analogies in particular signals the near-total victory of anti-DPRK advocates in the struggle to globally define North Korea – the highest insight one can hope to achieve with regard to the Secret is to discover that it *does not exist*.

The ‘Secret’ is precisely *objet a* and its formal traces are perhaps unusually blatant in representations of North Korea in salient fields of knowledge (i.e. news media, academia and documentary). A typical example from NYT: “in Pyongyang’s opaque political world, cloaked in secrecy and often fertile ground for speculation, things are often not as they appear, analysts said” (Choe 2013b).[[118]](#footnote-118) In fact, ‘secretive’ appears to be the most-used adjective to describe the North Korean state and leadership in American newspapers and cable news networks. This is also implied by its nickname, the “Hermit Kingdom.” If synonyms to ‘secretive’ are included – such as enigmatic, hermetic, reclusive, bizarre, secrecy-shrouded, confounding, unknown/unknowable, strange – then this group of descriptors is probably the most-used to describe North Korea, closely followed by ‘brutal,’ ‘ruthless,’ and other signs of barbarity. ‘The Secret’ is buttressed by the tendency to frame the DPRK and its actions as provocative, surprising, unpredictable and/or desperate; as deceiving, manipulating and blackmailing us as they ‘defy the world’ with an unknowable strategy; as a peculiar anti-Americanism and unintelligible tendency to ‘abduct’ or ‘detain’ Americans; as in collusion with other wicked entities (i.e. the ‘Axis of Evil,’ terrorism); and references to brainwashing, totalitarianism, extraordinary persecution of Christians, or a mafia state. North Korea, in its most essential dimension, arguably *is* a threatening and horrifying Secret in American news media.

In fact, the initial framing of three highly respected documentary series episodes all invokes the Secret: “Tonight. Inside the world’s most secretive nation […] the strangest nation on earth. Unstable, paranoid, aggressive” (BBC Panorama 2013); “North Korea: one of the most closed and repressive societies on Earth, led by an unpredictable despot…” (BBC Panorama 2014); “[…] trying to expose what Kim Jong Un’s regime wants to hide, the secret world of the North Korean people” (PBS Frontline 2014).

The ‘Secret’ is also reified by references to the quixotic, perhaps the best-known being images of North Koreans weeping at the leader’s funeral, usually accompanied by speculation of whether the tears are fake or not – i.e. they are either brainwashed or they fear reprisals for not showing grief. Many recent assertions of quixotic events have been shown to be almost certainly false: the DPRK did not claim to have found a unicorn lair (Fish and Cathcart 2012), did not force citizens to cut their hair like Kim Jong-un (Talmadge 2014), did not punish athletes for poor performance (Abt 2012), does not have a fake subway system with only two stops,[[119]](#footnote-119) is not “a weed-smoker’s paradise” where it is “smoked freely” (Shearlaw 2014). Other facets of the Secret include rumors about the excesses of the leadership (described in the ‘object of envy’ section below) and any frame that suggests North Korea is somehow ‘another world’, i.e. a “twilight world […] bizarre and inept” (Koike 2013), or, “a world more terrible than anything any dystopian novelist could ever have concocted” (Reisman 2013). What we have in these signifiers of ‘the Hermit Kingdom’ is the contemporary version of what George Kennan famously termed ‘oriental secretiveness’ in the Long Telegram (Chilton 1996: 194), a mysterious excess that cannot be adequately symbolized – precisely *objet* a.

The space of *objet a* as Secret is typically mobilized as evidence in academic work through emphasizing how, because the DPRK is extraordinarily unknown and *different* from other countries, understanding its nuclear program requires looking deep into its previous behaviours, rhetoric, their supposed strategic doctrine, and so on. Victor Cha (2002: 211-12) contends, “[i]t is only by understanding the doctrine in which this [nuclear] weapons capability is embedded that we can obtain a better sense of how threatening the DPRK may be.” He then draws on mostly American, ROK and Japanese security texts, complemented by selected passages from DPRK texts, to shed light on the mysterious DPRK nuclear doctrine. Siegfried S. Hecker, an American who has inspected DPRK capabilities and tends to be pro-engagement in orientation similarly argues, “No one outside Kim Jong-il’s inner circle understands the decision-making process and motivations of North Korea’s regime” (Hecker 2010) The key difference is Hecker then applies Scott Sagan’s three models for the bomb, thus assuming the DPRK can be understood according to the same models as other countries, whereas Cha creates a North Korea-specific method. As Žižek quipped, “It is when we try to understand the Other that we are our most racist” (Žižek 2005a); as usual with the DPRK, the progressive position here is to assume realist assumptions, i.e., *deterrence* as their essential purpose.

In his book, Choe Sang-hun does a good job (albeit unintentionally) of disentangling the Master-Signifier elements from *objet petit a* as ‘Secret’:

Kim Jong-il himself has been caricatured as [1] an all-purpose menace: “a pygmy,” “Satan,” “Communist bandit chieftain,” or a nutcase in a Mao suit with a bouffant hairdo, elevator shoes, and a lavish taste for top-label French cognac, Black Sea caviar, and pretty women. [2] Or, he was a “smart” and “rational” leader with a sense of humor and a desire to negotiate. [3] Taken alone, none of these labels did justice to a ruthless tactician who time and again fended off pressure from Washington and Seoul and forced them to talk, and ultimately haggle, with him while creating the world's newest and implacably bellicose nuclear weapons state (Choe 2013a: 147).

He identifies the [1] Master-Signifier popular elements: an “all-purpose menace” that is evil, crazy, and an object of envy. And then [2] university knowledge, a description that would fit almost any leader: charismatic, not-evil and not-crazy, the generic response to M-S elements that is only appropriate because of the prior existence of the opposite elements. Finally, he invokes the existence of a non-symbolizable element that exists somehow within *and* outside the two poles – precisely [3] *objet petit a*: Kim is somehow *beyond* evil, crazy, exploitative, smart, social, and rational.

One can often identify *objet a* in the titles of nonfiction texts, their chapters and subsections. Simply put, serious wide publications must target a large audience, and this necessitates relating the knowledge to the audience’s stereotypes. Sonia Ryang's book, critiqued in Chapter One, is an apt example given that it is marketed as a serious ethnography about the country. Ryang (2012: 8) compares the propaganda on “insane” Japanese imperialists to North Korea in American discourse, who “have come to be labeled as ‘unknown’ and, hence, even less human.” This means applications of anthropology should “begin with the recognition that we are dealing with a people that are unknown, yet a people nonetheless” (Ibid). The present analysis, of course, concurs with this sentiment. Scrolling to the top of the same page, however, the reader is reminded of the title of this Introduction: “*A Journey into the Abyss*.” Ryang is trying to have it both ways here: ethnographic critique of the dehumanization caused by *objet a* that is framed within an audience-pleasing manifestation of *the same element*: *abyss* as the immeasurable, the unfathomable; or for Christians, the chaos before Creation, or Hell.

*Survey of the popular literature*. To give the reader a reasonable idea of North Korea’s meaning and usage in popular nonfiction literature – particularly the inferred Secret – the following is a survey of the top hits in a search for the “most-reviewed” books with “North Korea” as a keyword in the “Books: Politics and Social Science” category at *Amazon.com* (as of May 10 2015). The first 26 books were initially selected, 6 of which were excluded: 2 books barely reference the country, 2 are historical and refrain from characterizations, and 2 are actually *about* North Korea and are critiqued elsewhere in this dissertation.[[120]](#footnote-120) The remaining 20 books[[121]](#footnote-121) fall in three ideological categories: 14 far-Right, 5 center-liberal, and 1 Left. This is more-or-less representative of the American liberal spectrum on North Korea: the near-obsession of the Right, the intrigue of center-liberals, and the near-silence of the Left. In fact, *all* writers are clearly targeting primarily an American audience.

Charles Kauthammer (2013) of *Fox News* wrote the most-reviewed book. It is premised on the friend-enemy distinction: “Politics is the moat, the walls, beyond which lie the barbarians. Fail to keep them at bay, and everything burns” (Ibid: *Introduction*). North Korea, “whose deranged Stalinist politics has created a land of stunning desolation and ugliness, both spiritual and material” (Ibid), is his first example. North Korea poses an existential threat in the age of “hyper proliferation” and is ruled by “half-mad tyrants” (Ch. 6), yet they are “not suicidal” by contrast to Islamists. Krauthammer (Ch. 16) is joined by Dinesh D’Souza (2010: Ch. 3; 2012: 127) in seeing North Korean proliferation as a reason not to cut America’s nuclear arsenal. America is all that “deter[s] North Korea from nuking South Korea”, D’Souza (2010 Ch. 10) argues, and it is also evidence that sanctions will not work with Iran (Ch. 11). South Korea developed whereas Kenya and North Korea did not because the latter two are socialist systems (D’Souza 2012: 220).

Ann Coulter believes Kim Jong-il is “a Marxist mass murderer” (2005: Ch. *Al Qaeda Barks, the Spanish Fly*) and his country is liberals’ “favourite Communist paradise” (Ibid: Ch. *Elian Gonzalez*). She argues that negotiations with “fanatics” are futile and the claim North Korea developed nuclear weapons because they are “insecure” (i.e. as a deterrent) is “right out of the traitor playbook” (Coulter 2004: Ch. 12). Coulter is somehow certain that North Korea began cheating on the 1994 AF immediately and later claims – falsely – that “North Korea admitted it had ignored the deal from the beginning” in 2002 (Ibid).[[122]](#footnote-122) Coulter is joined by Krauthammer (2013: Ch. 16) and Hannity (2005: 151) in rejecting any notion that the DPRK can be trusted in diplomacy.

Bill O’Reilly (2003) similarly speaks matter-of-factly of the “insanity” of North Korea (Ch. 3) and the Clinton administration’s willful ignorance of its cheating on the 1994 AF (Ch. 6). Mike Evans (2007: Ch. 8) presents the AF as former President Carter aiding DPRK nuclearization through giving then oil, grain and a nuclear reactor. Mark Steyn (2008: 95) appears to be only half-joking when he claims the DPRK nuclear program is really Kim, who is “a self-taught nuclear madman”, showing off his “big swinging dong.” Michael Savage (2003: n.p., n.c.) states it is “a fact” North Korea is sponsoring, supporting, or harboring terrorists; they also have “Death Camps”. Greg Gutfeld (2014) of *Fox News* mentions “death camps” and starving Koreans, then derides Dennis Rodman for visiting the DPRK as a “dictatortot” who is “indulging a maniac, while denigrating the country that made him rich” (Ibid: Ch. “Bling Before Balls”).

While all but perhaps Gutfeld’s cynical book[[123]](#footnote-123) more-or-less depicts North Korea as part of a struggle between Good and Evil, Sean Hannity (2002, 2005) makes this most explicit. “Evil exists,” he asserts: “It is real, and it means to harm us” (Hannity 2005). “Those who fail to recognize evil […] are doomed to fall into the trap of appeasement” (Ibid: 47). The “evildoers” are plotting “the murder of our families” even as we read his book (Ibid: 6). North Korea has “one of the most evil regimes in the world” (Ibid: 194) led by “a maniacal dictator” (Ibid: 197) who is either genuinely insane or acting crazy as “a calculated ploy” (Ibid: 285) and is ruling over “the world’s largest prison camp” (Ibid: 284). “The extent and crudity of North Korean violence” against America and the ROK “is a matter of record” and liberals fail to recognize its wider linkages to “the [sic] international terrorist network”, i.e., the conspiracy of Evil against America (Hannity 2002: n.p.). For evangelist Michael D. Evans (2004: 181), North Korea is one of several possible paths to nuclear apocalypse and it will certainly stand against Israel when the time comes. Evans (2007) makes baseless claims that North Korea “pledged” to America’s enemies to prevent a pro-Western Iraq (Ch. 3), trained Iraq’s “secret weapon” of guerilla fighters (Ch. 4), and might “donate” a nuclear weapon to terrorists (Ch. 8).

While the center-liberal narrative eschews the Good versus Evil worldview, it applies the same basic ontological premises as the Right. Hillary Clinton (2014: Ch. 3) sees North Korea as “a real threat” with an “unpredictable dictatorship” in “a land of fear and famine.” It is “the most tightly controlled totalitarian state in the world” and “oppression is near total” as it “devotes most of its limited resources to the military.” “[F]amines are frequent” and “many […] live in abject poverty” (Ibid). MSNBC’s Rachel Maddow (2013: Ch. 9) stresses the cult of personality and laments Kim’s new ability “to level part of the planet at the touch of a button.” Christopher Hitchens (2007: 85) jokes about the influence of Orwell’s *1984* on Kim Il Sung and suggests the DPRK goes *further* than Orwell imagined. It is “a necrocracy”, a “religious” and “totalitarian state”, and “a debased yet refined form of Confucianism and ancestor worship” (Ibid).

For center-liberal economists, including Acemoglu and Robinson (2012), North Korea is an example of *Why Nations Fail*. The development outcomes of North and South Korea show the superiority of liberal institutions. They (wrongly) imply that the DPRK was an unmitigated economic disaster from the get-go that was “imposed” on Koreans, as opposed to the South’s “different politics” (Ch. 3). The DPRK began by expropriating Japanese “assets”, they write, without mention of the colonial history (Ch. 13). Marxism is a crucial factor in world poverty and “led to the starvation of millions” even as Kim enjoys in his “pleasure palace” of luxury (Ch. 3). For Thomas Friedman (2005), North Korea is a “rogue” and a nuclear threat “out of fear or insanity” (Ibid: 419). It is evidence of the failure of “extreme communism” (Ibid: 277), how economies need free trade (Ibid: 315) and how economic interdependence brings peace (Ibid: 423).

Michael Moore (2001: Ch. 8) is at the Left of the American political landscape. He introduces North Korea as a Bush administration policy failure. Kim is described as an alcoholic playboy reportedly getting “blood transfusions from young virgins” (Ibid: 2) “[M]illions of people are starving to death in North Korea, mostly because Kim Jong Il is a dictator” spending too much on his military (Ibid). Considering that DPRK overtures in the 1998-2001 period suggest optimism, and Kim’s love of American “films (in addition to pornography)”, Moore ends with movie-related engagement-oriented suggestions “to help the wacky dictator” (Ibid: 15-18). Hardy and Clarke (2005) wrote a book entirely devoted to ridiculing Moore; with regard to North Korea, for treating “that lunatic in North Korea” ruling a “slave state” as a reform-minded “eccentric” (Ibid: 13, 217).[[124]](#footnote-124)

The crucial starting observation in analyzing the references to North Korea in these 20 books should be the universality of the extraordinary-negative frame; the country is a void or ‘blank slate’ (see below) under these parameters for all writers. Different ideologies simply ‘quilt’ it to different (political, economic, religious) Master-Signifiers. For center-liberals, whose Master-Signifiers are essentially capitalist-liberal-democracy, North Korea is the abject Other of the international community: a totalitarian ‘rogue state’ outside the ‘international community,’ an example of Marxist failure with whom the possibility of peace is questionable at-best. Liberals take pains to acknowledge the extraordinary-negative frame even as they typically avoid Christian moralist framing.

Center-liberals therefore infer the existence of the Secret without providing a determinate answer to the Real enigma of the desire of the Other. The Right, on the other hand, has identified the Secret that the (liberal) Other is supposed *not* to know, or at least, does not have the courage to identify and confront: North Korean leaders are Evil and their society is Hell on Earth. For example, more-or-less explicit Rightist assertions that ‘the regime’ is intrinsically wicked, irrational and deceptive are, for liberals, the implied subtext: they could have their ‘finger on the button’ with a hermetic, perverted, unpredictable but perhaps rational leadership living in unimaginable luxury as Koreans starve. The key difference is how liberals tend to maintain a distance between Symbolic reality and *objet a*, whereas for Christian moralists the distance between Imaginary and Symbolic has more-or-less collapsed, perhaps because North Korea fits directly into neoconservative ideological Imaginary (as evil, or barbarian, Communist, anti-Christian, anti-American, and so on). This also accounts for the near monopoly of the far-Right in locating the DPRK in American fantasy. While North Korea fits neatly (though perhaps not accurately) into the ‘example of Communist failure’ frame, it is simply an ‘outside’ to liberalism, so the center-liberal tendency is to imply the ‘Secret’ itself in various ways, from Orwell to obscene luxury to eternal famine to blood transfusions from virgins.

### Proposition Two: North Korean society will be formally constituted by the abject elements of American ideology, similar to the asymmetrical constitution of ‘feminine’ as derivative of ‘masculine,’ and being ‘pro-North Korea’ will be an impossible position.

*Real Antagonism and Lacanian Formulas of Sexuation. Real antagonism* is the Real that is masked by ideological fantasy; it refers to unreconcileable conflict, where the objectivity and interests of one fundamentally discompletes the objectivity and interests of the other. It is a split across an *entire* social body where any representation is already a moment in the struggle; there is no neutral position possible in real antagonism. Any representation of gender or class relations, the two fundamental antagonisms for Žižek, will unavoidably reflect the position of the author. Real antagonism exists where there is an “irreducible and insurmountable gap" between their position and ours "which posits a limit to the field of reality” allowing for no common ground (Žižek 2006b: 10).

The conflict between the DPRK and the US, ROK and Japan is therefore not real antagonism because ethnicities do not cut through all communities and are not constituted in the same way as masculinity/femininity or proletarian/bourgeoisie (Žižek 1994a: 205). The argument here is that, within American discourse, the relationship replicates the structure of Lacanian masculinity and femininity primarily due to the radical asymmetry between them. In this frame, US-DPRK animosity is an ideologically constituted antagonism that mystifies real (class and geopolitical) antagonisms while serving military-industrial stakeholder interests as well.

In the Lacanian formulas of sexual difference, Man and Woman are produced by a failure of signification that would represent gender as a single pole (see Žižek 1994a; Žižek 1995c). Masculinity appropriated the positive characteristics of public life and the *presence* of *Essence*, whereas femininity is its Ground, a positivization of the absence of essence: i.e. negations of masculine qualities (rational/emotional, public/private, adventurer/mother, and so on). Woman is fully within the phallic economy as the exception that causes Man, She admits no exception because She is herself an exception, and for that reason she undermines the phallic economy of rule/exception. There is no parallel feminine Ground like the Phallus, no universal rubric of femininity.

Wood (2012: 182) points out the homology between feminine and masculine and “the lack of common denominators to link the two incommensurable symbolic universes” of Left and Right on the political spectrum. But this application of Lacanian gender is more consistent because, arguably unlike Left and Right on a liberal-democratic spectrum, the difference between America and North Korea bears an irreducible Symbolic asymmetry. This is much closer to the fundamental asymmetry of the parallax gap between any two positions:

“The parallax [caused by *objet a*] is not symmetrical, composed of two incompatible perspectives on the same X: there is an irreducible asymmetry between the two perspectives, a minimal reflexive twist. We do not have two perspectives, we have a perspective and what eludes it, and the other perspective fills in the void of what we could not see from the first perspective”(Žižek 2006b: 29).

In the modest version, the North Korean position exists only to the degree that it fills the void of our own position (i.e. deterrence as explanation for DPRK nuclearization is the gap left behind by explanations of aggressive intent, irrationality, extortion of aid, and so on). But insofar as we understand ‘North Korea’ according to how it is represented in the West, it is what fills the void of what we cannot see in our society (see Proposition Four).

‘Not-man equals woman, but not-woman does not equal man’ captures Žižek’s reading of Lacanian gender asymmetry. “Masculine is the differential, whereas feminine is much closer to negativity and negation” (Žižek 2011). This can be applied quite directly: the United States without freedom is North Korea, but North Korea with freedom will never be the United States – American exceptionalism and Western liberalism is the differential and North Korea is their negation.

As Cumings (2005: 487) argues: “the greatest problem is the asymmetry of America and Korea [...] the United States for fifty years has meant everything to Korea, but Koreans mean so little to the United States.” The Korean War is often called the 'Forgotten War' in American discourse; in North Korean discourse, by contrast, the ‘American War’ is the founding trauma upon which the official ideology has been built (albeit arguably secondary to the trauma of Japanese colonialism in contemporary DPRK discourse). The two national historical mythologies are also radically irreconcileable. The repressions of American discourse (responsibility for and devastation caused by the Korean War, Cold War nuclear threats, the violence of sanctions, etc.,) are pillars of the official DPRK ideology concerning America. On the other hand, DPRK repressions (political detention centers, securitization, etc.,) are the core elements though which Americans understand the DPRK. DPRK achievements are simply unknown in America.

Owing largely to the obsession with the extraordinary in North Korea reporting described by Choe earlier, typical news media representations of North Korea lead to a strange relationship between the ordinary and the extraordinary that appears homologous to the Lacanian feminine. Whether the report is on a rocket launch, some invective rhetoric, or an olive branch to restart negotiations, it is formally framed as surprising and somehow unexpected. Yet at the very same time, these also reflexively fall into recognizable and predictable frames ('cycle of provocation', 'selling us the same horse twice') common in the popular policy discourse. There is no template of North Korean behaviour except for exceptional behaviour itself; the *norm* or *Rule* is, paradoxically, that they are *consistently* exceptional. Given the contradictory negative characteristics of *North Korean exceptionalism*, it is quite logical that the very existence of the country is seen as a paradox, well-captured by Victor Cha’s book title: *The Impossible State (2013)*.

The homology here is not air-tight, but the point is the lack of any rubric of DPRK behaviour, that it is always exceptional even where it conforms to well-known patterns. The homology to Lacanian gender can be illustrated by the colloquial saying, ‘he’s *the* man!’ The meaning, while context-specific, is constituted by positive attributes: sexual potency, leadership, loyalty, and so on. To say ‘she’s *the* woman!,’ by contrast, has no essential meaning whatsoever (it can be radically positive or negative), ‘*The’* woman is, for Laclau and broadly consistent with Žižek, the quintessential empty signifier. This is Laclau’s reading of the Lacanian maxim ‘*the* Woman does not exist.’ As mentioned, the lack of exception in Woman undermines the Phallus: the apparently always-inconsistent ‘dark continent’ of feminine *jouissance*, as Freud put it, is outside maculine grasp and challenges Phallic enjoyment, so it must be repressed. In this analogy, North Korea undermines American ideology insofar as North Koreans enjoy their ideology in ways that are beyond our comprehension and this threatens our viewpoint (i.e. the victim-perpetrator dichotomy) and the utmost ideological task is to conceal it (i.e. through brainwashing analogies, ‘desperate to leave,’ and *songbun* in Chapter One).

*Pro-North Korea as Impossible Position*. Any positive representation of North Korea is automatically experienced as an attack on core American values. As Cumings (2003: xiii) put it well, “the deafening absence of any contrary argument” is the the real mark of US-DPRK confrontations: “the one remaining self-proclaimed top-to-bottom alternative to liberalism and globalization is anathema to everyone, progressives as well” (Ibid). This perspective takes this insight further: to be ‘pro-North Korea’ is already a subset of ‘anti-American’ – one cannot invoke the former without bringing the meaning of the latter in American discourse.

To a limit, one could say the same about being ‘pro-Iran’ and pro-America, but this does not hold everywhere. It *is* possible to write a pro-Iran and pro-America NYT opinion piece, at the Left of both spectrums, seeking democratic reform from the former and a less hostile policy from the latter. Politically active elements of the Iranian and Muslim diaspora in America, to which there is no DPRK equivalent, play a significant role here. One cannot denounce Islam as empty and fraudulent in the same way that one can 'the Juche idea' in serious news media fields; Islam is a legitimate sacred object in American liberal discourse whereas DPRK cultism is not. The closest parallel today is probably ISIS/L, a territorial entity denounced by most Western scholars of Islam. The fact that some Westerners have chosen to take up the cause, and the expert reaction that has focused not only on their mental state but also on the social alienation of Muslims at home and how the history of interventionism in the Middle East has made the movement possible, implies the greater legitimacy of identification with ISIS/L over North Korean ideology. Representations of an American’s attempted defection to North Korea in 2014, which was later revealed to be an apparent ruse, focused entirely on his mental state – the prospect of genuine identification with *Juche* is simply absurd.[[125]](#footnote-125)

The visceral response to the visit of American former NBA stars to North Korea demonstrates this well. Dennis Rodman’s willingness to fraternize with the Leader led to a veritable assault on his integrity in the media, government threats that he may not be able to return to America, Treasury threats that he may be indicted for treason, and “a lot” of death threats ([DuJour 2015](http://dujour.com/culture/dennis-rodman-north-korea-kim-jong-un-interview/2/); TMZ 2015). Kenny Anderson (2014) was among the ex-NBA players Rodman paid to accompany him on one his trips. Anderson received such a strong backlash for his trip, including his children being “approached at school”, that he felt compelled to apologize on Piers Morgan’s CNN program. Calling the leadership “evil” five times throughout the interview (and Kim Jong-un a “monster” and “tyrant”), Morgan aggressively suggested that they were “shaming” the country and acting as a “stooge” and “puppet” that is serving to “prop up and support an evil regime.” Anderson defends himself stating that he “felt very bad” but he “had no choice” because he was “scared for [his] safety.” “You fear what you don’t know,” he emphasized (Ibid).

WP even published an Op-Ed by Shin Dong-hyuk requesting that “Mr. Rodman” ask Kim to feed his people and “close the camps and rebuild the country’s economy” as they drink their “fancy wines” at “luxurious parties” (Shin 2013). *Time Magazine* published five lessons for Rodman: North Koreans are (1) starving and (2) held hostage in a (3) “land of prison camps” that is not only (4) “a mafia state” but also (5) “a fascist, racist state” (Tharoor 2013). When *Google* Chairman Eric E. Schmidt visited, he instantly became the target of parody sites, John McCain called him a “useful idiot,” and the NYT cites other critics as calling the trip “an act of vanity, or worse, hubris” (Jacobs 2013). Being an American celebrity and going to North Korea in order to engage the leadership in any non-hostile way is experienced as a direct attack on American ideology.

David Kang asked Robert Carlin in a panel discussion the key question for Western critics of American North Korea policy, that is, “What’s the strategy for trying to avoid being seen as defending the regime while doing something that isn’t criticizing the regime?” (Carlin 2011). Carlin responded that long ago as a young CIA analyst, he did believe that accumulating knowledge and demonstrating the errors of the public discourse was the answer. But this was “absolutely submerged” by repetition of propaganda tropes under the G.W. Bush administration.[[126]](#footnote-126) The point is: ‘defending the regime’ is a false (impossible) pole in a context where any positive knowledge of North Korea is experienced as an attack on American identity. It is a political resource for anti-engagement advocates who represent themselves as embattled by dangerously naïve Leftists where, in reality, their position is completely uncontroversial. There is simply no middle ground: the only way to be a pro-North Korea American is to be anti-American, to *a priori* reject American ideology. Without this there is simply nothing to identify with.

*American Exceptionalism and the Brainwashed Masses.* American exceptionalism as enunciated by Seymore Lipset (1997: 14-28) adequately captures formal American identity. He identifies five core positive elements that constitute “the American Creed”: liberty, egalitarianism, individualism, populism, and laissez-faire capitalism. Conspicuously absent is Christianity, which is treated as a non-core element: it is “voluntary, in other words, not state-supported” and “congregational” rather than serving a single church hierarchy. American debates on war are fundamentally moral in nature; it is always about “obedience to my conscience” rather than “my country right or wrong” and is pursued “for morality, against evil.” Whereas Europeans prefer to help the poor through state programs and maintain “a class-segregated eduational system”, Americans invest more and emphasize “opening the door to individual mobility and personal achievement though heavy investment in mass education.” Americans are comparatively “much more individualistic, meritocratic-oriented, and anti-statist” and accept greater “merit-based difference in reward”. In addition, Americans are the wealthiest in real income, the most productive workers, and participate in the most voluntary organizations.

Lipset argues “exceptional” does not imply a “superior culture”: “Exceptionalism is a double-edged concept […] we are the worst of the worst as well as the best of the best, depending on which quality is being addressed” (Lipset 1997: 18). As a result of “the American revolutionary libertarian tradition [which] does not encourage obedience to the state and the law” it has “the highest crime rate, as well as the lowest level of voting participation, in the developed world” (Ibid: 26). America is exceptional in its “adversarial relations among groups” and “intense, morally based conflicts about public policy” based on varying interpretations of founding pinciples (Ibid). Individualism causes high tort, malpractice and crime rates, as well as the degradation of the traditional family and income inequality (Ibid). “American politicians define interest issues as well as value conflicts in ethical terms” that leads to violence like attacks on abortion clinics (Ibid: 28). “[T]he two-edged American Creed” is, finally, “threatening community and triggering moral decline” (Ibid).

There are, in fact, *no negative core elements* in Lipset’s exceptionalism – American social ills are consistently contextualized as side-effects of positive elements. If this is a “double-edged sword,” then the sword itself is *Excalibur*, an intrinsically positive object that can also be misused or have unintended consequences. Lipset may not be explicitly claiming superior *outcomes* (even as he disproportionately stresses positive outcomes), but he is certainly implying positive/superior *core elements*.

Consider a direct contrast between Lipset’s elements and the elements that constitute North Korea in American discourse, presented in about the same order as above. North Korea is despotic, totalitarian, collectivist, communist, and offers no equality of opportunity. It maintains a grossly inefficient command economy, has no civil society or grassroots political activity whatsoever, and has a persecuted Christian minority. It is understood as as the polar opposite of voluntarist, meritocratic, and “congregational” (monolithic state-imposed leader worship). North Korean patriotism is “my country right or wrong”, they obey the leader rather than their conscience and they are naively pro-statist. Their educational institutions are entirely propaganda and their military serves the narrow interests of the leadership. Hassig and Oh (2009: 2), whose book was endorsed by many American policymakers, put this is more academic language, describing North Korean society as

in many respects the complete *opposite* of our society. Instead of individualism, they have a collective lifestyle; instead of a regulated market economy, a regime-directed economy; instead of democracy, a dynastic dictatorship; and instead of foreign policy of alliance and influence, isolation and belligerent contradiction. Even the Chinese [...] admit that their neighbour is backward and strange (emphasis in original).

This can be read a a modern (sanitized) incarnation of the colonial legacy according to Orientalism, where ascribing terms like “civilized, enlightened, lovers of liberty, benevolent” to the “white man” was achieved through painting the Oriental as “irrational, depraved (fallen), childlike, ‘different’” (Doty 1996: 48; Chilton 1996: 202).

This diametric reversal generally holds true for negative American elements as well. In fact, the few salient positive constitutive elements of North Korea are usually positivizations of American lack: a ‘Machiavllian’ (or ‘Kurtz-esque’) willingness to do what American liberal norms (at least formally) preclude in protecting ‘homeland security’ (i.e. torture, arbitrary arrest, profiling) and promoting the national interest abroad (i.e. international blackmail, abductions, espionage and a foreign ‘policy of strength’ more generally). This is evident in the Hollywood films *Olympus Has Fallen* (2013) and *Red Dawn* (2012). North Korea is here a positivization of what ‘hawkish’ policymakers often praise and envy about Israeli foreign policy; it externalizes the limits to Americans *really enjoying their power* that are imposed by liberal values. Moreover, albeit rarely if ever enunciated, positivization of Lipset’s negative elements intuitively appear appropriate as well: they lack social conflict, have a low crime rate and obey the law (due to negative core elements like ‘brainwashing’ and draconian policing). They embrace family traditionalism (in their fascist/eugenicist context) and experience egalitarianism in outcomes (no merit-based opportunity and non-elites are all equivalently impoverished).

The Symbolic constitution (through language) of any identity is relational: “the identity of each of the moments consists of its difference to the opposite moment” (Žižek 1989: 193). A given element “takes the place of what is lacking in the other, embodies what is lacking in the other: its positive presence is nothing but an objectification of a lack in its opposite element” (Ibid: 194). The opposite elements are “in a way [...] united on the basis of their common lack” (Ibid). A pure positivization of a lack is *objet a*:

an object which positivizes a lack (negativity), whose positivity is nothing but a positivized negativity. It is here that *imagination* enters: this positivization of a lack is the zero-level imagination. At its most radical ontological level, imagination fills in the void/lack that ‘is’ the subject, that is, what the subject originally ‘imagines’ is its own objectal counterpoint, itself as a determinate being (Žižek 2012a: 133).

North Korea is *objet a*, a negative mirror-image of American exceptionalism, a positivization related to the incongruity between ideology and lived experience. There is, in fact, a close symmetry between the neoconservative critique of North Korean society and the Leftist critique of American society – here *everyone* is a Marxist to the extent that North Korean society is defined exclusively in terms of rigid classes and exploitation, militarist expansionism, unsustainable economics, ideologial indoctrination, and so on.

“The *Juche* ideology” (self-reliance) and “*Songun* politics” (military-first) are both regularly referenced as somehow representative of the totality of DPRK ideology, along with communism (Marxism-Leninism-Stalinism) and sometimes Confuscianism. In the COI, as described in Chapter Three, these are all understood simply as instruments of ‘regime consolidation.’ The mobilization of these decontextualized signifiers typically means nothing other than difference from the liberal order. Although there are a handful of self-proclaimed *Juche* scholars in the West, its popular legitimacy and following is far below, say, *Scientology*, simply because it has almost no positive meaning in our ideological context. In fact, some Christian writers have noted the similarities between Juche as religion and Christianity; Thomas Belke (1999) specifically argues it is an attempt displace Christianity (Beal 2005: 147). It signifies nothing more than rejection of hegemonic liberal ideology and (in American discourse) anti-Americanism and anti-Christianity. *Juche* is “a prop in the personality cult” that “functions at most as an imposing row of book spines” that are not actually meant to be read, as the oft-cited Brian R. Myers argues: “Whatever one reads, one is always left thinking the profound stuff must be somewhere else” (Myers 2009: 17, 48).[[127]](#footnote-127)

The point here is not to imply a naïve relativist position that *Juche* and “military-first” are of equal ontological status to liberalism and Christianity or whatever. There are elements of DPRK ideology that are inhererently reactionary in a militarist post-colonial sense. “Military-first” and *Juche* are essentially *slogans* that tell us very little about actual DPRK policy and the internal debates taking place between powerful DPRK institutions (Carlin and Wit 2006: 36, one might compare them to ‘freedom’ as slogan in US discourse). The point is rather that the real meaning of Juche and ‘military-first’ in American discourse is simply *anti-liberalism*, an opposite pole to capitalist free trade, democratic decisionmaking, etc. If there is any positive content here, it is national self-reliance, militarism, and the rejection of liberal multiculturalism, economic globalization, multilateralism, and so on, somewhat consistent with far-Right Western ideology.

For example, a long NKNews report entitled *“White Power and apocalyptic cults: Pro-DPRK Americans revealed”* details the intrigue between two pro-North Korea groups based in the United States, both composed of ultranationalist whites. One of these drew rebuke and disassociation from Pyongyang for its aggressive language against the American government and against Jews (Thayer2013). How does a group identify with an apocalypitic Hindu sect, Nazi and *Juche* ideology all at the same time? Because they identify with 'North Korea' as a signifier of anti-liberalism, utterly unrelated to its indigenous meaning in the DPRK. In fact, as Choe (2011) has pointed out, it is often difficult to tell if pro-North Korea blogs are parodies or not.

### Proposition Three: representations will follow the logic of racism, positing the ‘Kim regime’ as obstacle to harmony and enjoyment and object of envy, as well as the logic of misogyny, positing North Koreans as either objects of love or delusive and degenerated forms of masculinity.

*Identifying Objet Petit a in Misogynist and Racist Logics.* Most students of postcolonialism or feminism will know on a certain level that American North Korea discourse carries forward racist and gendered social constructions. They might note the formal brutal racism of the Korean War discourse, or the close proximity to Cold War representations of Mao’s China, or more concretely, how the two most-used metaphors for the Japanese during the Second World War “concerned their ‘uniqueness’ and their ‘herd-like behaviour’” (Campbell 1992: 232). The reason there are very few substantive analyses of racism in the discourse reflects the difficulty of actually showing it; one Korea is our ally, no one hates Koreans as such, a minimum of liberal political correctness can be detected in even the hateful talk radio programming, and respected news media will not use explicitly racist or sexist language. Herein lies the utility of Žižek’s critique of ideology: it can identify the logics of racism and sexism based primarily on their ideological role and the asymmetrical context, thus facilitating critique of today’s *racism without (formal) racism* that is sterilized in content yet remarkably similar in form.

The previous Proposition described North Korea as occupying an antagonistic Symbolic space homologous to femininity in the Lacanian formulas of sexuation. In this Proposition, direct parallels and analogies to the roles of other fantasy-figures that can operate as *objet a* are drawn from Žižek’s canon as evidence for the thesis here and as shedding light on North Korea’s Symbolic and Imaginary position in American ideology.

North Korea can be read as a radical case of 21st Century Orientalism that has “less to do with the Orient than it does with ‘our’ world” (Said 1978: 12). If the ‘center’ of North Korea is *extraordinary-negative*, this analysis is consistent with the post-colonial ethos of “deconstruct[ing] the center itself, to expose its arbitrariness and contingency and thereby call attention to the play of power in constituting all centers” (Ibid: 7).

The influence of gender is probably more contentious than racial framings. David Campbell (1992: 10) also analogizes between statecraft and gender:

[G]iven the culturally pervasive nature of the gender norms […] it is not implausible to suggest that a similar regime – or at least the gender norms which it effects – operates in other domains and disciplines other identities, such as the state. Indeed, if we consider how our understanding of politics is heavily indebted to the discursive economy in which reason, rationality, and masculinity are licensed as superior to unreason, irrationality and femininity, it is not difficult to appreciate that gender norms have also helped to constitute the norms of statecraft.

Indeed, for Žižek, “sexual difference stands for the primordial antagonism” and the ‘feminine essence’ *is* Lacanian *objet a:* the object of desire for which he is willing to go to any length, including destruction of the real woman herself (Žižek 2012a: 539, 475).

It is crucial to keep in mind that the symmetry the analogies below ultimately seek to show is between the North Korean ‘essence/nature/Secret’ and the ‘feminine essence.’ The analogies show the similar *function* of the abject Other as fantasy-figure of hegemonic ideology; they do not venerate the abject Other’s subjectivity. As Žižek put it contra certain feminists who elevate femininity as prior to masculinity and thereby reproduce the misogynist structure:

the notion that woman is the Base and man the secondary mediation/deviation with no proper/natural identity, lays the ground for the anti-feminist argument par excellence […] On that score, the apparently “depreciating” notions of femininity as a mere masquerade, lacking any substantial identity and inner shape, of woman as “castrated,” deprived, degenerated, incomplete man, are potentially of far greater use to feminism than the ethical elevation of femininity – in short, [radical anti-feminist] Otto Weininger is more useful than [radical feminist] Carol Gilligan (Žižek 2012a: 545).

The point, applied here, is that starting from the premise of America as imperialist project controlled by Capital (Marxism), or with America as ‘imagined community par excellance’ generating identity by contrast to threats (Campbell and other foreign policy post-structuralists), and then contrasting these positions with more-or-less provably positive aspects of the DPRK, is an insufficient method of critique because it reproduces the same truth/propaganda binary and buttresses the false ‘pro-North Korea community’ pole that does not really exist in formal discourse. Regardless of how well we understand Marxism, for example, we do not have the necessary contextual knowledge to situate them in DPRK ideology proper – to the degree that they are still relevant at all. Advocacy for North Korean ideology also serves to cede the key signifiers of positive governance to America. Arguing the DPRK produces knowledge and America produces propaganda is, in short, both counterproductive and false: Fox News is more useful than fringe Marxist pro-DPRK commentators insofar as the former speaks to the real structure or efficiency of the discourse and the latter is a false pole that reifies this structure.

Among the crucial points of this approach is the recognition that a truly critical position requires the evacuation of enjoyment from core fantasy elements which, due to the ideological antagonism, is unavoidably experienced as a form of cultural violence, an attack on American/Western identity. “[O]ur natural sight is ideological” and refusing it is painful: “we learn to see dictatorship *in* democracy, and seeing it hurts” (Žižek 2012a: 715). For Žižek, a woman becomes a feminist subject, “Only through renouncing the crumbs of enjoyment offered by the patriarchal discourse, from reliance of males for ‘protection’ to the pleasures provided by male ‘gallantry’” (Ibid). While this position is contentious amongst feminists, it is true with regard to North Korea discourse: one must identify and renounce our enjoyment of the country in order to truly challenge it.

There are several analogies to fantasy-figures constituted in asymmetry presented below. The ‘Kim regime’ is typically presented as an object of hate and the ‘ordinary North Korean’ as an object of love. The former is an obstacle to social harmony: a threat and an object of envy (‘the Jew’), intrinsically deceitful (‘the Whore’), an immature attention-seeker (‘the Bad Seed’), and the performer of castration (‘the Mistress’). The ‘ordinary North Korean’ is typically an object of self-love to be rescued as a matter of masculine Duty (‘the Lady’). Each of these frames captures part of the logic of American North Korea discourse, providing meaning and unity of the ‘empty signifiers’ of formal Knowledge in their particular discursive contexts. ‘The Lady’ and ‘the Bad Seed’ operate according to the colonial logic of equivalence, or Bhabha’s “colonial mimicry,” where the desire is for the ordinary North Korean to be “almost but not quite the same” as us (Doty 1996: 40).[[128]](#footnote-128) The other figures generally operate according to the logic of superiority/inferiority, the common-sense approach to racism and sexism (Ibid).

*The ‘Kim Regime’ as Obstacle to Harmony.* The first analogy is between the formal (Symbolic) constitution of the North Korean government and ‘the Jew’ of anti-Semitism. The choice of ‘the Jew’ is neither arbitrary nor related to the Holocaust or Israel analogies of Chapter Two and Three. Anti-Semitism is not only the ‘ground-zero’ of *all* racism for Žižek, but of ideology in general: “the primordial fantasmatic object, the mother of all ideological objects, is the object of anti-Semitism” (Žižek 2012a: 493).

In this frame, the ‘Kim regime’ is scapegoated as obstacle to Harmony, an entity external to the ‘international community’ that should not exist, whose elimination would make things return to ‘how they should be.’ In the case of the COI, North Korea is conceived not only as *the* obstacle to the human rights of DPRK citizens; Michael Kirby regularly positions DPRK human rights as a crucial test of the willingness of the world to ‘stand up’ for the very *concept* of human rights in the post-Holocaust world. The Kim family is ‘the Jew’ of East Asia, the “criminal elements” that “introduces from outside disorder, decomposition and corruption of the social edifice” and “appears as an outward positive cause whose elimination would enable us to restore order, stability and identity” (Žižek 1989: 144). This is, of course, futile: the obstacle to harmony is represented as such precisely to give the illusion that doing away with the obstacle would make this fantasmatic harmony accessible (Žižek 1994a: 94). A never achievable promise of harmony on the horizon is the very center of contemporary ideology for Žižek.

The Jew is “the embodiment” of the anti-Semite’s negativity:

that the very identity of [the anti-Semite’s] position is structured through a negative relationship to this traumatic figure of the Jew. Without the reference to the Jew who is corroding the social fabric, the social fabric itself would be dissolved. In other words, all my positive consistency is a kind of 'reaction-formation' to a certain traumatic, antagonistic kernel: if I lose this 'impossible' point of reference, my very identity dissolves” (Žižek 1989: 199).

Positioning North Korea as a threat to the very concept of human rights is precisely to invoke its position as the ‘point of reference’ of human rights ideology; that international responsibility to basic human rights would become meaningless if we do not act here.

The fantasy-obstacle is a counterpart of ideology because it masks the Real antagonistic fissures that reveal that ‘(international) society does not exist;’ the fantasy-figure is a symptom of this impossible harmony that was always foreclosed by the basic antagonism, i.e. the Jew is a symptom of German class antagonism, ‘the Kim regime’ is a symptom of the American military-industrial-entertainment complex with roots in geostrategic interests related to China and Russia. Animosities between Japan and South Korea, and between each of these and China as well, can be effectively dissolved in the context of representations of North Korea as obstacle to East Asian harmony. It also helps preserve the hub-and-spoke US-centric security umbrella for the ROK and Japan. The DPRK is the “perfect excuse” for Japanese military normalization and it stabilizes Sino-Japanese relations: “one could even speculate that North Korea serves to increase regional stability as a whole by playing the ‘bad guy’” (Hagstrom and Turesson 2009: 309). North Korea is the primary justification for ballistic missile defense in the Asia-Pacific, where naming the real long-term targets (China and perhaps Russia) is politically unattractive. It even serves to unite fractious American politics on one thing: “this place is a rogue-terrorist-communist-Stalinist-totalitarian-Oriental nightmare, America's most loathed and feared ‘Other’” (Cumings 2003: xiii). Where North Korea is invoked, *we* are all united, and this logic of equivalence can be extended almost without restriction: we upholders of human rights, we Americans, we allies, we partners, we Christians/believers, we the Asian region, we the West, we the international community, we the ‘free world,’ or even ‘we the world’… are against North Korean tyranny. The obstacle justifies indefinite postponement of the coming harmony, i.e. emancipatory reunification.

Like the Jew, North Korea is “a fetish which simultaneously denies and embodies the structural impossibility of ‘[International] Society’” (Žižek 1989: 126). It is as if North Korea is the very embodiment of, or “a positive, palpable existence” of, the failure to achieve universal human rights and the impossibility of Asian prosperity, peace and security, and, just like in anti-Semitism, this “marks the eruption of enjoyment in the social field” (Ibid) – our fantasy-obstacle is an enjoyable externalization of our anxieties.

North Korea’s constitution as fantasy-obstacle unambiguously implies that ROK-led Korean reunification would be a net benefit to ordinary North Koreans. Hassig and Oh (2009: 240) put this bluntly: preventing ordinary North Koreans’ “lives from improving is, to put it simply, the Kim regime.” They go so far as to suggest, “any US policy or initiative approved by the Kim regime will likely be detrimental to the North Korean people, and any policy that the regime opposes is likely to benefit them” (Ibid 251). If the extraordinary-negative frame is removed, if the DPRK is understood as a ‘normal’ poor authoritarian country, then the implication that collapse will surely be a net benefit for human rights becomes profoundly questionable.

The estimated cost of ROK-led unification varies, with recent estimates putting it at USD 1.7 – 3 trillion. Beal (2011: 186) argues that this price tag indicates that the likely scenario is that the Korean peninsula would become “an economic waste ground.” The economic gap between North and South is the largest of any two countries that share a land border (Lankov 2013b). Even middle class North Koreans are likely to suffer, as Lankov points out, “who is going to hire a North Korean doctor who practices 1950s Soviet medicine?” (Ibid). It is true, as described later, that the DPRK has substantial underexploited natural resources that could be used to rebuild the country. But these resources could also be used to improve the country under the current government; one should ask whether the current repressive but stable context, or a post-‘collapse’ or post-invasion context led by ROK capital, is more likely to facilitate translating these resources into social welfare for the DPRK population. This is particularly pertinent to the fact that the descendants of the Korean land-holding class under Japanese imperialism continue to hold land deeds, still legally recognized in ROK law, entitling them to most of the valuable land in the DPRK. As Lankov (2013: 241) put it, “the descendants of post-1946 migrants tend to be very successful and powerful in modern South Korea and therefore, if they decide to fight for ‘their’ property, have a chance of succeeding.” It is arguably the wealthy ROK families and their oligarchical corporations (*chaebols*) who would be the primary beneficiaries in a post-reunification context.

Bruce Bennett (2014) of RAND Corporation wrote a widely circulated paper on the contingencies of DPRK regime collapse. While his report is far from hostile to the prospect, emphasizing a very optimistic “benign collapse” scenario and prescribing prompt US/ROK military intervention, it also describes “the horrendous humanitarian consequences of collapse and possible war” (as noted by Hayes 2013) even from Bennett’s pro-regime change standpoint. Lankov (2013b) points out that the notorious DPRK prison system will likely need to be expanded to accommodate all the informers and loyalists to the former regime. One must wonder how doctors and engineers will feel about, as one defector put it, being “work[ed] to death, making just five dollars an hour” in factories (Hong 2014a). Saeed and Przvstup (2011: 28) emphasize that the terrain of North Korea is well-suited for a long guerilla struggle; the DPRK’s romantic mythology of anti-Japanese guerilla struggle would probably favour the loyalists.

In short, a likely result of reunification is a two-tiered society with Northerners at the bottom; even the 26 thousand refugees who made the *choice* to leave behind DPRK ideology have severe difficulties assimilating into the ROK economy and culture (see Chapter One). Positing North Korea as *the* obstacle to a return to Korean wholeness serves to obscure its likely negative consequences, predictable and not.

*‘The Jew’ as Object of Envy.* In psychoanalysis, envy is not only the center of hatred, but also the elementary negative destabilizing dimension of fantasy itself: how “she deceives me and plots against me, or how he or she ignores me and indulges in an enjoyment so intense it lies beyond my capacity to represent it, and so on” (Žižek 2012a: 496). It is a crucial element in the constitution of the Kim government as ‘the Jew’ of the international community, typically provoked through the ubiquitous contrast between the luxury of the elite and the most repressed and impoverished segments of the population.

The Kim-leader is often cast in a role similar to the mythical exception to the universal rule of law, that is, the fantasy of the (impossible) primordial father: a Master who is not subject to the public law (free to rape or murder) and can therefore enjoy completely at the expense of his community (Wood 2012: 305). Adam Kotsko’s (2012) *Why We Love Sociopaths* demonstrates the radical ubiquity of this and other kinds of sociopath in American television and our fascination with masculine figures who are unrestrained by ethical norms*.* The ‘primordial father’ represents the lost (masculine) Wholeness of the subject who must obey social norms and the law.

Kim Jong-un is perhaps the ultimate ‘real-life’ primordial father of the American Imaginary. As king of ‘the last totalitarian country,’ the imagination can go wild as to how Kim and his predecessors could exploit their absolute arbitrary power for sexual and/or sadistic pleasures. Kim Jong Il was described “as a playboy, sex maniac and drunkard, who lives a life of lavish excess, a workaholic who only takes four hours of sleep a night” (Beal 2011: 123). Indeed it is a common theme in popular nonfiction books on North Korea that there is a group of thousands of the most pretty DPRK virgins chosen to sexually satisfy the leader. Bradley Martin (2004: 309-20) wrote at-length about these and other lurid details based on defector accounts, including a rumor that Kim Jong-il would sleep on “a human bed” of beautiful women, giving the overall impression Kim had de-flowered a large percentage of the beautiful women in the country. A more recent example is a *Chosun Ilbo*’s report, picked up by *Business Insider*, that Kim Jong-un has had difficulty finding virgins for his “pleasure squads” (Ingersoll 2013). Mikyoung Kim (2012: 85) notes how these stories interact with the “South Korean fantasy of Northern women” and continue to circulate “independent of the existing evidence that this ‘unit’ was actually an entertainment troop recruited from middle schools all over the country.” Bruce Cumings (2003: 164) points out that Nam Ok’s first-hand account includes these rumors, yet she never witnessed this and, from her description of Kim, “one doubts Jong Il had much of a libido.”

The three most-influential fictional characterizations of Kim Jong-il or Kim Jong-un are probably the films *Team America: World Police* (2004) and *The Interview* (2014), as well as the popular novel *The Orphan Master’s Son* (OMS, Johnson 2012). In the purely satirical *Team America*, Kim Jong Il is the mastermind of a 10-year plan to destroy America with help from Arab terrorists. He arbitrarily executes an interpreter and a UN weapons inspector. Kim’s ridiculous character is here driven to unleash chaos upon the world for refusing to recognize his megalomaniacal greatness. In *OMS*, which takes itself seriously, DPRK diplomats must make their reports fit the ideological script, so they report falsehoods about US aggression that compel Kim Jong-il to seek revenge (i.e. taking an American rower hostage). Everything in North Korea revolves around Kim’s whims, whether procuring his luxury items or abducting an opera singer for his entertainment. He sends an entire naval detachment to seize an ROK gunship for the purpose of making a movie. The protagonist is repeatedly warned by Kim’s closest confidant not to underestimate his maniacal cruelty: “He can have anything, anything he wants,” she implores, “When he wants you to lose more, he gives you more to lose.”

*The Interview* makes the most effort to make Kim realistic, introducing him in part with a mock NBC newscast with Brian Williams making an apparent reference to the COI: “Today, an official of the United Nations tried to tell the world, so there will be no mistake, that we are living in the midst of a modern-day Hitler – Kim Jong-un.” Here Kim is much closer to ‘the Jew’: the CIA introduces him to the protagonists (an American entertainment newscaster and a producer) as a “master media manipulator” – a crucial theme that is reiterated at the climax – and Kim seduces them with his charm and the delusive appearance of a prosperous Pyongyang. The newscaster slowly clues into ‘the nature of the Kim’ through his violent outbursts and when he discovers all the food in the supermarket is plastic. After being humiliated on television for ‘daddy issues,’ Kim goes into a rage and shoots the newscaster and one of his soldiers. He then orders a nuclear attack against America. In all three depictions, Kim is clearly a primordial father who enjoys directly at the expense of his community, in addition to being of questionable sanity, pathetic, and obsessed with America. He is always posited as an obstacle to American, Korean and/or global harmony.

Perhaps the disproportionate interest in – and hatred for – North Korean leaders in popular economy-minded magazines (such as *Forbes*, *Time,* *The Economist, The* *Wall Street Journal*) should be understood as envy in addition to anti-Communism, or even anti-communism *through* envy. These magazines are all aimed at the richest classes that are most likely to purchase the products that they advertise; they therefore dis-proportionately reflect the interests and curiosities of the rich and powerful (Richardson 2007: 82). In a world where rich men have access to most obscene pleasures, the Kims are portrayed as representing a qualitatively different level of power, the next level of obscene pleasure out of reach to even the wealthiest businessmen. President G.W. Bush emotionally called Kim a “pigmy” (among other things) in 2002 and declared that,

I loathe Kim Jong Il! [...] I've got a visceral reaction to this guy, because he is starving his people. And I have seen intelligence of these prison camps –they're huge– that he uses to break up families, and to torture people (Pritchard 2007: 53).

Senior negotiator Jack Pritchard (2007: x, 71) was himself convinced that this was not simply political theatre but that Bush truly believes “Kim Jong-Il is evil incarnate […]”.[[129]](#footnote-129) Bob Woodward and *DC Insider* both remarked upon the extraordinary degree of personal hatred Bush seemed to have for Kim (Kim 2012: 105-6). Bush and Senator John Kerry both reiterated their views that North Korea is an “evil state” and “evil place” in response to the COI (Kim 2014; Pearson 2014b). In fact, it was really only with his ‘axis of evil’ speech that North Korea became defined as such.[[130]](#footnote-130) Bush’s public references to evil, as Žižek (2004: 51-2) put it, “revealed the utter *ethical* misery of the US position – the function of ethical reference here is purely mystificatory; it merely serves to mask the true political stakes, which are not difficult to discern.” Or as Žižek (2012c) quotes Hegel, "Evil resides in the very gaze that perceives Evil everywhere around itself.”

Whether Bush’s statements indicate real hatred is not so important; the point is the use of North Korea as a source of envy-induced indignation as political capital, made possible in part by Kim’s position as primordial father and the ubiquitous juxtaposition between the luxury of the elite and the suffering of the masses. It is not a large jump from ‘he can really enjoy whereas I cannot’ to ‘he is the obstacle to my enjoyment that must be destroyed so that I/we can be Whole again’ – from ‘he can really enjoy whereas joy is preempted for his people’ to ‘he is the obstacle to their joy and must be destroyed.’

Funabashi (2007: 150-1) captures the contradiction in Bush's attitude toward North Korea. He argues that “two different, incongruous visions of North Korea existed in Bush's mind.” Bush was “intellectually” aware that a more 'realist' approach was needed to end the nuclear program, but “he felt in his heart that the United States should not negotiate with such an evil regime, which really had to be toppled” (Ibid). In fact, the 2007 Early Harvest agreement looked very similar to the 1994 Agreed Framework that the Republicans so despised. The agreement likely reflected the perceived necessity of reigning in the nuclear program and the legacy cost of being the ‘national security president’ who allowed DPRK nuclearization. This is really the *only* pro-engagement interest in Washington: the prestige of pacifying a nuclear threat and the avoidance of the criticism associated with doing nothing to address it.

The Bush administration policy might be better conceptualized as a struggle between normal symbolic fictions necessary to successful diplomacy and their saturation by ideological fantasy that is a potent form of cultural capital for the Republican base. As a senior Department of State official put it, “The Bush administration's policy toward North Korea is more accurately described as ambivalent rather than incoherent” (Ibid). As Donald Gregg, chairman of the Korea Society and longtime friend of President Bush Sr., put it, “[the Bush administration has] never had a policy. It's had an attitude” [sic] (Funabashi 2007: 143). Diplomacy *requires* the withdrawal of *objet a* and a more neutral M-S (i.e. realist symbolic fictions). The alternation between these frames is arguably at the heart of the failure of the Bush administration policy towards North Korea and closely related to the Obama administration’s unwillingness to invest political capital in it.

To the extent that the West locates Kim as *primordial father* in reality, whereas North Koreans take in DPRK mythology ‘at a distance’ (as argued in Chapter One, they do not take it as a fundamentalist belief), it is more that Westerns believe in the mythology of the Kim than the supposedly ‘brainwashed’ ordinary North Korean. Perhaps the best representation of the North Korean *objet petit a* is the climax of *Team America* (2004)*,* where Kim Jong-il shoots Alec Baldwin to death, declares himself the greatest terrorist ever, and is then impaled on a helmet spike. Kim emerges from his body in cockroach-form, crawls into a tiny plane and disappears into the night sky, all the while uttering obscenities and swearing revenge against America. The cockroach is precisely *objet a:* the indestructible ideological excess of Kim Jong-il that survives even his real death, presumably to find a new host. Destroying the human host of this kernel in a psychotic act of (military) violence (full identification with the fantasy, the *passage a l'acte* in Chapter Five) will only lead to us to transfer *objet a* to a new host. The cure is to highlight the cockroach, to bring it in full view of the Symbolic order, in order to show the audience that the cockroach *does not exist* outside our own ideology.

*‘The Kim regime’ as ‘Whore.’* Turning now to gender, Žižek maps the opposition of Mother/Whore and Adventurer/Ethical Hero according to the Lacanian formulas of sexuation. Most positive representations of ordinary North Koreans still in the country that are not immediately victims follow the ‘Mother’ frame: they worry first and foremost for their family/community, they are characterized by “feminine substantial inertia and steadiness” in their perilous environment (Žižek 1994a: 149, the representation is very close to fantasy representations of ‘the Indian/Native’ of the American Wild West mythology). The “dislocated Adventurer”, by contrast, is interested in “reaching outside, transcending himself, the family frame restricts him, he is ready to put everything at risk” (Ibid). Here is the North Korean defector who suffers the guilt of leaving his family behind as he escaped to find freedom and advocate the freedom of his compatriots.[[131]](#footnote-131) On the other hand, the Kim government follows the logic of the “Whore (superficial, unsteady, unreliable, a being of delusive appearance)” as Ground of the “Ethical Hero”, the American government, who is “the very embodiment of reliable symbolic commitment” and “possesses the proper spiritual depth” (Ibid).

Women “stands for substantial fullness *and* for the fickleness of Appearance; man stands for the disruptive force of negativity *and* for the uprightness of Essence” (Ibid). In fact, at the center of the North Korean ‘Secret’ are the frames of Pyongyang as all-appearances with the overlapping frame of ‘the last totalitarian state.’ *Objet a* is both “a topological twist in the surface itself” and an “abyss of the impenetrable depth” (Žižek 1994a: 131-2). Insofar as Woman is *objet petit a* of masculinity,

woman is simultaneously a representation, a spectacle par excellance, an image intended to fascinate, to attract the gaze, while still an enigma, the unrepresentable, that which *a priori* eludes the gaze. She is all surface, lacking any depth, and the unfathomable abyss (Žižek 1995c).

The homology here is clear: North Korea is also all surface/masquerade (a Potemkin society, as façade held together by propaganda) *and* an unfathomable abyss (totalitarianism, evil, holding some Secret). In both cases it is a product of asymmetry: her ‘fullness’ justifies the negative gesture of masculine public activity, feminine ‘ficklessness’ bestows masculine ‘Essence.’ The pre-revolutionary North Korean as subject who could really enjoy our ideology and the intrinsically deceitful regime casts the negative gesture of violent military intervention as the ethically heroic position.

Indeed, signification of the DPRK has for many years been close to ‘the Whore’ in the sense that we typically see their foreign policy history as the manipulation of greater powers to ensure survival and prosperity. The DPRK is regularly presented in historical narratives – including the COI – as having masterfully extracted concessions from the USSR and China even as relations between them deteriorated into war. Today the hegemonic narrative is that the DPRK manipulates the US, regional powers and the ‘international community’ to forestall its inevitable collapse through both the extortion of humanitarian and energy aid and the seduction of sympathetic elements (i.e. the ROK under the Sunshine Policy, the Clinton administration,) into naïve economic projects.

One can apply these four figures to Suki Kim’s (2014) memoir of her six months teaching English to elite university students in Pyongyang. ‘The regime’ is pure obstacle: Pyongyang is “the Xanadu of North Korea […] a greedy, bloodsucking monster” (Ibid: 58) that produces intrinsically deceitful anti-Knowledge: “nothing was ever proven in their world, since everything was at the whim of the Great Leader” (Ibid: 241). The missionary teachers are primarily ‘Mother,’ steadfastly staying the course and mostly acting in the interests of their kin/faith. The author herself takes on a masculine role: her journey endangered her relationship with her lover and she deceives everyone with whom she interacts (dislocated adventurer), yet she is doing it for the greater good, bringing Knowledge and a taste of *freedom* (Ethical Hero). This is by contrast to the Missionaries who, she rages at one point, are willing to ignore “the Gulags” (Ibid: 228). Kim presents herself as “a spy of sorts, hoping not to plant bombs but to plant ideas” (Ibid: 213).

The real story is about the failure of her upper-class university students to meet her expectations of the Ethical Hero, instead passing from ‘Mother’ to ‘Whore.’ The only things that seem to genuinely impress Kim about her students are their expressions of love and affection for her, their good behavior, loyalty to each other and their families, and curiosity towards Western public culture, albeit without really expressing a desire to take part in it (i.e. traits of positive-femininity, Mother). The rest is consistent disappointment, especially towards the end: their inability to think or write critically and act individually, their internalization of militarist anti-Americanism and violent imagery (“their belligerent isolation”, Ibid: 249), their disinterest in capitalism, their lack of social skills, misogyny and latent racism. In particular, she becomes increasingly aware of their extraordinary deceptiveness as the book progresses, from small lies to a lack of shame for cheating that gave her “a tinge of dislike” for the students: “I went from love to pity to repulsion and distrust, then back to empathy and love again” (Ibid: 132). Kim even projects the fiction of ontological deceptiveness onto her students: they “inevitably backtracked” on the progress she made, which “seemed similar to the behaviours of the notoriously unpredictable (and ironically quite predictable) North Korean regime.” She later describes “becoming convinced that the wall between us was impossible to break down […] permanent” (Ibid: 257). If her professions of love towards her students were removed, it would be difficult to conclude that she really *likes* them on a personal level, which is precisely homologous to Knight’s relationship with ‘the Lady’ below.

The story ends as Kim prepares to leave the country just after Kim Jong-il’s death and stares at the solemn students’ faces from across the lunchroom with genuine love, knowing her presence is no longer appropriate, none of them willing to return her gaze and symbolically recognize the opportunity presented by the death of their leader. This marks her final realization that she cannot enlighten them, that delusive propaganda will remain supreme over her knowledge for the time being.

In fact, many of Kim’s observations would be mundane without the extraordinary-negative frame. As a former English teacher in South Korea, there is nothing novel about the obsession of male students with violence, their blatant racism and misogynism, their initial genuine affection and curiosity and then their growing deceptiveness as familiarity sets in. Many of these issues are magnified in the ultra-conservative DPRK, but Kim’s use of them here to describe ‘another (extraordinary-negative) world’ relies upon *objet a*.

A particularly telling example is her frustration at students’ lack of interest in American articles on Mark Zuckerberg’s success, *Facebook* and *Twitter*. These articles led her students to request changing their essay topics to the ills of American society:

What I had intended as inspirational, they must have viewed as boasting and felt slighted. The nationalism that had been instilled in them for so many generations had produced a citizenry whose ego was so fragile that they refused to acknowledge the rest of the world (Ibid: 248).

What if I extolled the virtues of DPRK postcolonial industrialization in the 1950s and 1960s[[132]](#footnote-132) to a class of Harvard political economy students and a majority sought to change their topics to the inefficiencies of Communist economics, human rights, the economic impact of DPRK nuclearization, and so on. Would their lack of willingness to acknowledge DPRK achievements indicate an extraordinarily fragile American ego unwilling to face the reality of the world? Perhaps Kim’s students were better able to recognize the intrinsically propagandistic nature of focusing on an extraordinary success story as representative of the information technology economy.

Any truth spoken by Woman/North Korea is simply intended to impress or seduce Man/America, “So that woman always lies, even if, objectively, she speaks the truth” (Weininger cf. Žižek 1994a: 142). In fact, is there any other country today whose day-to-day culture can be derided as completely fraudulent, as based on intentionally distributed lies, while completely avoiding the charge of racism? If someone says ‘you can’t trust those Chinese,’ it is immediately recognizable as racist. ‘You can’t trust those North Koreans,’ by contrast, can pass as a statement of fact with no apparent racial meaning.

Woman/North Korea is 'ontologically' untruthful, so the highest insight she can hope to “achieve is an obscure premonition of her constitutive enslavement, which leads her to strive for salvation through self-annihilation” (Ibid). ‘Feminine *jouissance’* (feminine enjoyment without masculine stimulus) obliterates Weininger’s anti-feminist theoretical edifice, Žižek (1994a: 138) argues, just as conceding that there are real positive elements and enjoyments of DPRK ideology that are not reducible to propaganda collapses the victim/perpetrator binary. We hope against hope that ‘the regime’ will see the rotten core of his failed utopia that is common sense to the entire civilized world and capitulate, or more modestly, ‘open up’ and thereby sew the seeds of her own demise.

Weininger captures ‘Woman’ (as quintessential late 19th Century male fantasy figure) at its most violent, conceptualizing her as “merely the result” of man’s sexuality:

she [North Korea] is sexuality [ideology] itself [...] Therefore woman's own object must be to keep man sexual [...] she has but one purpose, that of continuing the guilt of man, for she would disappear the moment man had overcome his sexuality. *Woman is the sin of man* (Weininger cf. Žižek 1994a: 141, emphasis in original).

Insofar as the core of North Korea’s existence in the discourse derives from and finds its consistency within the American Self, *North Korea* *is the sin of American liberalism.* It would disappear from the popular consciousness if the core affective ideological enjoyments (*objet a*) were somehow evacuated from it and repressed elements of national guilt (from the annihilation of the 1951-3 air war to the sanctions of today) were fully brought into the official History. Weininger’s conclusion that “the urge to be raped by man in one or another way always prevails in her” (Ibid: 142) is not fundamentally different from the common trope in fiction that the Kim-leader or his officials secretly *enjoy* the military exception and are somehow *obsessed* with hatred for America, that ordinary North Koreans passively await the violent masculine intervention that would restore the ‘natural order’ even as she formally vigorously resists it…

*Kim Jong-un as ‘Bad Seed.’* There are all sorts of jokes out there that cast Kim as a child, or more specifically: a fat, spoiled child. There are dozens of memes floating around of Kim inspecting random objects with captions like, ‘can I eat this?’ Fat jokes have extraordinary-negative resonance in a supposedly famine-stricken country. In fact, insofar as the center of all humor is somehow transgressive, the core of these jokes is arguably laughing at the starvation of the Other who is not here to be offended. This frame jives with the regular depiction of Kim as a failure of Chinese discipline, made more potent by his status as an object of envy who (it is imagined) has been able to do whatever he wants since birth. Even President Obama quipped, “You don’t get to bang […] your spoon on the table and somehow get your way” (Feffer 2013). Hillary Clinton and Chinese diplomats have also been quoted with similar metaphors (Ibid), whereas *The Interview* (2014) literally presented Kim as having the maturity of an insecure, effeminate and attention-seeking teenager, at least below his manipulative masquerade that could double for anti-Semitic propaganda. These cast America in the role of, as Cynthia Weber (2002: 138) put it, “father to a new world order.” They also serve to frame American sanctions as a necessary punishment, any engagement as ‘enablement’ or ‘coddling’ at best and “an almost criminal lack of discipline” at worst (Feffer 2013), and DPRK grievances as irrelevant challenges to parental authority.

The infantalization of Asian leaders has a long history in American foreign policy. Doty (1996: 90) detects three incarnations: the “good child” (“self-disciplined, anticommunist […] pro-US subject”) who needs minimal supervision and restraint, the “problem child” (“corrupt, dishonest, and inefficient” leaders) who could be put to use in furthering US goals but requires constantly surveillance to produce a controllable delinquency that favors pragmatism over ideology. Finally, and most relevant here, is the proverbial “Bad Seed” (“embodying the evils of communism”) who is basically the irredeemable variant of the problem child. This variant fits the determination of abject Other as *objet a* insofar as he is guilty by biological constitution. The securitization-enabling utility of this frame is clear when read through stereotypes identified by Doty (1996: 134): he is undeveloped, “unreconciled,” always subject to dangers stemming from his immaturity and prone to getting himself into situations he cannot handle. Kim’s command of a small nuclear arsenal is self-evidently an existential threat in this frame.

Whereas it is not socially acceptable to suggest North Korea is acting ‘hysterical’ or otherwise ‘like a woman’ in Western media, the child metaphor provides a substitute. The child-parent/reason-passion opposition carries a homologous meaning to masculine-feminine that can be read as the transference of the gendered frame to formal discourse. In short, the frame facilitates enjoyment of racism and misogynism without risk of being accused of being racist or misogynist.

*North Koreans as Object of Narcissistic Love.* 'The Lady' is a masculinized object of love, a narcissistic projection of the misogynist's own self-love that is forced upon the “mute mirror surface” of the symbolically dispossessed subject (Žižek 1994a: 91). Representations of the ‘ordinary North Korean’ are very similar and are particularly close to the colloquial ‘damsel in distress’: the pre-revolutionary North Korean who would break his bonds of repression if we could only help her do so. In both cases, ‘the Lady’ presents the Knight-pursuer with a paradox. On the one hand, his goal is to achieve a sexual relationship with her, yet on the other, there is nothing he fears more than her yielding to this wish – he does not even *like* her even as the love he professes is genuine. “[W]hat we truly expect and want from the Lady is simply another ordeal, yet another postponement” of gratification (Žižek 1994a: 96). When the Knight finally achieves his formal desire, she will inevitably fail to match with the innermost fantasies that he has projected upon her. His fantasy/love is dependent on maintaining a distance from her.

When the American liberator approaches the North Korean as a properly political agent with independent views, the narcissistic image of the pre-revolutionary American longing for freedom will evaporate and the Korean will look more like a 'terrorist', ‘militant’ or ‘fundamentalist’ than the sacred objects we have elevated them to (Žižek 1994a: 215). The misogynist horror of the Knight who toils and sacrifices to rescue the Lady, only to find her enjoying her ‘captivity’ (*The Pervert’s Guide to Cinema* 2006), is the same basic horror of soldiers told they are ‘liberating’ another country.

In fact, the de-stabilizing outcomes of reunification make this scenario among the most-feared for regional actors. This arguably goes for the United States as well, at least for stakeholders in ballistic missile defense, close military ties with Japan and the ROK, ‘containment’ of China, and so on. Emancipation is the goal only in a formal sense; ideological fantasies are primarily about the ordeals, *the quest itself*, for the emancipatory event that would discredit the ideology and signal the end of the obstacle’s utility.

The ordinary North Korean's relationship with official ideology is repressed in a manner homologous to how the misogynist represses *jouissance feminine* (the feminine enjoyment that eludes masculine control, that threatens Phallic authority). Deep down, North Koreans really have adopted the universal-positive elements of American culture (i.e. Hassig and Oh 2009: 171), and there are a small number of salient defectors who are willing to paint their pre-‘escape’ experience within the ‘damsel in distress’ narrative and then extrapolate that to the entire population, placing the US in the position of the benevolent Knight faced with masculine Duty, even if military intervention is rarely if ever explicitly advocated. As defector Jo implores a Congressional Hearing:

At least the survivors [of the Holocaust] have finally found their freedom, and may live freely as all of you do. However, the people in North Korea have been living under tyranny over the past several decades, and even right now, as the people suffered under the Nazi regime. Please be their voice, and be advocates of their human rights. Thank you very much (USG 2014a).

Michael Kirby is more than willing to rally the world according to this Duty, albeit *never* willing to actually articulate a decisive ‘action.’ As Heritage Foundation’s Bruce Klinger quoted Justice Kirby in the same Hearing, "Now is a time for action. We can't say we didn't know. The suffering and tears of the people of North Korea demand action” (Ibid). The condition of possibility for this kind of political advocacy is near-complete repression of the notion that many North Koreans, and possibly the majority of them, actually enjoy their ideology and are likely to resist its replacement with liberal institutions.

Spike Peterson’s (1992: 54) critique of the protector/protected binary applies perfectly to advocacy for the ‘responsibility to protect’ North Koreans:

Is it possible that the greatest threat to one's existence comes not from a vicious enemy but from one's protector(s) who may (1) deliberately exploit one, (2) manipulate and harm one in the interests of better control or of guaranteed safety, (3) attract violence by organizing one's protection, and/or (4) turn on one?

Here we arrive at the ultimate misogynist wager: that the ideological ‘seduction’ of ordinary North Koreans will be made more effective by our ethical stance that subjugates them, that they will become fascinated by our public activity and eventually understand that despite the violence we have inflicted and will need to inflict, we have *really been doing all this for her all along*, she just does not realize it yet. Rejecting this “perspective of the Last Judgment” (i.e. the Stalinist claim that the coming utopia will justify the innocent blood being spilled) is “the very condition of a truly autonomous ethics” (Žižek 2012a: 99). Put perfectly for this thesis, “the Last Judgment does not come at the end times, it is the martial law – the state of exception – here and now” (Ibid: 101).

*Behind Enemy Lines 2: Axis of Evil* (2005) represents ‘the regime’ with two characters: first ‘the obstacle,’ a disheveled, unpredictable, drunkard-looking officer with broken English who enjoys driving a nail (crucifixion-style) through a captured American SEAL’s hand in the process of interrogation, later shooting an ordinary Korean for no reason. Second, ‘the Lady’: a clean-cut officer of higher rank and an eloquent English speaker who castigates the former for his brutality and calmly explains to the SEAL that he must execute him because Kim Jong-il “thinks that we are more powerful than we actually are” and may launch an invasion if he discovers him. After the SEAL escapes, he is not only saved by the good officer, but aided in his mission of destroying a military facility: “Tell your President we are not all ignorant peasants in this country,” he tells the SEAL. This officer is the narcissistic ideological projection who recognizes the falsity of his ideology and sees that our violence is *really* in his best interests and thereby and justifies our position. He is the purely illusory precondition of any military intervention.

So when Westerners, especially politicians, express their profound affective connection to the pre-revolutionary North Korean's plight, their love is reducing the Korean to “a kind of empty projection screen” through evacuating her of her identity:

Love of a woman [ordinary North Korean] is possible only when it does not consider her real qualities, and so is able to replace the actual psychical reality by a different and quite imaginary reality. The attempt to realize one's ideal in a woman, instead of the woman herself, is a necessary destruction of the empirical personality of the woman. And so the attempt is cruel to the woman; it is the egotism of love that disregards the woman, and cares nothing for her real inner life [...] Love is murder (Weininger cf. Žižek 1994a: 140).

The only cure is to come to terms with the real irreducible enjoyment (of feminine sexuality, of DPRK ideology) that subverts the Master-Signifier and its (masculine, American) hegemonic authority. This is, however, more difficult and transgressive than it may appear: as already described, it is reflexively offensive to portray North Koreans as genuinely enjoying their ideology or making a claim to genuine indigenous knowledge that cannot be reduced to propaganda. Where Western media presents genuine positive emotions of North Koreans, it is almost always their enjoyment of Western films, technology, education, medicine, etc., just as the woman-object of misogynism derives her enjoyment exclusively from Phallic love (i.e. being the good wife/mother, misogynist sexual fantasy/pornography). Hegemonic ideology debases the Korean subject to ‘sacred object’ who could *really* enjoy *our* ideology and lifestyle.

*‘The Mistress’ as Performer of the Castration of America.* The final fantasy-figure is a performative incarnation of negative-Woman who is theatrically elevated to a threat to our real enjoyment/*jouissance*. The difference between the other figures and ‘the Mistress’ is the latter is an intentional charade of *objet a* instigated by the Master in order to fulfill his desires. ‘The Mistress’ exists to stage the discompletion/castration of America and ‘hysteresize’ us with the prospect of her enjoyment of our suffering.

In contemporary liberal masochism, ‘The Mistress’ is contracted by the man-servant (the real Master, American ideology) to stage his castration. She is authorized “to humiliate him in any way she considers appropriate” as part of the performance (Žižek 1994a: 91-2). The Mistress functions to obscure the radical asymmetry between the two positions: the man-servant initiates his own masochism, directs her how to torture him, and then regains his symbolic authority at the end – her position exists only to re-enact the man-servant’s traumatic castration. The fantasy of castration is core to subjecthood:

what the fantasy endeavors to stage is ultimately the “impossible” scene of castration […] the perverse ritual stages the act of castration, of the primordial loss which allows the subject to enter the symbolic order (Žižek 1997: 14).

This is the ideological role of the North Korean torturer who permeates Hollywood and television representations of North Korea. A North Korean enacts the castration of the American ‘Thing,’ the *sinthome*, and becomes the object of ideological hatred.

Films that explicitly feature North Koreans torturing Americans include *Olympus Has Fallen* (2013, the President and a female senior administration official tortured by North Koreans), *SALT* (2010, Angelina Jolie's secret agent character), *Behind Enemy Lines 2: Axis of Evil* (2005, a US SEAL), *Team America: World Police* (2004, the *Team America* team), *Die Another Day* (2002, Pierce Brosnan's Bond), and as explicit as possible for its time-period in *The Manchurian Candidate* (1962, Laurence Harvey's character and his fellow POWs). In fact, with the exception of the profoundly anti-DPRK film *The Interview* (2014),[[133]](#footnote-133) it appears that *all* wide-release R-rated films that directly reference North Korea for more than an anecdote or two feature a North Korean torturing a ‘good guy’ (usually American).[[134]](#footnote-134) A gentler narrative – i.e. hostage-taking with no explicit torture in PG and PG-13 rated programming – also exist in the popular TV shows *Hawaii Five-0* (2010, *Ki'ilua*) and *30 Rock* (2011-12, particularly S5E22 and S6E21), as well as the films *Stealth* (2005) and *The Rescue* (1988). The narrative of a protagonist tortured, taken hostage or lost in North Korea, and accompanying loss of national potency, is a defining feature of North Korea’s role in American fantasy.

Where a North Korean tortures an American, the audience knows the torturer is fictional, but this does not deprive it of its power. Any fictional account relies upon “a pact between writer and reader that both will respect the illusion that the reported events are true” (Žižek 2012a: 40). Moreover, it corresponds to the well-known and not entirely fictional (though deeply sensationalized and propagandized) historical narrative of the torture and indoctrination of American Korean War POWs and the crew of the captured American spy ship, the *USS Pueblo*, in 1968.[[135]](#footnote-135) The latter became a national fiasco, or *political spectacle*, comparable to the Iranian hostage crisis; it also formed the implicit foundation for the Disney film, *The Rescue* (1988). Even today, every detention of an American in North Korea instantly becomes newsworthy, regardless of whether the American was breaking DPRK law – often Christian proselytizing, which is also illegal in many other countries. None have been ill-treated since the Pueblo incident, but the sensitivity to Americans being held in the country remains. So these fantasy-sequences are a ruze but also a reference to perceived historical and contemporary injustices, the affective response to which buttresses the subtext of the anti-engagement argument: any negotiation/compromise is a violence to the national *Thing* – to the excessive element that makes America *exceptional*. These representations form a subtext behind nonfictional reports of hostage-taking, ‘abductions,’ political prison ‘camps’, and so on.

In the sadistic opening scene of *SALT (2010),* the almost-naked Angelina Jolie is beaten and has a water hose forced down her throat by anonymous Korean soldiers as she desperately repeats, ‘I am not a spy!’ Here the discompleted national Thing is embodied in Jolie’s American secret agent character. American men (as most of these films are American and are primarily marketed at men) *learn to desire* an aggressive policy towards North Korea through such torture sequencies. They should be understood as constitutive of, rather than merely reflecting, the extraordinary-negative fantasy element that is at the core of American North Korea representations in both fiction and nonfiction.

Representing North Korea as ‘active agent’ in, for example, a newspaper report about a rocket test (i.e. ‘North Korea defies world with missile launch’), immediately implies American passivity/femininity/castration. It puts pressure on American policymakers to ‘take action’ to assert their masculine potency. This was dramatized in the profoundly neoconservative film *Olympus Has Fallen* (2013). After seizing the White House, the North Korean terrorist group takes the legitimate President hostage and forces him to watch the torture of his close officials (including the brutal beating of a middle-aged woman). The North Korean villains hack into all the screens of the American command post – twice. In both cases they visibly surprise the illegitimate African-American acting-President (Morgan Freeman), who fails to muster a strong response the first time, then completely capitulates the second time. This is clearly homologous to the neoconservative narrative of North Korea consistently ‘getting the drop on us’ and the impotence of American liberals to stand up against Evil. The key turning point of the film is where the American Hero, who had faked his own death, suddenly appears on the White House monitors. Now it is *America* who is visibly surprising the North Korean villain and his henchmen. The Hero provides a detailed explanation of the tortures he intends to inflict on the villain, made more potent by his having already successfully tortured two of the terrorists, which facilitated gaining access to the monitors. The Hero finally asserts his brutal but virtuous Phallic supremacy, the Americans win, and the dashing real Anglo-Saxon President (Aaron Eckhart) is restored.

The meaning is clear: what is needed is the masculine negative gesture (Adventurer) willing to “remasculate” America with his psychopathic violence in order to protect the public Law (the Ethical Hero) that proscribes such violence. As David Campbell (1992: 239) put it,

war – in which some countries ‘kick ass,’ expunges the internal doubts which put into doubt the resolve to act decisively, and overcome the sovereign’s reputation for ‘effeminacy’ – can be understood as a process of remasculation.

It is the staging of brutal castration that provides the mask for sadistic pleasure in annihilating the inhuman foes: what would, without the extraordinary brutality of the adversary, appear as brutal unjustifiable violence inflicted on an incomparably weaker adversary, becomes ethically Heroic violence inflicted on Evil itself. But ultimately what the pervert who truly enjoys such torture sequences *really* wants is “the very rule of Law” (Žižek 1997: 14). This is the ideological function of torture scenes; they both facilitate enjoyment through transgression of the law and assert the law’s legitimacy and necessity.

Another example is the Hollywood Left film *World War Z* (2013). There are only two countries left after the zombie apocalypse, two opposite embodiments of *objet a* in American discourse: Israel and North Korea. Israel’s unsurpassable intelligence led them to build walls to keep the zombies out and they generously allow foreigners in (“Every human being is one less zombie to fight!” says one Israeli). The North Koreans, on the other hand, pulled out the teeth of “*all* 23 million in less than 24 hours” in what a deranged and self-mutilating CIA agent calls “the greatest feat of social engineering in history.” Israel and North Korea are here represented as radically positive and negative incarnations of American liberal castration, the impotence to take the necessary violent action to defend the homeland, the prohibition of our enjoyment of our power.

Failure to ‘take action,’ as Michael Kirby has consistently implored, is nothing less than a failure of masculine/patriotic Duty, a failure not only to the victims but to the Human Rights *Thing*. Advocacy for normalization is a pathetic showing of impotence in this frame. In fact, two core elements of the CAH finding is the ‘abduction’ of foreign nationals and systematic and extraordinary torture. Shin Dong-hyuk’s status as the best-known DPRK defector, for example, is closely related to the tortures he recounts.

Fictional representations of North Koreans as our torturers, usually dismissed as irrelevant to real international relations, appeals to our most intimate sense of loss in a manner that boring news stories never could. They provide a frame through which news media and other formal knowledge can be interpreted. What the masochistic relationship confronts us with is the paradox that, “there is more truth in the mask we wear, in the game we play, in the 'fiction' we obey and follow, than in what is concealed beneath the mask” (Žižek 1994a: 92). Applying Žižek’s logic (Ibid: 109), it tells us more about US-DPRK relations than their formal equality under international law. What is discounted as a mere fiction is *really* fundamental to our intimate desires and affects social reality.

### Proposition Four: North Korea will function as an ‘empty pretext,’ reflecting primarily American egotisms, anxieties and repressions.

In the Imaginary, ‘North Korea’ is essentially an empty signifier within extraordinary-negative parameters. Its role in entertainment is similar to Hitchcock’s plot device, the “MacGuffin,” which is simply the empty pretext that perpetuates a narrative:

Two gentlemen meet on a train, and the one is struck by the extraordinary package being carried by the other. He asks his companion, 'What is in that unusual package you are carrying there?' The other man replies, 'That is a MacGuffin.' 'What is a MacGuffin?' asks the first. The second says, 'A MacGuffin is a device used for killing leopards in the Scottish highlands.' Naturally the first man says, 'But there are no leopards in the Scottish highlands.' 'Well,' says the second, 'then that's not a MacGuffin, is it?' (Hitchcock cf. Žižek 2003)

The MacGuffin is a pure fantasy-object that exists only to the extent that it facilitates the telling of a story. It derives its meaning entirely from the Imaginary, has no positive Symbolic existence, and therefore could be substituted for myriad other objects. It is the starting point of interpretation and gives the appearance of holding some Secret to be discovered. Žižek argues WMDs were the MacGuffins of the 2003 Iraq invasion (Ibid).

Critical scholars have different ways of enunciating North Korea’s Imaginary constitution, two of the best of which are by Bruce Cumings and Leon Sigal:

North Korea is an American *blank slate*, and anything written upon it has currency – so long as the words are negative. North Korea ended up thrice-cursed, a Rorschach inkblot absorbing anticommunist, Orientalist, and rogue-state imagery, but then that was its original image – Harry Truman called his 1950 intervention a “police action” to catch North Korean criminals (Cumings 2003: 50-1, emphasis added).

Leon Sigal uses an equivalent metaphor with regard to the US foreign policymakers,

North Korea was a *blank screen* on which to project their own predispositions and prejudices. Those predispositions and prejudices were informed by the widely shared image of North Korea as a rogue state, an implacable and inimical outlaw with a master plan to deceive the world and acquire nuclear weapons [….] Its one-man rule, internal regimentation, and dogmatism would alienate any freedom-loving American (Sigal 2000 cf. Gordy and Lee 2009, emphasis added).

Stanley Fish at *Foreign Policy* has a rule, as Asmolov (2014a) paraphrases: “American journalists can write about North Korea whatever they like and it will be believed.” What makes the ‘projection screen’ possible is the saturation of symbolic fictions with *objet a*, the radical openness of its extraordinary-negative character makes it possible to substitute North Korea for most villain-roles as an uncontroversial empty pretext for heroic action.

An interesting example is the role of North Korea in *The Divide* (2011), which centers on torture, sexual slavery and other brutality in an underground facility where Americans hole up after the annihilation of New York by a mysterious nuclear attack. We never learn who was the perpetrator, but there are two clues: first, a Korean-looking mystery-soldier is killed and a woman says ‘let me guess, North Koreans?’ Second, American voices are heard commanding troops above, leading them to speculate that it was actually America. Thus the film allows audiences to believe whichever matches their ideological affinities, while the film is able to avoid the series of obvious logical questions that would arise if the perpetrator were directly identified.

Perhaps the most striking example is *Red Dawn* (2012), where the villain was changed from China to North Korea *completely post-production,* apparently at a cost less than USD 1 million and *without re-filming any actual scenes* (Schrader 2011). In fact, 'Korea' is only mentioned in character dialogue twice, despite the story being about a massive North Korean invasion that successfully occupies most of the northern US. This was a direct result of economic asymmetry: China threatened to bar MGM from its gigantic market, so MGM essentially had to choose between not releasing the film or switching to a comparable Asian villain. Tim Beal (2011: 52) has noted that China and North Korea are sometimes interchangeable in American media coverage more generally. In fact, North Korea’s ubiquity in film (and video games, especially the extremely popular *Call of Duty* franchise,) is partly attributable to the “backlash” regarding depictions that villainize Muslims (Rabiroff and Chang 2013) or use their countries as battlefields, as well as not risking important developing markets. As Matt Singer (2013) of *Indiewire* put it, “We can’t upset anyone who might actually pay to see these movies.”

The last example is the most comprehensive fictional representation of North Korea, Adam Johnson’s *The Orphan Master’s Son (*2012), winner of the 2013 *Pulitzer Prize for Fiction*. It is a critically acclaimed dystopian novel that has been compared to *1984* and *Brave New World*. It is inarguably the most influential fictional literary work on North Korea, here a totalitarian nightmare beyond Orwell’s imagination. The core of the story is the linkage between identity and ideology, as M. Francis Wolff (2012) put it:

Johnson simply points out where we all get our identities: from the stories we are told and the stories we tell ourselves […] Everyone in the novel has been informed and shaped by stories: honest fictions or propaganda masquerading as truth. Then the stories start to come alive, to devour their audience and subject […] in North Korea, [as the book puts it,] “stories are factual… the story is more important than the person” […] “If a man and his story are in conflict, it is the man who must change” (Ibid).

This is a world where propaganda stories nearing hyperbole are broadcast to every household and every factory, scripting a kind of ultra-misogynist, homophobic, anti-American, anti-Japanese and anti-Christian alternative universe internalized uncritically by the North Korean population. “And don’t forget, citizens: the ban on stargazing is still in effect,” the first page informs us. One of the three main characters, the only first-person account, is a professional interrogator who uses a (fictional) electrical tool causing such extreme pain that it “creates a rift in the identity” of victims who fail to follow the ideological script; he considers himself something of a humanitarian, a “biographer”, who spares his subjects a lobotomy. He treats his victims as individuals for the first and only time in their lives by recording their stories. His victims are typically sent to die in death camps, where the bodies of the dead and dying are harvested for blood and organs.

The turning point of the book is when the protagonist, Jun Do (John Doe), assumes the identity of a general he kills. Nobody dares go off-script and Jun Do therefore does the impossible: he changes his own story. At this point, as Edwin Turner (2012) writes, he “emotionally, spiritually, psychologically […] defects to The Land of Opportunity.” The ease with which Jun Do takes the identity of a General illustrates the degree to which Jun Do has no essential identity of his own – the only traces come from his abusive father, the totalitarian ideology and his experiences that challenge it, usually involving American things and people. He is fascinated by, or fascinates others with, stories about or encounters with American films, cigarettes, *Nike* shoes, *FedEx*, phonebooks, Disneyland, a model American family, and an American rower. He rescues the actress he loves by sending her to America *Casablanca*-style (a film so vastly superior to DPRK cinema that she concludes her “whole life is a lie” after seeing it) and even once refers to America as “the greatest nation on earth.” He is consistently narrated into settings Americans associate with the country: he is hungry at an orphanage, he fights in the tunnels of the DMZ, he sails on a spy ship (think *Pueblo*), he fishes illegally in Russian waters, and he kidnaps Japanese nationals; he then joins a diplomatic mission to Texas, which fails and lands him in political prison, where he mines uranium; he is tortured on two separate occasions. Jun Do begins as a Mother-like figure, tolerating his suffering “either with silent stoicism or a complete lack of awareness, or fantasies of love and acceptance” (Wolff 2012). But as the contradictions build, he gradually becomes a masculine Hero: he provides to an American official a list of Japanese abductees (so they can inform the families), and then sacrifices himself not only to rescue the lady he loves, but to take something from Kim Jong-il, to show him he does not have complete control.

Johnson’s novel reflects his opinion of the real country: “Life in North Korea is unrelentingly dark and grim,” he says (cf. Mahajan 2012). He took it as his mission to “create a psychological portrait” of North Koreans because they “can’t tell their story” for themselves (cf. DeHart 2013). Whereas the choice of the DPRK as the setting for Johnson’s fictional dystopia can be criticized for perpetuating stereotypes, the marketing of the story as a window into the *real* DPRK is hyperreality proper. Reviewers write that the only retroactively discernable narrative structure “creates an absurd, cognitive dissonance – the experience of North Korean society” (Parsons 2012); the book “adds weight of a literary narrative to the testimony of journalism and scholarship on the plight of North Korea” (Strassfield 2013). These reviews would be accurate if they were referring North Korea as a fantasy-object: the book captures the ‘absurd, cognitive dissonance’ of locating inconsistent and unrealistic ideological frames in reality; it ‘adds weight’ to the hyperreal elements constituting North Korea in popular knowledge. As James Church (2012) writes, Johnson “admits he knows next to nothing about North Korea” and many of his ‘facts’ were found on the Internet: he has essentially crossed into the “slippery slope” of “selling one’s imagination as reality” (Ibid).

 “In our imaginings of North Korea, we are able to have a land where moral choices and emotions are uncomplicated”, as Joyce W. Lee (2012) put it well, “We long for a place and time where what we believe to be real feeling is still possible.” Jun Do therefore “manifests our idealized emotional selves, the hope that we too would defy the harshest conditions” (Ibid). The point is not only that the book has no necessary relationship to the real DPRK other than references to stereotypes of people, places and events; Johnson has created a ‘psychological portrait’ of our own negative manifestations. Jun Do *is* the pre-revolutionary American in a North Korean body; his experiences are American fantasiesof what the ideal American might do in an Orwellian dystopia. Jun Do is the Other who could *really enjoy* American *freedom* (and family values, abundant food, etc.,) and is willing to fight for it; he sees the potential of our ideology that eludes us.[[136]](#footnote-136) He is *objet a*, filling the gap between ideology and reality, effacing the identity of ‘the ordinary North Korean’ he is standing in for while justifying our ethical stance that causes violence to ordinary North Koreans. The very possibility of marketing this novel as insight into the real DPRK is testament to the role of fantasy in our perceptions.

A fundamental assumption of post-structural approaches to foreign policy is that the identity of the Other is constitutive of representations of the 'Self'. Identity is *relational* in the sense that “identity is always given through reference to what it is not” (Hansen 2006: 6). Campbell emphasizes how foreign and societal threats have always disproportionately constituted American identity, making the United States “the imagined community *par excellance*”:

Defined therefore more by absence than presence, America is peculiarly dependent upon representational practices for its being. Arguably more than any other state, the imprecise process of imagination is what constitutes American identity [...] In this context, the practices of 'foreign policy' come to have a special importance (Campbell 1992: 105).

Tony Judt similarly writes that America is becoming “a country where armed power is the measure of national greatness, and war, or planning for war, is the exemplary (and only) common project” (cf. Woodward 2008: 150). Conceptualizing a country as dependent on ‘representational practices’ and ‘imagination’ for its existence, or as held together by the state of exception, would be mundane if applied to North Korea. Campbell’s argument is that the peculiar history of the United States has led to a tendency to locate threats ‘outside’ in order to keep the ‘inside’ together. Today, concepts like ‘freedom’ (or democracy, egalitarianism, etc.), in the context of radical inequality, NSA spying and so on, *require* signifiers of anti-freedom as support of the increasingly threatened America identity as beacon of freedom. In this sense, then, one can also justify the position that North Korea has been constructed as the antithesis of American ideology.

Baudrillard argues with reference to Disneyland that the function of the hyperreal is ultimately the ‘deterrence of the Real,’ or simply to obscure what would otherwise be obvious. Disneyland is “a deterrence machine set up in order to rejuvenate in reverse the fiction of the real” by perpetuating the notion that rationality holds sway in America; discipline, childishness and madness therefore exist outside of it (Baudrillard cf. Lane 2009: 88). It is not simply a simulation that entertains Americans by blending fantasy and reality, as it is usually understood, but a hyperreal simulation that “conceal[s] the fact that it is the 'real' country, all of 'real' America, which is Disneyland” (Lane 2009: 87). He makes a similar point regarding prisons: “they hide the fact that we are incarcerated in society” and so “we believe in our freedom precisely because we lock criminals away and lose sight of the structural similarities between the two social realms” (Ibid). North Korea has precisely the same function in American discourse; for Žižek this would probably articulated as a liberal Master-Signifier *threat*: *enjoy your freedom!* (because without liberalism, *this* is what you will become.) The structural similarities between what we perceive as North Korea and our own empirical reality are lost.

Žižek concludes his book on totalitarianism, a decade before the NSA spying revelations, contending that “[t]he digitalization of our daily lives, in effect, makes possible a Big brother control in comparison with which the old Communist secret police supervision cannot but look like primitive child’s play” (Žižek cf. Wood 2012: 192). North Korea may be one of few signifier-obstacles left to formal transference of the signifier ‘totalitarianism’ to the American state. Christine Hong (2014c: 522) captured this on a more general level:

Danger there, safety here. Victims there, saviors here. Tyranny there, freedom here. […] WMDs, nuclear proliferation, over-the-top defense spending? There. Domestic surveillance, class stratification, labor exploitation, political imprisonment, militarized borders, sexual trafficking, religious intolerance, hunger and immiseration? There.

In addition to Hong’s list, one might add: unjustifiable prisoner populations, prison and police violence, torture, racism, securitization, militarism and aggression, nuclear threats, violations against refugees, ideological-economic-religious fundamentalism, unaffordable health care, childhood indoctrination, enforced disappearances, elites beyond the law, and irrational and dysfunctional political and economic systems.

Virtually all these elements that define North Korea, especially in the human rights field, are also core repressions of American ideology. The fetish conceals the void of our core ideological elements (Woods 2012: 301), primarily class antagonism and the myth of benevolent hegemony, around which American ideology revolves. North Korea “is the embodiment of the Lie which enables us to sustain the unbearable truth” (Žižek cf. Wood 2012: 275). That is, North Korean society *is* the Lie of American liberalism that sustains reality and reflects the Real: it *is* the American repression of class antagonism and the fiction of US-led Asian regional harmony. Of course North Korea is not the only foe of its kind, what is exceptional is the extraordinary degree to which it is constituted as such.

### Conclusion: The Indoctrinated Masses Revisited

By way of concluding this chapter, it is appropriate to revisit the hegemonic assumption of a simple binary between *our* Knowledge and *their* propaganda. This common-sense assumes an antagonism in North Korean society between official ideology as delusive propaganda and the various forms of media entering the country as providing glimpses of real knowledge, including South Korean soap operas and other television shows, movies, and other medias carried on DVDs and USB drives that discredit the official position, as well as ROK/US propaganda in the form of radio stations, leaflet drops from balloons, and loudspeakers. At least the DPRK elite is generally assumed to know their position is propaganda and to have internalized Western consumerism. Ordinary North Koreans are to some degree split between the official line and the Western culture they are exposed to (i.e. Mazarr 2011: 3-5). The expectation that follows is a linear one where Western 'knowledge' will eventually displace North Korean 'propaganda', that the lies of the latter will eventually be exposed by the former. They will learn that their government is exploiting them, causing their poverty, obscuring the superiority of the ROK model, and falsely securitizing the US/ROK threat. In short, we have mostly-knowledge of them, they have mostly-propaganda of us, and most of them will inevitably come to realize this and join us in seeing things the correct way.

These assumptions typically go unexamined even in the critical literature. What is rarely given serious consideration is the possibility that the reality is almost the opposite: that ‘ordinary North Koreans’ may have a more realistic understanding of Americans, and themselves vis-a-vis Americans, than ‘ordinary Americans’ have of them. The Western discourse rightly sees North Korean objectivity as split, but it fundamentally misrecognizes the structure of this division: it is between two sets of irreconcilable Master-Signifiers, two distinct hyperreal representations of the Other – two *propagandas*. Many North Koreans have internalized multiple antagonistic hyperreal depictions of themselves, their brethren to the south, and the American other. Just as the symbolically dispossessed woman sees through masculine appeals to Essence better than the men who project it, North Koreans are better situated than Americans to recognize the lack of Essence and repressions of both sides and thereby maintain a critical distance from both.

While Western news media is certainly more diverse and not formally censored like DPRK media, its diversity mystifies its narrow hyperreal character (Edelman 1988: 122); the fact that Americans have access to the same knowledge as this author and the knowledge available to North Koreans is much more restricted does not in-itself mean the *average* American has a more realistic notion of the Other than the reverse.

Carlin made a pair of loosely homologous observations in his testimony before the US Senate Committee on Foreign Relations:

Let me be clear. Our problems dealing with North Korea […] reflect our national inability, intellectually or emotionally, to understand how states like North Korea work […] Our difficulties are compounded by the fact that public discourse about the North in the US has long been crippled, condescending, irrelevant, and, like heartburn, episodic. There is a general impression in the U.S. that North Koreans live in a blasted landscape similar to the moon, and that all but a privileged few are hollow-eyed and slack-jawed. Any observer contradicting that image, even purely as a matter of fact, becomes suspect (Carlin 2011).

[…] in fact, we [Americans] are more isolated from the [elite] North Koreans than they are from the rest of the world [...] DPRK officials tune in outside radio and television, read outside books and newspapers detailing our politics and society. By contrast, at the official level, we keep ourselves largely pristine, don't go there, rarely let them come here, and overall keep contact as limited as we can on the grounds that exposing them to our thinking and our society, our culture and our values is a benefit, a present, a gift (Ibid).

North Koreans – Carlin is talking about elites, but the influx of foreign media implies that this is increasingly relevant to average DPRK citizens as well[[137]](#footnote-137) – get two antagonistic narratives, whereas Americans get only one consistently negative narrative about North Korean society, and within this narrative, a consistently positive narration of American society. ‘North Korea does not exist’ in the American discourse cannot be reversed to ‘America does not exist’ in the DPRK discourse. One could say that ‘America does not exist’ in official DPRK ideology, but this ideology has a major challenger in DPRK society that very much *exists* there, whereas DPRK subjectivity is simply absent from American discourse. This is precisely representational asymmetry: Western ideology is transforming the DPRK, whereas the reverse is unthinkable.

# Chapter Five NORTH KOREA DOES NOT EXIST

One predictable criticism of the preceding chapters is that they are premised on equivalizing DPRK human rights violations with other contexts. This is partially true. If this is a fatal flaw, however, then it is also a fatal flaw of the COI and human rights field more generally, which is also based on an unsustainable equivalism: DPRK violations are fundamentally worse than the violations of other countries, i.e. *we* should be united against *their* violations.[[138]](#footnote-138) One can elevate DPRK human rights abuses as extraordinary in the most reputable news media without making any actual comparison – the COI further facilitates this – yet making the opposite claim (or an equivalency to the severity of contemporary Indonesian or Israeli violations) would require substantial, if not verifiable, evidence. The wager of this chapter is that, as a result of North Korea’s position in American/Western ideological fantasy described in Chapter Four, the discourse cannot be critiqued exclusively on empirical grounds or showing the indeterminacy of North Korean identity. Critique of North Korea must be embedded within a critique of *our* ideology and *our* material and normative investments. The problem is not only that ideological fantasy is the center/frame of our understanding, but even more radical: the fantasy constitutes their *reality*, their geostrategic and economic space for agency.

This chapter endeavours to identify direct material consequences of *objet petit a* for both critique and policy. It begins by suggesting the limits of critique and then advocates a more radical rejection of ideological elements (i.e. irrationality, ruthlessness, deception). *Objet a* is located in the COI (to the limited extent that this is possible) and some ways in which our ideological projections of the DPRK can and do become self-fulfilling prophecy are explored. Three causes of the COI are identified: differentiation of the criminal outlier to universal human rights norms (Symbolic), ideological fantasy (Imaginary), and asymmetrical antagonism (Real). *North Korea does not exist* is foremost a call to identify and reject *objet a*, the Imaginary meaning of the country. It concludes with a defense of the necessary anti-hegemonic Act to break the ideological deadlock, that is, unconditional US/ROK normalization and investment to achieve long-term progress on human rights and compel (without direct coercion) the DPRK to reform its repressive institutions within the normalized context.

### Implications of Objet a for Critique of Western DPRK Discourse

American North Korea policy might be the limit of Left critical empiricism, that is, classical critique that does not directly engage in a critique North Korea’s ideological origins. Noam Chomsky (2013), for example, has only occasionally approached the subject. A lecture where he did begins: “Take North Korea. It's issuing wild dangerous threats, attributed to the lunacy of the leaders. It could be the worst government in the world, there's a case for that” (Ibid). Chomsky then goes on to argue that, to reduce the threat of war, we must address US/ROK military exercises. He highlights the insensitivity of flying a B-52 bomber in the exercise given the near-total annihilation of Korea during the Korean War through bombing raids and the war crime of targeting of irrigation dams, echoing official DPRK statements (i.e. KCNA 2013). He then points out the American strategic doctrine of nuclear first-use and the incompatibility of rationality with deterrence. He concludes: “it’s doubtless a terrible place, but the record suggests directions that could be taken to reduce the threat of war, if that were the intention.” As if to justify his lack of interest in the topic, he adds that North Korea “remains a Western obsession, primarily in the United States.”

As is his M.O., Chomsky accurately identifies many repressed truths and invokes the symbolic assumptions of American discourse that we would apply to other countries but are not publishable about North Korea in salient American media. But the strength of the model, its strictly empirical history-based critique of American foreign policy, is also its flaw/limit; it cannot generate an ontological position on North Korea other than to suggest that we should maintain an *a priori* skepticism about popular knowledge of the country. This is despite the country being well within the purview of his *propaganda model*: anti-Communism, the radical perpetrator-victim dichotomy, and his harsh criticism of the elevation of salient Soviet defector testimony to ‘expert knowledge’ (Herman and Chomsky 2002: 25, 30). Yet he nevertheless chooses to maintain the parameters of the extraordinary frame: he introduces it as ‘possibly the worst government on earth,’ with supposedly ‘lunatic leaders,’ and concludes that it is ‘a terrible place.’

The propaganda model opens the space for epistemological skepticism about North Korea without disturbing core moral/ontological assumptions, so Chomsky falls right back into the hegemonic ideological parameters: American news media cannot be trusted on this issue, the US also bears responsibility for hostilities and it has no claim to the moral high ground, *but do not mistake me*, North Korea is so terrible that it may actually be the worst government on earth. And since Chomsky’s empiricism is incapable of addressing the hidden efficiency of this extraordinary-negative incarnation of *objet a*, there is little more to be said on the topic. In applying an empiricist framework to a radically asymmetrical antagonism and profoundly hyperreal media context, one can demonstrate how particular elements are deeply misleading and related to the interests of knowledge-producing fields, but this propagandistic knowledge somehow *still* determines our moral/ontological assumptions about the country, even after recognizing the biases.[[139]](#footnote-139)

This claim is consistent with Žižek's revision of Marx's critique of ideology: ‘they do not know it, but they do it,’ becomes ‘they know what they do, and yet they do it anyways’ (Žižek 1989: 33). The problem with American North Korea discourse is not so much that critical analysts do not recognize the epistemological problems; minimally informed observers *already know* representations of North Korea as extraordinary threat or moral horror are profoundly propagandistic, and yet *we still believe it*. This relies on the same *fetishist disavowal* that is symptomatic of contemporary ideology in general for Žižek: “even when an (ideological) fiction is clearly recognized as a fiction, it still works.” The unseen efficacy of ideology resides in such “unknown knows”: things we know (here in an intellectual sense), but we do not *know* we know them because they are too traumatic or shattering to confront (Wood 2012: 246). And empirical critique alone will not change this because North Korea as signifier in American discourse is inextricably linked to hegemonic liberal ideology. In fact, Chomsky sees public sentiment as almost irrelevant to US foreign policy, whereas Žižek’s critique would put ideology at the center.[[140]](#footnote-140)

It is interesting that where Žižek himself mentions North Korea, especially in lectures, it is typically wrapped in the same extraordinary-negative frame (as an example of totalitarianism or propaganda or as a source of amusement for his audience).[[141]](#footnote-141)  Perhaps the best example is his framing of North Korea as a “terrifying” example of ideology, “North Korea.  Don’t trust the media - don’t be afraid I am not saying it is really a great democratic regime…” (Žižek 2012f).  The structure here is identical the Chomsky position and consistent with Left-criticism in general: “don’t trust the media” must typically be accompanied by ‘don’t worry!  I know it’s a moral horror.’

Tim Beal (2005: 128) appears to recognize the limit of his classical criticism:

The problem facing us is to disentangle truth from falsehood, fact from propaganda, and that is no easy task. However, it is not impossible to clear away some of the more egregious misrepresentations to get at, if not that elusive animal of truth, at least some idea of the complexity and contradictoriness of reality.

The contention here is that classical critique is insufficient because the space opened by empirical critique is reflexively filled by the same ideological elements – there is little progressive benefit to showing North Korean leaders *may not* be extraordinarilyirrational,or deceptive, or perpetrating a Holocaust, and so on, because these elements originate in hegemonic ideology rather than the empirical record of the DPRK. Christine Hong (2014c: 519) put it well, “Absence of evidence confirms what therefore must be sinisterly true about North Korea.”

The entire ‘North Korea’ threat discourse functions as a MacGuffin, an empty pretext that can be shown to be indeterminate or empirically questionable, but is by-definition impervious to definitive empirical refutation. One can systematically critique its elements, such as irrationality, its WMD and missile capabilities, its strategy, its alleged links to terrorism or ‘rogue states,’ its numerically huge army, its artillery near the DMZ, and so on, but even as each is shown not to be an immanent threat, the threat image endures unless one addresses more fundamental ideological questions. The COI human rights narrative is similar in the sense that showing epistemological issues, indeterminacy and the lack of reasonably objective context – the first three chapters – is unlikely to dispel the core meaning of North Korea in the mind of even the most sympathetic readers. This is because of North Korea’s position as *objet a*:

[The] MacGuffin is *objet petit a* pure and simple: the lack, the remainder of the Real that sets in motion the symbolic movement of interpretation, a hole at the center of the Symbolic order, the mere appearance of some secret to be explained, interpreted, etc. (Žižek 2003).

Put simply, “the aura emanating from an object hinges not on the object’s direct properties, but on the place it occupies” (Žižek 2012a: 439).

Žižek illustrates the limits of empirical critique of *objet a* by relation to anti-Semitism. Jews are accused of conspiracy to profiteer and control the political landscape at Germans’ expense, corrupt anti-Christian beliefs, seductions of innocent German girls, poor hygiene, and other racist tropes. So the progressive 1930s German empiricist might seek to empirically test these charges, “The Nazis are condemning the Jews too hastily, without proper argument, so let us take a cool, sober look and see if they are really guilty or not” (Žižek 2005a). The obvious problem is the results will necessarily be mixed; some Jews are exploitative, some do not wash regularly or seek to seduce German women, as should be expected of any population sample in any national context. As Žižek puts it bluntly in lecture:

are we aware [...] and for me this is not an argument for Nazism [...] how many of their statements were true? They claim that 80% of lawyers in Berlin are Jews, 60% of journalists are Jews [...] Jews [had] a crucial influence, I'm very sorry but this was true, no? And my point is precisely, in no way does this justify anti-Semitism - the moment you translate this fundamental ethical-religious question into question of knowledge, you are lost! (Žižek 2005a).

If one investigates the guilt of the ‘Kim regime’ by assessing the veracity of negative tropes within the general discourse/literature (i.e. they are deceptive/honest, a threat or not, ir/rational, brutal/humane), the results will at-best be mixed and stress indeterminacy, at-worst provide additional rationalizations for scapegoating. The extraordinary-negative frame is an ideological-ethical-religious determination that simply cannot be translated into a question of knowledge without falling back into it. Of course the Kim government has and does engage in deceptive behavior, for example, and the point is this is almost irrelevant to the extent that it is posited as obstacle and its people as objects of love.

The point here is not that DPRK human rights violations are not severe, and it is certainly not to suggest a moral equivalency with the enormous crimes of anti-Semitism. The point is that our fetishization of North Korea is functionally similar (i.e. the structure of racism) and unethical, not least because it conceals the real ideological function of these representations. Žižek (1994b: 6) is perfectly clear that ideology is not necessarily ‘false’ and definitely not an illusion (it is easy to ‘lie in the guise of truth’); it is when the content of a hegemonic assertion legitimates social domination in a non-transparent way that it becomes ideological. We should follow the Lacanian diagnosis of the pathologically jealous husband: even if his wife *really is* cheating on him, “this does not change one bit the fact that *his jealousy* [our fear, our indignation] is a pathological, paranoid construction” (Žižek 1989: 48). The critical analyst must investigate the role the wife/Jew/North Korean is playing in constituting *ourselves*– *our* ideology and identity – in order to begin to come to a realistic understanding of their empirical reality.

A major distinction is that ‘the Jew’ is a neighbour to the German and the North Korean elite is almost totally outside the American empirical universe. In the latter context, greater interaction would probably be a progressive development, as it would add indeterminacy to hegemonic elements. Moreover, one can point to certain truths that are difficult to dispute, like UN-monitored nutritional surveys, or the difficulty of reconciling “the regime as the-root-of-all-evil” with the fact that there have been so few defections of elites (Cumings 2005: 445). But one can point to extraordinary totalitarianism and brainwashing to dismiss UN surveys and lack of high-level defections – the ultimate inadequacy of empirical critique is as relevant here as in the case of ‘the Jew.’

Justice Kirby was a laymen to Korean affairs at the outset of the COI and emerged having adopted moralist calls to ‘take action.’ He describes himself as being “unburdened by too much knowledge about the Hermit Kingdom,” so it was possible for the Commission to “essentially stick to the evidentiary material placed before us” (Kirby 2014b). The Commission was then surrounded by defectors with the most extraordinary-negative stories, families of abductees, and mostly right-wing experts from US-, ROK- or Japan-funded single-issue NGOs. Commissioners were tasked with writing the COI in a 6-7 month period under specific parameters, as Kirby describes them: (1) to assess whether there were fundamental breaches of human rights, (2) assess whether these amount to crimes against humanity, (3) determine if perpetrators could be identified, and (4) decide how any perpetrators can be rendered accountable (Ibid). Under such circumstances, anyone would probably come to the same conclusions: ‘the regime’ is the obstacle, the DPRK population is the victim, and our responsibility is to provoke ‘action.’

Resisting the CAH designation would require, at minimum, a different methodology and adjudicators with more diverse knowledge of Korean geopolitics, history and culture. It would also require formal recognition of the radical asymmetry between the protagonists and active steps to repress ideological elements and ensure a diversity of narratives. North Korea was already defined as a moral horror and COI participants have every reason to perpetuate this frame. One cannot simply assess North Korean human rights violations “as they really are” within this asymmetrical context.

### ‘Irrationality,’ Deconstruction, and Asymmetry

Deconstruction was particularly useful in the context of the construction of “natural” ethnic hatreds in the Bosnian War (Campbell 1998, Hansen 2006), but showing the indeterminacy of North Korean identity is not in-itself particularly useful as a critical method – *the indeterminacy itself* generates public interest and makes space for *objet a*. Campbell’s (1998: 13) assertion “deconstructive thought is a necessary prerequisite for historical and political progress” should be upheld as an essential, but insufficient, component of the critique of ideology. Demonstrating indeterminacy between the poles must also account for the ontological asymmetry between the poles:

one of the two levels appears to be able to stand on its own, while the other stands for the shift as such, for the gap between the two. In other words, Two are not simply One and One, since Two stands for the very move/shift from One to Two. (A simplified example: in the class struggle between bourgeoisie and proletariat, the proletariat stands for the struggle as such) (Žižek 2006b: 42).

In Žižek’s dialectics, the unity of opposites is not a Third “underlying medium, but *one of the two*” (Žižek 2012a: 111). The antagonistic signifiers ‘America’ and ‘North Korea’ are not One and One, there is America and ‘North Korea’ is the gap between America and *itself*. Just as the characteristics and function ‘the Jew’ stands for German insecurities, North Korea stands for the struggle or negativity of class antagonism and geopolitics. In short, it is not enough to show the indeterminacy of DPRK identity and reality; it must also be located within American ideology and divorced from the real DPRK.

Consider 'the question of North Korean rationality.’ The problem is that anti-engagement security experts do not need to show North Korea is ‘crazy’, they simply need to render their rationality *indeterminate*. So any direct advocacy for or against their ‘rationality’ ultimately buoys this position unless the trope of irrationality is itself located within American ideology. Imagine if a stranger were approaching you with something shiny in his hand and the psychiatrist who happens to be standing beside you keeps assuring you, ‘don't worry, we are quite sure he is rational, but we are taking all precautions anyways – we are doing our best to maximize your security,’ and so on. Is the psychiatrist making you feel more or less secure? It is quite difficult to avoid playing the psychiatrist when the critical analyst has twenty seconds to answer Anderson Cooper's question, 'should we be worried by this young, untested leader with a nuclear arsenal?'

‘Irrational’ is the M-S and ‘rational’ is the university response. The M-S is fundamentally opposed to knowledge; no respected North Korea expert *really* believes Kim or his generals are ‘crazy.’ The university discourse is here all the empirical evidence we have created to disprove, reformulate or buttress the Master discourse. ‘Irrational’ is the primordial One because the pole ‘rational’ would not exist if not for claims of ‘irrationality’ – we would not randomly claim someone is ‘rational’ without reason to believe the contrary (nor would we claim ‘not-threat’ or ‘not-exceptional’ without their opposites). And it is usually not productive to emphasize the counter-claim: the claim of ‘rationality’ ultimately legitimates claims of ‘irrationality’ because it endorses the ideological dialectic. At worst, it provides additional rationalizations, for example, for how the DPRK may be prone to eratic behaviour due to their peculiar political or economic systems (as one could also argue about democracies). The counter-claim implies *someone believes they might be crazy*,or in more academically acceptable form, they are more succeptable to miscalculation, misperception, or accident.

In the passage of Victor Cha on *The Colbert Report* in Chapter Four, it was far from clear that Cha *really* believes North Korea is crazy – he does not suggest this in his recent book (Cha 2013a), although he has called this a “plausible and real concern” (Cha 2002: 213). He simply invokes *objet a*, a Secret (North Korea is doing ‘weird things that look harmless’) and appeals to the developing weapons capability as empirical evidence, thus cultivating indeterminacy – *maybe they really are crazy!*  By analogy, Žižek argues that today most people do not *really* believe in religious doctrines. The belief is, rather, *out there –* there is a “subject supposed to believe” that is “an entirely virtual entity” (Žižek 2012a: 73-74). It is ultimately the Symbolic Order itself (the Lacanian ‘big Other’) that fully believes in religious doctine – or that North Korean is crazy.

This is precisely the issue with the work of liberal American critics of American North Korea policy. David Kang (2013), for example, candidly describes in a lecture how he lost interest in North Korea for a time after he “made [his] career” on

two points: North Koreans aren’t crazy, and they’re not going to invade. And I thought I was done.  And you know what I realized?  I realized that I could publish those same papers every single year, and just update for the latest details and the latest broo-haha.  Oh my god, are they going invade?  They're not going to invade, here's why, blah blah blah. Are they crazy? They're not crazy, here's why […] so intellectually, it’s not very interesting.

The problem Kang’s debates with anti-engagement advocate and COI witness Victor Cha (i.e. Cha and Kang 2009) is they provide academic legitimacy for the latter to argue the extraordinary aggresivity and brutality of ‘the regime’ on the same liberal premises and therefore without directly challenging the extraordinary-negative frame. Kang (2013) is willing to assert DPRK rationality and deterrence, but he does so without challenging the basic premise that the Kim regime is extraordinary-negative. In fact, he maintains the extraordinary trope in arguing for DPRK rationality: North Korea is “the most rational” and “most predictable country in the world” (Ibid) This relies upon and reifies North Korea’s position in American ideology even as it critiques formal elements. What is needed is a process of de-fetishization and repudiation of liberal ideological elements.

### Objet a and the COI

There is no way to definitively show the role of fantasy in the COI, but one can detect the influence of *objet a* on a general level. Žižek describes three modes of *objet a* – subtraction, protraction, and obstruction – that show how it “distorts reality by inscribing itself into it” and argues that all three can be identified in the formal structure of capitalism.[[142]](#footnote-142) One can seamlessly apply these to the COI and subsequent news media coverage: first, *subtraction*, the withdrawal of some essence, takes place on two levels: the extraction of surplus capital (real, symbolic and cultural capital) by human rights field stakeholders and the beneficiaries of securitization who then sustain the process through advocacy and funding, the extraction of pleasure-in-pain and cathartic indignation that *really* draws laymen audiences to the suffering of the Other, and the communal repression of the role both of these play in perpetuating the human rights field. Second, a fantasmatic sense of *protraction* is propagated in the de-contextualized aggregation of DPRK human rights violations as ‘intrinsic to the fabric of the state’ and having taken place over a single six-decade-long ‘period,’ thus giving a sense of timeless immanence and interminability under the Kim government. Third and most obvious, the *obstruction* of harmony by the ‘Kim regime’ – an obstacle to the Human Rights *Thing* or even the American/liberal *Thing*, the *enjoyment* of Koreans, harmonious Korean reunification, East Asian peace and security, and so on.

One can also identifiable traces of *objet a* in substantive COI findings, one example of which, the COI claim of increasing brutality of executions in the form of machine-gun executions, is presented here. Whereas this finding is likely based on a single testimony as described in Chapter One, there were many stories of extraordinarily brutal executions around the period the report was written. There was a March 2012 story of execution by mortar shell originated in *Chosun Ilbo* (2012) that cited “a South Korean government source” and the same story re-surfaced in an October 2012 article citing “South Korean media” (Ryall 2012). Two months after the COI was released, *Chosun Ilbo* (2014) released another report, this time of execution by flamethrower, citing “sources” in the bi-line but converting to the singular “the source said” in the text. There had also been stories of execution by anti-aircraft gun in August 2013 (Ryall 2013), although the supposedly executed singer gave a speech in Pyongyang in February 2014 (O’Carroll 2014). NYT published a report of anti-aircraft machine gun execution in December 2013, which suggests it is based on US or ROK intelligence but does not provide a definitive source, and is partly substantiated by the August 2013 execution that did not happen (Choe and Sanger 2013). In fact, *all* these stories were published in several news outlets and at least one of *NYT*, *WP* and/or *The Telegraph*.

The COI finding of machine gun executions received a boost from HRNK CEO Greg Scarlatoiu and COI witness Joseph Bermudez Jr., who recently came across a satellite picture that appears to show six .50 caliber anti-aircraft guns located 30 meters downrange from “some sort of targets” positioned close to a viewing area where parked vehicles suggest that officers were observing (Scarlatoiu and Bermudez 2015: 2). They conclude that this could have no military utility, and so the “image appears to have been taken moments before an execution by ZPU-4 anti-aircraft machine guns” (Ibid).[[143]](#footnote-143) The article does not claim to be able to identify the supposed targets on the ground nor the elevation of the guns. There is one crucial question critical analysts should always ask when reading any report of DPRK wicked or aggressive acts, whether in the COI or elsewhere: to what extent is this representation dependent on the extraordinary-negative frame, and would the claim be considered appropriate without it?

The most well-known report of extraordinary execution was Kim Jong-un’s uncle, Jang Song-thaek, who was allegedly “stripped naked, then thrown into a cage where he and his closest aids were set upon by 120 dogs that had not been fed for days” (Wong and Choe 2014). The story has been demonstrated false, originating with an imposter posing as Chinese satirist “Pyongyang Choi Seongho” (Powell 2014; Asmolov 2014a). A Hong Kong newspaper with very low credibility reported it with the caveat that it came from social media, from which the stringently anti-communist Singaporean *The Straits Times* picked it up and dropped the caveat. From there it went viral in American news media because it resonated with American perceptions; it was barely mentioned in South Korea.

What is most fascinating is the impotent backlash to this: *Reuters* (Pearson 2014a), NYT (Wong and Choe 2014) and WP (Fisher 2014) all published opinion articles about its questionable veracity, but none had the editorial fortitude to definitively say the report was *false*. Only *Reuters* mentions it “appears to have originated” with social media, whereas NYT or WP ignore this; in fact, WP intentionally keeps the fantasy space open by noting other reports of atrocious executions and concluding: “Kim Jong Un probably – *probably* – didn’t feed his uncle to 120 dogs” (this is *objet a* in the form of *protraction* above). In fact, the reader comments section of the NYT backlash article is full of speculation that the allegation is true after all. Asmolov (2014a) points out that “serious and reputable experts” believed the story and even after the origins were revealed, news coverage would still ambiguously invoke it in subsequent reports. This is a particularly vivid example of ‘fetishist disavowal,’ where the object is treated as sacred even after being clearly exposed as a fraud; the fetishist gap (‘maybe they did it after all!’) is the space of *objet a*. And if Americans *want* to believe the story and there is little or no risk to credibility, why would NYT, WP or *Reuters* close the indeterminacy?

### Self-fulfilling Prophecy

*Objet a* is, by definition, self-fulfilling prophecy: it “is created-posited, generated, by the very process which reacts to it and deals with it” (Žižek 2014). North Korea is reified as extraordinary-negative by our representations and actions deemed necessary due to its extraordinary-negative character, i.e., the *raison d’être* of human rights advocacy on North Korea is to raise awareness and demand action to address the extraordinary brutality and, by doing so, they reify the perception that the regime is practicing extraordinary brutality.

The DPRK national security state should be understood holistically as a product of the radically asymmetrical material and representational structure it operates within. This necessitates placing oneself in the shoes of the symbolically dispossessed Other in order to recognize how “representational practices that construct particular identities have strong ramifications for agency” (Doty 1996: 168). The point is not to absolve North Korean leaders of their substantial responsibility, but to change the frame of their guilt by admitting the structural dimension of their behaviour and therefore confess *our own* complicity in the present circumstances – to ‘take responsibility for the world(s) we make’ as Peterson put it in the Introduction. For international relations scholarship in particular, the price of inattention to representational practices “is perpetuation of the dominant modes of making meaning and deferral of its responsibility and complicity in dominant representations” (Doty 1996: 171). The critical policy analyst should interrogate “the reiterative and citational practice by which discourse produces the effects that it names” (Campbell 1998: 24). How, in short, ideological fantasy affects the strategic context of the Other and can ultimately become self-fulfilling prophecy.

The self-fulfilling character of *objet a* is captured by one of Žižek’s favored jokes:

At the beginning of the century, a Pole and a Jew were sitting in a train, facing each other. The Pole was shifting nervously, watching the Jew all the time; something was irritating him; finally, unable to restrain himself the Pole explodes: ‘Tell me, how do you Jews succeed in extracting from people the last small coin and in this way accumulate your wealth.’ The Jew replied: ‘Okay I will tell you, but not for nothing; first, you give me five zloty (Polish money).’ After receiving the required amount, the Jew began: “First, you take a dead fish; you cut off her head and put her entrails in a glass of water. Then, around midnight, when the moon is full, you must bury this glass in a churchyard…’ ‘And,’ the Pole interrupted him greedily, ‘if I do all this, will I also become rich?’ ‘Not too quickly,’ replied the Jew; ‘this is not all you must do; but if you want to hear the rest, you must pay me another five zloty!’ After receiving the money again, the Jew continued his story; soon afterwards, he again demanded more money, and so on, until finally the Pole exploded in a fury: ‘you dirty rascal, do you really think I did not notice what you were aiming at? There is no secret at all, you simply want to extract the last small coin from me! The Jew answered him calmly and with resignation: ‘Well, now you see how we, the Jews…’ (Žižek 1989: 64).

What is crucial here is how the Pole’s racism is the structure imposed on the Jew that then makes the Jew’s strategy possible – the strategy could not exist without the *a priori* anti-Semitic context. While the Pole comes to the correct conclusion that there is no Jewish ‘Secret’, he fails to accomplish the final positive gesture: to recognize that ‘the Secret of the Jew’ is revealed not at the end of the Jewish man’s narration, but *through* the Pole’s own narration (Malone 2006). Žižek points out the similar failure of anti-feminist Otto Weininger cited repeatedly in Chapter Four (Proposition Three): he correctly concluded there is no ‘feminine essence’ behind woman’s various masks, but was unwilling to make the final positive gesture of recognizing that there is no ‘essence’ behind masculinity either (Žižek 1994a: 143). Ideology mystifies the Symbolic asymmetry, conferring a fantasmatic Aryan/masculine/American positive-Essence and a corresponding Jewish/feminine/North Korean negative-essence, articulated as a secret, enigma, mystery, manipulation, a ‘dark continent’, and so on.

In July 2013, a North Korean military parade included a flatbed truck carrying soldiers wearing backpacks with big nuclear hazard symbols. The image has become common stock-footage and features prominently in the introductions to popular documentaries *PBS Frontline* (2013) and *BBC Panorama* (2014). What is almost never mentioned is that the DPRK identified these as ‘haz-mat’ suits and amateur arms experts have speculated that this is old Soviet equipment (O’Carroll and Pearson 2013). The giant nuclear symbols may be intended to propagate fear of American nuclear attack to the crowd (we can protect you!), or they may be intended to send a threatening message of nuclear threat/deterrence to the West (we can attack you!), or both. What is crucial is the indeterminate degree to which the meaning Americans ascribe to this is already part of the ritual; the efficiency of the threat is its correspondence to nuclear terrorism in the American Imaginary. Our repetition of the image has nothing to do with the DPRK, it is because it perfectly captures the intended meaning wherever it is invoked: ‘existential threat!’

A standard Right-wing trope that serves to mystify radical asymmetry is to cast America as prone to ‘manipulation’ by its foes, such as North Korea feigning irrationality in a Machiavellian way in order to ‘extract concessions.’ An article in *Geopolitics Weekly* and *Forbes*, for example, describes a “*Ferocious, Weak and Crazy*” strategy (Friedman 2013); DPRK ‘weakness’ is framed as a strategy to convince the world they will collapse on their own. This “superb” positioning shows the “brilliance” of their strategy that “has worked marvelously and is still working” (Ibid). This is homologous to the misogynist fallacy of emphasizing the power of the outwardly “obedient wife” (Žižek 1994a: 56): ‘she’s not subjugated at all, look at how she uses her weakness to manipulate her husband! We know who’s really calling the shots here!’ The obvious problem is her power structurally depends on male domination and stressing it reifies the structure of domination (Ibid). The opposite of Friedman’s thesis is far more accurate: the DPRK is muddling through a radically asymmetrical context that is of *our* ownmaking more than theirs. DPRK officials look at what Americans define as a threat and give it to them, i.e., nuclear backpacks, as a function of the asymmetry.[[144]](#footnote-144)

Our framing perpetuates vicious cycles. They ‘play on our fears,’ we label them irrational rogues that are an undeterable existential threat, and then wonder why DPRK generals would want to show the willingness and capacity to retaliate against us. We obstruct most legitimate enterprises in which the DPRK could develop a comparative advantage and then wonder why DPRK nationals traffic weapons, counterfeit goods and drugs. We declare a responsibility to protect and then wonder why internal security officials see a crackdown on dissent as a necessary national security precaution.

Our Imaginary frame constitutes their Symbolic reality, as Richard Lane reads Baudrillard’s hyperreal applied to the first Gulf War:

news is producing the 'reality' of war [...] Propaganda is thereby taken to a new level: it isn't a case of misrepresenting what is actually happening in a different way but more a case of constructing what *will be* happening in advance [...] so that it *does* happen (Lane 2009: 93).

Hyperreal news coverage “reveals the detachment from the real and the production of ‘reality’” as “news is generated by news, or the source of the news is also the news” (Lane 2009: 93; Baudrillard 1995: 2). Consider the COI allegation of ‘minifamines’ in inaccessible areas that clearly privileges poorly substantiated news media articles and a Japanese NGO report over a plethora of UN FAO and WFP reports. The implication is that the Kim government is villainous and food shortages are inevitable, that North Koreans do not benefit from humanitarian aid. So donations are not given or scaled back, and so there are more food shortages to write about, which reminds of us Kim’s ‘true colors,’ and so on. Tim Beal emphasizes the same cycle with regard to sanctions: Economic problems are blamed on mismanagement and sanctions are treated as the appropriate response, “The results – those malnourished babies can be blamed on the Koreans, which in turn is produced as evidence that the sanctions are desirable and necessary” (Beal cf. Gowans 2013b).

Katharina Zellweger (2012), who has made over 50 humanitarian trips to the DPRK, argued that the politicization of humanitarian aid had contributed to making implementation of the 2012 UN World Food Program plan impossible. The DPRK is not even in the list of the top 25 aid-recipient countries, and even though it conforms to strict conditionality, it generally does not qualify for developmental assistance:

Some argue that good governance is a prerequisite. On the other hand, could better governance also be a result of successful development interventions? If we don't agree with the way a country is governed, does that mean that we do not even give the country an opportunity to perhaps make a turnaround? (Ibid)

The impact of negative publicity on the DPRK is unquantifiable but intuitively undeniable. If the belief is that aid may not get to the population and will instead ‘prop up the regime’, that maybe the DPRK would capitulate if only the incorrigible progressives stopped sustaining it with aid, then donors are likely to choose alternative (less controversial) aid recipients. This can be true even as other aid recipients often demonstrate much higher levels of misappropriation of aid than the DPRK.

The latest UN *World Food Program* (UNWFP 2014c: 7) internal audit on DPRK operations found the DPRK granted “commendable” geographical access; the two “medium risk” observations on monitoring were both related to planning and operational failures that had little if anything to do with the DPRK. UNWFP (2012) indicated the situation had improved and food was reaching the intended targets (monitored by random field visits by a team including three Korean-speakers). This is despite the fact that the program was *only 30 percent funded* (Ibid); as of February 2014, the funding shortfalls made it possible to distribute only about a third of what had been planned (UNWFP 2014a). Five of seven factories producing nutritional foods closed in 2014 due to the funding shortfalls (UNWFP 2014b). UNWFP reports consistently imply that operations are running smoothly for a 30 percent funded project and that the situation would improve substantially if adequate donations were received (Ibid). If Žižek is right that aid served to obfuscate the Real act in the context of Sarajevo, that their suffering was for our gaze (see below), then here aid and hostility is playing the reverse role: inadequate aid and economic isolation create the very passive suffering victims that they name as justification.  *Our fantasy* becomes self-fulfilling prophecy: it constitutes *their* *reality*.

What made the Holocaust possible was, for Žižek, the emergence of the concept of the ‘absolute Jew’ that was non-convertible and therefore must be destroyed. It is not yet anti-Semitism proper to claim ‘Jews are corrupt or dirty’ or whatnot, the logic must reversed: they are dirty, corrupted, *because they are Jews* ([Žižek 2010](http://vimeo.com/69243749)b). In true anti-Semitism, the gap between the fantasy-figure and the real person becomes “the ultimate argument for anti-Semitism” – proof of their extraordinary capacity for deception, for example. ‘The Jew’ “does not exist (as part of our experience of social reality), but for that reason I fear him even more” (Žižek 2012a: 493).

If Kim Jong-un were to publicly repudiate his father and suddenly begin large-scale liberal reforms, then it is possible he would be ‘convertible’ or at least not-evil; in this sense the parallel to anti-Semitism arguably falls short. But the fact that they need to capitulate and mimic our system in order to be recognized as legitimate suggests a similar logic at-work. DPRK appeals for normalization do not displace hegemonic elements, but instead overlaps with them, becoming evidence of their inconsistent and deceptive strategy, the extraordinarily manipulative nature of their aggressive strategy. For the anti-Kim advocate who visits the DPRK, like Suki Kim above, the lack of observable barbarity will reinforce the totalitarian severity of that barbarity and the degree to which the country is ‘all façade’ (or *masquerade*) concealing the unobservable *abyss*.

This can be illustrated through the American framing of the 2011 DPRK leadership succession in predictive articles by HRNK and the US Congressional Research Service:

Changing offensives in both peaceful and aggressive ways are likely. There may be a period of rapidly changing mixed signals, from peaceful offers to aggressive provocations. More aggressive provocations would be generated in a bid to show off authority, consolidate power and gain credit for Kim Jong-Eun. A more conciliatory approach to China, South Korea, six party talks and US-NK relations would be guided by an interest in breaking sanctions and extorting aid (Kim 2011: 14-15).

The year 2011 was one of the periods of a North Korean “charm offensive,” when North Korea refrained from any military provocations while it asked the outside world for food donations, announced new economic projects with China and Russia, and sought to reopen the moribund SPT over its nuclear program. (Manyin 2011: 5).

The concept of a ‘peace offensive’ or ‘charm offensive’ provides a negative frame that defines any movement towards engagement as temporary and part of a larger manipulation. Similarly, what would seem to be objectively positive, the DPRK decision to allow full monitoring of food aid, is assumed by Justice Kirby to demonstrate a pessimistic agricultural forecast: “They would not, perhaps, have made this concession if there was not a need to do so. So I don’t think they are doing this out of the kindness of their hearts…” (Kirby 2014a). The weight given in the COI to reports of inadequate monitoring especially during the famine (COI: 634, 636, 655, 674, 675, 687, 1220, 1225), as well as the emphasis on this in Kirby’s lectures, make his dismissal of this DPRK concession particularly telling. DPRK cooperation is never sincere; it demonstrates desperation, or face-saving, or a longer-term nefarious strategy, and so on.

The concept of the “charm offensive” puts the DPRK in a position where, to be taken seriously, they must *prove* their sincerity, implicitly through some sort of large unreciprocated concession. But even if they did so, it is not difficult to imagine how American news media would quote authorized speakers to claim that the concession was somehow inadequate or deceitful, just as Kirby reacted above. And if this leads to an agreement, any American ‘cheating’ will be understood as reflecting the democratic Will, whereas any DPRK ‘cheating’ will a sign of the ‘true colors’ of the ‘Kim regime.’

Moreover, the military asymmetry causes an asymmetry in the stakes of cheating:

Such is the overwhelming disparity in strength that if the US were to cheat – say, by attacking North Korea after giving an assurance that it would not – the results for Korea could be fatal. But if North Korea were to cheat – say, by hiding away some plutonium – the effects would in reality be negligible (Beal 2011: 66).

Action-for-action agreements are therefore not necessary for the US (Ibid) and have often provided a method for neoconservatives to squash agreements through making unrealistic sequencing demands and then declaring the DPRK unreasonable (Funabashi 2007: 387). In 2011 only fourteen percent of Americans report being optimistic about North Korea at the time of the transition, and strikingly, forty-nine percent disagree with the US providing economic assistance *even if North Korea completely abandons its nuclear program* (AngusReid 2011). As David Kang (2013) points out, “Of 80 policy problems Obama has, North Korea is number 81”, and it is clear that he will not devote political capital to a settlement if success is not assured. In this context it would be at least risky, if not naïve, for Kim Jong-un to make normalization a core tenet of his legitimacy.

From this perspective, the critical analyst might interrogate the prevailing logic that improved conditions or closure of DPRK political detention facilities will only come with either an admission of their existence, or the end of the Kim government. This common sense obviously implies at least a degree of DPRK wickedness, which is supplemented by DPRK categorical denials that seem to confirm that these violations must be taking place. If the DPRK has nothing to hide, the logic goes, *why not* open them to inspectors? This dissertation ventures to suggest that, in the context of radical asymmetry, one can make a reasonable case that such acknowledgement and inspections could actually be counterproductive. The DPRK has essentially zero ‘spin control’ over how inspections would be represented in the international media. South Korean, American and Japanese officials, defectors and Western NGOs, by contrast, hold the representational power to shape the worldwide narrative on these facilities. If the primary COI goal is to expedite the closure of political detention centers, by contrast to imposing justice on the leadership, then it does not automatically follow that acknowledgment and inspections are a necessary precondition, or even necessarily a progressive development.

It is important to consider possibilities other than worst-case scenarios. Imagine you are a politically savvy advisor to the Supreme Leader and assume, for the sake of argument, that you know the facilities are actually significantly less populated and less violent than COI findings. How would you conclusively show to a group of inspectors that certain violations are not taking place? Opening the entire country up to international inspections would not be tolerated by any military establishment that truly perceives itself existentially threatened by the country that is demanding the inspections. So if limited but thorough inspections were allowed of all five political detention centers, is it likely the Western media would publish vindications of the DPRK based on the evidence they present? Or would the Western media turn the visits into a *political spectacle* (Edelman 1988), frame the report as confirmation of the existence of these “camps” and describe whatever human rights abuses that the inspectors *do* see or hear from their interviewees?

Respectable news media may duly note the lack of evidence found for some key findings in the second or third paragraph, but on the other hand, defectors could be quoted to explain how these violations are concealed or taking place elsewhere. Some defectors would certainly claim the now-indisputable violations are really the ‘tip of the iceberg.’ If there are no torture facilities, these materials are not difficult to relocate; if there are less prisoners than projected, they also could have been secretly moved or killed; if prisoners are better-nourished than reported, the DPRK clearly increased rations in the months preceding the inspector’s arrival – classic North Korean deception. Moreover, what happens if an anti-engagement South Korean, Japanese or American official, backed by anonymous witnesses reporting from inside the DPRK, declares that prohibited materials were transported to a well-guarded facility visible from Google Earth? What if the facility actually contained sensitive military equipment, which ROK intelligence may or may not have been aware of? How would the refusal to allow inspections, or the satellite evidence of the movement of materials from that facility before the inspections, be framed? There are two related lessons here from the Iraq war: one cannot conclusively prove that prohibited materials do not exist, and the refusal to allow inspections of military facilities does not automatically indicate government insincerity.

Andrei Lankov has mused in lecture that, if he were an advisor to Kim, his recommendation would be that the DPRK maintain its denials regarding the 2010 sinking of a South Korean ship, the *Cheonan*. Lankov ([2013](http://www.youtube.com/watch?v=_39yJ5D5Cn0)b) instructs his audience to consider the negative consequences of the seemingly progressive 2002 admission of abductions of Japanese civilians. The DPRK leadership sought to advance normalization with Japan through a compromise position, where they admitted to the kidnapping of thirteen Japanese civilians and granted permission for five to visit Japan. The chosen abductees were exceptional in the sense that they had never worked to train DPRK intelligence agents. The return of the others would likely risk the “complete disintegration of their clandestine networks” in Japan, as well as profitable commercial operations.[[145]](#footnote-145) The compromise gesture of returning those not perceived as a threat to national security had the opposite of the intended effect, however, causing a nationalist uproar in Japan that made normalization with the DPRK politically impossible without a complete accounting of *all* abductees. In fact, this remains the policy of Japan to this day. It thus had precisely the opposite of the de-securitization effect that the DPRK had hoped to achieve.

The probable practical consequence of acknowledgement and inspections of North Korean detention facilities is arguably an increase in the securitization processes that the DPRK would be attempting to quell by allowing inspections. As Dennis Halpin described the future of the Kim family after reunification,

The liberation of the *kwalliso*political prisoner camps in North Korea, described in the best-selling book *Escape from Camp 14* (about) Shin Dong-hyuk, will be broadcast instantaneously in this era of cable news. The scenes will shock even a cynical world and silence whatever apologists may remain for the Kim family heritage (cf. York 2014a).

This is very likely what would happen – the question here is *whether this is inevitable regardless of the actual correspondence between the reality discovered and the most serious allegations of the COI and the human rights field*. In the event only partial corroboration is discovered, will any Western news media break from the hegemonic Holocaust/Gulag narrative that their audience and editors expect? How would advertisers feel about dissident Op-Eds that might be framed as ‘Holocaust denial’?

The key point is that political normalization is arguably a necessary precondition to improving the human rights context of political prisoners. Even if the reader has more faith than the present author in respected news media’s willingness to expose unpopular truths about national enemies, one may still acknowledge that DPRK officials have ‘logical grounds,’ based on prior experience, to see this as too great to risk in the contemporary geopolitical context. In fact, the hegemonic discourse seems to have forgotten that the ‘camps’ of the 20th Century were always in the context of a state of exception, whether revolutionary upheaval, civil war or international conflict. It is illogical and propagandistic to disconnect DPRK political detention facilities from the state of exception. *Objet a* obscures normal assumptions and leads to the illogical conclusion that the Kim government would have no interest in closing the facilities even in a normalized geopolitical context. To accept this, one must see the facilities as intended to annihilate Koreans or as an irreplaceable pillar of the DPRK economy, rather than institutions set up in the context of a state of exception to protect the government.

The arguments of this chapter can be tied to the preceding chapters through analysis of the *causes* of the COI finding of 13 categories of *systematic*, *extraordinary* and *ongoing* CAH. These causes operate on all three ontological levels, as Žižek maps the justifications for the 2003 American invasion of Iraq, arguing that their inconsistency indicates an unconscious effort to repress a disturbing truth. They can be summarized as “the imaginary of ideological rhetoric, the symbolic of political hegemony, and the Real of economy” (Wood 2012: 221). The Imaginary justification was the spread of Western democracy and human rights. The Symbolic reason was a re-assertion of American hegemony and the imposition of new rules of international relations that eschew multilateralism. The Real was primarily oil – the (at least initially) disavowed purpose of the invasion (Ibid). More specifically, the Imaginary is the object of fetishistic disavowal (we knew it was not really about human rights, but we believed it anyways); the Symbolic is hegemony, the formal rule-constituting justification; the Real is the disavowed or repressed element. And Žižek’s central point is that the ‘truth’ is not just the Real, but “the very shift of perspective between” the ontological levels (Ibid); even as human rights is an Imaginary justification, it is no less relevant than oil as a justification for war.

The causes of the COI findings can be similarly charted and summarized. The *Symbolic cause* of COI findings is their formal justification, which is ‘true’ on this level: the interpretation of international law to identify the outlier whose violations are so heinous that they are an affront to human rights as such, redress of which is an imperative of the global hegemony of universal human rights, and a well-meaning advocacy of responsibility to repressed North Koreans. Justice Kirby has exemplified this in lectures through his forceful elevation of DPRK atrocities (including Holocaust analogies) and assertions that these are an affront to universal human rights as such. Broadening the definition of *extermination* and finding 12 other extraordinary CAH made appeals to the responsibility to protect and criminal prosecution appropriate without a controversial widening of the definition of genocide; Kirby has made this rationale for CAH basically explicit in his lectures – it requires very little reading between the lines.

The *Imaginary cause* of COI findings is our preexisting ideological investments that we know are fiction/propaganda but believe anyways, *objet a*: hyperreal extraordinary-negative elements, the Secret, the role of gendered and racial logics, Holocaust analogies, and so on, culminating in a wicked and irredeemable ‘regime.’ These are the popular frames that most Westerners encounter and the frame one would expect any liberal laymen tasked with investigating DPRK violations to start from.

Finally, the *Real cause* of COI findings is antagonism and Capital – the fully repressed relevance of the radical material asymmetry in the context of the almost-fully obscured state of war. American cultural products that feature extraordinary-negative representations of North Korea have disseminated across the globe and constitute the normative context within which COI findings are disseminated and judged. There is a massive disparity in financial resources, salience and authoritativeness between those who benefit from invoking the extraordinary-negative frame (i.e. US, ROK and Japanese politicians, military-industrial stakeholders, international news media, security and human rights academics, comedy genres, Hollywood) and those who benefit from producing positive knowledge of the DPRK or contesting the hegemonic frame (i.e. the DPRK, fringe Marxist communities, a small number of critically-inclined Western academics from diverse fields, some dissident activists, politicians, and documentarians – most of whom are South Korean). The economic asymmetry, along with the normative asymmetry between liberal and DPRK ideology, refracts across the Symbolic and Imaginary registers in what has been called ‘representational asymmetry. In the COI, it makes possible the CAH designations, Holocaust analogy, anti-communist recommendations, willful ignorance of US/ROK responsibility for maintaining a state of exception that limits DPRK agency, and so on.

The crucial point is that the ‘truth’ of COI findings is the *shift* between these perspectives, i.e., Imaginary wickedness is the subtext of its Symbolic status as criminal outlier; the formal Symbolic identification of the criminal ‘regime’ reflects Real economic and geostrategic interests; economic asymmetry is constitutive of Hollywood villainization, defector incentives, and NGO funding. The critique of ideology should not only show the Imaginary subtext and disavowed Real causes, but also how all three ontological levels are constitutive of one-another in causing the establishment, findings, recommendations, public dissemination and academic/legal analysis of the COI. *North Korea does not exist* on this approach is a rejection of the Imaginary meaning that is mutually constitutive of both Symbolic differentiation and Real interests.

Perhaps more important than the causes of COI findings is their ideological *function*. This can be illustrated through Daniel C. Dennett’s “conversation-stoppers” (or the “magic word,” or false dogma) used by Žižek to show the everyday need for a M-S as a means to cut through “the endless pros and cons with an act of (ultimately arbitrary and imperfect) decision” (Žižek 2012b: 428). A conversation-stopper can be understood as what finally ends deliberation, the move that signals the inappropriateness or futility of further debate. A good example from the threat discourse is the ‘possibility of nuclear transfer’: the consequences of Kim giving a nuclear weapon to terrorists are so severe that, even if the risk is remote, it is still unacceptable. As long as this potential exists, one cannot decisively show the DPRK is not a threat because the notion it would do such a thing is entirely a belief caused by the unfalsifiable ‘MacGuffin’.

Even if one can convince the skeptic that North Korea would have far more to lose than to gain from such an action, one eventually comes up against the penultimate conversation-stopper of the security discourse, precisely *human rights*: ‘how can a regime that so blatantly disregards the value of human life, that commits *extermination*, be trusted with nuclear weapons?’ ‘Do we *really* believe such a regime will exercise restraint when the rebellions come?’ ‘ How much longer could such a brutal regime *really* survive?’ The first two are legitimate concerns in the sense that any nuclear-armed authoritarian government might use nuclear weapons if it sees no alternative but defeat. The problem is that nuclear weapons have an entirely different meaning in the context of an ‘irredeemable regime’ committing extraordinary crimes. It implies the DPRK nuclear arsenal is a catastrophe and it forecloses diplomatic options, such as an agreement that preserves the DPRK nuclear deterrent but proscribes further development, which is still considered politically impossible in American politics.

In short, the M-S of the threat discourse is arguably extraordinary human rights violations. Few if any pundits or policymakers are going to challenge the extraordinary-negative character of DPRK violations, so if the leadership is unchallengeably wicked, then their military is self-evidently a security threat. This is arguably the most effective role of the COI as an everyday instrument of securitization: it raises the price of the minimum of positive identification that is a precondition for diplomacy.

*North Korea does not exist* as political slogan is perhaps a progressive conversation-stopper, though in an indirect, Žižek-Hegel way: the slogan is an inevitable failure, but arguably a necessary failure. The typical cynical subject’s likely reaction to this thesis is not to think about the neglected Imaginary constitution of North Korea, but quite the opposite, to think about all the ways the slogan is wrong, how North Korea *does* exist and this thesis is obscuring that. The elements the cynic invokes here (i.e. Kims, defectors, totalitarianism, militarism, deception, and so on,) require deconstruction and empirical critique. But it is necessary to start from the frame of North Korea as abjection of American ideology because this makes it possible to embed critique of unsustainable elements of knowledge in a process of de-fetishization of North Korea. Once the indeterminacy and ideological origins of each element is demonstrated by way of this *negation of the negation*, it becomes possible to come to a more nuanced position that is closer to reality: North Korea is fully within the American/Western ideological economy even as it is a distinctive place that is irreducible to our ideology.

*North Korea does not exist* is also true in a formal sense: the DPRK does not refer to itself as 'North Korea' – if you asked a Northerner to write this, it would probably read 'north Korea.' This signifier was invented after Korean partition as a non-legitimating substitute for its actual name in a context where the ROK enjoyed less legitimacy and the name ‘Democratic People’s Republic’ did not appear so ironic. ‘North Korea’ can therefore be substituted as the name for *objet a* proper, as a label for our ideological projections. In this abstraction, the DPRK refers to the real place with real people in it, what would remain if it were possible to strip the country of all ideological baggage.

For Žižek, when Lacan wrote ‘the Woman does not exist,’ he was really saying that the ‘feminine essence’, the Secret of Woman, does not exist:

I think that the ultimate example of male logic is precisely this notion of some feminine essence, eternally feminine, excluded outside the symbolic order, beyond. This is the ultimate male fantasy. And when Lacan says, 'Woman does not exist', I think precisely this ineffable, mysterious 'beyond', excluded from the symbolic order, is what does not exist (Žižek 1995b).

North Korea does not exist should be read in precisely the same way: the Secret or essence does not exist; wherever ‘the nature of the regime’ is invoked, the critical response should be ‘the nature of the regime does not exist!’

### Conclusion: the Real ‘Act’

If the DPRK domestic and geopolitical position in the context of radical asymmetry had to be summarized in a word, the word should be impotence. Victor Cha (2013b) may be correct that the DPRK faces an impossible paradox: the government must restructure itself to meet its own official developmental goals and to survive in the long-term, but such a fundamental restructuring would probably be the beginning of the end of the Kim government. Whereas the DPRK is unable to extricate itself from this conundrum, the US has the capacity to impose radical systemic change on the country through a rapid positive change in its geopolitical and economic context. Far from a pro-DPRK position, normalization and investment is arguably most likely to hasten an end of the Kim government, partly through accelerating the proliferation of Western knowledge in the country. The well-publicized prescriptions of Jieun Baek (2015) – coercive propaganda programs, clandestine support of dissidents, training defectors, and hacking DPRK information technology infrastructure – would only serve to reify the state of war and justify further repression and securitization. The prescriptions here are a transparent and legitimate method of discrediting justifications for repression and empowering North Koreans to change their own government.

Žižek’s psychoanalytical approach to resistance and state violence describes three categories of resistance: acting out*, passage a l’acte* and the real Act. ‘Acting out’ and the *passage a l’acte* are both always the product of impotence: “Violence as such – the need to attack the opponent – is a sign of impotence, of the agent’s exclusion from what it attacks” (Žižek 2012a: 222). DPRK rhetorical threats and occasional small-scale attacks and retaliations reflect impotence even as they serve a deterrence role; sometimes these actions appear geared towards nothing more than demonstrating dissatisfaction with the status quo. The *passage a l’acte*, on the other hand, is the full internalization of (or identification with) the guiding fantasy that obscures the real Act that would change the system. It is accompanied by the repression of all empirical evidence that this act will not actually achieve the wanted results (i.e. for the Nazis, elimination of Jews will not bring social harmony). The DPRK inability and/or unwillingness (impotence) to take the necessary political and economic reforms to make fundamental changes to the system results in brutal repression of ‘class enemies,’ aggressive rhetoric and demonstrations of military resolve. There is little reason for optimism that the DPRK will drastically and unilaterally change course in the context of the asymmetrical state of exception and hostile rhetoric from American policymakers.

This is particularly tragic because, arguably more than most poor postcolonial countries around the world, the obstacle to DPRK development is geopolitical. There is every reason to believe it will perform remarkably well for many years after economic opening with its labour force that is relatively educated, skilled and organized, yet also very low-cost (Zakharova 2013: 129). There are also underexploited mineral reserves (iron ore, copper ore, gold, zinc, nickel, rare earth metals), potentially worth USD 2 – 6 trillion, about 250 – 750 times its total foreign trade for 2011 (Ibid: 129), and perhaps 140 times the country’s 2008 GDP (Zarate 2013: Ch. 15). South Korean reports are higher, estimating 7 – 10 trillion before the discovery of the largest rare earth element deposit in the world, said to be worth “trillions” in-itself (Feron 2014). One estimate puts DPRK mining facilities at 30 percent of capacity due to lack of capital, poor infrastructure and energy shortages (Ibid). And what it does sell is largely monopolized by China and sold below market rates, even as China sells desperately needed oil at or above market prices (Beal 2011: 42). In fact, despite these rich endowments and its strategic shipping location, the DPRK has been in a perpetual trade deficit that peaked at USD 1.5 billion in 2008 (Zakharova 2013: 130). Gradual economic restructuring and an end to financial and economic isolation are the best ways to improve the quality of life of North Koreans.

If the United States is unwilling to normalize relations without the DPRK giving up its deterrent and making fundamental changes to its governing institutions, then the DPRK is truly impotent to step out of the status quo. It must sacrifice security for normalization (which liberals and realists agree it will not do), yet it needs normalization and investment to maintain its long-term security (which the US, Japan and some ROK administrations are not willing to provide). The schizophrenic official DPRK language of vitriolic threats coupled with diplomatic overtures should be understood as a consequence of this impotence, of asymmetry-induced hysteria, rather than a sign of its ‘nature.’

Application of the model to American DPRK policy is perhaps more interesting. Whereas DPRK policy has been relatively straightforward because it has no alternatives, US policy has been inconsistent at best, as decisions are overturned by the next administration and even “frequently negated within the term of an administration” (Beal 2011: 68). The deadlock of US policy, by contrast to DPRK policy, is not material but ideological and political. The US, working with its allies, has the ability “at relatively little financial cost and no danger to itself, to bring about over a fairly short period of time an economic transformation in North Korea” (Beal 2005: 245).

This dissertation endorses Derrida’s necessity of both “passage by way of the undecideable” and the “madness” of a decision within the indeterminate context (cf. Campbell 1998: 185-6). But David Campbell does not have a compelling theory of the “decision in an undecideable terrain” and concludes by suggesting through Derrida that racisms and fundamentalisms are all too easily recognizable “without yet having thought them through” while upholding Levinasian unlimited responsibility to the Other (Ibid: 187). Žižek (1994a: 214) provocatively places responsibility on postmodern ethics itself for the lack of a real Act, a military intervention, to end the ‘siege of Sarajevo’:

The fantasy-image, its immobilizing power of fascination, thwarts our ability to act – as Lacan put it, we 'traverse the fantasy' by way of the act. The 'postmodern' ethics of compassion with the victim legitimizes the avoidance, the endless postponement, of the act. All 'humanitarian' *activity* of aiding the victims, all food, clothes and medicine for Bosnians, are there to obfuscate the urgency of the *act* (emphasis in original).

There are certainly North Korean human rights advocates who would apply this directly to North Korea, but advocating massive military intervention on these grounds would be a misreading of the argument.[[146]](#footnote-146) Žižek’s point is that sometimes we need *less sympathy* for the Other and, even more provocatively, *more hatred* for the Real common enemy in order to achieve the necessary break from the ideologically constituted deadlock (Wood 2012: 157, 291). And what needs to be done is always context-specific; there can never be inviolable rules, only prohibitions that may need to be broken. In this case, the hyper-sensitivity to the North Korean defector-victim justifies maintaining economic isolation and causes the underfunding of humanitarian aid programs. Surplus sympathy should be transferred to the ‘ordinary North Korean,’ surplus hatred should be directed at the beneficiaries of the status quo: not only in the DPRK, but in the US, ROK and Japan as well, across political, military, human rights and entertainment fields.

‘Take action!’ is the hegemonic superego injunction of the COI, and the intended meaning is clearly not ‘make peace!’ or ‘improve their economy!’ Political normalization *is* counterhegemonic resistance in this ideological constellation; shaking hands with the Kim leadership is the counterhegemonic act, that is, a far more evil idea than dropping bombs on them, at least in American discourse. Military intervention is the American *passage a l’act*: the full identification with North Korea as *sinthome* of our ideology (Wood 2012: 92), the elevation/debasement of North Koreans to sacred objects *in reality* and the consequent embrace of the highly satisfying moral impulse to finally crush ‘the regime’ and liberate the long-suffering population from its clutches.

Žižek follows Hegel in reading French Revolutionary Terror as a ‘necessary’ deadlock, an unsustainable political project that had to be “passed through in order to arrive at the modern rational State” (Žižek 2012a: 154). Only by passing through it does its superfluous character become obvious, however. This is partly intended as a defense of violent revolutionary struggle, referring to a situation where the revolutionary must or should occupy an ideological position of ‘pure evil’:

It is necessary to begin by choosing Evil; or, more precisely, every true Beginning as a radical break with the past is by definition Evil, from which the Good can emerge only afterwards, in the space opened up by that Evil (Ibid: 85).

Žižek argues Jesus Christ embodied Kant’s entirely conceptual category of ‘diabolical evil’ (evil as an ethical principle) for the Jewish establishment of his time: he was engaging in heresy, yet there is no way to reconcile his teachings and actions with evil as it is usually defined (greed, lust, envy, etc.). Absolute Good is not only un-differentiable from ‘diabolical evil’; the former springs directly out of taking the position of the latter.

With American North Korea discourse, the ‘superfluous’ act is making peace with the wicked regime, an act most salient voices would dismiss as naïve at-best and diabolical evil at-worst, which would also cause a radical break with the past. It would formalize the North-South deadlock for the foreseeable future, arguably betray allies in Japan and South Korea, give material and a minimum of normative support to a severe human rights abuser, and arguably delay the emancipation of the victimized populations who may face CAH. But it is necessary to ‘pass through’ normalization to eventually arrive at a normalized DPRK state (reunified or not) by repositioning the DPRK in the Western Imaginary and laying bare the fundamental paradoxes upon which DPRK ideology is grounded. The DPRK claim that US, ROK and Japanese hostility are the core obstacles to DPRK development and its self-identity as a victim of greater powers more generally (Kim 2012: 6), the outmoded coercive state security apparatus, the necessity of strict hierarchical governance and state control of the food and energy supply, and so on – all these become severe contradictions through the ‘superfluous’ act of normalization, through shaking hands with our fantasy-devil. Insofar as the DPRK is a Gertzian “theatre state,” as Kwon and Chung (2012) argue, one can conclude that “the only remaining thing to do for the upcoming revolution of North Korea will be to break the fantasy of the theatre state” (Ibid: 191). A fundamental shift in relations with the West is arguably *the* key to systemic change that would improve the quality of life of North Koreans.

Most American policymakers appear to be more-or-less following Theda Skocpol’s logic that revolution can be encouraged through external pressure which might force the government to extract too much from the population or limit its capacity for repression (Tetreault 1992: 101). One wonders at what point, after many decades of more-or-less following this model, it should be discarded a failure. The three seminal liberal writers of revolution – Barrington Moore and Samuel Huntington in addition to Skocpol – all put economic modernization at the very center of progressive upheaval (Ibid). In fact, there is general consensus among experts that DPRK institutions cannot survive political and economic opening, especially if it comes suddenly (Kang 2013). It would also split the elite between those who can enrich themselves in the new context and those who see their power threatened. Finally, rebellion and revolution are also more likely when the state becomes less oppressive (Žižek 2012a: 230), so the long-term reduction in oppression likely to accompany normalization also encourages revolution.

Normalization will also pose fundamental challenges to the regional power structure for the ROK, Japan and the US. It would disempower American, Japanese and ROK conservatives who use the DPRK as scapegoat for militarism and pose a serious obstacle to relevant arms industry interests. Efforts to get the ROK to join the US-Japan BMD system against strong Chinese objections (Park 2014) might be shelved. It would also pose an obstacle to those who forecast a “coming war with China” and further military encirclement of it (Beal 2011: 195). Finally, any threat of large-scale military confrontation (including by miscalculation or accident) would be drastically reduced.

While there is essentially no American interest in better relations and investment in the DPRK, there is plenty of interest in maintaining the country as a “bogey in Asia”, not least to justify missile defense (Beal 2005: 237; 2011: 74). An enemy can be a friend when this “enemy helps marshal support for a regime or a cause”:

To stop exaggerating an enemy's dangerous potentialities or to employ physical force to eliminate him would signal change; but to continue verbal assaults and indecisive physical movements that have long taken place is to signal that all will remain as it has been: that the dramaturgy of enmity is consolidating public support for regimes, for causes, and for inequalities (Edelman 1988: 66, 83).

For example, John Feffer’s article (cf. Beal 2011: 127), ‘Kim Jong Il: Right-wing mole?’, mockingly points out that sinking the *Cheonan* was so self-destructive and empowering to Kim’s adversaries that perhaps he is being paid off by John Bolton. Baudrillard (1995: 66) applied a similar logic to Saddam Hussein's central role American discourse in 1995:

who could have rendered more service to anyone, in such a short time at such a little cost, than Saddam Hussein? He reinforced the security of Israel (reflux of Intifada, revival of world opinion for Israel), assured the glory of American arms, gave Gorbachev a political chance, opened the door to Iran and Shiism, relaunched the UN, etc., all for free since he alone paid the price in blood. Can we conceive of so admirable a man? And he did not even fall! He remains a hero for the Arab masses. It is as though he were an agent of the CIA disguised as Saladin.

Seeing as few if any experts believe US sanctions or limited military strikes would topple the DPRK government, while the US has arguably restrained its capacity to almost-fully isolate the DPRK from the world financial system, one wonders if US policy favors *neither regime change nor normalization*. There are policymakers who genuinely want to forcibly end the Kim dynasty and a tiny number (i.e. Ron Paul 2013) who genuinely want peace. But the structure of incentives strongly favors indefinite perpetuation of the conflict that would maintain the ‘Kim regime’ (as *objet a*) as a resource of symbolic capital (i.e. as justification for maintaining the US-led hub-and-spoke military-economic model with the ROK and Japan, as proof of the failure of Marxist ideology), imaginary capital (i.e. as target for indignation, as popular villain) and real capital (i.e. military appropriations). Perhaps the Chinese policy of “status quo forever” (Funabashi 2007: 327) is the unspeakable/repressed structural aim of vested interests in American policy.

Unfortunately the potential for normalization in US politics will probably only be realized in the context of a radical deterioration of relations, where a parallax shift takes place from seeing a choice between confronting Evil or making peace with it, to a choice between peaceful coexistence or the prospect of mass-casualties and an unpopular war. This may be the condition of possibility for re-emergence of realist elements to counter *objet a*. If the DPRK leadership sees things this way, then they have every incentive to improve weapons capabilities and engage in periodic escalation in an effort to convince Americans that peace and formal coexistence is the only long-term solution. The solution is to give DPRK officials even more than they are asking for: unconditional normalization and investment that is too sweet to turn down but would most likely de-legitimate and eventually de-stabilize the national security state in the long-term.

Implementation of these prescriptions would be a “miracle” by Žižek’s definition,

the sudden emergence of the New, irreducible to its preceding conditions, of something which retroactively ‘posits’ its conditions. Every authentic act creates its own conditions of possibility (Žižek 2012a: 472).

As Žižek applies this to international politics, it is the ideological “opposition between market-freedom-democracy and fundamentalism-terrorism-totalitarianism” which must be transcended by showing how the true antagonism is “between the very field of their opposition and the excluded Third (radical emancipatory politics)” (Ibid: 576). This dissertation upholds Žižek’s prescription to Leftists that one must be a realist but also *demand the impossible*. The fact that implementation of these prescriptions in American politics would be miraculous should not stifle their enunciation. They facilitate seeing how narrow the liberal versus Right narrative is and, short of a miracle, they have the potential to shift the poles of the debate in a progressive direction.

# CONCLUSION

COI hyperreal representational practices provide governments across the world with an instrument of securitization that largely draws its efficiency from hegemonic ideological fantasy. It serves to formalize elements of knowledge rooted in our ideology (i.e. deception, starvation, irrationality, Holocaust-like violence). North Korea’s asymmetrically disadvantaged position as *objet a* (Chapter Four) makes appropriate both the COI itself and its unassailably positive reception in salient media. Specifically, it is a condition of possibility for the appropriateness of: extrapolation of defector narratives presented by the human rights field to the entire population of the DPRK (Chapter One), stretching the definition of CAH, hyperreal representational practices centered on untenable metaphors and a lack of comparative context (Chapter Two), and the dismissal of the balance of power and the DPRK perspective of history and geopolitical context (Chapter Three). The extraordinary-negative frame has real, and arguably quite violent, political consequences for North Koreans most of all (Chapter Five) – but also for the US/ROK to the extent that there is a risk of war or miscalculation about domestic support for intervention, huge defense budgets could be better spent elsewhere, and so on.

Allow the author to conclude with a final iteration of a crucial point. The DPRK has committed serious human rights violations and probably continues to do so – this has not been debated here. Speaking out in the strongest terms combined with material pressure may be appropriate where directed at large-scale human rights violations of countries we recognize as legitimate and who have no logical reason to interpret this criticism as part of a propaganda campaign that is laying groundwork for coercive actions aimed at regime change. This is especially true where the government in question relies upon strategic military and economic relationships with powerful countries to remain in power (i.e. apartheid South Africa, for one uncontroversial example). In the context of radically asymmetrical hostility with an enemy that we obliterated 65 years ago and refuse to normalize relations with, analogies to the Holocaust (and findings of *extermination* and other statements of irredeemability) amount to a perverse form of propaganda – the kind that justifies itself explicitly based on the aggregation of stories of extraordinary suffering that, to the significant degree that these stories are based in reality, is caused by the conditions that the propaganda is playing a role in perpetuating.

Normalization and investment can and should be accompanied by loud calls, without coercive implications, for the DPRK to improve its human rights record. The environment most likely to foster progress is a celebrated end to hostility that at least implicitly repudiates talk of prosecuting DPRK leaders and ROK land rights. This would be most effective if it were combined with a large influx of capital; investment of a small percentage of the over USD 3 billion spent on US forces in the ROK in 2012 may suffice (Whitlock 2013, this sum being a small percentage of the overall military appropriations justified at least in-part by North Korea). These conditions would make harsh and empirically-grounded human rights criticism very appropriate. In the current political constellation, however, the COI strategy of national humiliation, economic coercion and criminalization of the leadership is not only ineffectual to promoting human rights; it encourages identification with the fantasy elements of the status quo animositythat obfuscate the real Act. COI findings and recommendations are therefore counterproductive to both the welfare of North Koreans and East Asian peace in general.

In the absence of peace, critical voices should vigorously provoke those who benefit from and work to perpetuate the state of exception. Human rights advocates might then turn their indignant gaze inward, to our human rights violations and those of our allies, the propagation of which may lead to progressive outcomes for abject populations.

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1. Darusman said release of prisoners is only possible if the “cult leadership system is completely dismantled” and therefore “the Kim family is effectively displaced” (Talmadge 2015b). He explicated stated he was not advocating military force. Aidan Foster-Carter (2015), a DPRK expert and Darusman’s cousin, suggested he should resign his post for far overstepping his authority and the basic principles of the United Nations. [↑](#footnote-ref-1)
2. See Chapter Two, Section Two, for citations regarding the causes of the famine and comparisons regarding nutritional outcomes. [↑](#footnote-ref-2)
3. Denese Ann McArthur (2011) provides the most relevant empirical evidence. She claims her dissertation is the first systematic empirical attempt to account for the linkage between external threats and personal integrity violations of the threatened country. Her assessment of interstate disputes short of overt warfare, based on the ratio between strength and threat, found that national security threats have “a strong and consistently negative impact of levels of respect for personal integrity rights”, that “international threat is more salient to leaders than domestic risks” and that personal integrity violations generally improve when leaders feel their position is more secure (Ibid: 156-8). Martin Shaw (2007: 3) points to the close linkage between genocide and conventional war, and Reed M. Wood (2008) demonstrated the strong linkage between economic sanctions and human rights violations in the target country. [↑](#footnote-ref-3)
4. For stylistic reasons, subsequent references to the COI do not include the date of publication or the abbreviation for ‘para’ in front of the cited paragraph. [↑](#footnote-ref-4)
5. These claims are described in more detail in Chapter Three. [↑](#footnote-ref-5)
6. The writer uses ‘representational asymmetry’ as short-hand for the differential capacity to objectify the Other, where the ideological projections of one substantially constitute the other and the reverse is unthinkable due primarily to their radically differential legitimacy and salience (both closely related to the distribution of capital between them). [↑](#footnote-ref-6)
7. ‘Symbolic fictions’ are simply the normal assumptions that facilitate interactions in (here international) society. This is described in Chapter Four. [↑](#footnote-ref-7)
8. Marcus Noland may be considered a partial exception. Although his work with Stephen Haggard for HRNK argues DPRK food policies constitute CAH (Smith 2008), he has also participated in calls to economically engage the country as a manner of transforming it from within (Delury et al 2009). There is a fair amount of sympathy in American politics for encouraging markets inasmuch as this is seen as anathema to the survival of the Kim government. [↑](#footnote-ref-8)
9. According to the Government Offices of Sweden (2014), EU sanctions include any material or service that “could contribute” to nuclear and missile programmes, including dual use materials like aluminum. Vigorous inspections are mandated. “Most striking is a blanket prohibition on public financial support for the DPRK, including export credits, guarantees and insurance, ‘where such financial support could contribute’ to WMD or ballistic missile programs – which essentially means any money that flows to the government.” The sanctions also proscribe buying or selling natural resources, any joint ventures with EU banks, and any grants or concessional loans not connected to denuclearization, humanitarian or developmental concerns. [↑](#footnote-ref-9)
10. A quick *Google* search ‘how do porn stars look in real life?’ can demonstrate this. [↑](#footnote-ref-10)
11. The civilian population must be the “primary object of the attack” in the sense that the crimes are “of a collective nature and thus excludes single or isolated acts” and the political objective should be to weaken the community (McCormack 2008: 204). The number of victims, the “nature of the acts,” the expense involved and the participation of authorities should also be considered (Ibid). [↑](#footnote-ref-11)
12. Credibility concerns probably drove the decision not to find genocide. The decision not to find reasonable grounds of some extraordinary but poorly evidenced charges, such as medical and chemical/biological weapons experimentation on prisoners and disabled persons, also probably reflect credibility concerns – their seriousness would ensure wide dissemination across media, which might then lead to blowback as the lack of evidence for it is discovered. On less serious points, however, the Commission does find reasonable grounds based on similarly sketchy evidence, such as the claims of extreme surveillance and brutal executions. [↑](#footnote-ref-12)
13. Public testimonies by anonymous witnesses, designated ‘K’ and ‘P’ in the COI, are counted as public testimonies here because a transcript is provided, so basic demographic information can be discerned. [↑](#footnote-ref-13)
14. In one case, “Hamgyeong” is stated without specifying North or South. [↑](#footnote-ref-14)
15. The actual average year of defection of COI witnesses is probably earlier than 2002. Where no date of defection is mentioned, Google was used to survey news reports that mention their date of defection. If the date could not be ascertained from COI transcripts or Google, the earliest date given of an event in China or South Korea was utilized. One must also be conscious of whether a crossing was their final journey, as some defectors have crossed back and forth from China repeatedly. [↑](#footnote-ref-15)
16. Three defectors only visited the camp (1 to 3 times) and four were residents who lived close to the camp – these were excluded from these calculations. One of the visitations, however, was by a resident of another camp, so the witness is excluded from the visitation but included for her residency. [↑](#footnote-ref-16)
17. Testimonies were primarily derived from interviews, while a minority came entirely from newspaper articles and already-published memoirs. No previous place of residence is provided. [↑](#footnote-ref-17)
18. The average year in which the person’s tenure ended at the camp was approximately April 1991 (median 1990). The average duration of stay in any single political detention center by non-visitors and non-proximate residents is almost certainly well-below 7.4 years. Due to the limitations of the NKDB (2012) data, the average had to be calculated based on how many unique years the defector was at the facility. So if the defector’s tenure was from December 2006 – January 2007, this would count as two years. The 7.4 average ‘period of experience’ is therefore almost certainly an exaggeration.

It should also be noted that the same person is sometimes counted multiple times if they have experience at multiple political detention facilities. Ahn Myong-chol, for example, was counted four times (one of each facility he worked at) and, according to these calculations, spent 10 years in detention facilities – although his actual tenure (1987-94) was less than 7 years. Sometimes where the witness is listed multiple times, there is erroneous data that overlaps their different prison tenures (for example, witness A16, see Ibid: 90 and Ibid: 117-18). [↑](#footnote-ref-18)
19. First, in the early 1990s, satellite imagery was a key referent for legitimizing two polar opposite policy options that brought the region to the brink of war: the CIA, NSA, DIA, and Department of Energy concluded the DPRK had enough plutonium for one bomb, whereas the State Deparment saw this as a worst-case scenario based on the same imagery (Ch. 4). Second, in 1998, satellite imagery was cited as proof that the DPRK was violating the 1994 Agreed Framework. This jeopardized all progress made between 1994 and 1998, yet when the DPRK finally allowed inspections of the suspected facility, not even traces of nuclear material was found. Third, satellite imagery of a “primitive complex” in the early 2000s became a key justification for BMD in Asia. FAS criticism of the Department of Defense reading of the imagery led the latter to invoke their technical superiority to read the supposedly objective data (Ibid). [↑](#footnote-ref-19)
20. While the Commission acknowledges the release of Camp 18 prisoners as a reason for the decline of the political prisoner population, it is primarily attributed to “the extremely high rate of deaths in custody”, including “starv[ation], neglect, arduous forced labour, disease and executions”, as well as the lack of prisoner procreation, which is (it is presumed) outpacing the influx of new prisoners (COI: 740-42). [↑](#footnote-ref-20)
21. ‘Outside literature’ excludes witness testimony, submissions, citations of international human rights law, and DPRK texts. [↑](#footnote-ref-21)
22. NED officials make no secret of their views towards North Korea. Mark Palmer, co-founder of NED, refers to the “larger gulag which is North Korea” (cf. Hong 2014b); NED’s president Carl Gershman (2013) said in lecture, “North Korea itself is a prison house.” [↑](#footnote-ref-22)
23. One anonymous Japanese national stated he had to write fake praise for Kim Il Sung in all his letters home, and that all letters received were already opened. Another anonymous witness describes detailed reports made of all people who fraternize with the Kim family. All three claims are undated. [↑](#footnote-ref-23)
24. The Commission uses a single footnote that aggregates all six cases and the five anonymous “eyewitnesses” together. [↑](#footnote-ref-24)
25. Open hostility towards the government and reverence towards its founding institutions often coexist. The Vietnamese middle class, especially in Ho Chi Minh City (Saigon), are often openly hostile towards the elite and police, yet show genuine reverence to “Uncle Ho” and his revolution. Many Americans revere the founding fathers and the Constitution and also despise the police and government. [↑](#footnote-ref-25)
26. Shim quotes one refugee who provides a narrative that would seem totally out of place in the COI report: “It’s strange: we all miss North Korea” because in the DPRK, unlike in South Korea, “your neighbour’s house is like your own” (Ibid). [↑](#footnote-ref-26)
27. This figure is calculated based on 45,500 political prisoners by my low estimate and 120,000 by the estimate of between 47 and 500 abductees who meet a strict definition of enforced disappearance. These are justified in Chapter Two. [↑](#footnote-ref-27)
28. For example, Lankov (2013f: 262) writes that Soviet listeners of Voice of America broadcasts knew full well that they were the targets or propaganda, and citizens frequently “said that both foreign broadcasts and the Soviet media were biased and surely filled with lies […]”. Slavoj Žižek has suggested that DPRK propaganda is taken at a distance. He gives the example of a man who screams a long patriotic diatribe with a grenade in his mouth during battle and suggests North Koreans obviously do not really believe this (Žižek 2005b). He supplements this by pointing out that aborigines did not really believe they descended from an eagle – that this was not intended to be taken literally (Ibid). As he put it in a lecture, “If there is an idiot that believes, it is ourselves, not the others” (Žižek 2013). If the working assumption is that North Koreans are so extraordinarily indoctrinated that they normally experience their ideology as a fundamentalist belief, the burden of proof should be on those making this claim. A handful of defectors who characterize their indoctrination as ‘brainwashing’ is not enough where there are contrasting narratives available and with the heavy influence of the incentives generated by the human rights field. [↑](#footnote-ref-28)
29. Many Westerners have remaked upon the genuine affinity North Koreans have for their leaders. CIA analyst Louise Hunter (1999: 239) stated that the cult of worship “was apparently genuine to an amazing degree.” Even Nicholas Kristof (1996) notes that many defectors who emphasize the horrors of the DPRK also “suggest that ordinary North Koreans have faith in their leaders.” [↑](#footnote-ref-29)
30. Woodward (2007: 32) point out that NYT is “unmatched in its depth of general news coverage and probably the most influential newspaper in the world.” [↑](#footnote-ref-30)
31. There are exceptions to this general tendency, primarily shows like Jon Stewart’s *The Daily Show* and the other shows it inspired (such as *The Colbert Report* and *Last Week Tonight*). These have significant reach. But, as suggested in Chapter Four, comedic news entertainment tends to stay well-within the established parameters on North Korea, typically ridiculing the leadership and rarely if ever (to this author’s knowledge) challenging their ‘brutality’ or providing positive contextual knowledge. [↑](#footnote-ref-31)
32. As Christian organizations have become linked to human smuggling from the DPRK into China and through Southeast Asia, and often evangelize refugees upon their arrival at South Korea’s *Hanawon* (“resettlement”) centers, refugees are often heavily proselytized by the time they are released into South Korean society (Han 2013: 556-7). [↑](#footnote-ref-32)
33. The need for war is thinly veiled throughout his sermon, especially in this passage: “What the world flees from, we will turn into by faith. Because the whole world’s goal is to maintain their self-preservation, whereas our goal is the opposite: we are seeking the fulfillment of the Great Commission.” [↑](#footnote-ref-33)
34. The footnote also mentions that people in the Gulag could periodically contact relatives, whereas DPRK inmates are held incognito. [↑](#footnote-ref-34)
35. The COI claims that NKDB (2012) “*re-construed* the reasons for the incarceration of 832 politicial prison camp inmates.” NKDB claims this data comes from analysis of their archive as of July 2011, although their methodology is never explicitly stated. The fact that there are 1,101 former prisoners represented in the survey, yet only a few dozen refugees with experience in the camps (27 former prisoners in the NKDB interviews and a few former guards), strongly suggests that a few dozen people account for the reports of all 1,101 prisoners. NKDB attributes the statistics to analysis of the 31,594 (NKDB 2011: 129) individual violations of all types contained in their database. [↑](#footnote-ref-35)
36. These crimes “are on-going, evidenced by an amnesty that Kim Jong-un reportedly decreed in April 2012 for more than 600 officials who were undergoing such punishment” (COI: 364, 367). The actual article describes the banishment of an unknown number of former officials to “local agencies, public enterprises, mines, coal mines [sic] or rural communities” (Ibid), presumably with their families, 600 of whom were then reportedly allowed to return to Pyongyang following the pardon (GoodFriends 2012). [↑](#footnote-ref-36)
37. There are several testimonies tenuously related to the guilt-by-association policy of family incarceration included as evidence for it. Paragraph 745 describes secret executions (NKDB 2012: 476-8; NHRCK 2012: 62-3) and torture (NHRCK 2012: 68) due to a “political incident” in 1997. The Commission describes this as an incident where one security bureaucracy sought “to identify officials who had concealed politically sensitive aspects of their family history” that “was also strategically used to purge the old guard” (COI: 745). Both the NKDB and NHRCK reports, however, characterize this as a power struggle and purge of the old guard and there is no discussion of their family members being incarcerated. There are also a set of three witnesses that describe imprisonment for contact with ROK citizens or officials, or Christian belief, but they do not report family punishments (COI: 751). [↑](#footnote-ref-37)
38. A witness testifies their family was sent to Camp 15 due to the witness’s defection in 2007. A second witness testifies about a group of 90 smugglers and their family members who were sent to prison camp in 2012 (COI: 735). A Daily NK article is also cited, which is based on a single anonymous source’s reporting in 2013, stating that that “hundreds of people” were taken away in response to Jang Song-thaek’s downfall, including his extended family (COI: 735). Two testimonies of family reprisals are given in other sections. A witness tells of a college professor and his family who were sent to political prison in 2005 for having “told colleagues that Kim Jong-il had been born in Russia” (COI: 749). Kim Eun-chol’s testifies that he “understands” his brother was recently executed and his sister subsequently killed herself due to his current advocacy (COI: 732). It is clear he is saying this took place after 2005. [↑](#footnote-ref-38)
39. Three anonymous and undated testimonies justify the assertion that guilt-by-association has “resulted in the deaths of family members” (COI: 877). These are presumably from the 1970s or earlier, given two of three were related to POW escape attempts. [↑](#footnote-ref-39)
40. This student cannot say with certainty that there is no Korean-language critical work on detention centers. This is unlikely, however, due to the *National Security Law* in South Korea. It is also unlikely that this would not have been referenced in any of the few extant critical English language texts. [↑](#footnote-ref-40)
41. The COI erroneously states “130,000” as the upper bound of the HRNK report. [↑](#footnote-ref-41)
42. The Commission is skeptical they were distributed to other camps because of a lack of construction of the necessary scale and because of allocations food was diverted, “which caused a large number of the inmates to starve to death” (COI: 738). [↑](#footnote-ref-42)
43. The DPRK grants amnesties on occasion to favored prisoners whose crimes are deemed less serious. This is how Kang Chol-hwan (2001) was released. [↑](#footnote-ref-43)
44. Kim Yong has also claimed he spent about a year in Camp 14 between 1993-4 before moving to another prison. However, Shin’s much more detailed and lengthy account of Camp 14 that overlaps with Kim’s tenure has contradicted his testimony. Shin claims no knowledge of the mine Kim vividly describes working at, nor of the road construction he reported there (NKDB 2012: 47-8). The language of the NKDB report clearly implies who they believe and who they do not; Shin’s testimony is written as fact, whereas Kim “alleges”. The revelations described below suggest Kim Yong’s less extraordinary-negative narrative may have been more reliable all along. [↑](#footnote-ref-44)
45. Unfortunately I cannot read the book myself. Even if I could, it is long out-of-print and difficult to find. The most exceptional stories of the book have been reproduced in English in several texts, however, so elements of the book are analyzed below. [↑](#footnote-ref-45)
46. This NKDB data is highly unreliable as already demonstrated. Even with its severe limitations, it does, inarguably, strongly contradict Ahn’s testimony. Only just under 24.4 percent of these respondents were classified as having “unknown” reason for incarceration. The actual number of “unknown” is almost certainly lower, however, as it appears that any respondent who did not recall the reason for incarceration of the particular inmate they are describing was classified as “unknown” (NKDB 2012: 128). [↑](#footnote-ref-46)
47. Kwon Hyok, a former SSA officer, is the other defector. He was there from 1987-90, though he was not included as a public testimony for the COI. There is no anonymous former SSA officer that is referenced as a witness to Camp 22. [↑](#footnote-ref-47)
48. This statement was made by Darusman in the video of the testimony, but was not reproduced in the transcript. [↑](#footnote-ref-48)
49. An interesting theme of Shin’s public *Facebook* postings is a desire to return to his “home town,” as he refers to his former political detention center in nostalgic context. This return would presumably be in a post-revolution or post-unification context given his consistent use of Christian moralist language (‘evil,’ ‘devil’, etc.) to describe the DPRK leadership, consistent with his largely Christian-American Facebook supporters. [↑](#footnote-ref-49)
50. Assuming both the 80,000 to 120,000 COI statistic and the rate of killing of 2,000 – 3,000 per hour at Auschwitz-Birkenau are accurate ([PBS 2004](http://www.pbs.org/auschwitz/40-45/killing/)). [↑](#footnote-ref-50)
51. Žižek has stated that there was emancipatory potential even in the darkest days of Stalinism. In fact, there was a certain communist solidarity even in the Soviet Gulag, whereas the Nazis reduced their victims to “apathetic vegetative existence of a living death through physical terror” (Žižek cf. Wood 2012: 189). Forcing Jews to confess would be redundant; it was their biological constitution that made them guilty (Ibid). [↑](#footnote-ref-51)
52. Because the testimony was given via private tele-conference, it is not knowable if she changed her story or if the COI reworded it because they believed the incident occurred but was an isolated incident. [↑](#footnote-ref-52)
53. Ahn’s testimony is supported by a public testimony stating that women feared the nightshift in the facilities because they may be raped on their way to or from work and an anonyous former guard who states that “a very senior official who regularly visited the camp” would sexually abuse women and then have them killed. [↑](#footnote-ref-53)
54. Techniques to search body cavities for hidden items or money “can be so degrading that they amount to sexual violence of a gravity that may constitute crimes against humanity” (COI: 1106). The “unjustified coercive invasion of the genital opening” involved in cavity searches of repatriated migrants is rape under international law (COI: 1107). [↑](#footnote-ref-54)
55. The *Wikipedia* page “Racism in South Korea” compiles 25 sources (mostly news articles) that describe the severe educational, employment, business and marital discrimination faced by biracial Koreans that has drawn rebuke from both the UN Committee on the Elimination of Racial Discrimination and the US Department of Education. [↑](#footnote-ref-55)
56. It is often noted in the literature that the DPRK colloquial word for American is ‘bastard.’ What is very rarely noted is that they use the same word for Chinese people. [↑](#footnote-ref-56)
57. The memoir and the NGO report are not available to the public in English, although the Commission apparently had English copies. Another four witnesses describe executions in ordinary detention facilities (COI: 808). [↑](#footnote-ref-57)
58. A drawing of piles of corpses underneath large boulders with their appendages hanging out is included, through no explanation is given for why these prisoners were crushed rather than buried, nor why the guards were hauling boulders rather than the prisoners, nor the logic of using giant boulders to build a ‘bulletproof wall’ around their headquarters (IGHRV 2004: 147-8). [↑](#footnote-ref-58)
59. Ji Seong-ho testifies that his father was beaten to death and left at his doorstep. The remaining testimonies are anonymous: a 17 year old boy “so badly tortured” that he eventually died of a brain hemorrhage after being released due to a large bribe. Another describes being beaten and digging shallow mass graves in 2001. A third anonymous witness describes receiving no assistance during a complicated pregnancy and having witnessed deaths by starvation and water-borne diseases. The final anonymous witness describes “an elderly woman” whose torture and starvation led to her death. [↑](#footnote-ref-59)
60. Ahn Myong-chol recalls an officer being rewarded for using “a blowtorch to bludgeon a sick prisoner to death.” Kang Chol-hwan describes a “sweatbox” that forces the victim into a position that cuts off circulation and can be fatal if left long enough (COI: 760). [↑](#footnote-ref-60)
61. Kim Young-soon’s describes how her family received only corn and salt in the 1970s, her father starved to death and the family hunted snakes and rodents to secure their children’s survival. Kang Chol-hwan testified that he buried more than 300 starvation-related deaths. He also states food rations for any given month lasted no more than half a month. Shin Dong-hyuk testified that he was always hungry during his detention and lived on 400 grams of food a day, supplemented by grass and mice. Kim Hye-sook’s family received inadequate rations before the famine and then food rations became restricted to adults engaged in full time labour during the famine, leading to the death of her mother and grandmother. Jeong Kwang-il and Kim Eun-chol claimed they were only given 120 grams of porridge three times a day. [↑](#footnote-ref-61)
62. Solitary confinement, especially in its most restrictive forms, arguably violates the *UN Body of Principles for the Protection of All Persons* under *Any Form of Detention or Imprisonment*, which includes torture in the form of “the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.” The UN Human Rights Committee concluded in 1992 that “prolonged solitary confinement” may amount to torture (PHR 2013: 1). Moreover, two Special Rapporteurs on Torture and Degrading Treatment or Punishment have found it may amount to torture in some circumstances (Ibid: 2) [↑](#footnote-ref-62)
63. The Commission attributes this statistic to the Center for Arms Control and Non-Proliferation (COI: 641), but the Center actually declined to give an estimate of military spending in the DPRK due to lack of information, instead listing the US State Department estimate of “up to a quarter”. [↑](#footnote-ref-63)
64. According to Haggard and Noland, there was “always sufficient cereal to feed the entire population” and the WFP and FAO “consistently overestimated the basic cereal requirements of the North Korean population” (Smith 2008: 197). In short, “if cereal had been distributed equally, no one would have starved” (Ibid). Moreover, if the DPRK government had maintained commercial imports” and not squandered them on “non-essential uses […] then the famine would not have happened” (Smith 2008: 201). [↑](#footnote-ref-64)
65. Yoon contributed to the “execution by mortar” story in many news outlets and has made headlines announcing that South Korean culture is now so prevalent in the DPRK that children are alienated if they do not watch South Korean dramas. [↑](#footnote-ref-65)
66. South Korea’s list of luxury items is unclear as to whether lower-end televisions are included and paradoxical regarding television transmitter products: “Electronic goods (transmitter products for radio or televisions, […] monitors, projectors and related products excluding television transmitter products.)” [↑](#footnote-ref-66)
67. The estimate of 2.1 million is extrapolated from 440 interviews of North Koreans in China, almost all from North Hamgyong province, between July-September 1998, which was compared to the 1993 census (Robinson et al 1999). [↑](#footnote-ref-67)
68. These come from three anonymous witnesses and a KINU article that cites two anonymous defectors who may or may not be the same people (COI: 528). [↑](#footnote-ref-68)
69. (1) The *Amnesty International* (2010) article is based on a single interview with a refugee who left the DPRK in 2001 and is describing his experiences during the 1990s famine. (2) The *World Socialist Web Site* article, based on the 2011 AlterNet report above, raises alarm about possible impending famine. But it places responsibility on the West to address aid shortfalls given rising staple foods prices and how sanctions have limited the DPRK’s ability to import food, concluding: “The US and its allies are using food as a means to effectively starve North Korea into submission” (Morrow 2011) (3) The *Telegraph* presents interviews with four anonymous DPRK refugees in China who describe “dramatically worsening living conditions in the secretive Stalinist state” (Foster 2011). (4) The NPR report notes WFP’s positive assessments but, based on interviews with five anonymous refugees in China, determines that “life is actually harder for most ordinary folks” (Lim 2012). (5) The *US News Weekly* article, by Andrew Natsios (2012, a COI witness), anticipates the release of a 2012 WFP report that will warn that draught “will drive the country, always on the edge of starvation, even deeper into nutritional disaster”. The upcoming report he is referencing, once released, directly contradicted his article by estimating an “increase [in staple food production] for the second consecutive year, reflecting improved yields, by about 10 percent” since 2011-12 (UNWFP 2012: 4). Government policies and good weather are given credit for mitigating the consequences of the draught that led Natsios to wrongly predict devastation (Ibid). (6) *The Washington Post* writes about the sensational reports of cannibalism by Asiapress ([1] above) with a strong degree of skepticism, characterizing “micro-famines” as “possible, at least plausible” or possibly “rumors” or “folklore” (Fisher 2013). (7) *CNN* cites a series of anecdotes and a combined UNICEF/WFP/WHO report which states that “More than 25 percent of children under the age of five suffer from malnutrition” (Inocencio 2013). [↑](#footnote-ref-69)
70. One well-known example if politically-induced famine, Amartya Sen (1981), argues that the 1943 Bengal famine was a result of the disparity between worker’s wages and rising food prices caused by an economic boom in the context of the war. The problem was distribution; food production actually increased over previous years during the famine period, but the poor could not afford it. [↑](#footnote-ref-70)
71. It is well-known many DPRK citizens with relatives in Japan live privileged lifestyles in the DPRK because of the remittances they receive. Those driving cars in Pyongyang who are not officials usually have relatives in Japan. On the other hand, they apparently also face discrimination in DPRK society, partly because of their relative wealth. [↑](#footnote-ref-71)
72. As Hyung (2006) illustrates: the top-level meeting of May 22 2004 between Japanese and DPRK leaders drew 32 hours of news coverage on that day due to interest in the abductions issue, whereas 9/11 received 9 hours on September 11th 2001. [↑](#footnote-ref-72)
73. The Commission finds that abductions provide special justification for intervention in DPRK affairs: “responsibility of the international community is further warranted” because of the DPRK’s CAH “impact many persons from other states, who were systematically abducted and who continue to suffer enforced disappearance” along with their suffering families back home (COI: 1205). [↑](#footnote-ref-73)
74. The particular historical circumstances include Confuscian social structures, Japanese colonialism, the division of the Korean peninsula, the annihilation of the Korean War and the “impact of the Cold War” (COI: 85). [↑](#footnote-ref-74)
75. At least two former top Israeli intelligence officials have recognized the normative cost of the occupation (*The Gatekeepers* 2013). In the 1960s and early 1970s, the DPRK was considered a model of independent anti-colonial socialist development and a leading voice in the Non-Aligned Movement (Armstrong 2013). [↑](#footnote-ref-75)
76. I mean ‘legitimate’ in the sense that no respectable American voice questions the Israeli state’s basic right to exist in some geographical form. [↑](#footnote-ref-76)
77. (1) The acknowledgement that Pyongyang appears more prosperous recently (COI: 155) is followed by reports of a clampdown on borders, coercion against refugees, and new restrictions on elite education abroad (COI: 156). (2) The more frequent appearance of disabled people in Pyongyang (COI: 326) is followed by reports of infanticide, forced sterilization, segregation and reports of medical experiments against disabled persons (COI: 327-8). (3) Where the Commission notes the “DPRK’s commitment to universal provision of education”, it claims “access in hindered for some by systemic discrimination” and the corruption of teachers (COI: 339). (4) Acknowledgement that hospitals may be accessed for free is followed by “medical equipment and medication are not available” unless the patient can pay for it (COI: 344), the doubling of mortality rates during the famine and the 2010 maternal mortality rate, without contextualization (COI: 345). (5) The recently increasing access for humanitarian organizations to previously restricted counties, better monitoring, and the addition of Korean speakers is noted with the conclusion that organizations “still face unacceptable constraints impeding their access to the populations in dire need” (COI: 636). (6) The 2005 addition of due process against criminals is described as “a positive legal development” (COI: 702) but is followed by assertions this principle is violated in cases of even “minor political wrongs” (COI: 703). (7) Major agricultural reforms in 2012, including a new incentive system for farmers that allocates 30 percent of their output to them, are dismissed because implementation is unverifiable (COI: 600). (8) It is mentioned that “only” about “38.9 per cent of state expenditure is spent” to support policies that “could positively impact economic, social and cultural rights” (COI: 650). (9) A reported order for leniency towards border crossers issued by Kim Jong Il “was only in force for a few months” and did not end forced repatriation, arrest and punishment (COI: 617). (10) Kim Il-sung’s conviction that “women were completely on equality footing with men” failed to “affect their status in post-liberation society” (COI: 303). [↑](#footnote-ref-77)
78. “The military intervention of the US in Korea was, in essence, unilateral, with international legitimation after the fact” (Chilton 1993: 223). Or as Beal (2005: 51) put it, “What was ostensibly the UNC as essentially the US by another name.” The COI does note that Seoul fell in three days and that by November 1950, 90 per cent of the peninsula was held by the DPRK (COI: 102, 104). [↑](#footnote-ref-78)
79. DPRK-R re-iterates long-standing allegations that bomb canisters full of insects infected with all sorts of diseases, including small pox, were dropped on the DPRK during the Korean War. While dismissed by most historians, Endicott and Hagerman (1998), make a strong case that this may have taken place in 1952, but was quite limited and then curtailed the next year, likely because it was ineffective (Ibid: 106). [↑](#footnote-ref-79)
80. It is the first two links in a search for ‘Korean War documentary’ on *YouTube* with a combined 2.5 million views (the third documentary has 27,000 views and fourth 11,000). It has repeatedly aired on *The History Channel* and *The Discovery Channel*. [↑](#footnote-ref-80)
81. The other sources are described in Chapter Four. Some examples of criticism of other bombing campaigns include: Hillary Clinton’s (2005: Ch. 3) recognition of the horrible legacy of US bombing in Vietnam, Cambodia and Laos; Rachel Maddow’s (2013) over 30 references to the Vietnam War and, in Chapter One, description of the consequences of bombing; Gibbs and Duffy’s (2012: Ch. 11) detailed discussion of the debates surrounding the ethics of bombing in Vietnam; and Michael Moore’s (2001) references to bombing in Panama, Japan, Kosovo, Iraq, Cambodia, Vietnam, Sudan, Afghanistan, and Yugoslavia (as well as the 1987 DPRK bombing of an ROK airliner). [↑](#footnote-ref-81)
82. I mean this relative to the number of Korean victims of human rights violations under Japanese colonialism from 1905-1945. [↑](#footnote-ref-82)
83. As Lankov (2013e) put it, the role of the guerrillas they trained in the DPRK imaginary is akin the Waffen SS in the Western imaginary, the “embodiment of evil.” Cumings describes the unit as “possibly the most hated group of people in the North, except for out-and-out spies and traitors from their own side” (Gallagher 2013). [↑](#footnote-ref-83)
84. It is noteworthy that the Commission refers to the lack of “a comprehensive peace treaty” in the history section (COI: 106), yet refrains from calling for a “peace treaty” in its recommendations. [↑](#footnote-ref-84)
85. As Christine Hong (2014b) has pointed out: “It is hard to avoid the conclusion that subtending the push for ‘human rights’ in North Korea is less concern for the actual people of North Korea than an external desire to open it, in lieu of the North Korean government, for investment.” [↑](#footnote-ref-85)
86. This is clear to anyone who takes a tour of the DPRK. DPRK museums and lectures by tour guides consistently emphasize Japanese atrocities more than American ones. [↑](#footnote-ref-86)
87. Andrei Lankov ([2013b](http://www.youtube.com/watch?v=_39yJ5D5Cn0)) argues the DPRK elite will likely fight in a mass revolution context, which would probably be “a very violent affair” – “the difference between North Korea and revolutionary Egypt is that Egyptian commanders knew that they would still get their promotion no matter who was in power, whereas pretty much everybody who is somebody [in the DPRK] believes that if the regime collapses, they will lose everything.” [↑](#footnote-ref-87)
88. The article notes the DPRK calls exercises “rehearsals for invasion” (Choe 2013c), but military exercises are not presented as a core reason for the DPRK statement. [↑](#footnote-ref-88)
89. Panetta’s (2014) memoirs stated that the U.S. would use nuclear weapons to defend South Korea “if necessary.” As Tim Beal (2014) put it, “So it appears that the North Koreans were right after all.” [↑](#footnote-ref-89)
90. Japanese, ROK, E.U., Canadian, and Australian sanctions lists are all similar, though a little less broad than the American one (UNSCR 2013). [↑](#footnote-ref-90)
91. Apparently this department does not publish phone numbers or provide them even to frequent callers. Representatives will often only provide a first name to callers. [↑](#footnote-ref-91)
92. Funabashi (2007: 379) labeled Cha’s role in 2005 negotiations as “enforcer”, tasked with keeping the US negotiating position in-line with Washington’s instructions. [↑](#footnote-ref-92)
93. As Pritchard (2007: 103) put it, “For North Korea, a security guarantee without a US commitment to normalizing relations would have been meaningless.” [↑](#footnote-ref-93)
94. Tim Beal (2011: 186) notes how a June 2010 survey found only 15.5 percent of ROK youth would willingly fight even a *defensive* war. [↑](#footnote-ref-94)
95. This common frame of DPRK soldiers as hardened soldiers should be contrasted with the fact that “there are few countries with less war-fighting experience over the last half-century than North Korea” (Beal 2005: 199). [↑](#footnote-ref-95)
96. This kind of ‘pause for dramatic effect’ indicates the presence of *objet petit a* in the form of protraction (Žižek 2012a: 479), described in Chapter Five. [↑](#footnote-ref-96)
97. The notion the DPRK might transfer nuclear weapons to a terrorist organization relies upon irrationality. DPRK officials stated unequivocally in May 2004 they would “never” transfer nuclear to al-Qaeda or anyone else (Funabashi 2007: 335-6). As Cumings (2003: 94) put it, the leadership “know as well as anyone that the sale of a bomb or fissile material to others would sooner or later be traced back to Pyongyang, and if that fissile material had been used to attack Americans, the DPRK would be destroyed.” In a private email, American nuclear inspector Sigfried Hecker confirmed that a plutonium-based attack could be traced back to the DPRK and he has personally reminded DPRK officials of this. [↑](#footnote-ref-97)
98. Dennis Roy (2009: 116) makes a similar point: the irrationality assumption is “not only unjustified, it helps North Korea punch above its weight.” The problem with the boxing metaphor is its implication that the two adversaries are somehow comparable. [↑](#footnote-ref-98)
99. Sources here include the date to facilitate following the chronology. [↑](#footnote-ref-99)
100. The other major justification is drug trafficking. North Korea is the only country of over 100 in the *CIA World Factbook* (2015) section on drug trafficking where individual drug siezures (one in 2003 and one in 2004) are listed as examples. This is suggestive of the weakness of the evidence of large-scale DPRK drug exporting and the insignificance of DPRK narcotics exports on a global scale. In fact, Hazel Smith (2009) notes the “extremely fragmented” ownership of the DPRK shipping industry, lack of regulation, and poor pay for crews, together suggesting smuggling “would not be surprising” by individual criminals. Sheena Chestnut Greitens (2013) of HRNK writes that there have been no known incidents of drug trafficking by DPRK officials since 2001. [↑](#footnote-ref-100)
101. It should be noted that Di Stefano’s credibility is questionable as he is currently serving a prison sentence for misrepresenting himself as a legal expert, fraud and money laundering. The website where he typically publishes his editorials contains many conspiracy theories. [↑](#footnote-ref-101)
102. For example, several aid agencies have said the financial stranglehold (which has varied in severity since 2005 and led the Bank of China to cut all ties to the DPRK in 2013), has endangered their operations; some agencies have had to resort to bringing in cash by hand (AP 4/30/2013). [↑](#footnote-ref-102)
103. Among many others news outlets. There is a lag on release of most cable news transcripts. [↑](#footnote-ref-103)
104. ‘Liberal ideology’ is meant in its dualistic contemporary sense. Žižek (2010a: 124) writes that, “Today, the meaning of “liberalism” moves between two opposed poles: economic liberalism (free market individualism, opposition to strong state regulation, etc.) and political liberalism (with an accent on equality, social solidarity, permissiveness, etc.). In the US, Republicans are more liberal in the first sense and Democrats in the second.” [↑](#footnote-ref-104)
105. One little-known fact is that the 1953 armistice of the Korean War was signed by the US, the DPRK and China; the ROK refused to sign and is not a legal party to the armistice. A real peace treaty arguably only requires US, DPRK and Chinese signatures. [↑](#footnote-ref-105)
106. Wood (2012) is not wrong in making this claim and the reader is encouraged to consult her book, *Žižek: A Reader’s Guide*, for readable interpretations of Žižek’s often difficult and sometimes counterintuitive concepts. [↑](#footnote-ref-106)
107. It is important not to confuse this with the Nietzschean ‘real beyond appearances’, the ugly reality masked by symbolism. The Žižekian Real *is the gap itself* that forever precludes the completeness of reality, not what is beneath illusions. The gap between rich/poor and masculine/feminine are insurmountable universal sites of struggle. [↑](#footnote-ref-107)
108. There is no contradiction in Žižek’s philosophy between calling North Korea both *objet a* of American ideology in general and locating *objet a* as the abject remainder of the signifier itself (the ‘ordinary North Korean’). ‘The Jew’ is *objet a* of anti-Semitic ideology and the subjectivity of the real Jewish person can also be understood as *objet a*. [↑](#footnote-ref-108)
109. Joshua Stanton, who was a major lobbyist for the COI, and Sung-Yoon Lee of *Tufts*, both hold that the DPRK is “sustained by hate” and the world must accept “Pyongyang’s hate at face value” in order to present the truth of the country (Stanton and Lee 2014b). This is the argument that must be rejected to make progress on DPRK human rights. [↑](#footnote-ref-109)
110. The point is not to reject the elements that critics would quickly evoke as a defense of Western freedom: the basic rights that I enjoy as a Canadian, that people in the DPRK do not, that make this dissertation possible. The basic human rights of liberalism that favour the disadvantaged should be upheld as making possible the appeal to universality as such and as the product of historical political struggle. The point is the critical analyst’s radical repudiation of this ideological signifier ‘freedom’ (or human rights) insofar as it structurally depends upon identification of not-freedom and serves to obscure gender and class antagonisms, i.e., as evidence women are already equal in society or racism is over, or freedom as justification for war, unlimited capital accumulation and use of that capital to influence politics as ‘freedom of speech.’ Simply put, ‘freedom’ must be de-naturalized. [↑](#footnote-ref-110)
111. Again to avoid confusion: *objet a* can be variously referred to as Real and Imaginary. It is Real in the sense of being a universal surplus that ‘divides’ the subject. It is Imaginary in the sense that any particular projection of it does not really exist. For example, *objet a* as the enigma of the desire of the Other is Real, whereas *objet a* as providing an answer to this enigma is purely fantasmatic. Thus ‘the Jew’ as *objet a* of anti-Semitism is both Imaginary fantasy that co-constitutes the ‘Jew’ but has no *a priori* relation to his empirical reality, and the Real of the anti-Semite himself. [↑](#footnote-ref-111)
112. This is part of the reason why Žižek argues rightist populism and liberal tolerance are two sides of the same coin: we are only tolerant of the Other that fits our fantasy framework (Wood 2012: 149) and we enjoy our intolerance of the Other that does not. [↑](#footnote-ref-112)
113. To clarify, the Žižekian criticism of constructivism is that it operates exclusively in the Symbolic register insofar as it is entirely focused on intersubjective communication. ‘Social construction’ can account for fantasy as a social practice or intersubjective knowledge, but it is ill-equipped for dealing with fantasy as Real, as a source of *jouissance* that drives the subject. Constructivism tends to reduce things to ‘norms,’ ‘rules’ or ‘language games.’ On the other hand, it also misses the irreducible and asymmetrical class and gender antagonism. [↑](#footnote-ref-113)
114. As Woods (2012: 182) points out, Žižek attributes “the common but misguided phantasmatic image of communism and fascism as equal and opposite extremes of totalitarianism which exist on the same spectrum” to the Left’s concession that liberal capitalism is here to stay. [↑](#footnote-ref-114)
115. One purported former bodyguard to Kim Jong-il told Time Magazine, “Kim refused to eat, drink or smoke anything from abroad, except for French wine” (Beal 2011: 173). [↑](#footnote-ref-115)
116. Sandra Fahy (2013: 77) also points out the contradiction here, concluding that, “Such perspectives assume the North Korean thought-life is at root pathological and devoid of common sense.” [↑](#footnote-ref-116)
117. The literature on public opinion is summarized well by Craig Parsons (2007: 157-59). [↑](#footnote-ref-117)
118. This line was on page A1 of NYT print edition but was later deleted from the online version without mention of the edit. The original version can be found at *newsdiffs.org*, which tracks such undocumented post-publication changes. [↑](#footnote-ref-118)
119. The author has taken the DPRK subway more than 5 stops and can say with certainty that this rumor is false (see also Shearlaw 2014). [↑](#footnote-ref-119)
120. The two books that deal with North Korea directly: Shin Dong-hyuk (2013) and Barbara Demick’s (2009), are described in Chapter One and Two. The two historical books: Gibbs and Duffy (2012) mostly resist ideological signifiers (other than “Hermit Kingdom”) and provide the typical American history of the Korean War, to their credit noting that the use of nuclear weapons was seriously considered (Ch. 3, 9). They then provide a factual account of the role of ex-presidents in 1994 and 2009 negotiations in 1994 (Ch. 21, 23); Sontag and Drew’s (2011) book on naval espionage makes a few references to the 1968 capture of the *USS Pueblo*, without characterization of the DPRK.

The two irrelevant books: Former President Jimmy Carter’s (2006) memoir appears in the sample, but North Korea is only described as a successful peace initiative of his foundation in one sentence (Ibid: 249); Al Franken’s (2003: 165) only statement on North Korea refers to its threat to turn Seoul into “a Sea of Fire.” [↑](#footnote-ref-120)
121. The possibility that politically-charged books would be more controversial and therefore get more reviews must be acknowledged. Based on reading the reviews, however, very few criticize the books on ideological terms. People typically do not read these kinds of books unless they are favourably disposed to them in the first place. [↑](#footnote-ref-121)
122. Even assuming a uranium program constitutes a ‘core violation,’ *and* that Kelly’s assertion on the ambiguous and officially denied DPRK negotiator quip about having a secret uranium program in 2002 was accurate, *and* this quip corresponded to reality, the DPRK certainly never claimed to have it since 1994. [↑](#footnote-ref-122)
123. Gutfeld is a Fox News pundit and describes himself as an atheist-agnostic libertarian. [↑](#footnote-ref-123)
124. To be clear: this popular anti-Moore book is also one of the 26 books in the sample. [↑](#footnote-ref-124)
125. On April 25 2014, Mathew Miller arrived in North Korea, ripped up his American passport and demanded asylum. He was arrested by the DPRK for disorderly behavior. Western news media framed him as a disturbed young man. He later admitted to North Korean authorities that his intention was to be sent to a political prison camp so he could later emerge to document the abuses that take place there (Thayer 2014). [↑](#footnote-ref-125)
126. Note Carlin’s use of a very similar metaphor for the hyperreal as ‘saturation’ of normal assumptions. He concludes his response emphasizing that he really does not have an answer to this problem: “so, enjoy the sun! That’s all I can say” (Carlin 2011). [↑](#footnote-ref-126)
127. One might consider whether a loyalist North Korean would be able to locate the ‘profound stuff’ in reading the literature of American founding fathers. This is again a function of the M-S: we assume propaganda and thereby find only masquarade, rather than recognizing that all political ideologies are inherently masquarades. [↑](#footnote-ref-127)
128. A good example is Hassig and Oh (2009: 171): “Americans value efficiency, hard work, freedom of choice, individualism, a judicious degree of conformity to social norms, and the rights of minorities. All cultures share these American values [...] [Ordinary] North Koreans subscribe to most of these values as well, although they place more weight on social conformity and less on individualism than do most modern societies.” [↑](#footnote-ref-128)
129. Pritchard (2007: 71) writes “the intensity with which Bush categorized Kim as evil prevented development of an objective policy […]” [↑](#footnote-ref-129)
130. For example, a search for “evil” and “North Korea” of all 33 *Proquest* databases produces around 1600 results, of which only 32 were written before 2002, and many of these were references to Reagan’s ‘evil empire.’ [↑](#footnote-ref-130)
131. As Oh and Hassig wrote of family punishments of defectors, it has been “extremely effective in deterring all but the most brave, selfish or reckless individuals from going against the Kim regime” (cf. Byman and Lind 2010: 58). [↑](#footnote-ref-131)
132. The DPRK achieved a stunning 45 percent growth rate in 1957 and its development was hailed a “Korean miracle” by a British Keynesian economist in 1964 (Kwan and Chung 2012: 151). [↑](#footnote-ref-132)
133. While there is no torture, the same basic narrative is arguably present in *The Interview*, with two Americans tasked with assassinating Kim Jong-un more-or-less trapped in the country and under constant threat of discovery, the subtext of which is obvious. The brutal torture of *The Divide* (2011) and the CIA agent’s emulation of North Korean teeth pulling in *World War Z* (2013) both maintain a similar theme. [↑](#footnote-ref-133)
134. This is based primarily on searching *Internet Movie Database* (imdb.com) for North Korea as a “keyword” or tag and the *Wikipedia* page that keeps a running list of films that reference or are set in North Korea. [↑](#footnote-ref-134)
135. The POW narrative generally obscures the fact that the Korean War is still considered one of the most brutal events of the 20th century and torture and summary execution of POWs was regularly committed by both sides. An exhaustive study by the US army found no ‘brainwashing’ of POWs, but did find evidence of beatings and torture (Endicott and Hagerman 1998: 162). The crew of the Pueblo reported escalating tortures that were applied at the beginning of their confinement during interrogation until they signed a confession to espionage. After this, the torture mostly ended, although they continued to be brutally beaten for transgressions of the rules of their confinement (Lerner 2002). [↑](#footnote-ref-135)
136. One should note that there are also several subversive criticisms of American culture at work here; Jun Do to some extent sees through the charade of the perfect Texan family when he visits the American senator, for example. But the radical dystopian context and Jun Do’s positive relation to American culture completely drowns out these elements to anyone who is not exclusively looking for them. [↑](#footnote-ref-136)
137. According to *Bush Institute* (2014) materials, 39 percent of refugees say DVDs are an important source of information, 46 percent had access to a DVD player, 27 percent listened to foreigner radio broadcasts, and 60 percent shared news with family or friends. One should note that this presumably reflects the same geographical biases as described in Chapter One, but they nevertheless indicate that Western ideology very much ‘exists’ in the DPRK. Today USB keys appear to be the more-often used medium for bringing foreign media and knowledge into the country (Halvorssen and Lloyd 2014). [↑](#footnote-ref-137)
138. The Commission would probably respond saying they simply applied international law, which is also true to an extent. But the efficiency of the COI is in publicizing *extraordinary* and *ongoing* CAH in de-temporalized and de-localized form – worded in more tentative language, without the hyperreal elements identified in Chapter Two, the call to ‘take action!’ would be much less persuasive and receive less press coverage. [↑](#footnote-ref-138)
139. The point is not that Chomsky has necessarily internalized propaganda tropes. His framing is probably related to his radical-liberal democratic worldview, being seen as legitimate to his American audience, and perhaps the vociferous criticism he has received for having been cast as a defender of the *Khmer Rouge* in Cambodia. The point therefore stands that, despite the degree of conformity between North Korea and his propaganda model, he nonetheless still engages in a minimum for *fetishist disavowal*; he still feels compelled to identify the DPRK as an extraordinary-negative entity despite his theoretical edifice. In fact, it bears noting Herman and Chomsky’s (2002: 288-92) criticism of COI witness David Hawk for his exceptionalist de-historicized claims regarding the *Khmer Rouge*, which is not so different from Hawk’s (2012, 2013) influential work for HRNK on DPRK political detention centers. [↑](#footnote-ref-139)
140. As Chomsky (2013) put it, “The best studies basically show that for […] the lowest 70% on the wealth-income scale, their opinions have *no* influence on policy, they're effectively disenfranchised.  As you move up the scale, you get a little more [...] The proper term for that is plutocracy, or […] 'radical kleptocracy.'” Žižek (2002: 16), by contrast, sees popular fiction as the center of contemporary ideology. He emphasizes, for example, how White House officials met Hollywood executives in November 2001 to coordinate diffusion of militarist ideological fantasy for the new ‘war on terror.’ [↑](#footnote-ref-140)
141. Žižek’s indulgence in the extraordinary-negative frame is probably partly attributable to his strategy of identifying as a communist while harshly criticizing its real-world manifestations. He compares North Korean “brainwashing” to American research into neurological intervention and calls this “worse than the worst North Korea nightmare” (Žižek 2012c), he gives a DPRK border village as an example of a Potemkin village and adds “you know otherwise its all hunger, horror” (Žižek 2012d), and so on.  In fact, Žižek’s apparent ignorance of the country comes across when he calls it "significant and enigmatic” that the Kims would show their big stomachs “in a nation that is starving” (Žižek 2012e). [↑](#footnote-ref-141)
142. Applied to capitalism:*“[S]ubstraction* (of surplus-value as the *movens* of the entire process); *protraction* (the capitalist process is by definition interminable, for its ultimate goal is the reproduction of the process itself); and *obstruction*: the gap between the subjective experience (of individuals pursuing their interests) and objective social mechanisms (which appear as an “irrational” and uncontrollable fate) is inscribed into the very notion of capitalism […]” (Žižek 2012a: 479). [↑](#footnote-ref-142)
143. The NYT article above (Choe and Sanger 2013), directives attributed to DPRK security services, and COI findings all supplement Scarlatoiu and Bermudez’s claim. [↑](#footnote-ref-143)
144. Žižek has made the point that terrorists develop their strategies based on Hollywood and other salient information. The reason September 11, 2001, was so shattering was “America got what it fantasized about” – it was now in-reality (Žižek 2002: 15-16). [↑](#footnote-ref-144)
145. Lankov adds that the US would not compromise its entire Middle East intelligence operations “for a possible but not certain payout”. [↑](#footnote-ref-145)
146. Žižek explicitly qualifies this by noting that the civilian and military casualties associated with ending the siege would have been minimal. The likely casualties involved in removing the Kim government are exponentially and incomparably greater. [↑](#footnote-ref-146)