

Wavering into Capitalism:  
The Politics of Sustenance in North Korea

**Abstract:**

In the 1990s and forward, an amenable relationship between rights and market practices emerged in North Korea. Specifically a famine in the 1990s, which decisively crippled the state's capacity to maintain its system of food distribution, obliged otherwise dependent North Korean citizens to pursue agentic forms of economic practices. The most mentionable among them was the haphazard rise of the bottom-up markets in North Korea. During a period of high food insecurity, the markets enabled daily citizens to divorce their economic and political allegiances from the state. The markets provided not only an entrepreneurial outlet for common citizens to secure economic relief, but also one which inspired unadulterated notions of private property, extralegal solidarities and most importantly a rights-based entitlement to sustenance. This nascent economic institution empowered citizens to contemplate alternative visions of the North Korean social compact and, by the late 2000s, forcefully challenge it. As the famine waned in the early 21<sup>st</sup> century, a rights-based entitlement to sustenance across North Korean citizens had ossified with profound, equitable consequences to the underpinning logics of Pyongyang's governance. This paper recounts a story of rights in North Korea painfully dismissed by pundits too often. Through this case study, I propose rights can be realized even inside political structures marked by grim asymmetries of power and distributions of political capital.

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**Acknowledgments:**

I owe this paper to the incredible kindness, patience, and honesty of several people. I would first like to thank Professor Jamie Mayerfeld for being a terrific advisor in his willingness to read multiple, and probably frustrating, drafts, providing sharp feedback, and pushing me to grasp the importance of my work. I would also like to thank Professor James Caporaso for his invaluable advice on early outlines, directions and methodologies of this paper. In addition, I am grateful to Professor Susan Whiting’s erudition and research recommendations on this paper’s subject. I would also like to thank my friend at Seoul National University, Sang-min Lee, for her wonderful research guidance and translation assistance. Thank you also to my friend at Yonsei University, Sun-hyun Kim, for her astute inputs. Rick Shibata, thank you for your firm encouragement throughout this process. Thank you also to Deniz Irgi for clearing my intellectual fog. All shortcomings are my own.

**This paper is dedicated to the wavering capitalist.**

*“A hungry child knows no politics.”*

- Ronald Reagan

## **I. New Spaces**

A famine that occurred in the 1990s became the watershed for rights in North Korea. During its ten-year span, the famine killed five percent of the population while an incalculable segment of the population, and cohorts to come, found their bodies irreversibly stunted, impaired and feeble. Indeed, the famine’s humanitarian impact was devastatingly consequential. But the famine’s impact also led to other irreversible, but less ominous, developments in North Korea. The most consequential of these developments were the bottom-up markets that arose in response to the state’s failure to feed its people. These markets allowed citizens, for the first time, to provide their own sustenance and exercise economic agency. Consequently, the peoples’ dependencies, and subsequently loyalties, to the state shriveled while the ones to the markets grew. Over time, these markets supplanted state’s original role of providing sustenance to the people. When the state attempted to curb the market rights of the people, a radical reaction transpired: statewide protests, demonstrating exceptional degrees of collective action, emerged to contest the state’s crackdown policies. Most notable of these developments, however, were the language and actions these protestors were crafting their grievances in: rights.

Rights and North Korea is seemingly a strange, if not inappropriate, pair. A frequent antagonist in the story of human rights, the regime has become the ambassador of evil in the international realm. This state is commonly accused by Western nations of violating human rights to advance its own material and political agenda. How can a conception of rights thrive, let alone exist, in an autocratic regime such as North Korea? Our answer is found in psychosocial changes brought by the bottom-up markets of the famine, as they became central economic institutions to the sustenance of everyday citizens. Strikingly, the famine disruptively renegotiated the economic, social, and political principles that constituted the lives of everyday citizens and their relationships with the state.

I contend that the bottom-up markets led to the emergence of a rights-based entitlement to sustenance across North Korean citizens. The markets allowed citizens to develop charged and defensible solidarities, capable of translating into collective action to contest anti-market state policies, while also permitting them to reimagine their moral frameworks of economic fairness, justice, and desert. The bottom-up markets became a crucible, engendering the rise of new political and economic repertoires with the capacity to collectively defend the bottom-up markets should they be attacked. When the state attempted in 2005 to restrict the markets, citizens engaged in combative acts protest to defend their strong convictions of entitlements, or, in other words, rights to their sustenance.

This paper documents and explicates the rights-based protests that arose in response to the state’s market crackdown policies of 2005. I develop this paper in the following order. I first provide an overview of the famine, explaining how and why it happened. From there, I reveal the social, political, legal, and economic consequences of the famine on North Korea’s society. Before surveying the market protests, I present my theoretical framework of rights and collective action. I then explain how these theories can be exportable to North Korea. Departing from theory, I document the market protests I located from news outlet sources. I then apply my theories of rights and collective action to these case studies. This paper concludes with the implications of my findings concerning the development of rights, democracy, civil society, and general forms of resistance in North Korea and autocratic regimes.

## **II. The Long Coming Famine**

“Some wild greens or roots can be dangerous or difficult to digest,” confesses Park, a twenty-seven year old man recalling his experiences of surviving the famine. At the famine’s peak, he recalls the government, out of desperation, added “wild food to its stocks... mixing 30 percent corn... with grasses, bulbs, and seaweeds” to feed its people.<sup>1</sup> Park is from the North Hamgyong Province, a county that shares a border with Eastern China and was one of the most severe famine-stricken provinces in North Korea. During the famine, Park suffered chronic diarrhea and severe stomach pain from eating indigestible matter. When consuming plant matter became unbearable, he resorted to eating pig feed found along farms – with the pigs, of course, dead from starvation or stolen.<sup>2</sup>

The grueling means Park took to survive were no short from the norm. North Korea’s famine in the 1990s produced an incalculable amount of human suffering that killed around five percent of its population. Although estimates are difficult to measure, around 600,000 to one million people perished from hunger.<sup>3</sup> Equally, modest approximates of those who famished and suffered irreversible harm exceed well into the millions.<sup>4</sup> The famine was unequivocally the worst humanitarian disaster in North Korea’s history. In the era of the late 20<sup>th</sup> century industrialized nation-state, a famine of this scale was unprecedented.<sup>5</sup> How could an industrialized state, albeit anachronistic and socialist, become so politically incompetent as to eliminate five percent of its population?

When the tragedy occupied headlines, the famine’s arrival appeared sudden with no cogent explanation, natural or political, to lend itself to the disaster. The accusation quickly became that Pyongyang’s subscription to flawed socialist values spelled an inevitable collapse, suggesting political ideology was central to the production of the famine. However, since the nation’s founding in 1945 there were no food shortages paralleling the scale of the 1990s. Equally, there were no significant reforms undertaken in its economic or political organization during its fifty-year reign. In other words, the status quo *did* preserve the state’s capacity to provide a basic floor of public goods for decades. Starting from the late early 1990s and beyond, however, the caloric intake of daily North Koreans dwindled to dangerous levels. When Pyongyang broke its international silence, and also foreign policy hiatus, in 1995 by requesting international food assistance, the world was stunned.<sup>6</sup> In response, a vexing question grappled scholars and humanitarian workers alike: why was the 1990s, and not other decades, an ominous period for food security in North Korea?

Had North Korea simply reached the breaking point of its socialist project? This belief would support economist Nick Eberstadt’s claim that, “severe food shortages are...a predictable consequence of...[a] Marxist Leninist state’s approach to economic management.”<sup>7</sup> Was the famine, then, a natural consequence of organizing life based on Leninist principles? Even if we adopt Eberstadt’s conjecture, a puzzling question remains: how did the practice of socialist ideology translate to the famine? Surely, governance anchored by ideology is not practiced in a vacuum; it

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<sup>1</sup> "The Crumbling State of Healthcare in North Korea." *Amnesty International Publications* (2010), 12.

<sup>2</sup> *Id.*

<sup>3</sup> Haggard, Stephan, and Noland, Marcus. *Famine in North Korea: Markets, Aid, and Reform*. New York: Columbia UP, 2007, 76.

<sup>4</sup> *Id.* at 74.

<sup>5</sup> It is true that in the 1980s to 90s Ethiopia and Somalia experienced a famine similar in scale to North Korea’s. These states, however, are fundamentally different from North Korea. Ethiopia and Somalia are not industrial states with monopolized control within their borders; they are largely rural societies heavily dependent on an agrarian economy in a society plagued by civil strife. Developing countries and their experience with famines in the late 20<sup>th</sup> century should be considered separate in our explication of North Korea’s famine in respect to other industrialized states.

<sup>6</sup> *Amnesty International Publications* (2010), 6.

<sup>7</sup> Eberstadt, Nick. *The End of North Korea*. Washington, D.C.: AEI, 1999, 61.

evolves with its environment – that is, the changing conditions of one’s state and the world. In other words, how did the environment inform Pyongyang’s decisions to set it toward a path ripe for famine?

These questions are vital to understand how and why the famine happened. In accordance, this section proposes an explanatory story for the famine. From 1945 to the early 1990s, the ideological logic of Pyongyang was inseparable from its governance. Further, throughout this period, the ruling party executed numerous policy decisions informed by this logic that set the nation’s trajectory toward famine. These policy decisions were in response to a dynamic and unstable political environment both domestically and internationally. To understand the famine’s development, I will explain the underlying logic of Pyongyang and how it contributed to the famine’s development. We will thus explore how Pyongyang explicated and responded to its environmental stresses and the effect of these decisions on food security.

This section proceeds in the following order. I first investigate the origins and content of Pyongyang’s governing logic. I then explain how Pyongyang’s political logic, in response to environmental variables, engendered food insecurity and ultimately the 1990s famine. The effects of the famine cascaded across society and reorganized the principles that, for the past fifty-years, shaped the lives of common North Koreans. Developing an explanatory story of the famine will aid us to achieve the aim of the next section, which is to understand the profound social, economic, legal, and political changes in North Korean society brought by the famine.

### **IIa. Uniting the “Plundered and Pillaged”**

The seeds of famine were planted with the philosophies Kim Il-sung installed during his early rule. Kim Il-sung’s path to power began with the failure of the Cairo Declaration in the December of 1943. At this conference, the Allies of World War II agreed to ensure, “Korea shall be free and independent” after the end of the Japanese occupation.<sup>8</sup> Korea’s independence was additionally promised through a joint-occupation agreement, established at the Moscow Conference of 1945, which outlined a bilateral effort between the Soviet Union and the U.S. to restore Korean independence.<sup>9</sup> These agreements, however, were unfulfilled.

During the war, the Japanese Empire relinquished their colonial control of Korea in 1945. Concurrently, per the Moscow Conference, the Soviet Union and the U.S., held temporary occupations zones in the peninsula, dividing ownership of the country at the 38<sup>th</sup> parallel.<sup>10</sup> However, a power struggle between the two arose during the Cold War, which converted Korea into a proxy-state as both states competed to advance their geopolitical interests in Asia. Amidst this conflict, Joseph Stalin anointed Kim, a self-declared communist, as the leader and founder of the Democratic People’s Republic of Korea. Prior to his appointment, Kim had been in China and Russia for twenty-two years where he was involved in guerrilla movements to overthrow the Japanese occupation of Korea. Upon Stalin’s appointment, Kim entered North Korea on August 22, 1945.<sup>11</sup>

At the mere age of thirty-three, Kim faced the responsibility of consolidating a nascent and turbulent “state.”<sup>12</sup> To compound these challenges, when Kim entered North Korea in 1945, his Russian was stronger than his Korean. As an appointed not elected leader, Kim faced formidable challenges in both his cultural competency and in the consolidation of political power. The young

<sup>8</sup> See, [http://www.ndl.go.jp/constitution/e/shiryu/01/002\\_46/002\\_46tx.html](http://www.ndl.go.jp/constitution/e/shiryu/01/002_46/002_46tx.html).

<sup>9</sup> See, Brynes, James F., Ernest Brevin, and V. Molotov. *Report of the Meeting of the Ministers of Foreign Affairs of the Union of Soviet and Socialist Republics, the United States of America, the United Kingdom*. Rep. Moscow, 1945.

<sup>10</sup> Cha, Victor D. *The Impossible State: North Korea, past and Future*. New York: Ecco, 2012, 70.

<sup>11</sup> Kim Il-sung was originally in Russia. He enrolled into the Khabarovsk Infantry Officers School where he purportedly led a multi-racial coalition to counter the Japanese colonial occupation of Korea.

<sup>12</sup> Cha (2012), 23.

leader faced two immediate problems in particular: defeating political contenders and creating national loyalty. To accomplish the former, Kim was ruthless. Those who opposed Stalin's appointee were purged or exiled to the political gulags.<sup>13</sup> Through the political support of Stalin, Kim was able to eliminate his political opponents by 1949.<sup>14</sup> Within four short years, Kim led the country uncontested, demonstrating an apt ability to centralize power. But Kim's unchallenged power remained secure insofar as both his political opponents and the people were loyal to his governance. An important obstacle remained unresolved, how was he to ensure the loyalty and unity of the people?

Accomplishing the latter required the installment of a radical form of nationalism. To unite a people that was plundered and pillaged by the Korean War, Kim constructed the ideology of *juche*. The idea made its introduction in 1955 through a speech delivered by Kim titled, "On Eliminating Dogmatism and Formalism and Establishing Juche in Ideological Work."<sup>15</sup> *Juche* was a unique integration of Leninism and Kim's conception of North Korean nationalism. The direct translation of *juche* means "self-determination" and there are four canons of *juche* that are recited below:

#### **The Four Tenets:**<sup>16</sup>

- 1) Man is master of his fate.
- 2) The master of the Revolution is the people.
- 3) The Revolution must be pursued in a self-reliant manner.
- 4) The key to Revolution is loyalty.

Based on these tenets, *Juche* is first an economic ideology. The "revolution" that *juche* mentions requires Leninist principles to organize the economy. The economy is thus centrally planned; supply, demand, as well as prices are set artificially by the state. The distribution and allocation of goods are thus all centralized decisions and importantly all public. In short, *juche* required citizens to depend on the state to organize and satisfy their economic needs. Moreover, the ideology is a social one; it enshrines self-reliance, independence, and cohesion. Citizens are forbidden to rely on actors other than the state to provide goods or services. If the state cannot provide them, the citizens must bear the onus of adaptation and innovation to compensate for shortfalls. Moreover, the second tenet declares that the, "Revolution is the people," casting citizens into a collective fabric, where each one is responsible for the wellbeing of the other. This canon, indeed, is a counter to economist Adam Smith's belief in the "invisible hand" of capitalism, that, "by pursuing his own interests he frequently promotes that of the society."<sup>17</sup> Subsequently, this aspect of *juche* deemed capitalism and all those who adopted it the enemy. Capitalism, or any form of self-seeking pursuit, was declared to corrupt one's sense of collective responsibility by compelling one to pursue greed.

Confucianism also informs the tenets of *juche*. Maintaining social harmony and respecting hierarchy are critical expectations of the social contract. Citizens are required to share the collective burden of achieving economic independence and prosperity. However the nature of this collective responsibility is peculiar in that citizens, by serving each other, are serving the state. To explain, the state is personified on the charisma of one individual – Kim. This collective responsibility mandated

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<sup>13</sup> The gulags notoriously known today to imprison "deviant" citizens were originally constructed from the period when Kim was struggling to eliminate his political opponents.

<sup>14</sup> Cha (2012), 71.

<sup>15</sup> Id. at 38.

<sup>16</sup> Id. at 37.

<sup>17</sup> See, Smith, Adam, and D. D. Raphael. *The Wealth of Nations*. New York: Knopf, 1991, Book VI, Chapter II, Paragraph VI.

that citizens were accountable not to the masses, per se, but to the leader, Kim Il-sung. Thus, *Juche* metaphorically envisioned the people in its entirety as a body. The head of the nation was Kim Il-sung. The body symbolizing the people served the head. Without the head, the nation would cease to exist. In this vein, *Juche* declared citizens as economic units who dedicated their labor to the leader. The latter is the one exclusively entitled to thinking in addition to making decisions. The people, on the other hand, were the “arms, legs, muscle, and bone of the state;” undeniably, individualized thought was beyond the social compact.<sup>18</sup>

In addition, the exclusive function of the people is to placate the head’s commands. The people are the moving parts that actualize the head’s decisions— individualized thinking was, as such, a forbidden act. Therefore, the fourth tenet which states the “key to Revolution is loyalty,” demands citizens to surrender unwavering loyalty to Kim, for if the nation is a body the head must be obeyed. In short, citizens would depend on Kim for all their needs – including physical and metaphysical ones. In this sense, Kim became an all-providing, omniscient and omnipresent god. After all, the leader, in a sense, thought and spoke on your behalf, all with, of course, superior intellect and information. Kim is everywhere, knows everything, and is justified to command anything. Personal agency was thus an outlandish activity for someone who was only flesh, a bone or organ.

The ideology also embodied a Fascist form of national identity.<sup>19</sup> This dimension of nationalism was informed by Korea’s historical experience as a frequent target of foreign invasion. From 1392-1910, Korea engaged in multiple wars fending off attacks from the Japanese, Mongolians, Chinese, and the Manchus who wanted to annex the peninsula. Further, the Japanese occupation beginning in 1910 with the presence of U.S. forces near the border post World War II only compounded its experience of invasion. Korea’s history with invasion, however, is not unique. As North Korea scholar Andrei Lankov argues, Europe’s experience with conflict was not only more fatal, but more frequent compared to North Korea. But Lankov argues there is a distinction between Europeans and Koreans when it comes to perceiving their own history: Koreans tend to disproportionately interpret their history as one of repeated victimhood by foreign powers.<sup>20</sup>

Lankov is unsure why this is the case, however, in the context of North Korea, I argue Kim exploited this tumultuous narrative of Korean history to meet the challenges of uniting a nascent and broken nation. Before Kim in 1945 was a daunting challenge to unite a group who found themselves tethered to a political compact they never signed up for. Kim employed this narrative of invasion to fashion a sharp in-group, out-group bias, and ultimately solidarity, through the construction of national enemies. Pertinent to our discussion is Stephen Evera’s work, *Hypothesis on Nationalism and War*. Evera asserts nationalism the act of individuals “[giving] their primary loyalty to an ethnic group or national community.”<sup>21</sup> In addition he asserts certain structural and historical conditions catalyze groups to generate nationalism. One of Evera’s conditions is relevant: “the greater the past crimes committed by nationalities toward one another, the greater the risk of war.” And, in conjunction, “the better these crimes are remembered by the victims; the greater the risk of war.”<sup>22</sup>

Salient to the memories of both North and South Koreans were their recollections of the Japanese colonization and its transgressions. Evera’s framework of nationalism and war helps us understand the logic behind Kim’s decision to implement a war-inspired form of nationalism. The crimes of the Japanese occupation Kim could capitalize for *juche* were many. During the occupation,

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<sup>18</sup> Cha (2012), 42.

<sup>19</sup> Id. at 38.

<sup>20</sup> *See*, Lankov, Andrei. "War of Details." *The Korea Times* 31 Aug. 2006.

<sup>21</sup> Evera, Stephen Van. "Hypotheses on Nationalism and War." *International Security* 18.4 (1994), 6.

<sup>22</sup> Id. at 9.

the Japanese committed cultural genocide, extrajudicial executions, and enslaved both Korean men into physical labor and women as “comfort women,” or, less euphemistically, sex slaves.<sup>23</sup> Fresh in the minds of Koreans were these colonial crimes, presenting a fertile imaginative ground to construct a national identity under a common enemy, the Japanese. As such, *juche* also created a highly xenophobic and fascist North Korean national identity. *Juche* declared the Korean race as the most racially superior people among Asiatic groups in order to cast the Japanese colonization as a reprehensible, contaminating act. Profiting on this rhetoric of racial superiority, Kim fostered solidarity by relegating the Japanese race to one as “savage rapists,” while dialectically constructing a superior North Korean racial identity.

In addition, Kim exported this animus to the presence of U.S. forces in South Korea. The leader painted the U.S. presence as an act of invasion analogous to the Japanese occupation.<sup>24</sup> Kim framed the U.S. occupation as an imperialist act that prolonged the division of the Korean people. The leader also believed that the U.S. presence would “corrupt” their Southern counter-parts with dangerous notions of capitalism and democracy. In short, *Juche* declared the presence of these troops as a challenge to Korean racial superiority, independence, and self-determination. Effectively, Kim transplanted the xenophobic and fascist narratives of *juche* from one national enemy to the other.

Through *Juche*, Kim engineered a national animus toward the Japanese and Americans, banding them into a distinguishable identity.<sup>25</sup> The leader exploited the convenience of frequent invasions to create a nationalism centered on enemies historic and new. In line with Evera, we thereby should not overlook that *juche*, beyond its economic doctrines and fascist beliefs, was a declaration of war. The ideology raised the moral imperative to reclaim the Korean peninsula from its colonizers. If there is an exemplary to Charles Tilly’s claim that, “states make war” by “racketeering” external threats to secure resource extraction and neutralize competitors it is North Korea.<sup>26</sup> *Juche* effectively called the people to militarily challenge the “imperialists” and sever all economic dependencies with the “corrupted capitalists.” This was a call to restore the ethnic superiority of the Korean race.

To reclaim this identity, *juche* waged war on two fronts: economically and militarily. In consideration of the latter, this redemptive nationalism would compel Kim’s decision to annex the South in the Korean War. Moreover, these xenophobic beliefs informed the canons of economic self-sufficiency and self-determination of *juche*. Preserving Korean purity necessitated North Koreans to be self-reliant and trust their leader to provide for the country. External reliance on the outside world was treason, as it acknowledged the superiority of an “imperialistic” economic doctrine called capitalism. Practicing capitalism thus presented a tremendous affront to North Korean purity and historic innocence. In other words, under *juche*, North Koreans were the victims of Western capitalism and its imperialistic doctrines. The nationalism attributed these values for causing the U.S. and Japanese invasions of the peninsula. Practicing capitalism was thus an endorsement of it, which treasonously cast doubt to the narrative that North Koreans were the innocent and peaceful agents of history. In short, to be a capitalist was to grant allegiance to the West and pollute the professed superiority and innocence of North Koreans.

The currency of *juche* was not its persuasion or credibility, moreover, but in its means of dissemination: indoctrination paired with the credible threat of violence. This does not imply *juche* failed to internalize within the people, however. Rather, it is to say *juche* could not be immediately

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<sup>23</sup> Cha (2012), 10.

<sup>24</sup> Id. at 40.

<sup>25</sup> Id.

<sup>26</sup> Tilly, Charles. "War Making and State Making as Organized Crime." *Bringing the State Back In*, 171.

internalized – Kim assiduously over decades adopted policies to ensure the public would swallow *juche* without protest. The most frequently employed policy was inculcation paired with propaganda. From birth to death, citizens were barraged with indoctrination sessions through the schools, their workplaces, recreational life, and the media that celebrated *juche*.<sup>27</sup> To accomplish this Kim, and the leaders that followed, placed citizens under a complete information blackout, allowing an ample environment of indoctrination. In addition, the credible and consistent use of violence virtually secured the total compliance of the population. For instance, the gulags originally created to exile Kim’s political opponents served as a powerful tool of deterrence against social deviance.<sup>28</sup> It was equally common for citizens to find their “suspicious” neighbors and three-generations of their family suddenly exiled to a gulag. This mechanism of publicized social violence, in addition to public executions, secured terrified obedience. In short, complete information control and violence was a potent combination to drill *juche* into the people. Regardless of whether North Koreans genuinely internalized *juche*, it is irrelevant to understanding the social order that it nurtured. Genuinely internalized or not, they faced little choice but to realize *juche*.

*Juche* is thus comparable to a religion, but one that includes economic, social, and political canons. Since its inception in 1955, *Juche* effectively constituted the norms, obligations, morals, and worldview of North Koreans. Kim was deified, and zealous loyalty to the state was a moral imperative. More importantly, the ideology anchored the state to craft policies that were consistent with *juche*. After all, the legitimacy of North Korean nationalism, the stitching which held the fabric of North Korean society together, hinged upon the state’s ability to consistently practice *juche* in its policies. The ideology initially banded North Koreans together; to compromise *juche* would question the political legitimacy of the regime. The ideology was thus foundational in constituting the economic and social trajectory of the country. It became the explicating lens for how environmental challenges prior to the famine were to be interpreted, framed, and addressed for both the state and the common people. Indeed, an analytical framework of the famine that omits *juche*, the underpinning logic of both Pyongyang and everyday North Koreans, would be impoverished. We turn now to how *juche* and its translations from ideas to action, fashioned the policies to create North Korea’s greatest humanitarian disaster.

### **IIIb. An Industrial Path to Independence**

North Korea’s economic template was established in 1910, thirty-five years prior to when Kim entered the nation in August of 1945. The Japanese occupation radically transformed the economic landscape of North Korea to supply the material needs of the Japanese Empire. The southern Korean peninsula, the area that covers South Korea today, was considered more arable than the relatively fallow but naturally rich North. The Japanese decided to make the South its breadbasket while industrializing the North. These decisions, in addition to Kim’s economic ideologies, fixated North Korea’s economic path into an industrial one.

When the Japanese relinquished Korea during World War II, Kim inherited the remains of an abandoned industrial economy. During their occupation, the Japanese built mines to extract precious metals such as coal, magnesium, iron, and zinc.<sup>29</sup> They also constructed numerous fertilizer plants and the reservoirs and pumping stations needed for irrigation. In addition, the Japanese installed so many hydroelectric power plants in North Korea that when Kim took reign, the state possessed the most electric plants in all of Asia.<sup>30</sup> Strikingly, during the late 40s North Korea held seventy-six percent of the entire peninsula’s mining capacity, eighty-percent of its heavy industrial

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<sup>27</sup> Cha (2012), 166.

<sup>28</sup> Id. at 172.

<sup>29</sup> Id. at 22.

<sup>30</sup> Id.

production such as chemicals, and ninety-two percent of its electricity generation.<sup>31</sup> Auspiciously for Kim, industrial capital lay around the country to be seized and exploited.

To Kim, this industrial inheritance was key to realize his vision of *juche*. This doctrine, of course, was still in the making until Kim publically declared it in 1955. The leader believed strengthening the industrial capacities of the nation would prevent the need to import goods, therefore curtailing state dependencies. This industrial equation, Kim believed, would secure the nation's economic and military power. Kim thus desired to reproduce the industrial template left behind by the Japanese. In this endeavor, Kim made multiple trips in 1949 to meet with Stalin to secure bilateral assistance agreements in order to augment North Korea's industrialization efforts. Of the things he acquired, the leader obtained a \$50 million credit loan, on strongly concessionary terms, blueprints for manufacturing plants, industrial equipment and input (such as oil and spare parts), and railroad tracks from Stalin.<sup>32</sup> Although *juche* was introduced to the nation six years later, Kim's self-sustaining vision for the nation was well underway by the late 40s.

During this time, the political division of the peninsula demanded immediate resolve. As far as Kim was concerned, the U.S. imperialists were prolonging the Korean division and holding the South hostage in a sacrilegious and capitalist proxy-war. Through the support of China and the Soviet Union, Kim attempted to militarily reunify the peninsula on June 25, 1950. Kim's decision to initiate the Korean War was, justifiably, made in confidence. Annexing South Korea with its lack-luster agrarian economy and constabulary "military" forces was anything but a formidable military challenge. Unexpectedly, however, the Korean War became a classic textbook case of where Kim misperceived and, in the words of Robert Jervis, "underestim[ed] the resolve of status quo powers."<sup>33</sup> In a turn of events, a multi-lateral, international military coalition led by the U.S and the United Nations defeated Kim's ambitions to reunify the peninsula. The war more importantly devastated the industrial economy Kim had spent the last eight years building with Soviet and Chinese assistance. During the war, the U.S. air-bombed the North's industrial zones, dropping more bombs onto the North than it used in all of World War II to cripple its manufacturing capabilities.<sup>34</sup>

The end of the war placed North Korea at an economic crossroad. With the industrial capacities of the nation obliterated, Kim needed to choose between two economic paths: compromise *juche* into a more open-trade industrial path or continue the "self-reliant" model of heavy industrialization. Kim chose the latter model, which would later portend enormous consequences for food security. In a speech given one year after the war called, "Everything for the Post War Rehabilitation and Development for the People," Kim introduced his plan to restore the war-torn nation. The plan was named the "Three Year Plan," declaring the nation would continue its path of isolated, yet dependent, industrialization.<sup>35</sup> Lying before citizens was a war-torn nation, robbed completely of its short years of development and peace. For Kim, the Korean War granted him the political ammunition needed to introduce *juche* in 1955. Through the lens of this ideology, the war revealed the nation's southern counter-parts to actually be "traitors" colluding with the U.S. "imperialists." Amidst these abominations, Kim called citizens to avenge these "imperialist transgressions" through joining the war ideologically and militarily. Drawing solidarity from this narrative, Kim channeled this newfound nationalism in the people to reunify and reconstruct the war-torn nation, believing that the self-reliant industrialization path pursued before would ensure the

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<sup>31</sup> Id.

<sup>32</sup> Id. at 72.

<sup>33</sup> Jervis, Robert. *Perception and Misperception in International Politics*. N.p.: Princeton UP, 1976, 685.

<sup>34</sup> Cha (2012), 23.

<sup>35</sup> Id.

country's military and economic might. As such, Kim aggressively pursued Soviet and Chinese assistance to rebuild the industrial economy.

From the late 1950s to the 1970s, North Korea demonstrated exceptional economic prowess. Made possible by Soviet and Chinese support, the crux of North Korea's industrial model was, once again, heavy industry. The North primarily constructed factories that produced, "coal, fertilizer, ferrous metals, cement, steel, and machine equipment."<sup>36</sup> The aim was to produce heavy industrial goods to augment the military and industrial economy. This strategy was strikingly successful, albeit temporarily. Fifteen years into this path, the North was better heated, lit, and fed than the South, which, during the early Cold War, was primarily an agrarian economy. For reference, by the 1970s, North Korea's per capita energy consumption was 1,326 kilowatts, in contrast to the South's 521 kilowatts.<sup>37</sup> In conjunction, a dramatic modernization of the North's irrigation systems, agricultural practices, and fertilization programs drove the average caloric intake of North Koreans higher than the South.<sup>38</sup>

An appropriate historical parallel to North Korea's economic growth is the U.S' "roaring twenties." So successful was this industrial model Pulitzer Prize winner and New York Times correspondent Harrison Salisbury called the North "a tremendous technical and industrial achievement" and "the most intensively industrialized country in Asia, with the exception of Japan."<sup>39</sup> These beliefs were expressed when South Korea's intelligence director, Yi Hu-rak, traveled to North Korea in 1972 and witnessed the country's phenomenal economic growth. Upon returning Yi expressed his concerns to then President of South Korea Park Chung-hee that the North's success may compound the growing communist movement in the South.<sup>40</sup> In sum, the concerted concessional assistance from the Soviet Union, Chinese, smaller socialist satellites, and the Council for Mutual Economic Assistance, created North Korea's golden era. Some estimates suggest that around \$4.75 billion of aid, mainly on concessional terms, was provided to the North.<sup>41</sup> Through this assistance, more than 170 large industrial plants that specialized in "power, mining, chemical, construction, and heavy machine industries," were built along with multiple hydroelectric power plants.<sup>42</sup>

Overlooked in the archives of history is the North's striking display of economic competence during the Cold War. The Eastern bloc paraded North Korea as evidence that communism as a governing principle was not only plausible but also prosperous. North Korea stood as one of the most urbanized nations of Asia, and even today, the nation boasts a surprisingly high urbanization rate of 60.9%, albeit the majority these regions are obsolete.<sup>43</sup> In contrast, West's endorsement of capitalism and democracy stood challenged by South Korea. The South was struggling to transition out of its agrarian-heavy economy. Stifled economic growth led President Park Chung-hee during the 70s to implement his notorious autocratic policies to combat the growing influence of homegrown communism.

*Juche* and its isolationist approach to industrialization had ostensibly proved its merits. A nation that just three decades ago was tattered had now become relatively prosperous. How, then, did five percent of the North's population famish and perish a decade later? As we will see, North

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<sup>36</sup> Cha (2012), 24.

<sup>37</sup> Id.

<sup>38</sup> Id.

<sup>39</sup> Salisbury, Harrison E. *To Peking and Beyond: A Report on the New Asia*. New York: Quadrangle, 1973, 175.

<sup>40</sup> Cha (2012), 24.

<sup>41</sup> Cha (2012), 28.

<sup>42</sup> Id.

<sup>43</sup> See, [http://www.geohive.com/earth/pop\\_urban.aspx](http://www.geohive.com/earth/pop_urban.aspx).

Korea's economic template and philosophy was impractical from conception. *Juche*, and its ideological canons, was survived artificially through the concessional support of vital benefactors. In reality, *juche*, in particular its economic doctrines, was a bankrupt endeavor.

### **IIc. Betraying *Juche*: Falling into Famine**

Pyongyang's commitment to the self-reliance professed in *juche* was more lip service than faithful adherence. To be sure, Pyongyang vigorously and consistently practiced the hierarchal and xenophobic tenets of *juche*. However, while Pyongyang's industrial model brought substantial economic progress, underneath it laid a blaring contradiction to the mantra of self-reliance *juche* commanded. This contradiction rested in the fact North Korea depended entirely on foreign assistance to develop their industrial economy.

Mentioned above, socialist allies gave an estimated \$4.75 billion of concessional credit to prop the North's economy. In no measure was this fiscal and material dependence a faithful adherence to the "self-determination" and "self-reliance" *juche* paraded. However, Kim believed it was necessary to industrialize the economy as quickly as possible to achieve the economic independence *juche* mandated. Therefore, so committed was Kim to achieving this independence that he betrayed the economic bedrock of *juche*. Hence, Kim's strategy was not an entire betrayal of *juche* as the end was economic independence. The means to achieve it, however, was through initial complete dependency. In other words, Kim violated the economic dimensions of *juche* to establish what I describe as "dependent industrial independence." Under this policy, states utilize the aid of benefactors to augment an economy that will, in theory, be eventually operable by its own production of industrial inputs. In other words, Kim endeavored to build the power plants to generate fuel, use the fuel to run and build machines, and then use those machines to produce societal goods. Reaching this state of independence, however, required temporary economic dependence. Once achieved, this self-reliant economy would eliminate the need to import or export any goods and satisfy the economic bedrock of *juche*.

However, this approach proved disastrous for food security. Kim's decision to continue the heavy industrial template introduced by Japanese colonization was unsustainable. In short, Kim industrialized faster than he could foster the human capital to keep the economy independently running. The centerpiece of the Japanese colonial model was resource-extraction. Never did the Japanese properly envision an independent and sustainable infrastructure for the Korean peninsula over a long time horizon. Reproducing the Japanese model depended on the input of external technological expertise, fuel, and industrial capital. By replacing Japanese assistance with Soviet and Chinese ones, the North failed to resolve their deficiencies in human capital development. While this deficit continued to be nourished by Soviet and Chinese aid, North Korea's capacity to sustain and build power plants, hydro-dams, and fertilize crops, depended on continually receiving external inputs. Moreover, North Korea inherited its industrial economy regardless of whether this model comported with its capital endowments. From 1960 until the 1980s, North Korea continued the Japanese model through its favorable terms of trade with the Soviets and the Chinese. Problematically, however, this implied Chinese or Soviet pullout would cripple the North's economy. In tandem, shifting geopolitics in the 90s catapulted the nation toward famine.

The collapse of the Soviet Union in 1991 began the end of North Korea's food security. Weakening relations between the Soviets and Pyongyang was foreshadowed three years prior under Soviet leader Mikhail Gorbachev's doctrine of *perestroika*. In a more progressive mindset, Gorbachev chilled the relations between Soviet Union and North Korea, setting a precedent of distant North Korean engagement until President Vladimir Putin thawed them in 2000.<sup>44</sup> Under *perestroika*, Gorbachev and the following Russian presidents, such as Boris Yeltsin, pivoted away from North

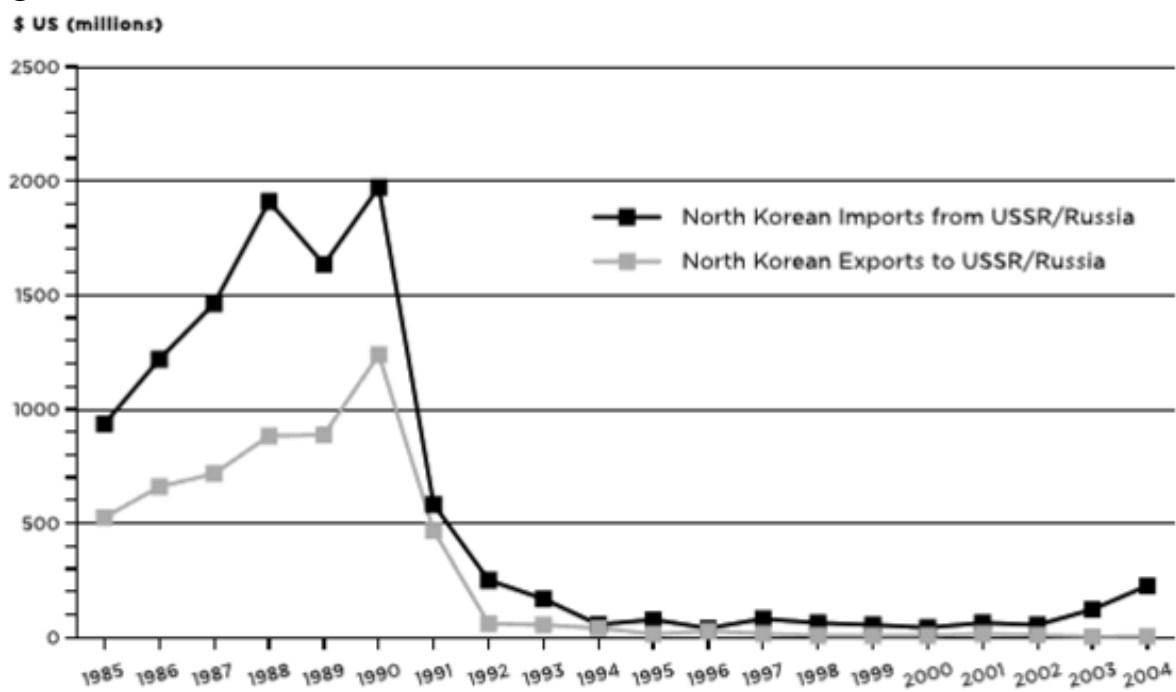
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<sup>44</sup> Blacker, Coit D. "The USSR and Asia in 1989: Recasting Relationships." *Asian Survey* 4.1 (1990), 2.

Korea, ending the decades-old program of concessional aid to the North. While warming trade relations with an economically booming South Korea, the Russians abandoned their previously beloved satellite. As North-Korea scholar Victor Cha phrased, the Russians “dropped the DPRK like a bad habit.”<sup>45</sup>

The Russian pivot away from Pyongyang was devastating to the latter’s economy. Russia’s previous entity, the Soviet Union, was arguably the North’s most valuable trading partner, comprising 53.1 percent of the total trade with the North in 1990. Two years after the collapse of the Soviet Union, trade between the two dropped to a meek eight percent.<sup>46</sup> The original amount of this trade was valued around \$3.25 billion, with much of it concessional on terms. By 1994, these trade values dropped to a diminutive \$100 million.<sup>47</sup> Most troubling for the North was the near termination of Russian industrial input support, such as machines, fuel, and spare parts – the industrial capital needed to power Pyongyang’s economy. For years the Soviet Union sold fuel and energy to Pyongyang at discounted prices, slashing them up to seventy-five percent. These favorable terms of trade consequently led to a ten fold reduction in the import of petroleum products and a fifty-percent reduction in the import of oil.<sup>48</sup>

**Figure 1a.**



Source: Haggard and Noland 2007, 33.

The Chinese also experienced a similar change of heart. Mirroring the path of the Russians in 1993 the Chinese warmed economic relations with South Korea while significantly curbing support to Pyongyang. The timing of China’s diplomatic shift was disastrous. With the cease of friendly Russian support, Pyongyang was forced to depend entirely on the Chinese. Devastating for Pyongyang, however, China became interested in the newfound prosperity of its southern neighbor.

<sup>45</sup> Cha (2012), 355.

<sup>46</sup> Id.

<sup>47</sup> Id. at 28.

<sup>48</sup> Id at 43.

The result was a half-hearted Chinese effort to sustain Pyongyang during the 1990s.<sup>49</sup> While Chinese support and trade did not completely cease, it dropped dramatically. China was sending the North drastically less food aid as it was before. For example, in 1993 China gave North Korean 740 metric tons of grains; two years later, this amount was reduced to 153 metric tons.<sup>50</sup> The Chinese also ended their “friendship prices” in the sale of coal, oil, and fertilizer in this period.<sup>51</sup> In sum, trade between the Chinese and the North tumble: from 1993 to 1995, trade values dropped from \$900 million to \$550 million.<sup>52</sup>

The states that once resuscitated Pyongyang’s industrial economy were now the front-runners in its destruction. Kim’s decision to rapidly pursue his doctrine of “dependent industrial independence” left Pyongyang profoundly vulnerable to the whim external actors. In the context of food security it is of especial import to note that North Korea’s land is only around twenty percent arable, with relatively shorter growing seasons.<sup>53</sup> The rest of North Korea’s terrain is mountainous thereby rendering much of the land fallow. In the 60s, Pyongyang addressed these shortfalls by industrializing its agricultural practices. Known as the “four modernizations” program, Pyongyang, with outside assistance, transformed their farming practices in four ways: mechanization, electrification, irrigation, and chemicalization.<sup>54</sup> The hope of modernization was to maximize the potential of the nation’s poor geographical endowments. In turn, Pyongyang reconfigured most of its farming landscape into checkered plots with tractors and bulldozers, replacing the scattered “backyard farms” that once defined North Korean agriculture. Pyongyang was also able to replace its traditional, lower-yield crops such as millet and tubers, with more input-heavy, but higher yield, crops like potatoes, rice, and maize.<sup>55</sup> As such, this industrial logic developed arguably the world’s most input-heavy agricultural system. Subsequently, North Korea’s farming practices required the persistent and heavy application of fertilizer, pesticides, and herbicides with the assistance of industrial machines and irrigation systems.

North Korea’s agricultural system, and ultimately food production, thus rested on a peculiar industrial formula: input heavy industrial capital to produce adequate levels of agricultural output. Originally, reliable Soviet and Chinese industrial assistance sustained Pyongyang’s industrial farming practices. While the decision to revolutionize its agricultural practices resulted in unprecedented yields, Pyongyang’s agricultural output also depended on this steady supply of Soviet and Chinese coal, oil, fertilizers, and other important industrial inputs. Shifting geopolitics in the 1990s marked the end of concessional industrial inputs that for decades the North pocketed, consequently devastating its food production capacity. In result, Pyongyang could not independently produce the agricultural inputs needed to grow its high-yield crops (see figure 1b).

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<sup>49</sup> Id. at 327.

<sup>50</sup> See, Choi, Bong-dae, and Hyoung-soo Zang. "The Present and Future Prospects of the North Korean Economy." *Seoul: Korea Institute for International Economic Policy* (1999).

<sup>51</sup> Id.

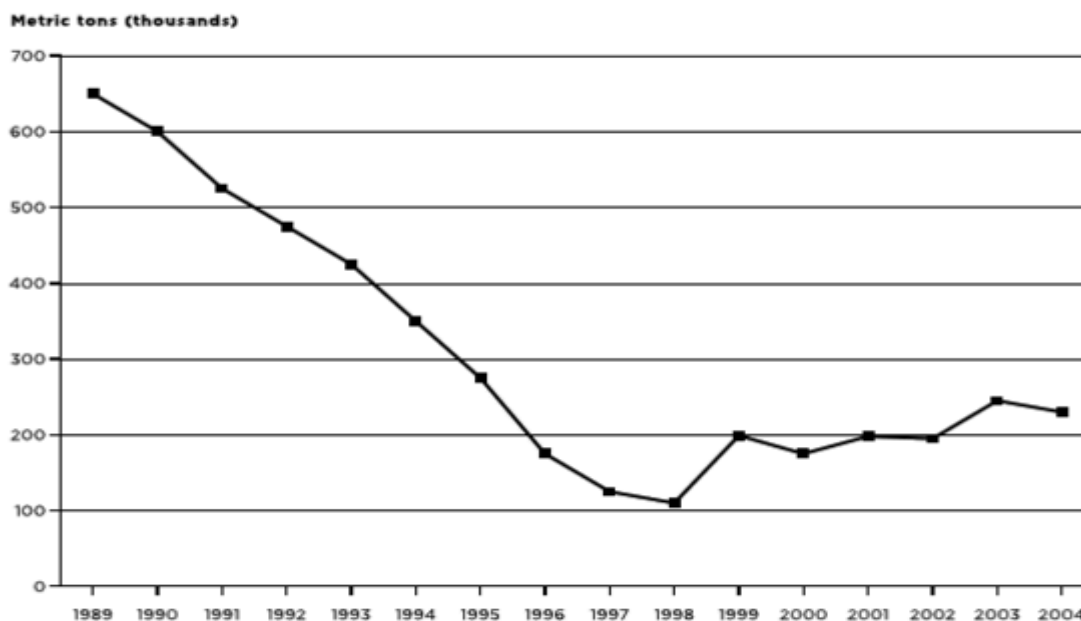
<sup>52</sup> Cha (2012), 28.

<sup>53</sup> Id. at 25.

<sup>54</sup> Noland, Marcus. "Famine and Reform in North Korea." *Institute for International Economics* (2003), 3.

<sup>55</sup> Id.

Figure 1b.



Source: World Food Programme (WFP). 2004. The WFP DPR Korea Monthly Update. Pyongyang: WFP, January 31<sup>st</sup>, Fertilizer Consumption

In broad strokes, Soviet and Chinese decisions to end friendly lines of energy supplies, especially fossil fuels, set the nation on a downward economic spiral. One of the most important industrial inputs Pyongyang depended on was crude oil, which permitted people and plants (both the mechanized and natural kind) to produce goods. In addition, petroleum-based fuels were essential for the production of ammonium nitrate required for mine blasts to collect coal. Moreover, oil was needed to produce chemical fertilizers that grew the input-heavy crops such as potatoes and maize. In response to these shortages of agricultural inputs, North Korean officials panicked, redirecting water supplies to irrigate what was left of the arable land, inadvertently shortcutting the hydropower capacity of its dams. To worsen problems, hydropower was essential to produce electricity that ran the factories building spare parts for machines – including agricultural ones. In short, the Soviet and Chinese fall-out was disastrous for the industrialized economy. Oil, and other key energy sources, was crucial along every point of the agricultural process. The result devastated food production; tractors could not plow the land, trucks could not transport food between provinces, factories could not be powered, and fertilizer could not be made.<sup>56</sup>

These input troubles compounded in light of the fact the state monopolized both the production and distribution of food. North Koreans received their daily food rations through two methods. The first and most prevalent method is through the Public Distribution System (PDS). The PDS is a collection of coordinated food centers located in every city or province that distributes food rations to citizens on a bi-weekly or monthly basis.<sup>57</sup> As such, the majority of the population relies on the PDS for their nutritional and caloric needs. To provide food for the PDS, the state ran farms that grew food strictly the PDS. Farmers on these collective farms would retain a portion of the food they grew, unveiling the second method daily citizens obtained food. The rations citizens

<sup>56</sup> Cha (2012), 123.

<sup>57</sup> Noland, Marcus. "Hunger and Human Rights: The Politics of Famine in North Korea." *U.S. Committee for Human Rights in North Korea* (2005), 14.

received through the PDS, on the other hand, varied as it depended on one's political loyalty and occupation. For instance, elite government officials and high-ranking military officers prior to the famine were supplied a daily ration of 700 grams of food, in contrast to the elderly or disabled whom only received 300 grams.<sup>58</sup> In addition, those who lived in Pyongyang, a city reserved for the most loyal and skilled citizens, had greater food security in contrast to those who lived outside of the privileged city.<sup>59</sup>

In line with *juche*, citizens were completely dependent on the PDS to provide for their caloric needs. Farmers, in contrast, possessed greater food independence as they could grow the food they ate. As Soviet and Chinese assistance withered, the state's ability to provide the necessary industrial inputs to sustain their "industrialized farms" significantly diminished. The capacity of the PDS to feed the population, therefore, was severely compromised. The early 1990s ushered in again a critical economic crossroad similar to the one at the end of the Korean War. The rapid exit of Soviet and Chinese assistance quickly informed Kim of the innate vulnerabilities that a *juche*-led path to industrialization possessed. Kim, with haste, needed to address these economic shortfalls in order to prevent a humanitarian disaster.

This crossroad presented two decisions for Kim. First, the leader could abandon *juche* and allow his socialist economy to be more integrated in the global economy. Doing so would allow the state to import the goods that were in shortage, while exporting the materials North Korea could produce efficiently to pay for its imports.<sup>60</sup> Or, secondly, Kim could commit more genuinely to *juche* by demanding the people to compensate for its economic shortcomings and terminate external dependencies. In deciding, Kim likely incorporated the nation's experience of being vulnerable to external actors, deeming this economic model a threat to the regime's survival. Kim committed to the second option. This decision is often heavily criticized, and rightly so, however, the rationale was understandable. It was, after all, only a sudden change of mind in the persuasion of Leninist ideology that put Pyongyang on its knees. Perpetual dependence for the nation appeared highly unfavorable.

The early 1990s presented a potential turning point toward a more efficient economic path for the regime – however the model of heavy industrial economy continued with greater force. *Juche*, and its call for economic independence, was now a full-fledged effort. In 1991, Kim announced a program called, "let's eat two meals a day" demanding citizens to relegate their physical needs to the needs of the state.<sup>61</sup> Kim believed artificially reducing the demand for food would rectify the nation's stunted food supply.<sup>62</sup> The economic "revolution" that *juche* spoke of now belonged truly to the people. Prior to the economic collapse, Soviet and Chinese assistance, in ideological contradiction, sustained the economic floor that *juche*, in reality, required the people to provide. Now, the people genuinely needed to provide for their sustenance and innovate the solutions to address the nation's shortfalls. In short, Kim believed that through the "revolutionary zeal" of *juche*, citizens could overcome their food challenges by working harder and longer, which would supposedly compensate for the shortfalls in production and lack of crucial inputs.<sup>63</sup>

These were, indeed, bad times for Pyongyang. Kim's solution of disciplining food demand and reinvigorating *juche* to meet falling supplies failed to resolve the nation's economic exigencies. Trucks were still idle, tractors could not mow, and the power plants could not generate electricity.

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<sup>58</sup> Id.

<sup>59</sup> Choi (1999), 48.

<sup>60</sup> Surprisingly, in 1987, the regime for a very brief period imported food to meet the economic shortages. But when the famine gained momentum years later, the government's response to importing food was profoundly passive. The leadership did not take serious measures to increase imports.

<sup>61</sup> Noland (2003), 3.

<sup>62</sup> Id.

<sup>63</sup> Id.

Without substitutes for industrial inputs, the North's agricultural system failed to satisfy the minimum demand for food. The regime, if anything, needed to look outward and import critical industrial inputs rather than constrain their economic options inward. But never again would Kim place the nation's economic health in the hands of external actors. To prevent such vulnerabilities, Kim's substituted the tenets of *juche* for the shortages in industrial inputs. The PDS was unsustainable under this new approach, however. Kim's commitment ultimately foreshadowed an inevitable humanitarian disaster.

### **IIc. The Famine**

Designating a beginning date for the famine is challenging as a confluence of factors produced it. The nation's path to food insecurity gained momentum one bad decision after another. It is true, as discussed, that the chill in Soviet and Chinese relations was the most pivotal cause. However, as I demonstrate, Pyongyang's actions after these shocks were equally important to portending the famine. Hence, there are multiple valid points as the famine's beginning. In short, for simplicity's sake, this paper adopts the dates North Korea scholars Marcus Noland and Stephen Haggard offer who claim the famine began around 1994 and ended in 1998.<sup>64</sup>

Signs of PDS collapse were showing around the early 1990s but the international community was oblivious to the North's food problems until 1995. For years the nation stalled to request assistance, as doing so was antithetical to the values of self-reliance and independence *juche* professed. Making appeals for help presented a dangerous slippery slope Kim under no circumstance would allow. The implications waged political suicide as an appeal would acknowledge Kim had failed to govern – that the rhetoric *juche* was what misled the people into economic peril. What Kim needed was a political front that would veil his complicity in fashioning the nation's peril and ultimately avert *juche* from ideological bankruptcy. The great floods, which occurred in the July and August of 1995, gave Kim the political cover he needed. The floods in 1995 only exacerbated an already precarious food situation but presented a fruitful political opportunity. Massive levels of rainfall, in addition to the topsoil erosion caused from heavy farming, destroyed an enormous amount of the nation's farmlands.<sup>65</sup> In the aftermath, 300,000 hectares of farmland were lost with two million tons of grains being destroyed in the process. In addition, 5.4 million people found themselves displaced and homeless.<sup>66</sup> The floods presented a face-saving opportunity to request international aid assistance. In effect, the regime exploited these tragedies to create the Flood Damage Rehabilitation Committee (FDRC). In its international appeal, the FDRC constructed an anachronistic narrative, claiming the massive floods procured an “unforeseen” humanitarian crisis of an unprecedented scale.

Contrary to the FDRC's claim, by the beginning of 1995, which is prior to the floods that occurred in July, the famine was in full force. By 1995, the majority of the country was experiencing food shortages. Prior to the floods, Haggard and Noland's graph shows that the PDS failed to meet the minimum human demand for food (see figure 1c). The minimum requirement, to stress, is simply the level required for sustenance – a level bordering dangerously close to caloric deficiency. Haggard and Noland estimate that for the PDS to meet minimum human demand it would have, on average, needed to provide 457 grams of grains per ration. By 1995, the PDS was distributing 427 grams, 30 grams below the minimum. In 1996, the PDS was only able to provide, on average, 353 grams of grains – 102 grams short of the minimum. It is likely that the floods of 1995 was what attributed to the sharp 102 gram fall in the following year. However, the point is that the floods only exacerbated an already problematic food situation not began one.

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<sup>64</sup> Haggard (2007), 51.

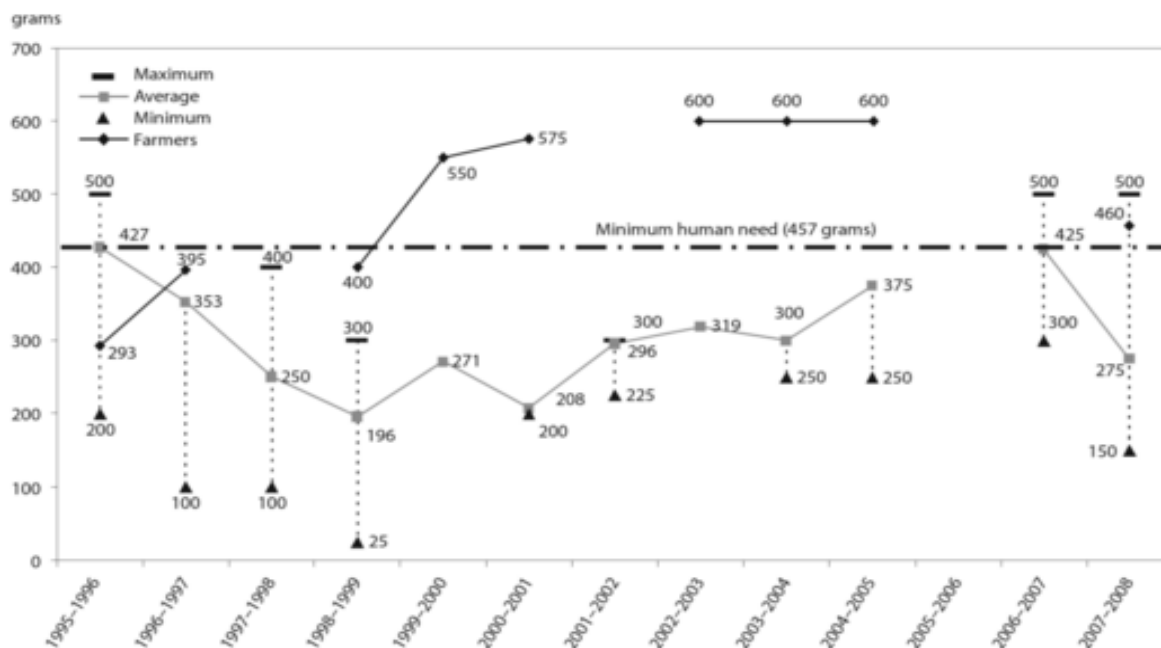
<sup>65</sup> Cha (2012), 34.

<sup>66</sup> Id.

Even in light of obvious food insecurity, the regime did not ask for assistance. The regime was paralyzed, confused in how to reconcile the concern of impending state collapse while not compromising the legitimacy of its rule. Seeking to preserve political control, regime hedged its political bets on *juche*, squeezing as much time out of the hopeless ideology as it could. Resettling this pressure onto a suffering population, of course, was no solution. As the food situation worsened, the floods, in great fortune, provided an immunizing political front to request international assistance. The need to preserve political legitimacy trumped the impending deaths of the people. The flood's timing for the regime was thus, in tragic irony, fortuitous.

**Figure 1c.**

*PDS Distributions, November 1995 to October 2008*



Source: Haggard and Noland (2007), 60.

Estimations of fatalities from the famine vary widely given the absence of credible state analytics. Some estimates, such as one given by then USAID administrator, Andrew Natsios, suggest that, “2.5 million or ten percent of the population perished.”<sup>67</sup> A more conservative estimate, offered by researchers Daniel Goodkind and Lorraine West, claim there were 236,900 deaths.<sup>68</sup> Haggard and Noland, on the other hand, project around 600,000 to one million citizens perished, or, in translation, five percent of the population.<sup>69</sup> Clearly, there is disagreement regarding the famine’s impact. The disparities are attributed to the fact that these scholars relied on different data sets to make approximations and different assumptions regarding demographic trends. Despite variations, scholars concede that the famine resulted in large magnitudes of human suffering with profound consequences to North Korean society.

The majority of those who died did not from hunger, but disease. As food grew increasingly scarce, immune systems became weakened, rendering them incapable of fighting common disease. What would otherwise be pathological nuisances in the developed world became brutally fatal in North Korea. Tuberculosis, cholera, malaria, chronic diarrhea, and organ failure were the common

<sup>67</sup> Nolan (2003), 74.

<sup>68</sup> Id. at 75.

<sup>69</sup> Id. at 76.

killers.<sup>70</sup> Amidst the famine, medical services once guaranteed under the social compact broke down. Hospitals were stressed beyond their capacities as the state stopped providing vital medical support: electricity for the hospitals was in constant shortage and the state lacked the hard currency to import vital medication. In addition, hospitals were understaffed because workers could not get paid. North Koreans were starving, this is true – more disconcerting, however, was the number that grew fatally ill as their bodies grew inept at fighting normally innocuous diseases. If hospitals were able to administer proper care, fatalities would have drastically reduced. Unfortunately, adequate hospital care was not possible, compounding an already dismal food situation.

The testimony of a 56 year-old woman named Song, who had her appendix removed without anesthetics because they were unavailable, vividly captures the famine's medical realities:

“The operation took about an hour and ten minutes. I was screaming so much from the pain I thought I was going to die. They had tied my hands and legs to prevent me from moving. I was hospitalized for one week then I recovered for about one month at home.”<sup>71</sup>

The famine's breadth and impact in addition was disparately applied across society. In this vein, the famine was the worst in North Korea's northeast region, where the provinces of Hamgyong and Yanggang are located. Growing seasons in these provinces are the shortest in the country and temperatures are typically colder.<sup>72</sup> It is no coincidence that Park, the then twenty-seven year old described earlier in section two, was from this area. What was left of the food supply to allocate through the PDS was not evenly distributed, moreover. For Kim, the famine provided an opportunity to paradoxically consolidate the loyalty of his political elites. Understanding why requires explaining North Korea's caste system. Citizens are placed into political classes, which parallels the caste system existent in India. In accordance, citizens are organized along a class system called *songbun*. Under this classification system there are three classes: the core, wavering, and the hostile.<sup>73</sup> The basis of categorization is political loyalty – thus explaining the spectrum from core to hostile. Opportunities to success, access to food, and other socioeconomic privileges depend on one's class. This relationship is directly proportional; the higher one is along the spectrum of political loyalty, the more socioeconomic privileges they are granted.

Amidst the famine, Kim protected the core class to preserve political loyalty and stability. The core class is central to one's consolidation of power in North Korea; it comprises of around 200 to 5,000 of elite individuals who run the state's economic firms, bureaucracies, and, importantly, the military.<sup>74</sup> Winning the loyalty of the core thus secures one's power, as this class is the only group capable of organizing a coup or a rebellion. Thus, satisfying the physical needs of this class was Kim's main priority. The wavering and in particular the hostile class who are located outside of Pyongyang, however, posed no immediate threat to the regime's stability. The individuals who comprised this class are disenfranchised, do not own the means of production nor control the military. In the context of political power, these classes were not pressing concerns to Kim and thus abandoned to provide for their own sustenance.

At this point it is necessary that we broaden our temporal horizons of the famine. Until now I have framed the famine as a disaster confined to the mid or late 1990s. But the decisive cause that

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<sup>70</sup> Noland (2003), 194.

<sup>71</sup> *Amnesty International Publications* (2010), 22.

<sup>72</sup> Cha (2012), 62.

<sup>73</sup> Byman, Daniel, and Jennifer Lind. "Pyongyang's Survival Strategy: Tools of Authoritarian Control in North Korea." *International Security* 35.1 (2010), 62.

<sup>74</sup> Id.

led to the development of the bottom-up markets was how Pyongyang chose to allocate its international aid among the three classes during and after the famine. To stress, the level of international assistance provided to the nation was enough to dramatically arrest statewide hunger. However, Pyongyang prioritized the preservation of political power by channeling most of its aid to appease only the material needs of the core class. In result, these decisions bore consequences that lasted well into the 21<sup>st</sup> century engendering, ultimately, bottom-up marketization.

By the late-1990s, the PDS was defunct, with international aid providing the majority of food assistance to the nation. In 1995, the PDS was struggling to meet the bare minimum caloric demand, as shown earlier. A few years later, however, the PDS struggled to provide even half of the country's minimum caloric needs, especially in the outer-regions of the country. Figure 1c shows that by 1998, the PDS was only providing 196 grams of grain, 261 grams short of the minimum human demand making this amount the lowest point of the PDS during the famine's period. More importantly, the PDS' distribution of grains, from 1995 to 2008, continued to stay below the minimum human demand, never once meeting the minimum demand. To address the PDS' total collapse, the FDRC requested international assistance, beginning an era of unprecedented international engagement with North Korea. By orchestrating a disaster narrative that excluded the impact of Kim's governance, it insulated Kim from political critique and openly invited Western assistance. Subsequently, nonprofits, international government organizations, and state governments collaborated to provide assistance. This donor community from 1995 to 2005 provided in total \$2.3 billion of aid, with sixty-seven percent of it being in food.<sup>75</sup>

Pyongyang's experience with international aid was one of the most orchestrated instances of unmonitored humanitarian aid in history. Pyongyang received millions of tons of food aid on largely unconditional terms. It was the donors, instead, who were subject to strict monitoring and restricted to serving only particular provinces and cities.<sup>76</sup> These restricted areas, more concerning, were the areas speculated to be the most food-insecure such as North Hamgyong province.<sup>77</sup> In addition, aid workers were not permitted to know Korean, requiring foreign speakers to be guided constantly by North Korean officials. Food aid arriving at the ports was also not delivered by aid agencies, but through North Korea's Ministry of Food Administration. Food was transported along paths set by the state, with few measures for donors to verify if the aid reached the most vulnerable.<sup>78</sup>

Transparency and accountability mechanisms are crucial to ensuring aid reaches the most vulnerable – in North Korea these mechanisms were impossible. The regime needed assistance, to be sure, but it feared that the presence of Western organizations and aid workers would ideologically “pollute” the citizens that would interact with them. As such, the state raised enormous barriers to humanitarian assistance. One aid worker puts it bluntly, “In other countries, local nationals are on our side. In the DPRK, even your driver tries to cheat you.”<sup>79</sup> However, the aid that the North received was not *carte blanche*, per se, there were monitoring mechanisms the North agreed to. For instance, the U.N. was entitled to 300 monitoring visits per month; however, as one official stated, “[t]hey don't mean anything, because there are no random visits.”<sup>80</sup> North Korean officials claimed, on the other hand, that the accountability demands of the donor community were, in their words, “too excessive.”<sup>81</sup>

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<sup>75</sup> Noland (2003), 89.

<sup>76</sup> Id.

<sup>77</sup> Id. at 93.

<sup>78</sup> Id. at 102.

<sup>79</sup> Id. at 96.

<sup>80</sup> Id. at 104.

<sup>81</sup> Id. at 106.

This absence of accountability granted Pyongyang tremendous levels of discretion over aid allocation that ultimately laid the foundation for social change. Central to laying this foundation was the nuclear crisis that conspired during the famine. Since the early 1970s, North Korea was interested in developing a nuclear weapon. By 1985, U.S. intelligence noticed signs of a nuclear weapons program in the North, despite the fact Pyongyang ratified the Nuclear Non-Proliferation Treaty in the same year, albeit with some critical omissions to the treaty.<sup>82</sup> The U.S.' suspicion snowballed into a full-fledged international crisis in May of 1994 when then head of the International Atomic Energy Agency, Hans Blix, accused Pyongyang of violating the treaty. In June of that year, the U.S. considered a military option to destroy Pyongyang's nuclear program. The crisis, however, was averted when Pyongyang invited then President Jimmy Carter to the country and assured the former president the nuclear program was peaceful, leading to a temporary de-escalation.<sup>83</sup>

To complicate issues, during this crisis Kim Il-sung passed away leading to his son, Kim Jong-Il, to inherit his throne. The nuclear crisis of the mid-1990s, amidst the power transition, induced the new Kim to introduce *songun*, translating to "military-first" in politics. *Songun* is a derivative of *juche*; it claims a strong military secures the independence and self-reliance of North Korea by keeping the Western "imperialistic forces" at bay.<sup>84</sup> This doctrine was introduced in the purpose of consolidating political power. To explain, the U.S. nuclear crisis presented a fortuitous opportunity to solidify Kim's power within critical power bases, political elites and the military. First, as Haggard and Noland argue, securing control over the military was an immediate priority for the young Kim to secure his reign.<sup>85</sup> The nuclear crisis gave the political capital for Kim to take command over the military in the pretense of preserving the nation's sovereignty that was at "threat" from the U.S. "imperialists" – consistent with *juche*. Another reason that compelled Kim to introduce *songun* was to ensure "an additional instrument of control in the face of the widespread social discipline" that was caused from the collapsing PDS.<sup>86</sup>

Secondly, and most importantly, *songun* and the struggle to consolidate power directly informed Pyongyang's diversion of aid that would compound the nation's food problems. Jean Ziegler, the UN special rapporteur for food rights in February, 2001, claimed that "[m]ost of the international food aid was being diverted by the army, secret services, and the government."<sup>87</sup> While Ziegler likely overestimated the level of diversion, there was merit to her claim. In the midst of an ongoing food crisis and the introduction of *songun*, the unmonitored aid presented a tempting, cheap food source to augment the military. Haggard and Noland posit that large-scale, centralized diversion was unlikely, given the immense power elites had over the allocation of international aid. Much of the food aid came in the form of "wheat, corn, [and] protein biscuits;" which are foods less appealing to military elites compared to grains such as rice. Haggard and Noland argue the majority of this diversion was done in a decentralized platform from "lower-level party, administrative, and military personnel."<sup>88</sup> How much of this food aid was diverted from the food-insecure? Expectedly, estimates vary widely given the lack of monitoring mechanisms. Good Friends, a South Korean-based non-profit organization suggests as much as fifty-percent of this aid was diverted. Other

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<sup>82</sup> Pyongyang refused to sign a safeguards agreement of the NNPT until January of 1992, seven years later after the nation promised to do so.

<sup>83</sup> Noland (2003), 252.

<sup>84</sup> Id. at 168.

<sup>85</sup> Id.

<sup>86</sup> Id. at 169.

<sup>87</sup> Id. at 108.

<sup>88</sup> Id. at 110.

estimates based on interviews with defected North Korean officials approximate ten to thirty percent.<sup>89</sup>

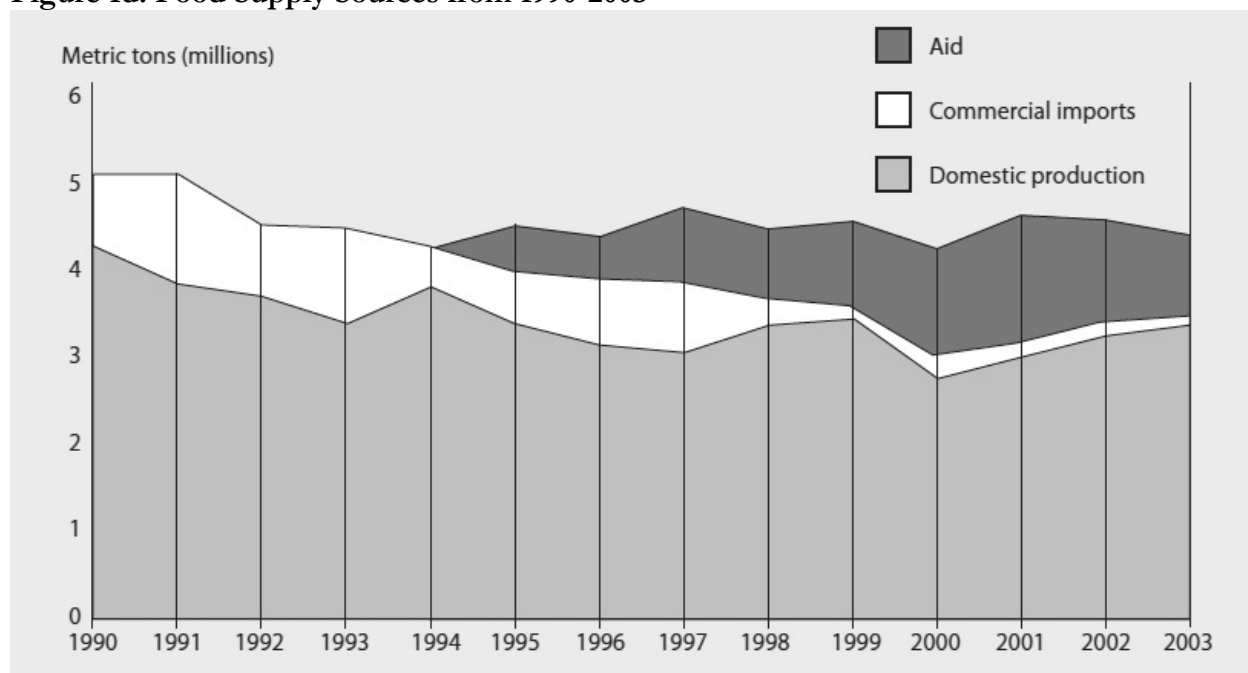
International aid, then, was being used to sustain the general military, but not its elites; so how did Kim materially secure their loyalty? To generate the currency needed to appease this class, Kim imposed cost-saving measures by offsetting the nation's import of grains with international aid. For instance, from 1990 to 2003, North Korea's domestic production and commercial import of grains dropped while the acceptance of aid increased (see figure 1d.). North Korea's grain production in 1990 was around 4.2 million metric tons, but by 2000 it dropped to around 3 million metric tons. The import of grains that should have increased to meet falls in grain production intentionally dropped to around two million metric tons from 1990 to 2000. Common sense dictates a country increase food imports if they cannot efficiently self-produce it, especially during famines. However, as Haggard and Noland argue, Pyongyang increased its dependency on aid to "substitute for... commercial imports... and, in effect...stopped importing grain through commercial routes."<sup>90</sup> Thus this pattern of import-substitution was, as Haggard and Noland suggest, a "balance-of-payments support" to allow currency savings to be directed toward appeasing military and political elites.<sup>91</sup> In other words, international aid became another instance where Pyongyang developed a dangerous dependency on external actors to provide vital goods, and cheaply. This was another opportunity for a free lunch that would once more aid the Kims' quest for power. Rather than it being the Soviets and the Chinese as the benefactors, it was this time, in irony, the "imperialistic" West.

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<sup>89</sup> Cha (2012), 28.

<sup>90</sup> Id. at 16.

<sup>91</sup> Id.

Figure 1d. Food Supply Sources from 1990-2003<sup>92</sup>

Source: Noland (2005), 13.

At a cursory glance these priorities seem unjustified considering in this period 18 million citizens were food-insecure.<sup>93</sup> But given the exigencies of Kim's power transition, these aid diversions were completely rational in the context of securing power. As a new leader, consolidating Kim's political power was the priority and there were two groups Kim needed to immediately secure: the military and the elite electorate. For the former, Kim capitalized the 1994 nuclear crisis to introduce *songun*, allowing a political front to earn the loyalty of the military through aid diversion and import-substitution. For example, in 1999, Pyongyang purchased forty Mig-21 planes and eight military helicopters in the same year it cut 200,000 metric tons of imported grain – likely to offset the costs of the military purchases.<sup>94</sup> To secure the latter, Kim used the savings earned from curbing the importation of grains to purchase his cronies. For instance, in the mid 1990s, Kim imported \$2.6 million of Swiss watches; in 1995, Kim paid \$15 million for a grand-scale wrestling exhibition match in Pyongyang; in 1998, \$20 million was spent importing two-hundred S-500 Mercedes Benz Limousines.<sup>95</sup>

Kim's taste for luxury is well known and profligate, to be sure, but we should not assume he was oblivious to the humanitarian crisis ensuing before him. Nor could Kim have possibly consumed all of the luxury items he purchased, with the list offered above not being exhaustive either. With scarce resources and potential political contenders on the horizon, Kim prioritized consolidating his power at the expense of the common masses, which, unfortunately, did not register as immediate threats. Indeed, dramatic power-transition, a nuclear confrontation, and an ongoing "invasion" of Western civil society, constrained Kim to toe tight political tradeoffs. With a significant portion of the international aid diverted to core class, in addition using it as a "balance of

<sup>92</sup> For reference, minimum human demand for food hovered around ~3.3 million metric tons in 1990 to ~3.5 million metric tons in 2003.

<sup>93</sup> Noland (2003), 74.

<sup>94</sup> Id. at 50.

<sup>95</sup> Cha (2012), 81.

payments” to create savings, the food problem disproportionately worsened for the wavering and hostile classes who needed it most.

#### **Iid. Madness into Markets**

The wavering and hostile class, considered inconsequential at least immediately to Kim’s consolidation of power, was therefore the key agents of the change behind the famine. These bottom two classes comprised around 18 million people of the 22 million at this time, which lived in the outer-counties with a PDS that was obsolete or near collapse.<sup>96</sup> The primary class spearheading the state’s marketization process, however, was the wavering not hostile class. As discussed, North Korean society is divided into three classes: the core, wavering, and hostile. The core and the hostile comprise a very small percentage of North Korean society. If the distribution of these classes over the population were depicted vis-à-vis a bell-curve, these two classes would be located at the curve’s extreme ends.<sup>97</sup> The median, therefore, is the wavering class – a group deemed of liminal loyalty, neither entirely faithful nor rebellious. This class constitutes around fifty-five percent of the population.<sup>98</sup> Considering that the wavering and hostile classes primarily engaged in the markets, it is deducible that the majority of market participants belonged to the wavering class. The latter of market participants, to whom I call the wavering capitalists, were therefore the pioneers behind the bottom-up marketization in North Korea.

Being outside the privileged and protected sphere of Pyongyang, the wavering class was highly food insecure. As such, citizens who continued to rely on the PDS for sustenance would face certain death. Dismal food conditions in the outer-provinces therefore compelled citizens to pursue extreme measures. As desperation ensued, deviant behaviors, criminally and in relation to common norms, arose. In the context of criminal behaviors, citizens took to theft, prostitution and human trafficking to generate much needed currency.<sup>99</sup> There were more disturbing measures noted in the acquirement of food, however. During the famine the World Food Programme once requested to investigate one of North Korea’s food markets under the accusation they were selling mixed-meat comprised of human and pork flesh.<sup>100</sup> The WFP, unsurprisingly, was denied access. For individuals who could find no refuge nor escape, suicide was also common – one defector poignantly describes what he saw:

“Many people died of hunger each day... I saw a whole family dead under a bridge. The father thought it would be better to die than to live on. So they went outside and...froze to death.”<sup>101</sup>

The famine placed the population under extraordinarily challenging conditions, with equally extreme measures to meet them. In particular, one of the most extreme and profound behaviors was bottom-up marketization that occurred in the late 1990s. The market behaviors witnessed during the famine were, least to say, radical. *Juche*, ever since its introduction in 1955, mobilized the government to reorganize, coercively, the people’s lives in alignment with Stalinist values both politically and economically. Engaging markets, or, in other words, individualized capitalistic behavior, was completely at odds with *juche*. Market behaviors were therefore not only foreign, but anathema. As

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<sup>96</sup> See, Robert Collins. *Marked for life: Songbun, North Korea’s Social Classification System*. Committee for Human Rights in North Korea.

<sup>97</sup> Id.

<sup>98</sup> Id.

<sup>99</sup> Noland (2003), 197.

<sup>100</sup> Id.

<sup>101</sup> Id.

such, the markets that rose in the late 1990s did not transpire spontaneously; they were certainly no miracle of collective action, either. The market's rise was disorganized and marked with confusion. Citizens, through desperate trial and error, began engaging in quasi-capitalistic behaviors, eventually learning that they could depend on each other rather than the state for sustenance. The famine and its impact, therefore, was a profound turning point for the nation's people. As markets became the primary mode of economic behavior, socialist principles that once demanded respect and salience became as obsolete as the PDS centers that pillared them.

For decades, the umbilical cord connecting citizens to the state was wrenched away. The state originally provided citizens from their physical to their metaphysical needs, from birth to death. It was, symbolically, the maternal figure of the people. But the rise of the markets effectively signaled the beginning of when the common mass became orphans, abandoned to provide for their own means. These depictions are not ideological abstractions but through the indoctrination of *juche* how citizens actually comprehended the state's abandonment. To the people, the state's retreat was familial betrayal, nationally treasonous, and an egregious violation of the social compact. The rise of markets signaled more than the end of the state's sovereignty; it signaled the persuasion of *juche* as well. The nationalism that banded North Koreans together compelling them to capitulate their unwavering loyalty was thus in jeopardy. Moreover, the capitalistic behaviors once understood as abhorrent and blasphemous had grown acceptable. Understanding the profundity of these market behaviors demanded us to realize how central *juche* was in organizing and constituting everyday norms. Despite the moral turpitude of market behaviors, markets proliferated across provinces with startling speed. The advancement of markets demonstrated, at the very least, an ideological drift if not the collapse of *juche*.

How many markets were there then and today? This number is unknown as access to the country is restricted. South Korea's Ministry of Unification estimates that around 300 to 350 markets, scattered across counties, existed in the country by 1998.<sup>102</sup> In this vein, when Kim announced in 1999 that the state needed to prioritize its restriction of the markets, it signaled that markets were becoming institutionalizing with frightening force.<sup>103</sup> However, I emphasize markets are not entirely new to North Korea; there are records of farmer markets operating in the late 1980s; however these markets were scarce and scattered.<sup>104</sup> To be sure, they were anomalies. Only during and after the famine did markets become an economic norm. The markets were, more importantly, a norm for the reason that one's sustenance and survival depended on one's ability to engage in them. As one refugee of the famine put it frankly, "those who could not trade are long dead."<sup>105</sup>

Market behaviors centered on the trade of goods and services. Citizens engaged in trading food, personal household items, international food-aid, and foraged food or natural materials.<sup>106</sup> Citizens conducted business largely through North Korean Won, and, if possible, through foreign currency which retained value longer. The most prevalent notes included U.S., Chinese, and Japanese currency.<sup>107</sup> At these markets citizens would barter, much like anyone at a local market, and negotiate the prices and values of goods. Citizens in addition traded with personal items when currency was unavailable.

I use the word "personal," however, with great trepidation. Prior to the famine citizens possessed a poor conception of personal property. Everything the citizen "owned" belonged to the

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<sup>102</sup> Noland (2003), 173.

<sup>103</sup> Id.

<sup>104</sup> Id.

<sup>105</sup> Id. at 175.

<sup>106</sup> Id.

<sup>107</sup> Id. at 185.

state – it was out of the great leader’s “generosity” and “care” which allowed citizens to acquire their housing, food, and supplies. However, during this period of marketization citizens developed an understanding personal property and ownership. My claim rests on the notion that meritocracy is a natural consequence of market behavior which conspires a sense of entitlement to the fruits of one’s labor. For the first time, citizens *earned* these fruits through the labor of creating, foraging, and selling their goods. Markets goods thus became entitled and owned. The goods and services they managed were no longer handouts, cheap to acquire but excludable, rivaled, and directly consequential to one’s survival. Moreover the markets were not venues to make “killings,” they were instead practices citizens depended desperately on to survive. One’s development of ownership, then, was key to successfully competing in the market. The sense of collectivity that existed before under *juche* was therefore broken. In result, these markets were highly adversarial as a dire food situation hiked the costs of competition. The paradox of these markets was that while citizens competed against each other to survive, their competition rested on the logic they needed each other to live – a delicate balance needed to be constantly struck in for the markets to work.

How specifically did these markets form? First, these markets are identified by long rows of personal makeshift stalls in alleyways or alongside roads. Commonly, these markets began when one or a few entrepreneurial citizens, either as strangers, family, or friends, sold and bought goods alongside an area experiencing heavy foot-traffic. As the PDS failed to deliver food, citizens naturally looked to trade their “own” items for food. Eventually more entrepreneurs came along, hoping to reap the profits and capitalize on their comparative advantages in order to purchase food. This trend continued until full-scale markets formed, as more citizens realized market-behaviors were more efficacious than working at their state-designated jobs. As such, many citizens simply abandoned their jobs at state factories – notwithstanding and likely compounded by the fact they were inoperable given the shortage of industrial inputs.<sup>108</sup> During these markets arose all around the country, sapping the state of its human capital and deviating citizens into “blasphemous” capitalistic behavior. It raises the question, how did the state respond to increasing marketization?

During the early stages of the famine, these markets were unnoticed as they were sporadic. As markets proliferated throughout the country, they began enticing both local citizen and government officials to participate. Realizing the markets were sapping vital human capital, the state problematized these markets around the late 1990s. In 1998, Kim delivered a speech concerning the proliferation of market activities stating that, “the party and the government have full responsibility...for the well-being of the people.” Kim continued stating, “If the party lets the people solve the food problem themselves...[it will] collapse the social order of a classless society.”<sup>109</sup> Moreover, a survey conducted by the nonprofit, GoodFriends, found that in 1998, forty-six percent of the interviewed refugees relied on barter and trade for food.<sup>110</sup> While GoodFriend’s survey is not representative of the entire population, their findings reveal how integral the markets were becoming to some everyday North Koreans. The markets were now a problem the state could not ignore. What frustrated the leadership, however, is that while the markets were problems in the context of political control, they were also the solution. After all, these were the very markets sustaining the majority of the population from starvation, death, and most importantly, civil unrest.

The regime faced another political tradeoff in regards to the markets: continue the proliferation of markets at the risk of losing social control, or, crack down on the markets at the certain loss of social control. The decision was made in the July of 2002 to sanction the markets and legalize their existence. The state’s decision undergirded that the markets were too vital to the

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<sup>108</sup> Id. at 170.

<sup>109</sup> Id. at 173.

<sup>110</sup> Id. at 174.

sustenance of the people to abolish.<sup>111</sup> Among the various changes brought by the 2002 July economic reforms, the ones concerning market participation were primarily of a legal nature. The crux of the market reforms was the decriminalization of market-behavior. Coping strategies such as private-trade, the ownership of private farm-plots, and the establishment of market stalls became legalized.<sup>112</sup> The 2002 July reforms provided the first instance in the nation's history where the people's exigencies dictated state policy, not Pyongyang's. It is also important to mention that the reforms led to the marketization of currency, state-owned enterprises, and agricultural practices. These economic reforms, to be sure, are worth researching in their own right.

In the discussion of North Korea's rights-based movements, however, our ultimate focus is the impact in which Pyongyang's experimental reforms had on shifting social norms. In short, tight socialist controls on the economy were liberalized and relaxed, affording citizens to exercise discretion over their economic behaviors. In retrospect, the state truly had no choice – it could not provide food as restricting market behavior only heightened the risk of rebellion. The results of these economic relaxations were profound; refugee reports indicate in the early 2000s a bustling entrepreneurial economy. For instance, refugee testimonies stated that there were “wood-delivery services, bicycle repair, tailoring, shoe repair, hair cutting, and small vendors,” affording a sense of what these July reforms translated into the lives of everyday North Korean.<sup>113</sup>

For years, Pyongyang turned not only a blind eye to these “deviant” market practices but strikingly endorsed them, completely abandoning *juche* in the prioritization of social stability. With the PDS declared inoperable in the 2000s, (see figure 1d.), the people grew economically independent from the state. Beginning in 2005, however, improved harvests and recovering relations with China compelled Pyongyang to abandon its policy of marketization and revive *juche*. In tandem, North Korea's newly appointed economic director in 2005, Park Nam-ki, ushered in an era of market hostility and called the current proliferation of markets a “capitalist fantasy” and vowed to end them.<sup>114</sup> The director in particular called for the PDS to be reinstated, private trade to be banned, and the markets shut down – markets, that at this time, had proliferated to nearly every province of the country.<sup>115</sup>

The method behind how the state dismantled markets is noteworthy, moreover. The process to end markets was meticulously granular – likely in the logic a sudden abolishment would lead to massive civil unrest. For instance, it was not until two years later in 2007 when the state imposed age restrictions, not abolished the markets wholesale, on those allowed to trade in the markets, allowing only women over the age of forty to participate.<sup>116</sup> In 2009, the government, building on its momentum, enacted its most ambitious policy against the markets by introducing a new currency note. Citizens were allowed to exchange only 150,000 Korean Won of their old currency notes into the new note, which, according to currency values at the time, only amounted to around \$30. The 2009 reform thus tragically wiped out the savings of most North Koreans. Haggard and Noland speculate this reform was done in the intent of curbing private-market involvement, as the savings earned at this time were through the markets.<sup>117</sup> Imposing a new currency note would therefore redirect economic dependence back to the state by curtailing the financial power, and, inadvertently

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<sup>111</sup> Id. at 171.

<sup>112</sup> Id. at 173.

<sup>113</sup> Id. at 191.

<sup>114</sup> Haggard, Stephan, and Marcus Noland. *Witness to Transformation: Refugee Insights into North Korea*. Washington, DC: Peterson Institute For International Economics, 2011, 9.

<sup>115</sup> Id.

<sup>116</sup> Id. at 10.

<sup>117</sup> Id.

the market rights of citizens.<sup>118</sup> These reforms decisively showed, in particular, a nostalgic, yet failed, redemptive attempt of the state to redirect citizens back to *juche*.

In response to the state's efforts to curb private market behaviors, citizens statewide engaged in acts of civil disobedience to resist the crackdowns. In a country known for its Orwellian methods of social control, statewide instances of civil disobedience are typically inconceivable. But it happened – and it is happening, still. Astoundingly, in 2010, the state retracted its anti-market measures by legalizing them entirely. Why did this happen? I argue it is because of these acts of civil protest from everyday citizens. What these instances of collective resistance inform us about the changing constellations of power between the private citizen and the state is profound. More astounding, however, is the language in which these citizens were articulating their grievances in: rights.

### III. Making Rights Marketable

The decade that witnessed horrific proportions of human suffering was, in reality, the concoction of a doomed political recipe. Flawed Leninist policies informed by *juche*, dramatically shifting geopolitics, geographical disadvantages, and a policy trumping power over people conspired to produce the world's most lethal industrial-state famine. A concoction of variables compounded to bring an originally bustling industrial economy down on its knees, killing thousands of citizens from an avoidable fate. Predictably, the famine was immeasurably disruptive, catalyzing change both subtly and systematically across North Korean society. These societal changes and its implications for rights development will be the focus of this section.

This section provides an overview of rights literature and how this ideological conception is compatible in North Korea. From there, I offer a theory of how a rights-discourse could be availed by the wavering capitalists. Our aim is to provide a theoretical framework to the emergence of civil disobedience and rights consciousness that transpired during the market crackdowns of post-2005. Ultimately I will revisit and apply these frameworks to explicate our case studies of North Korean protests in section six.

We begin with an overview of rights in the context of social struggle. First, what defines a right? Rights-mobilization scholar Michael McCann defines rights as “claims of entitlement to certain goods.”<sup>119</sup> An individual therefore must express desert to some privilege or alternative normative vision. Implicit within an entitlement claim is the rights-denied and the rights-denier. In this sense, rights are relational. The enforcement and denial of rights embody a constellation of actors in society such as a community, government, and bodies of law. Legal scholar Martha Minow explains this constellation, “[b]y invoking rights, an individual or group claims the attention of the larger community and its authorities.”<sup>120</sup> Through invoking a right, an individual positions oneself against its infringers that are also concomitantly those with the capacity to confer them. In this vein, rights expose relationships of power. These relationships in the context of rights claimants are always asymmetrical – rights invokers demand actors with the power to enforce rights that they do so. In short, rights can provide a language to articulate a normative vision, placing the onus upon actors with enforceable power, such as wielding the monopolization of state violence, to realize them.

Moreover when the language of rights is employed, it can engender “rights consciousness,” empowering citizens to feel entitled to claim and defend novel normative visions. Rights and its respective canons can thus broaden, contract, and insurrect an individual's normative universe. As

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<sup>118</sup> Id.

<sup>119</sup> McCann, Michael M., and Stuart Scheingold. "Rights: Legal Aspects." *International Encyclopedia of the Social and Behavioral Science* (2001), 13339.

<sup>120</sup> Minow, Martha. "Interpreting Rights: An Essay for Robert Cover." *Yale Law Journal Company, Inc.* 96.8 (1987), 1874.

Minow argues, rights consciousness is where “individuals and groups.... imagine and act in light of rights that have not been formally recognized or enforced”<sup>121</sup> In other words, rights can father new senses of entitlements. Therefore, rights demarcate the boundaries of what is ethically permissible. This demarcation, however, is continually renegotiated by social struggle. Moreover, the work of rights in the imagination is not limited to the individual. Rights consciousness can generate solidarity among others, allowing individuals to “construct communities apart from the state to nurture new conceptions of rights.”<sup>122</sup> These communities can existentially position themselves against a power structure, and compel a community to “resist and alter official state action.” As such, rights are both a public and private enterprise capable of generating collective action. If an individual’s private normative canons are shared coherently across a community, these norms engender a distinguishable and defensible identity; thus, a charged solidarity with the capacity to translate into collective action arises. Hence, it is only when a private held right becomes publicly understood that community, and its generation of collective action, is possible. A community’s rights claim can be a public signal that it is committed, through treasure and blood, to contest, resist, and supplant the prevailing normative structure.<sup>123</sup>

Rights enforcement, therefore, demands the rights-claimant and its broader community to achieve normative coherency. However exporting an individual grievance onto a broader community faces several collective-action problems. Interpretive incongruences of a right across a constellation of actors, either through disagreement or misunderstandings, greatly frustrate the actualization of a right. In accordance, differing interpretations across actors can lead, in actuality, to the realization of different rights. These challenges are what led rights scholar Stuart Scheingold to call rights a “myth” asserting that rights do not self-enforce their normative visions on the simple condition they are codified.<sup>124</sup> Indeed, McCann concurs with Scheingold, claiming that, “rights alone secure very little.”<sup>125</sup>

On these lines, I propose several conditions that in totality are sufficient to successful rights enforcement. First, a rights discourse must be accessible; there must be a lexicon – words, phrases, or symbols – to articulate and make intelligible a grievance. Secondly, these articulations must equally be communicated and coherently understood, allowing rights claimants to achieve normative congruence within a community to generate solidarity. This solidarity, however, must also be able to translate into collective action; a shared associational bond is insufficient for rights-enforcement. In accordance, citizens must mobilize the political capital their solidarity affords. Specifically, the political and social resources of a community should be capable of being mobilized for political struggle.<sup>126</sup> These include “raising citizen expectations regarding political change...building group alliances... and organizing resources for tactical action.”<sup>127</sup> Rights are only powerful when they engender a community charged to find resolve under a coherent grievance, identity, and sense of entitlement. Concurrently, Scheingold, despite claiming that rights are a myth, capitulates that “[u]nder the right circumstances rights can be used a catalytic agent of mobilization.”<sup>128</sup>

I argue the markets in North Korea became such a platform to engender, in Minow’s words, a “rights-consciousness” within its participants. Through a desire of the citizens to maintain

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<sup>121</sup> Id. at 1867.

<sup>122</sup> Id.

<sup>123</sup> See, Cover, Robert M. "Violence and the Word." *Yale Law Journal* 95 (1986)

<sup>124</sup> Scheingold, Stuart A. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. New Haven: Yale UP, 1974, 17.

<sup>125</sup> McCann (2011), 13334.

<sup>126</sup> McCann, Michael W. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: U of Chicago, 1994, 11.

<sup>127</sup> Id.

<sup>128</sup> Scheingold (1974), 213.

sustenance, markets allowed, in particular, the wavering capitalists to construct what scholar Susan Benson calls a “work culture,” a solidarity in which the common experiences of a occupation allows “workers stake out a relatively autonomous sphere of action, identity, and resistance.”<sup>129</sup> The daily tribulations of market life constructed a shared set of norms, expectations, and grievances – a culture and identity, in other words – across market participants. These coherencies effectively gave rise to solidarity, mobilizing the wavering capitalists to defend their entitlement to sustenance against the state’s market crackdowns. In short, the markets became sacrosanct — an economic fortress to shelter the common masses against a Hobbesian reality wrought with death, disease, and misery. As the markets provided sustenance they not only became inviolable but also defensible. The common experiences of market life permitted the wavering capitalists to develop entitlements to their sustenance that, if violated, triggered collective action to defend them.<sup>130</sup> And thus, markets were a venue to construct the solidarity that constituted the “common commitment[s], understanding[s], and purposiveness that animat[ed]” in their struggles to maintain sustenance.<sup>131</sup> Thus, any attack on the markets became an assault on their sacrosanct economic values. Most salient of these values, most importantly, was their emerged right to sustenance. These wavering capitalists developed a shared “rights consciousness” with the capacity to compel collective resolve to defend this newfound path to sustenance. This right to sustenance constructed an imaginative community, becoming both a sword and a shield for them to assert and defend their claims of sustenance.<sup>132</sup>

Beyond these abstractions, however, is the employment of a rights discourse conceivable in North Korea? Proving the employment of a rights discourse requires we reimagine the language of rights. To be sure, there is no tradition of common or civil law centered on the conferment of individual civil and political rights in North Korea. Citizens are not socialized to articulate the rights discourses their counter-parts in Western nations are employing. This belief is further cemented considering that there is no juridical tradition in North Korea where citizens exercising their right to due process in a court of law.<sup>133</sup> At first glance, a rights discourse seems to be an inaccessible and luxurious enterprise, reserved to citizens of nations with a longstanding respect for the rule of law.

To demonstrate that citizens are articulating rights-based claims, I argue that the language of rights is accessible irrespective of a nation’s tradition of rights. My argument rests on two propositions: first, McCann’s assertion that rights are “claims of entitlement to certain goods and that rights “articulate a certain normative claim that certain actions should or should not be performed by other individuals, agencies, or the state.”<sup>134</sup> Fundamentally, then, a rights-claim is a linguistic expression of an entitlement. As such, employing a traditional lexicon of a “rights-based” discourse, and claiming that, “I have a right to x” is not as important as the claim’s underlying sentiment. Importantly, however, the rights-claims discussed in this paper are not simply expressions of entitlement; as entitlements can embody claims to a normative reality traditionally considered deviant. The second assertion is that the rights-claims explored in this paper are vested in a natural logic of fairness, desert, and justice – similar to ones grounded in natural law – independent from

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<sup>129</sup> Cited in McCann (1994), 114.

<sup>130</sup> Id.

<sup>131</sup> Id. at 110.

<sup>132</sup> See, Anderson, Benedict R. O’G. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991.

<sup>133</sup> North Korea added an amendment to its criminal procedure law in 2004 to Article 117, mandating that “no one shall be arrested or detained in a manner not provided for in the law or without following the procedures prescribed in the law.” A survey conducted in 2008, however, found that of the 102 people surveyed, only thirteen percent stated they received a trial. Whether or not these trials were conducted in a fair and objective manner, moreover, is unknown. For more information, see Stephan Haggard and Marcus Noland’s paper, *Economic Crime and Punishment in North Korea*.

<sup>134</sup> McCann (2011), 13339.

ones endorsed by the state's institutions.<sup>135</sup> As we will see, the boundaries of fairness, justice, and desert of the wavering capitalists are being renegotiated from the “work culture” of market-life and from the meritocratic nature of sustenance. In effect, market participation birthed a new framework of fairness and justice among the wavering capitalists. Understanding rights claims beyond traditional archetypes therefore demands we reimagine how North Koreans are articulating their grievances.

I contend the rights citizens are employing to resist the market crackdowns is a deviation from our traditional understanding of rights. I argue citizens are defending their right to sustenance through “extortive rights.” Extortive rights are distinct from Western rights. Their authority and legitimacy is not drawn from a body or tradition of law, but through credibly signaling a capacity to challenge a political actor's power. Extortive rights are invoked when citizens wage an entitlement that the state is currently denying. Equally, this precludes the need to claim that one has a “right to x.” The underlying sentiment of their vocalizations must only articulate a normative entitlement that is imbued with logics of economic justice. Therefore, extortive rights are naturally birthed in conflict. They are invoked when citizens wage, defend, and contest an entitlement at odds with state policy with the state subsequently refusing to confer them.

I stress, then, extortive rights substitute traditional rights-language vocabulary with expressed entitlements and collective action, allowing citizens who have no jurisprudential tradition and vocabulary of rights to nonetheless express equivalent logics of entitlement with idiosyncratic phrases and actions. Extortive rights generate their bargaining power by inspiring, exposing and escalating collective action across a community and its commitment to credible resolve. It is thus in the state's fear of collective resolve, capable of contesting the state's power, which extorts the state into rights concession. However, the employment of extortive rights does not require the claimant group to explicitly strategize in the production of civil unrest. Rather, extortive rights require citizens to demonstrate that the state's refusal to grant their waged entitlements naturally triggers competent civil unrest, with capacity to renegotiate the state's power. Fundamentally, then, the rhetorical power of extortive rights rests in the generation of state fear.

The successful enforcement of extortive rights therefore necessitates state concessions. The implementation of extortive rights, like traditional rights, demands both the involvement of the rights-denied and the rights-denier. It is reasonable to suspect the rights-denier in our story, Pyongyang, to continue along its tradition of disrespecting rights. In light of this skepticism, is it plausible for the Draconian regime to be extorted into concessions? Admittedly, the corollary of extortive rights is bold: collective action compels even autocracies into concessions. If these claims are not true, extortive rights are all but hollow rhetoric. We turn to place this doubt in sharp relief.

### **IIIb. Compatible Logics**

Successful rights enforcement requires a prevailing power structure to confer them. After all, as Minow states, invoking a right “claims the attention of the larger community and its authorities.”<sup>136</sup> State authorities are required to resolve these rights-claims, either by curbing or accommodating them. This section discusses how Pyongyang's logic is compatible with rights concessions. The North Korean regime is often considered rogue and autocratic. Its logic of governance is also noted for its opaque and irrational nature, inclining some to adopt the view that it in fact does not embrace one. But the regime's logic is only obfuscated by irrational actions guided by rational objectives. Through the lens of history, a discernable logic can be located, and more importantly, we can see that its governance is compatible with rights conferral.

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<sup>135</sup> To clarify, I am not asserting that North Koreans are crafting claims based on natural law. This is implausible as North Koreans face information disparities especially in this tradition.

<sup>136</sup> Minow (1987), 1874.

Pyongyang has demonstrated, at critical junctures of its history, an unequivocal commitment to consolidate political power at the betrayal of *juche*. Throughout history, the regime oscillated between abandoning its anti-Western rhetoric and doctrines of economic self-reliance of *juche*; the regime failed to practice, if ever, these dimensions together over prolonged periods of time. Early on, *Juche* compelled the nation to pursue economic independence through a model of dependent industrial independence. Although this model was a blatant violation its canons of self-reliance, Kim believed this was a small cost to empowering the nation and legitimating his rule. In effect, the regime's period of brief material security permitted Kim to delusively claim the Leninist model superior to capitalism and convincingly blast anti-capitalistic rhetoric to its people. Riding on this legitimacy, the regime acquiesced the people away from practicing capitalistic behaviors, albeit at this period the demands for it were low. The nation's model of industrialization, however, was immensely inefficient as it depended perpetually on concessional aid. In turn, changing geopolitics collapsed the regime's economy, ushering in the famine. In the need to preserve political power, the famine constrained the regime to prioritize appeasing political elites over feeding its people. But this prioritization came at an enormous cost: defacing capitalism was no longer a practical endeavor. The bottom-up markets that arose during the famine became central to the regime's survival as it replaced the apparatuses of the state. The regime therefore made a profound decision; in addition to betraying its canons of self-reliance, Pyongyang abandoned its antagonization of capitalism. For decades the state was able to suppress the rhetorical appeal of capitalism through initial material success. However as the famine brought both political and economic woes, the leader could no longer endorse either doctrines of *juche*. Consider table one, as it provides an evolution of Pyongyang's political logic:

**Table 1. Pyongyang's Adherence to *Juche***

Critical Crossroads for <i>Juche</i>	Self-Reliance?	Anti-Western Rhetoric?	Explanation:
<i>End of the Japanese War (1945)</i>	Abandoned	Adhered	Continued the heavy industrial template left behind by the Japanese empire while creating a fascist narrative against the Japanese and U.S forces
<i>End of the Korean War (1952)</i>	Abandoned	Adhered	Maintained heavy dependence on Soviet and Chinese assistance while declaring South Koreans, the U.S. and all other capitalist states as imperialists
<i>Beginning of the Famine (1995-1998)</i>	Abandoned	Adhered	After Soviet and Chinese fallout, Pyongyang used savings brought by import reduction and international aid to prop the military and its elites. At this point, <i>Songun</i> made its entrance and reinvigorated militant nationalism against the U.S.
<i>End of the Famine (1998-2005)</i>	Abandoned	Abandoned	Pyongyang endorses the markets in its 2002 reforms as the PDS

			collapses, continuing to use savings from international aid to support the core class and the military.
<i>Post–Famine (2005 – today)</i>	Abandoned	Abandoned	Economic policies introduced in 2005 ban market practices to reinvigorate <i>juche</i> . However, the state retracts its decisions in 2010 to enforce <i>juche</i> in result of citizen protests.

It is doubtful if *Juche* was ever faithfully adhered to in the nation's history. During the famine, the regime abandoned both dimensions, if not the entirety, of *juche*. The break in precedence was marked by the legalization of the markets in 2002, as they were critical to preserving political power. If the aim was political survival, the regime truly had no choice. In effect, the state no longer possessed the organizational capacity to realize any of the tenets of *juche*. Improving harvests, in addition to Pyongyang's rekindled relationship with China, at the end of 2005 brought partial relief to its organizational woes, however.<sup>137</sup> With renewed confidence, the regime sought redemption of *juche* by attempting to close the markets once more to restore the population's dependence back to the state. Strikingly, amidst these efforts, the regime changed course and ambivalently permitted them to operate post-2005. In 2010 the state legalized them altogether. As I show, Pyongyang's decision was a consequence of the rights-driven protests led by the wavering capitalists. In its perennial desire to preserve power, the regime quietly permitted the markets to remain. Pyongyang's consistent and total betrayal of *juche* over history reveals the ideological lengths the regime will go to preserve political power.

From a historical standpoint, it is clear the regime prioritizes political power irrespective of the cost ideologically, economically, or in human life. The centralization of political power is thus a non-negotiable ambition; this desire is therefore the bedrock of their political logic. This propensity is therefore how the conferment of market rights is compatible with Pyongyang's political logic. The logic is as follows: if the conferment of market privileges is central to power preservation, it shall be allowed. State granted market rights are therefore consistent with the historical paradigm of Pyongyang's logic. The next section documents the market protests and resituates the wavering capitalists at the center behind the story of North Korea's market survival.

#### **IV. From Crooks to the Capitalists and Right Back Around Again**

When Park, the regime's newly appointed economic director in 2005, declared he was going to end the "capitalist fantasy," it was an empty promise. Under Park's supervision, the regime vigorously labored to remove the markets and redirect the population's dependency back to the PDS. The government experimented with a variety of tactics, from violently expropriating citizens' "private property," shutting down market stalls, and creating labor and reeducation camps for market participants.<sup>138</sup> Despite these aggressive measures, the markets persisted, only to entrench themselves deeper into the socioeconomic order of daily citizens.

After repeated unsuccessful attempts to shut the markets down, the government orchestrated a long-term restrictive approach, rather than adhering to its former strategy of omnibus

<sup>137</sup> *Amnesty International Publications* (2010), 7.

<sup>138</sup> For instance, in 2007 Pyongyang added additional statutory clauses to its criminal code punishing those "illegally operating a business, such as a restaurant, motel, or store." In addition, amendments declared capital punishment was to be administered to those operating prostitution rings.

restrictions. In 2007, the regime passed age restrictions to those who could participate in the market. Seeing that these restrictions were initially successful, in 2008 they mandated that the markets were only allowed to open once every ten days with scattered but generally unchallenged success. In 2009, however, the regime's long-term strategy backfired after they attempted to enact a currency reform. Discussed earlier in section two, this reform wiped out the savings of most North Koreans, sending shockwaves of fiscal chaos across the country. The reform was intended to be part of an incremental strategy to curb market activities; instead, the inexperience of the economic cabinet came to full fruition in this policy. The magnitude of the socioeconomic impact was unanticipated. Nationwide, North Koreans found their savings wiped out nearly completely, rendering them unable to purchase food, household supplies, and vital medication. The memories of the famine, while still fresh, were now raw. Citizens, again, found themselves food-insecure.

Due to climbing social unrest, Pyongyang removed these restrictive measures by announcing its new economic directives on May 26, 2010.<sup>139</sup> The directives reversed its restrictions on market age requirements, hours of operation, and permitted all citizens to participate in the markets. Astoundingly, the regime found itself in the same position where it was at the end 2002 – a population on the verge of civil unrest, market legalization, and a regime clinging for dear life on its own politically constructed ledge. The era of market restriction from 2005 to 2010 is generally understood as a failure of top-down policy; however, rarely is it seen as a victory of the common people. Untold about the regime's failure to control the markets are the remarkable efforts of the common people to defend them. So how did the wavering capitalists secure their markets?

To answer this question I survey the market protests that arose in response to the state's crackdown efforts. I conduct this survey in the form of a story, explicating the protests that occurred throughout the country in chronological fashion, starting from 2005 and ending in 2010. The aim is to lend nakedness to the survival of the markets and ultimately how everyday North Koreans defended their right to sustenance. It was not solely the government's failure to sanction them, but in the successes of the wavering capitalist through the employment of their newfound ideological sword: extortive rights.

#### **IVa. Method to the Madness**

This section demonstrates how the wavering capitalists defended their sustenance through the employment of extortive rights. I first present the protests in chronological fashion, dividing the protests into four temporal periods. I describe the actors involved, the fault-lines, and the actions that ensued. I next demonstrate how these protests are indicative of a rights consciousness among the wavering capitalists. To accomplish this, I examine both the discursive strategies and actions the wavering capitalists took to protect the markets.

My investigation will specifically look for two things: 1) the discursive strategies employed by the wavering capitalists to craft, problematize, and explicate their grievances with the state in accordance with the language of extortive rights; 2) evidence of a concerted effort for wavering capitalists to achieve collective action and ultimately signal a credible capacity to political resolve – whether through the employment of unrest, rebellion, or protest against state actors. Drawing from my theory of extortive rights, I will demonstrate how the actions taken by the wavering capitalists resemble a rights discourse and exhibit the presence of a rights consciousness.

The case studies I examine will be the market protests that occurred in 2005 and beyond that challenged the state's movement to close markets. My data of these market protests are provided

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<sup>139</sup> See, "May 26 Party Directives, "The Country Has No Immediate Solution to Food Situation"." *GoodFriends: Research Institute For North Korean Society* June 2010.

entirely by four news outlets the *Chosun Ilbo*, the *North Korea Today*, the *Daily NK*, and the *Rimjin-gang*. The *Chosun Ilbo* is a Korean newspaper with a particular focus on South Korean politics, economy, and pop culture. From time to time, they publish articles concerning North Korean issues. The articles provided from this source were found searching through their general archives. The *Daily NK*, *North Korea Today*<sup>140</sup> and *Rimjin-gang* are similar as they both exclusively cover North Korean issues. These three sources are dedicated to both exposing human rights violations in North Korea, covering issues ranging from North Korean politics and economy. It is important to note that all three outlets have publicly condemned the regime on multiple occasions, unveiling their political slants. I also found my sources through looking through their archives. In my analysis of their stories, I focus only on the descriptive details to understand what transpired: the who, what, when, and where. Omitted in my analysis is the evaluative and prescriptive commentary provided by the authors.

It is important to note that all three outlets receive information on issues in North Korea by covert third-party sources inside North Korea. The identity of these individuals is unknown for reasons of safety. Reliance on unverifiable sources raises a significant principal-agent problem. The veracity of the information provided by these sources depends on the motives, biases, and competencies of these unknown sources, which I cannot verify. To ameliorate this quality lapse, this study excluded media outlets that did not disclose their political positions and methods of journalism. While these quality controls do not completely proscribe the possibility of bias, being informed of their political slants and journalism tactics at the very least affords us to anticipate their biases when explicating the sources.

Another issue is language translation. My data are provided by English-speaking media outlets that translate the information from Korean to English. North Koreans speak a vernacular of the Korean language, which is then translated into English. I could not find the original transcripts in Korean. In addition, there are, of course, no perfect linguistic substitutes for words from one language to another. Language, moreover, is highly contextual, where words are inflected to meet the idiosyncrasies of a social experience. There are thus numerous barriers to conducting a sound linguistic analysis of North Korean protest discourse. To address this issue I investigate the sentiment and logic underpinning the discourses of the wavering capitalists rather than explicating them too literally. I operate under the assumption that the translated discourse partially betrays the original sentiments, implications, and insinuations that the wavering capitalists intended to express. I believe a heightened attention to the broader sentiments informed by its context of the discourses will reduce the risk of an uncharitable analysis.

The last, and most important, caveat is data availability. The availability of data, and its representation of the breadth of protests depend on the media outlets' ability to secure them. In addition, there is a chance I missed some protests. As shortfalls exist, there are, of course, limitations to what my survey may indicate about proliferation of a rights consciousness in North Korea. Considering also the regime's propensities to corrupt information, there may be some we never know about. In the sake of cohesion and practicality, I must also omit some data at the expense of others. I cannot present all the protests which I have found. It is thus important to note that while my research provides a glimpse into the changing social tides of North Korea, its predictive utility is limited by the scarcity and criterion of the data selection. As such, while my research is not exhaustive or decisively conclusive, it is, at the very least, indicative of a rights-based movement in North Korea.

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<sup>140</sup> The title of this outlet to some may appear misleading according to my citations below. To clarify, this news outlet is run by the nonprofit, GoodFriends – a North Korean humanitarian organization.

## IVb. The Protests

### Phase One: Market Crackdowns 2005-2007

The first protest occurred on November 11<sup>th</sup>, 2006 in the city of Hoiryeong, North Hamgyong Province.<sup>141</sup> One year after North Korea's economic director declared to close the markets, state officials began dismantling markets stalls around the country. Following this directive, on the morning of the November 11<sup>th</sup>, market officials in Hoiryeong without warning ordered the Nanmun market, one of Hoireyeong's largest markets, to be closed without compensation to the vendors. This was a textbook case of government expropriation. As citizens arrived at their market stalls in the early hours of the morning, they found state officials dismantling their market stands. The market-owners, infuriated, demanded the state officials to stop; however they refused and the officials continued.

Upon realizing the state officials would not listen, market-owners gathered together at the city's center, demanding senior state officials give compensation for their stalls. The numbers of those who gathered was estimated to be over one hundred, comprising of shopkeepers, their family members, and local residents who also depended on the markets to survive. The position of the state officials was clear: the markets were illegal, to be remained shut down, and not going to be compensated for they were now illegal. The protestors did not let expressing their discontent; after state officials refused to budge, the protestors formed lines around their dismantled markets and shouted their grievances. Their grievances moreover were not shouted in synchrony but in sporadic, random shouts, as individuals made one demand after another toward the officials.

The demands made by the protestors varied. Some protestors demanded that the state officials "refund the refurbishment payments," a tax on market owners that virtually was a license to operate. Other protestors were more ambitious; some claimed the state needed to compensate entirely for the losses in income in addition to the lost stall and goods. Market participants were also equally infuriated – their property may not have been robbed, however, their ability to purchase food and essential goods was. The markets were the lifeline of the community, citizens, traders, owners, and residents alike were able to practically purchase food due to its geographical proximity. Protestors then shouted against state officials that it was "ridiculous" for them to make them "walk five kilometers to buy a piece of tofu." As the primary mode of transportation was one's feet, proximity was crucial for these markets to practically provide sustenance.

The protests around the state officials' office only intensified as more residents joined the protesting chorus. In response, ten security officers were called to disassemble the protest, but to little avail. The protestors became only further inflamed with the arrival of the guards and physically resisted the officers' attempts to disperse the protestors. Eventually, the guards were able to quell the protest.

### Phase Two: Market Restrictions 2008-2009

In 2008, two years after the state's program to dismantle the markets, on February 5<sup>th</sup> a physical clash occurred between state officials and women vendors in the city of Haeju.<sup>142</sup> This was the year the state implemented age restrictions against women, stating that any woman under 49 was banned. In effect, young women, who at this time comprised a large majority of the vendors, found themselves arbitrarily barred. As state officials entered the Haeju markets to verify ages, the women found in violation of the rule refused to leave. The women claimed that without the markets they would starve, as the state was not providing any food support to the city. After repeated commands

<sup>141</sup> See, Kim, Young-jin. "Mass Protest Incident in Hoiryeong." *DailyNK* [Yanji, China] 9 Nov. 2005.

<sup>142</sup> See, Park, In-ho. "North Korea's Young Female Merchants in Chongjin Resists Business Prohibition Policy." *DailyNK* 24 Mar. 2008.

to leave the markets, the guards attempted to physically remove the women, many of whom fought back. In the aftermath, nine women were arrested by the People's Safety Agency, a security agency of the state equivalent to the police.

A similar altercation between female vendors and state officials, in result of the age restrictions, occurred in the city of Chongjin, North Hamgyong Province on March 3<sup>rd</sup>.<sup>143</sup> In the districts of Sunam and Shinam, which are both located in the city of Chongjin, state officials began removing the products of female vendors who were underage. Rather than physically ejecting female vendors, as state officials did in the city of Haeju, the officials, instead, expropriated their goods. The underage women of the Sunam and Shinam market raised their objections to the officials, claiming, "If we cannot conduct business, the heads of households cannot go to work either." The women, seeing the officials were unsympathetic to their pleas, gathered together in a size of over a hundred, and approached the building of the market manager's office. Together the group began shouting at the building, claiming that either the state let them "continue doing business in the open market or resume food distributions."<sup>144</sup> Just as the vendors of Haeju, the women in the Sunam and Shinam districts depended on the markets to provide for their families. In this case, state officials also refused to entertain the women's objections. In result physical altercations transpired leading to the arrest of several vendors and the closing of their market stalls.

Market restrictions again resulted in conflict between market vendors and state officials on August 2<sup>nd</sup>, 2009, in the city of Onsung of the North Hamgyong Province.<sup>145</sup> State officials had recently banned the Onsung markets. To circumvent the ban, vendors sold their food in clandestine locations such as hidden alleyways. On August 2<sup>nd</sup>, state officials discovered one of these covert markets where seventy vendors were illegally selling food. What followed was chaos, as many vendors salvaged what they could of their produce and ran, while others who were caught refused to let their goods be confiscated and wrestled with the officers to protect them. These vendors who stayed back to protect their goods were beaten by the police but then released later by the police chief.

Afterwards, the targeted vendors and their family members traveled to the offices of the officials and voiced their grievances. They demanded the officials return the expropriated goods and let them continue participating in the markets claiming "[the state] [has] not provided us with either food rations or a salary, and yet they prevent us from trying to survive on our own." Some of the gathered vendors who were older women lambasted the officials to "open [their] eyes and see exactly what's happening on every corner of the streets." In front of the officers, the vendors and their families continued to plea with the officials asking them "how can we live then? Say something... if we had sufficient food, we would not have done this." The state officials ignored their requests and issued a general warning that anyone caught selling would not be arrested but "have their goods confiscated upon sight."

### **Phase Three: Currency Reforms 2009 – 2011**

Civil unrest climaxed on December 1, 2009, when the regime announced its currency reform, effectively wiping the savings out of most market participants. The market class was allowed to exchange a maximum of what would be equivalent to \$30. In response, the announcement sent waves of fiscal panic across the country as vendors and traders alike scrambled to salvage what remained of their life-savings. From the late 1990s until now, the wavering capitalists relied on the

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<sup>143</sup> Id.

<sup>144</sup> Id.

<sup>145</sup> See, "Street Vendors Complain about Increased Control Over Business." *GoodFriends: Research Institute For North Korean Society* Sept. 2009.

markets to build the savings to purchase food and crucial goods. As such, the currency reform catapulted the nation into not only chaos and renewed inflamed resistance. The state's currency reforms significantly curbed the purchasing power of virtually the entire middle and lower strata of North Korean society. Market vendors and traders were now unable to purchase, barter, and sell to the extent before that had originally allowed the people to maintain sustenance. Originally an efficacious solution to food insecurity, the currency reforms obliterated many of the markets of their protective power.

The first recorded protest occurred only four days after the announcement. From December 5<sup>th</sup> to the 6<sup>th</sup>, market traders in the city of Hamhung gathered to protest the currency announcement.<sup>146</sup> In the beginning the protests remained non-violent, as market traders only vocally expressed their complaints against the regime. The protests, however, began attracting the broader sympathies of Hamhung's residents, metastasizing the protests into a full-scale riot comprised of traders, vendors, and residents. As the riots ballooned and became increasingly violent, vendors found themselves in physical altercations with state officers. In the aftermath, twelve market traders were accused of orchestrating the protests and executed. The protests were so violent the government placed the city under lockdown, placing security officers around the city. The government also restricted its issuances of province passports to curb citizens from migrating and dispersing their sentiments.

A protest that occurred on February 14<sup>th</sup> in 2011 expressed these same concerns in the province of North Pyongan.<sup>147</sup> February 14<sup>th</sup> is two days away from the birthdate, and national holiday, of Kim Jong-il. To secure energy demands for upcoming celebrations, the regime redirected electricity away from the province to Pyongyang. The termination of electricity to the province deeply offended the community as the recent currency reform had sent the province tumbling into conditions paralleling the famine. In result, across three cities in the province – Jongju, Yongchon, and Sonchon – enraged citizens gathered in the streets to demand the state to provide sustenance. At first only a handful of citizens took to the streets. However, as residents heard their neighbors' shouts, they joined in on the chorus of dissidence to support the vendors. According to North Korean sources, while it is unclear in which city, protestors began constructing makeshift megaphones to shout grievances toward state officials. With the megaphones, citizens shouted phrases such as "We can't live!" and chanting "Give us fire! Give us electricity! And give us rice!" When security officials were dispatched to discover who began the protests, the same citizens who used to sabotage their neighbors were now protecting each other, and instead investigators were reported to have met with a "wall of silence."

#### **Phase Four: Nostalgic for Control 2012-2015**

At this juncture, the state had been struggling to sanction the markets for a decade, with dismal success. In light of their failures, the regime unprecedentedly legalized them in 2010. Despite the endorsement, the regime's relationship with the markets is complicated. To be sure, the regime continues to perceive these economic practices an existential threat while also, paradoxically, its greatest insurance policy against existential defeat. Its policy stance toward the markets has been anything but consistent between its creeds and actions. The endeavor to control the markets had become a bizarre dance of asserting Orwellian control and endorsing progressive economic reforms. However, a complete abandonment of market restriction would imply a significant loss of sovereignty. This, of course, would be unacceptable considering the regime's disposition to prioritize political power. As such, in sporadic, and seemingly desperate, attempts to reclaim its sovereignty, in

<sup>146</sup> See, "North Korea Backtracks as Currency Reform Sparks Riots." *The Chosun Ilbo* 15 Dec. 2009.

<sup>147</sup> See, "North Korean Protestors Demand Food and Electricity." *The Chosun Ilbo* 23 Feb. 2011.

this period the regime engaged in impromptu, arbitrary market crackdowns.

In this period, I located only two instances of protests. The first protest occurred in the province of Musan on July 1<sup>st</sup>, 2015.<sup>148</sup> On this day, the state dispatched market surveillance authorities, unbeknownst to the vendors, to identify and confiscate “suspicious goods” that were considered subversive such as ones of Western origin. On July 1<sup>st</sup>, state officials located what they perceived as contraband sold from the stalls of some vendors, and proceeded to confiscate their goods. These vendors then “got upset and started arguing with the agents.” Initially the altercation involved only those vendors and agents, with the accused merchants cursing at the officials for jeopardizing their livelihood. However, as other merchants began noticing the verbal crossfire, they joined to defend their fellow vendors. In the words of one source, “crowds watching got agitated and joined in with weapons, resulting in many casualties.” As the dispute escalated between armed state officials and frustrated vendors, the conflict turned fatal. In result, the Ministry of People’s Security, one of the nation’s police agencies, sent in reinforcements to shut the markets down and capture those who colluded with the vendors to counter the confiscations.

Paralleling the riots of Musan, twenty-three days later on July 24<sup>th</sup> in the city of Sunam, an altercation with an older man in his 60s occurred between state authorities.<sup>149</sup> The Ministry of People’s Security agents made an unannounced visit in the Sunam market, where they began harassing the older man for selling middle school textbooks. The targeting of the old man was noted to be arbitrary, considering many vendors around him selling similar goods in addition to the fact his textbooks were state-approved. Nonetheless, state officials confiscated the man’s books. The man in return protested stating, “what does the state give us? We don’t get rations or wages if I got even one of those two things I wouldn’t be here doing this!” As the dispute drew attention, nearby residents and merchants joined in to defend the man exclaiming, “What’s wrong with what he said? Of course we’ve taken to the market life, we’re hungry!” They lambasted the officials in not showing understanding, stating, “those who are full cannot understand the hunger of others.” As citizen anger continued to climb, the security agents retreated from the scene. While the agents fled, citizens on the scene shouted departing remarks stating, “You are all the same! – Living off the money of those struggling to get by!”

#### **V. Give me Sustenance or Give me Death!**

A woman vendor refuses to leave her stall because of her age while another wrestles an official to fight expropriation – can these instances serve as evidence of a rights-based movement? Are they not, instead, brief moments of socioeconomic strife fortuitously captured by media sources? Perhaps what is unfolding in North Korea is not the world’s next Arab Spring, Montgomery Bus Boycott, or Haitian Revolution. However, these protests are more than sporadic, anachronistic flashes of social strife, where citizens in a series of afternoons simply “lost their cool” and decided they “had enough.” To be sure, these protests illuminate a shift in the normative expectations between the citizens and the state. But what suggests the wavering capitalists believe they have rights? If we assume that rights, *inter alia*, are beliefs of entitlement, and in our case grounded in a logic of economic justice, it follows a rights-claimant should express these entitlements in some form. These expressions, I believe, must be asserted vocally and physically; one needs to both voice entitlements and reinforce them with action. In accordance, the protests demonstrate evidence of both physical and vocal expressions of sustenance entitlement.

Before we explore vocal and physical expressions of entitlement, it is worth outlining the underlying logic of the protestors’ demands. Throughout the protests, citizens demanded either the

<sup>148</sup> See, Choi, Song-min. "Vendors Fight to the Death for the Right to Sell." *DailyNK* July 2015.

<sup>149</sup> See, Choi, Song-min. "Protests Increase for 'Legitimate Right' to Sell." *DailyNK* 21 July 2015.

state allow individuals to secure their own sustenance or for the state to provide sustenance for them. The logic of this proposition was either/or, with no settling on the middle ground. The underlying sentiment of these claims was thus an inviolable entitlement to sustenance, irrespective of the means to achieve it. The removal of the markets, or attempt to, only changed the means and not their entitlement to sustenance. As such, these wavering capitalists did not believe they had the right to barter and sell, *per se*, but an entitlement to a basic floor of socioeconomic goods. Thus, the logic of this entitlement to sustenance was peculiar: participating in the markets was a right insofar as the state removed them without economic compensation.

The protest in the province of North Pyongyang, for instance, vocally rehearsed these logics. As stated, Pyongyang's currency reform devastated the community's purchasing power, rendering the markets obsolete. Angry at the state's decision, the wavering capitalists chanted in the streets, "we cannot live!" and demanded state officials to provide rice, fire, and electricity. In translation, citizens demanded the state to held accountable to their sustenance, as, in their view, the state' botched policy was what undermined it. These sentiments were expressed also in Onsung when officials there attempted to dismantle the markets. Riled, the vendors accused the state of "not provid[ing] us with either food rations or a salary" and wrongly "prevent[ing] us from trying to survive on our own." Additionally, in Onsung, the vendors deemed it unacceptable the state would uproot their only means to sustenance without the provision of "food rations or a salary." Similarly, when officials imposed age restrictions against women vendors in Chongjin, the latter demanded that the officials let them "continue doing business in the open market or resume food distributions." These instances illustrate that the logic of "compensation or freedom" was the wavering capitalists' anthem: in either alternative of sustenance, the condition was inviolable. Underpinning these grievances was a notion of economic justice informed by a novel understanding of ownership. Citizens demanded economic compensation because they believed something of their own had been stolen from them. The emergence of this conception of expropriation was a watershed. The markets engendered the notion that, for the first time, the fruits of their labor were their own and not the state's. Indeed, this conception signaled, augmented, and publicly confirmed an ideological divorce between private citizens and the state. The wavering capitalists made clear that their sustenance was a condition within their, and not of the state's, jurisdiction to determine.

The logic of the protestors' demands, therefore, illustrates their beliefs of entitlement to sustenance. Effectively, the markets shifted the economic expectations, norms, and assumptions of the wavering capitalists from a communitarian to an individualistic one. Sustenance became inextricable to the amount of labor one would invest into the markets. Achieving sustenance thus became an individual, meritocratic pursuit, where then this individuality transformed sustenance into a condition that was owned. In other words, market meritocracy conferred a sense of entitlement upon the citizens who earned, and no longer received, their sustenance. Hence, I stress sustenance was not a right in and of itself; sustenance became a right insofar as it was robbed without "due" compensation. Arguably, then, entitlements to sustenance became realized only after the state began dismantling the markets without compensation starting in 2005. In the absence of compensation, wavering capitalists comprehended the market crackdowns as an economic injustice. Amidst the crackdowns, citizens not only politically positioned themselves against the state, but expropriation became a political transgression and not a venue for citizens to exhibit their allegiance. Market crackdowns were therefore the impetus behind the development of entitled sustenance. Demands for the state to either let them "continue doing business...or resume food distributions" were more than calls for state responsibility, but claims of entitlement.

The acts of self-defense that animated the protestors' vocal demands moreover demonstrate these beliefs of entitlement were internalized, enshrined and sacrosanct. These wavering capitalists were willing to commit their lives to the words they claimed. It is true that the state occasionally

overpowered these protestors, disallowing them to consistently practice their beliefs, but it does not invalidate the protestors believed they were nonetheless entitled to sustenance. Their convictions are affirmed when considering the significant risks of pain, economic loss, arrest, and even death, to defend their sustenance. The acts employed by citizens to protect their market stalls were more than acts of social deviance; they were moral commitments, through death, pain, or arrest, to defend their beliefs of entitlement to sustenance. The spirit of their violence was thus in self-defense against what was perceived to be violation of their right.

In particular, citizens employed violence to achieve two outcomes: to protect one's own market stalls or protect the stalls of others. In each of the seven protests surveyed, rioting and violence were the primary responses against the crackdowns. The citizens able to temper their rage, such as those in Ongsung and Hoiryeong, traveled to the offices of state officials to voice their grievances. They went to these offices accepting the fatal or devastating consequences challenging state policy could bring. Amidst the risks, citizens shouted for compensations and for removal of the restrictions. In open public they ridiculed and critiqued state officials for their unsympathetic and misguided actions. Other protestors, such as those in Musan committed more violent tactics. Enraged by the crackdowns, the Musan vendors wrestled the officials, hurling both punches and curses to prevent what they believed was an unjust expropriation. So important was this duty to protect the markets that several vendors were beaten senseless and arrested, with others being killed.

Threading together the wavering capitalists was a common commitment to defend the markets, even at the price of life, imprisonment, or debilitating injury. The consequences facing these protestors were a gruesome fate to the labor camps or an execution of themselves and their families, yet their commitments refused to compromise. This extraordinary degree of commitment demonstrates the wavering capitalists' sustenance was a non-negotiable entitlement. These protestors were committed to its enforcement and its conferral, betrayed by no fear small or large. In turn, their propensity to reinforce their grievances with action suggests that these beliefs of entitlement were internalized, shared, and enshrined into the conscience of the wavering capitalists.

The actions of the wavering capitalists expose the profound sentiments and convictions that undergirded their resistive acts. In one measure the wavering capitalists were simply demanding markets privileges or for the state to provide sustenance. But considering these wavering capitalists not only voiced but also defended in blood their grievances, their sense of entitlements to sustenance were anything but frail. It is true that their vocal grievances were not crafted through a traditional rights vocabulary, with no protestor exclaiming their "right" to "continue business" or to "rice, fire, and electricity." While citizens did not explicitly declare their "right," let alone an "entitlement," to their sustenance, through actions and chants, they proved their extraordinary commitment to defend their desert to sustenance. In this respect, the chants and shouts of the vendors, traders, and residents transcended beyond wants or needs, but to an adamant belief of a right.

However if the claims of the wavering capitalists were rights-based, were they of an extortive nature? Extortive rights necessitate citizens to demonstrate a level of collective action capable of extorting the state into concessions. This requires us to explore two questions; first, was there collective action among the wavering capitalists, and, secondly, did the state concede in result of this collective action? In regards to collective action, the protests demonstrate evidence of Benson's notion of "workplace solidarity" that arose in result the culture of the markets. The most compelling evidences of collective action are the protests that captured the sympathies of nearby vendors, traders, and residents, catapulting them to defend their fellow vendors in spite of tremendous consequences. For instance, consider the protests of Haeju. As underage women vendors voiced their discontent of the age requirements, this vocal protest drew in the assistance of other vendors to protect them. Like a siren call, the vendor rushed in to combat the officials demonstrating the

presence of a distinguishable, exclusive community banded by a set of market values they were willing to mutually defend. It is because these vendors mutually shared entitlements to sustenance that launched the vendors into a full-scale riot, leading to the arrests of nine women. It suggests the women perceived an attack on their fellow vendors as a broader assault on the general market community, one that the women identified themselves as members to. In turn, these beliefs of membership translated into charged collective action, for the women vendors not only became guardians of each other, but also martyrs.

Once market officials began targeting a few women, the struggle of the few quickly became one that involved them all. Market participation allowed “workers [to] stake out a relatively autonomous sphere of action, identity, and resistance,” as the markets began collectively constituting their shared struggles and subsequently their expectations to sustenance.<sup>150</sup> The markets thus became sacrosanct to the women vendors, explaining how an assault on the stalls of a few vendors became an assault on a norm collectively embodied by all. The market crackdowns, therefore, presented a communal offense, translating into a clarion call for all vendors to come defend their comrades. This solidarity was thus charged, mobilizing the entire community of vendors into a violent, non-negotiable defense of their sustenance.

These demonstrations of collective action were not isolated to these women vendors. Around the country, vendors, traders, and residents came to assist their fellow market vendors while others joined the chorus of their aggrieved vendors. Protests in the province of North Pyongyang, for instance, began with the chanting of a few citizens on the street. These protests were not only spontaneous but comprised only a few citizens. Notably, however, upon hearing the chants and shouts of their fellow citizens, nearby residents and traders joined in to snowball the dispute into a full-fledged protest. Despite being unplanned, the North Pyongyang protests drew in broad communal support. Instances of collective action that arose in response to the crackdowns, while “spontaneous,” were a natural and arguably anticipated consequence of a pre-existing associational bond between these wavering capitalists. In this vein, these market crackdowns activated dormant, yet existing, beliefs of community and membership between market participants. Appropriately, as McCann suggests, rights mobilization is “more effective where such associations do [already] exist,” explaining why state officials were met with such an overwhelming pushback of collective defense.<sup>151</sup>

But were these demonstrations of collective action sufficient to extort the state into rights conferral? My answer is that it depends on the scope. The wavering capitalists were not *always* successful in enforcing their rights to sustenance. As we saw there were many who failed, albeit valiantly, to defend their rights to sustenance as they were arrested, exiled to gulags, or killed. However there were also instances where the wavering capitalists successfully enforced their extortive rights. The scope of our analysis, however, needs to broaden: it must be societal and systemic. If our heuristic is through a case by case basis of the protests, then our conclusion is unequivocal – in every protest the vendors, while capable of achieving convicted collective action, were eventually overpowered.

In section five, I proposed the question, what role did the wavering capitalists play in securing the survival of the markets? Admittedly, this part of my paper is guided by what is at best incomplete evidence. It would be unsound to entirely attribute the market’s survival to the rights-struggle we surveyed. But we should not preclude the possibility that these protests had something to do with it, either. These protests first demonstrate that the wavering capitalists shared entitlements to their sustenance, from residents to vendors. In other words, markets fostered a potent solidarity, enabling patrons to develop thick bonds with their clients. These solidarities, as

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<sup>150</sup> McCann (1994), 11.

<sup>151</sup> Id. at 114.

displayed, engendered novel understandings of ownership, property, and economic justice effectively divorcing the allegiances of market participants from the state. These solidarities were, however, were dormant until provoked by the state. Once triggered, the wavering capitalists demonstrated extraordinary commitments in blood and treasure to their sustenance. If we extrapolate these changes to a societal level, arguably, there were some not all, market vendors who vigorously defended their right to sustenance during the crackdowns. The validity of my conjecture, of course, demands more evidence than what I have located. Nonetheless, and more importantly, if the general population developed these entitled beliefs and communities, it would have directly curbed the crackdown efforts of the regime in 2005. In this vein, market crackdowns would have become an increasingly dangerous state endeavor rendering it nearly impossible.

Beyond extrapolation, is there other evidence suggesting that the wavering capitalists extorted the regime? Evidence may lie in the economic directives released by the regime in May of 2010. In the statements, the regime announced they would retract their policy to control the markets stating that the “country [had] no immediate solution to the food problem” and commanded state officials to “not regulate commerce of the people.”<sup>152</sup> It is important to recall that one year prior to these directives, the state enacted its disastrous currency reform. These reforms, as mentioned, sent waves of fiscal panic and, more importantly, unrest across the country. This policy disproportionately targeted market participants, for the markets were the primary method to earn hard currency. I do not dismiss that a confluence of factors compelled the state to legalize the market; however, it is reasonable to think that the civil unrest rising in market participants in response to the reforms was what decisively launched the regime to “not regulate the commerce of the people.”<sup>153</sup> These reforms, after all, targeted the markets and the temporal proximity of the 2010 market reforms to the 2009 currency disaster do not seem merely coincidental. Further, if the logic of economic justice we witnessed in the protests were employed across all market participants, then it is possible that civil outrage was statewide. In other words, I contend that the currency reform was the straw that broke the camel’s back; its disastrous and targeted implementation to market participants evolved the frustrations of the wavering capitalists into statewide civil unrest to compel the 2010 legalizations.

These conjectures are more convincing in light of what happened prior to the May directives. There are two worth mentioning. First, on February 3<sup>rd</sup>, the country’s economic director, Park, was “apparently sacked” in response to the total failure of the currency reform. Park’s firing would be insignificant and just an issue exclusive to elitist politics in North Korea, had it not been publicized. Two days after Park’s firing, the nation’s prime minister, Kim Yong-il, delivered a public apology. In the apology Kim acknowledged Park’s economic policies “went disastrously wrong” and confessed the following:

“I sincerely apologize for having caused great pain to the people by recklessly enforcing the latest currency reform without making sufficient preparations or considering the circumstances.”<sup>154</sup>

If anything, this was an emotive concession to the people that, in all of the regime’s history, had never been given. If we understand the apology’s connection to the 2010 legal reforms, it is possible to believe that the state was extorted to make this political concession.

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<sup>152</sup> See, “North Korea Backtracks as Currency Reform Sparks Riots.” *The Chosun Ilbo* 15 Dec. 2009.

<sup>153</sup> Id.

<sup>154</sup> See, “North Korea Climbs Down Over Anti-Market Reforms.” *The Chosun Ilbo* 11 Feb. 2010.

Given the “people-centric” nature of these statements, it suggests the regime was crafting state-policy bottom-up, not top-down. To explain, first, arguably the “people” that the apology referred to was market participants. The currency reforms, after all, targeted specifically the savings of those earning currency from the markets. And I speculate that the “great pain” of “the people” mentioned by the minister was, in actuality, the economic pains wavering capitalists. The state began to notice these “great pains,” but in what expressed in what form? That is not made clear. However, if the protests are a reliable guide about the reactions of market participants to the currency reform, then the wavering capitalists were doing more than idly suffering “great pain.” These pains, or as I have argued to be economic injustices, quickly activated pre-existing solidarities into organized and dangerous collective action. Effectively, the regime grew afraid, and this fear is what compelled not only the apology but also the 2010 legalizations. This suggests that the wavering capitalists credibly extorted the regime into conceding their waged entitlements of sustenance. In turn, the 2010 reforms may imply that the state learned a costly lesson: the markets were not only sacrosanct; the sustenance of the wavering capitalists was, too. It thus affords us an explanation to why, despite the regime’s reservations to the markets, they remained to stay.

A wedge now divides the citizenry and the state and, perhaps, this divide is deepening. A profound reconfiguration of power may be taking place between citizens and the state. The resistive acts taken by the wavering capitalists provide us a glimpse into the dynamics of change manifesting in North Korea. Prior to the famine, acts of social deviance, collective protest, and objecting to the state were inconceivable both practically and imaginatively. The people had neither the vocabulary nor sentiments to materialize these acts of social dissidence. The nation and its leader was their god, mother, and father – an omniscient, omnipresent and all-providing entity. Indeed, an inviolable “holy trinity,” capable of once commanding religious loyalty. However as the protective sphere of the markets began supplanting that of the state’s, the allegiances, expectations, and norms of citizens drifted toward novel and profound directions. From the women in Haeju gathering in the hundreds to voice their grievances, the vendors in Musan who died protecting the market rights of their fellow vendors, to the residents of North Pyongyang and their crafty makeshift megaphones – each of these groups, through voice and fist, protected their right to sustenance. These wavering capitalists engaged behaviors that dramatically transformed the grounds of how their struggles were waged, defended, and, ultimately, the success of these struggles.

## VI. Rearranging the Stars

What do these developments suggest about the future of rights, democracy, and civil society in North Korea? I first suggest an imminent state collapse is highly unlikely. North Korea has survived trials of extraordinary external, internal, and structural stress, demonstrating its apt talent for organizational adaptation. North Korea, in other words, can be rational – but this rationally is camouflaged by organizational absurdity. More than an enigmatic regime, our historical survey depicted a state frustrated by a rational tension between preserving material stability and power. The regime remains imprisoned to its own pernicious political obligations. These dispositions therefore compounded to create a state that, today, is struggling to retain any of its original tenets.

As table one illustrates, the regime is transitioning into an unprecedented style of autocratic rule, abandoning both its economic and anti-Western canons of *juche* in the sake of political power. Why the break in precedent? Indeed, this has been a central inquiry of this paper. I contend the answer is largely attributed to the work of the wavering capitalists and their ideological weapon, extortive rights. The bottom-up markets effectively changed the wavering capitalists’ “expectations regarding political change” and led to the construction of “group alliances” that allowed them to “organiz[e] resources for tactical action.”<sup>155</sup> The markets therefore reorganized the social logic of

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<sup>155</sup> McCann (1994), 11.

wavering capitalists, engendering displays of collective action that posed formidable challenges to the state's power. As such, the entire abandonment of *juche* in light of the wavering capitalists' rise is historically consistent. If this market class did present a political threat, the state likely conferred their extortive rights to preserve political power. By conceding to these extortive rights, the state inadvertently abandoned its anti-capitalist rhetoric.

The success of the wavering capitalist, then, relies on two factors to exist: 1) the markets and their constructions of entitlement to sustenance, 2) the state's historical disposition to prioritize political power no matter the sacrifice. These two variables permitted the wavering capitalists to eventually occupy a new space of political power. The direction of human rights in North Korea thus hinges upon these two variables. The regime must continue to practice its historical pattern of rule: one where concession and compromise is made in the sake of political power. In addition, the markets must remain for the wavering capitalists to continue being a reckonable force, for they engendered their entitlements to sustenance. If these variables do not change, then the constellations of power will continue realigning to more democratic terms. The regime will increasingly come to respect the economic wishes of the wavering capitalists as they exercise their newfound positions of bargaining power.

The regime, therefore, will not be able to so easily command the people's loyalty as before; *Juche*, will become more a historical artifact of a "glorious" past than an ideological tool of control. A large portion of the country (see figure two) may evolve into what legal scholar Gerald Neuman defines as an "anomalous zone," a geographical enclave where a state suspends its enforcement of certain laws and ultimately its sovereignty.<sup>156</sup> Neuman argues anomalous zones exist for a variety of reasons, such as "unequal political power," where minority groups actively contest the impositions of the majority through social struggle.<sup>157</sup> These minority groups, in our story, are the wavering capitalists.

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<sup>156</sup> Neuman, Gerald L. "Anomalous Zones." *Stanford Law Review* 48.5 (1996), 1201.

<sup>157</sup> *Id.* at 1205.

Figure 2.



As figure two illustrates, these protests were not restricted to particular geographical zones. Four of the seven protests, however, are located near the border – which is expected given that the worst famine-stricken areas were primarily in the Northern provinces of the country. The point, however, is that these protests materialized in similar fashion despite the distances that separated them. Considering that movement across borders is highly restricted, it suggests that the protests were naturally occurring phenomena, not instances of social unrest that were inspired and learned from others. Arguably, these social logics naturally spawned from the exigencies of a poor economic situation rather than being transplanted or informed from elsewhere. These protests were then organic. Independently catalyzed protests open the possibility that these “anomalous zones” proliferated throughout the country – that more importantly a broader rights-based movement among wavering capitalists is a plausible social reality.

Last, and most importantly, let us discuss the potential of markets as platforms for contestation, resistance, and democratic change in North Korea. The free markets to begin are often celebrated for their emancipatory potential. For instance, as Milton Friedman argues, free markets “separate economic power from political power.”<sup>158</sup> To borrow Samuel Sampson’s words, the “shadow economies” that arise to substitute, supplant, or supplement the command economies of

<sup>158</sup> Friedman, Milton. *Capitalism and Freedom*. Chicago: U of Chicago, 1962, 3.

socialist states provide new venues of power for everyday citizens.<sup>159</sup> They do this by allowing citizens to utilize informal rather than inaccessible formal power structures to gain political leverage.<sup>160</sup> The nature of this power is twofold. The first is material as shadow economies permit citizens to sever their economic dependencies from the state, affording individuals to exercise economic autonomy. The second is ideological. Shadow economies allow citizens, through their economic autonomy, to develop new expectations, moral frameworks and obtain the imaginative matter to contemplate alternative social realities. Shadow economies, in other words, allows one question the legitimacy of the state's social compact. Citizens are able to deliberate whether other social realities, aside from the one the state is adopting, are superior. Thus, as Sampson notes, the markets are a "crucible of moral values," which then inform and contest the political and economic repertoires of everyday citizens.<sup>161</sup> It is in these deliberations, then, where democratic norms, such as new rights and liberties can spawn. Citizens can then identify themselves along new coalitions that share their beliefs while equally eroding their allegiances to the state. It is thus here where market spaces can then become ones for civil society.

But in this vein, the free market must first exist for civil society to rise. Sampson offers several reasons as to what favors the rise of informal economies. His reasons range from a state's declining use of "terror as a control mechanism," the allocation of industry to rural areas, to a general inability of the state to deliver the promises of its social compact.<sup>162</sup> The latter reason is our primary focus. Instances of social unrest that arise from the state's failure to satisfy a desired social compact are termed as "Polanyi-type unrest, named after the Hungarian economist, Karl Polanyi."<sup>163</sup> The reasons causing state apparatuses to fail in upholding their social compacts are either endogenous or exogenous. For instance, as we saw in North Korea, the famine and turbulent power transitions. Polanyi-type unrest assumes citizens believe they are conditionally entitled to the goods promised under their conceptions of the social compact. Failure of the state to deliver these goods will result to citizens taking resolve through extralegal or legal channels. Citizens will either rely on channels such as the courts or extralegal ones, such as shadow economies to realize different compacts. In this vein, the state's failure to appease desired compacts leads to the rise of markets and their subsequent institutionalization. When the state challenges these informal economies, as they are typically illegal, either through crackdowns or legal restrictions, civil society can rise to contest those restrictive policies.

The protests we witnessed in North Korea, however, fail to comport with these theories of free markets and civil society. To be sure, the markets provided a powerful space for civil society to consolidate in order to challenge the state's repressive policies. And further, the markets became a crucible for the wavering capitalists to radically reimagine their political and economic repertoires. These premises are not denied. But one fundamental distinction must be clarified if we are to make this study useful for other rights-based studies in this country. The social struggles of the wavering capitalists were not a classic case of Polanyi-type unrest. And they were not Marxist struggles, either. Both of these struggles are informed by a pre-existing social compact held in general consensus where, when violated, triggers the development markets and civil society.

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<sup>159</sup> Sampson, Steven L. "The Second Economy of the Soviet Union and Eastern Europe." *Annals of the American Academic of Political and Social Science* (1987), 128.

<sup>160</sup> Grossman, Gregory. "Sub-Rosa Privatization and Marketization in the USSR." *The Annals of the American Academic of Political and Social Science* 507 (1990), 50.

<sup>161</sup> Id.

<sup>162</sup> Sampson (1987), 130.

<sup>163</sup> Lee, Ching Kwan. *Against the Law: Labor Protests in China's Rustbelt and Sunbelt*. Berkeley: U of California, 2007, 10.

In North Korea, however, the social compact was not contested – it was abandoned. The theories above argue that state incompetence gives rise to shadow economies and civil society to restore or contest the original the state’s social compact. In North Korea, however, the entitlement claims of the wavering capitalists were informed by an immense distrust of the state to control the economic behaviors of citizens. Periodically throughout history, the regime either abandoned responsibility or unjustifiably suppressed the economic health of citizens. This negligence compounded to create an independent and absolute belief of entitlement of sustenance among the wavering capitalists. In other words, this logic allowed the state to provide sustenance if it so desired, but it was no longer required in itself. It is true that citizens demanded economic justice in their protests, but they did not wage for state-provided economic assistance. Indeed, it was only when their sustenance was unjustly robbed did the principles of market meritocracy naturally demand compensation, irrespective of who it was. More accurately, then, the story of the wavering capitalists demonstrated a desire for citizens to exercise, with integrity, their full economic, political, and social autonomy. The state, in other words, was expelled from the social compact and interpellated into an irrelevant entity. If we understand a social compact to be a contractual relationship of the obligations, agreements, and rules between states and citizens, in North Korea this no longer existed.

The market protests were therefore an anarchic declaration that pronounced the state was no longer necessary for sustenance, if really in any facet of the citizens’ lives. The maternal separation brought by the famine of citizens from the state was, as I have argued, not ideological abstractions. The state’s initial abandonment to the wavering capitalists was treasonous, abhorrent, and deeply offensive, with the state recklessly opening these deep wounds time and time again. *Juche*, in other words, was dead.

The markets in North Korea are presenting to be powerful political spaces for civil society to contest the state, but in profoundly complicated fashions. In order to explicate, infer, and extrapolate future rights-based studies, we must be cognizant of these complex changes. Today, the regime must toe a tight political line. These lines, moreover, were not entirely drawn by the state’s policy whims but by the wavering capitalists. These individuals began occupying a powerful political space, articulating their entitlements of sustenance and extorting the state to confer them. The hope is that these pushback events are informing the regime’s norms of engagement with its own economics of scale, the people, and importantly, with rights. Its recent actions of retracting restrictive market policies, delivering state apologies, and ultimately respecting the people’s right to sustenance suggests its political logic is evolving to include the wants, desires, and most importantly, the entitlements its people demand. In other words, its logic, perhaps, is being not simply informed from within the regime but from outside it. Thus, if regime change is to happen it is likely the wavering capitalists who will trigger it.

This does not imply, however, Pyongyang’s political rule will necessarily become democratic. It will likely, in desperate moments to exhibit sovereignty, legitimacy, and power, both symbolically and publicly, engage in arbitrary and random market crackdowns, as well as other egregious human rights violations. However, the regime cannot abuse at least the wavering capitalists for too long; this group has demarcated its boundaries clearly, demonstrating the dangers of what happens when it is crossed. In short, we can only hope that Pyongyang will faithfully toe this new-drawn line without significantly departing from its new style of rule.

## **VII. Closing Remarks**

Just one day after the Chinese government indiscriminately slaughtered hundreds of protesting civilians in Tiananmen Square, on June 5, 1989, an unidentified man armed only with his courage and a grocery bag, positioned himself against Goliath and demanded him to stop. Nobody knows who this man was, what he did or his plans. As far as we are concerned, he was an everyday

citizen going about his affairs. But upon seeing a human wrong, he challenged it, believing it was an infringement on his rights – on everyone’s rights. And that is exactly the point.

From one angle, I explored the politics of sustenance and its relationship to the development of rights in North Korea – of how the wavering capitalist was sometimes victorious in a society where defeat is so tragically common. In another, my inquiries were not particularly about North Korea. It was about how rights in the most unlikely of places, that is, in the most repressive and authoritarian regimes, naturally emerge. To additionally expose the conditions in which individuals can become rights entrepreneurs, develop new moral frameworks, and reimagine society.<sup>164</sup> Of how rights can transform themselves into powerful ideological swords to inspire community, generate collective action, and compel everyday citizens into a battle that would otherwise seem futile. Indeed, to understand how citizens in autocratic regimes can commit powerful and charged acts of resistance, contestation, and rebellion. And to understand how rights discourses, ones that do not comport with the ones we traditionally know, nonetheless became equally effective and powerful agents of change. As Minow eloquently phrases, I explored how rights discourses, no matter how foreign or nascent, “affirms a... community dedicated to invigorating words with power to restrain...so that even the powerless appeal to those words.” To then also see how this rhetoric made “conflict audible...even if limited to words, or to certain forms of words”<sup>165</sup> despite the fact that these rights “have not [been formally] acknowledged or approved of.”<sup>166</sup>

Rights, then, may know no flag, ethnicity, or circumstance. In this regard, one question remains: as Eleanor Roosevelt shrewdly asked, “where...do human rights begin?” Roosevelt, however, may have already answered our question. For as we saw, they began in the “world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office he works.”<sup>167</sup> No differently we witnessed rights emerge and availed of in the makeshift stalls of the markets, in the streets of localities, in the alleyways of cities, and at the offices of state officials. The rhetoric of rights announced its presence in the most dark of circumstances, prevailing amidst corruption, suffering, and misery. More than artifacts of tradition, culture, or codified bodies, rights may represent something intrinsically common to all people – an embodiment or a logic of justice, fairness, desert that is installed in all of us independent of what we know, where we live, who we are but what we are: human beings. The story of rights in North therefore informs that intrinsic to our humanity there are some normative beliefs that should not, and cannot, be wavered.

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<sup>164</sup> See, Koh, Harold. "How Is International Human Rights Enforced?" *Indiana Law Journal* 9th ser. 74.4 (1999): 398-417.

<sup>165</sup> Minow (1987), 1881.

<sup>166</sup> Id. at 1887.

<sup>167</sup> See, Roosevelt, Eleanor. "In Our Hands." 25 April. 1958.

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