

International Human Rights Regime and Domestic Politics in South Korea: An Analysis of the Human Rights Agenda between 1948-1960

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This paper treats historically the implications of a human rights agenda under the Syngman Rhee government during the 1950s. In the process of forming an international human rights regime and the reorganization of the world order after World War II, Korea was introduced to basic rights and human rights as a modular mechanism of a nation-state. With the establishment of the Republic of Korea, the basic rights of the people were provided for in the constitution and the government commemorated Human Rights Day and Human Rights Week. Apart from the influence of the international human rights regime, the political tactics of the Syngman Rhee government worked largely to institutionalize domestic human rights. Arguing that it was “the only legal government recognized by the United Nations,” the government began to commemorate and propagate United Nations Human Rights Day. Commemorated since 1950, it worked as an instrumental justification to maintain the anticommunist state of Syngman Rhee.

Keywords: institutionalization of basic rights, international human rights regime, Human Rights Day, the Syngman Rhee government, anti-communism

Introduction

Countries that established the tradition of democracy and constitutionalism through a people’s revolution like the United Kingdom and France also provided a model for human rights. Through a variety of demands and struggles against the oppression of feudalism or absolute royal rule within a civil society, various laws and organizations to protect and guarantee the declaration of human rights,

the constitution, and human rights were institutionalized. The Magna Carta, the Habeas Corpus Act, the Declaration of the Rights of Man and of the Citizen, and the 1948 Universal Declaration of Human Rights were being discussed by scholars as important momentum in the process.

However, such an explanation could only be a model. An individual state or individual society that has experienced its own process of modernization and democratization also has its own unique historical route and experiences with regard to human rights. In general, in the case of a late developed country whose process of modernization was led by an authoritative government and countries that were liberated from colonial rule in the latter half of the twentieth century, they introduced the democracy that had already been established in developed countries as well as the laws and organizations, such as a constitution and security for human rights, which had already been made part of the system of civilization and basic mechanism of a nation-state. Therefore, these countries regulated the security of human rights as a primary responsibility of the state from the very beginning and the mechanism for human rights security had already been provided ostensibly.

When the concept of human rights were settled in countries liberated from colonial rule after World War II, international politics, especially the international human rights regime of the United Nations, played an important role. On the one hand, it is often depreciated as a means or diplomatic rhetoric of the United States to attain hegemony over the whole world. In particular, there was harsh criticism that while the United States couldn't solve its domestic problem of racial discrimination, it sometimes supported a reign of terror by authoritative regimes in South America and took advantage of the problem of human rights as a means of political or military intrusion and diversion against its direct enemy states. On the other hand, the actual improvement of human rights has been accomplished in many regions of the world through various activities of the United Nations and international NGOs. It is true that human rights have become one of the core events in global governance; one that is newly pursued in an era of globalization.

In the dynamics between a human rights regime centered on Western developed countries and international organizations and the concerned government, the government of an underdeveloped country brings the issue of human rights to the surface because of moral criticism about national dignity or immoral situations caused by not observing the principles and customs of the international society. Also, through advocating human rights at home, the desired effect of

putting the values of human rights into practice was produced. This paper reviews the influences of Western developed countries, i.e., the United Nations and the international human rights regime, on the establishment of the Republic of Korea and how human rights were situated in the dynamics of the domestic political situation.

Reorganization of the Postwar World Order and Formation of the Human Rights Regime

From the very beginning of its establishment, the Universal Declaration of Human Rights was strongly influenced by the ideology of victorious countries in World War II. The most important contents of this declaration were to restore and reconfirm the Western traditional theory of natural law rights and liberalist ideology. The international human rights movement was being greatly influenced by Western individualistic liberalism, and the individualistic liberalism that is embedded in the ideology of human rights can be understood as the continuity of an embedded liberalism paradigm governing modern international politics and international economics (Ruggie 1998:72-6).

On January 1, 1942, the Allied Nations declared the establishment of the United Nations and emphasized the victory in World War II “to protect human rights and justice” (Freeman 2005:54). The utilitarianism, or scientific positivism, that could collapse the concept of the natural right during the nineteenth century couldn’t explain the terrible phenomenon of World War II. However, as human rights were excluded from international law and diplomacy before the end of World War II, the hostility of the victorious nations with the Holocaust had its limits within the scope of exciting moral sensitivity. It was not until the Nuremberg War Crimes Trials that human rights began to appear as a subject of international relations. The UN member nations concluded their determination to reconfirm the belief in basic human rights in the preamble of the United Nations Charter, and the United Nations General Assembly unanimously adopted the Universal Declaration of Human Rights (Donnelly 2002:27-8).

Since the declaration of the Universal Declaration of Human Rights on December 10, 1948, human rights have become one of the most important concepts in modern politics. However, the serious ideological and geopolitical conflicts caused by the Cold War kept the standard of international human rights from being elaborated upon. In the latter half of the 1950, the Commission on

Human Rights, under the initiative of the West, intensively discussed freedom of information and most of the civil and political rights that the USSR had infringed upon and discarded. In contrast, the USSR made an issue of the racial discrimination and unemployment of Western capitalism. Both camps made an issue of the actual infringement of human rights and their criticism took on nothing but a tactical character for political and ideological struggles. The persons who drafted the Universal Declaration of Human Rights prepared the regulations that would secure the binding power on the basis of international law, but the regulations on human rights that were almost completed in 1953 were suspended for over ten years because of the ideological conflicts about economic and social rights between both camps (Donnelly 2002:32-3).

From 1948 to the early 1960s, the UN, or the international society, couldn't effectively take action to protect human rights. Between the latter half of the 1950s to the 1960s, as decolonization was accelerated in Asia and Africa, the number of UN member nations increased and the experiences of colonialism stimulated an interest in human rights. In December 1966, the International Human Rights Covenants, so-called International Bill of Human Rights, were completed together with the Universal Declaration of Human Rights. Now, human rights are an agenda that never fails to be noticed and the international human rights regime's ability to affect individual countries has been formed.¹

International Human Rights Regime and the Influence of UN

Through the period of the United States military government and the fixation of the division of the Korean Peninsula, the influence of the UN upon Korean society was decisive. The United Nations Temporary Commission on Korea (UNTCOK) took an active part in Korea after 1947. As South Korea was approved as the only legal government on the Korean Peninsula, a recognition that South Korea was actually a "son of the UN" rose high within the United Nations (Park

1. The regime theory is an international relations concept. When there is no international government, there is a constant pattern where various agents commonly expect an international society to solve many problems concerning a specific subject. Such regimes as human rights, the environment, and trade are taken up. Donnelly classified regimes as declarative, promotive, performance, or compulsory and classified them as a rather weak regime or a rather strong regime. An international human rights regime is a weak performance regime as well as a strong promotive regime but not a compulsory regime (Freeman 2005:134).

2004:46). Also, the United Nations Commission on Korea, predecessor to UNTCOK, made it an important duty to report the situation of the Korean Peninsula to the UN and played an important role in deciding the attitude of the UN toward the Korean War. With the outbreak of the Korean War, the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) was established for the relief, reconstruction, rehabilitation, and restoration of peace in Korea. UNCURK presented an annual report to the United Nations General Assembly until 1968 and had the problem of the Korean Peninsula submitted automatically to the United Nations General Assembly. However, there was criticism that an annual discussion about the problem of Korea increased tensions on the Korean Peninsula. When the Joint Communiqué between South and North Korea was published on July 4, 1972, and South-North dialogues began, the United Nations General Assembly dissolved UNCURK.

Though the UN played a decisive role in the process of establishing the government of the Republic of Korea, it took a long time for Korea to join the UN. As the Korean Peninsula was divided into South and North Korea, the problem of which government was legitimate was raised. At the time, when a new country joined the UN, it was collectively recognized as a legitimate country. Therefore, South and North Korea equally opposed the unilateral joining as well as refusing joint entrance into the UN. For this reason, knowing that it was difficult to join the UN but possible to join the specialized UN agencies, the Republic of Korea pushed forward with the plan to join some of these agencies (Jeong 2004:200-2).

Eleven days after the Republic of Korea joined UNESCO, the Korean War broke out. In spite of the war, UNESCO helped Korea establish the National Commission. During the Korean War, foreign aid from the United States and other countries became a source of revenue which helped rehabilitate postwar Korea and was a practical help for the people (Ye 2004:149). Though the process resulted in Korea's submission to a US-centered hegemony in the international political order, the United Nations was a benevolent organization which solved the problem about the people's livelihood. Therefore, the intellectuals and common people as well as the government of Syngman Rhee thought of the UN as an absolute authority. Such a phenomenon was common in newly born countries at that time and the following words of Ham Seok-heon shows well what the UN was to Korea at that time.

All people failed completely, but an enormous unforgettable thing happened in spite of our failure. That is the fact that the UN lent us a hand in the Korean War. This is something of great significance in our future history. There has never been such a thing in history... It is a virtue that we avoided destruction; moreover, its influence is great in spirit. In spite of the deteriorating mind of the people after the war and our corrupt bureaucracy, what we can stand nowadays is due to the mobilization of the UN troops that encouraged our morale. (Ham 1985:119-20)

Legalization of Basic Rights and the Universal Declaration of Human Rights of the Syngman Rhee Government

It was not until 1948 that an institutional sovereign state was established on the Korean Peninsula. It was a period when the economic and social rights related to the ideology of socialism and a welfare state as well as classical political freedom were established in many countries' constitutions (Sugihara 1995:15). The Republic of Korea's constitution was the first case on the Korean Peninsula in which the basic rights of the people were stipulated in a constitution. By summarizing the modern experiences of the West from a people's revolution through socialism and fascism to a welfare state, the constitution included not only political freedom but also economic and social equality as basic rights of the people.

Modern democracies in the West regulated the basic rights of the people and the basic character and organization of the state and government in the form of laws called a constitution. Before long, a constitution became an element of a modern state. Even a state that hadn't experienced the establishment of sovereignty of the people through a people's revolution accepted the constitution as a kind of basic mechanism. Nowadays, irrespective of the form of government, most modern states are constitutional ones in form at least.

The Napoleonic Wars resulted in an international system, that is, a human society that the revolution had dreamt of but was made up of a variety of nation-states based on nationalism. In the process, human rights were absorbed in people's rights. Nowadays, human rights primarily assume the form of basic rights in a constitution.² In a broad sense, to appeal to human rights as natural rights is

2. In Korea's constitution, in spite of various opinions about fundamental human rights, human rights and basic rights, it seems that there isn't any particular argument about expressing funda-

possible within the boundary of a nation-state. In fact, it is difficult to protect and guarantee the human rights of outsiders, that is, displaced or denationalized persons (Arendt 1976:489-542).

After liberation from colonial rule, various political and social organizations like the Committee for the Preparation of Korean Independence and the People's Republic of Korea sometimes included very radical and epoch-making human rights and other rights in their general principles, but most of them ended in mere gesture. But the US military government which ruled the Korean Peninsula south of the 38th parallel didn't make an express provision for human rights. The US military government rejected even the attempt of the interim legislators. Such a contradiction constituted the historical background of establishing the Republic of Korea's constitution. Under such circumstances, the basic rights of the people were stipulated in the constitution.

Then, what was the response of the government to the Universal Declaration of Human Rights in 1948? On December 10, 1948, the United Nations announced the adoption of the Universal Declaration of Human Rights to keep the values of human rights and peace infringed since World War II (UNESCO 1995:31-5). In spite of different opinions about the background of writing the declaration of human rights, an argument was presented that the United States had the declaration written through the UN as a political tactic to lead the hegemony in the world order after World War II (Sellars 2002). Since South and North Korea were under the military rule of the USA and the USSR, respectively, they did not take part in the composition and declaration of the Universal Declaration of Human Rights because they were not UN member nations. But South Korea's interest in the declaration was apparent through newspaper reportage on the subject. It was reported in April 1946 that the United Nations Organization organized the Economic and Social Council, how the declaration was being composed by the United Nations Security Council, that suffrage was given to women, that compulsory education was stipulated, and about the stipu-

mental human rights as basic rights. When distinguishing human rights from basic rights, they aren't distinguished simply by when the concept was formed but that their concepts are different from each other. Human rights are a concept assuming abstract human beings and cannot properly connote the actual concrete aspects of human beings; whereas basic rights resulted from the combination of human rights and the positive law. Refer to Jeong (2003) for further information. That human dignity cannot be reduced to fundamental human rights in a narrow sense and any infringement upon human rights makes the complete realization of human dignity impossible is the standpoint of liberal supporters of human rights (Donnelly 1989:38-40).

Table 1 Stipulation of Basic Rights in the Constitution

Classification of Basic Rights	Contents in the Constitution
All People's Equality before the Law	- Prohibition of political, economic, and social discrimination according to sex, religion, or social status - Disapproval of social special class system
Personal Liberty	- Prohibition of lawless arrest, detention, quest, interrogation, punishment, and forced labor - Warrant system in arrest, detention, and quest - Possibility of post request of a warrant in fear of escape of a criminal and destruction of evidence
Suffrage and Property Rights	- Prohibition of qualification of suffrage and deprivation of property rights according to a retroactive law
Freedom to Change Residence	- Freedom of change of residence and inviolability of home-breaking quest
Freedom of Worship and Conscience	- Guarantee of the secret of communication - Freedom of worship and conscience - Separation of religious and political affairs
Freedom of Speech, the Press, and Assembly and Association	- Prohibition of qualification of freedom of speech, the press, assembly, and association
Academic Freedom and Freedom of Art	- Protection of rights of writers, inventors, and artists
Guarantee of Property Rights	- Exercise of property right suitable to public welfare
Right of Education	- Equal right to education for all people - Obligatory and free primary education - National supervision of all educational institutions
Right of Labor	- Decision of standards of labor conditions by the law - Special protection of female and juvenile labor
Right of Organization	- Guarantee of organization, right of collective bargaining, and freedom of collective action - Equal allotment of profits for laborers in private enterprise
Protection of Incompetent Persons in Life	- National protection of incompetent persons in life because of old age, illness, or loss of working ability
Equal Rights of Marriage of Both Sexes	- Special protection of the state of marital purity and familial health
Right of Petition	- National duty of judgment of people's petition - Right of facing a trial - Prohibition of double punishment - Right to a public trial by the accused - Right of claim for national compensation according to judgment of acquittal of the detained
Suffrage	- Right to elect officials - Right to take charge of official duties - Right of petition to remove dishonest officials

lation of rights suitable to each nation because of the conflicts with socialist bloc countries (Chosun Ilbo, April 27, 1946).

Something particular in the process of introducing the composition of the Universal Declaration of Human Rights in the UN was to recognize the universal declaration of human rights as an “imitation of the articles on rights of the American constitution,” to emphasize the values of “all people’s equality” especially, and to introduce even the memorial ceremony of the Day of the Universal Declaration of Human Rights by comparing it emphatically with an ad ceremony of the USA (Chosun Ilbo, February 13, 1947; December 19, 1947). The United Nations was nothing but an organization that was represented by the US and was an organization indicating the US from the viewpoint of South Korea under US military rule.

Memorial Ceremony of the Universal Declaration of Human Rights during the Korean War

It was not until 1950 that the Universal Declaration of Human Rights Day, which had only been introduced in newspapers, was directly connected with Korea. The Republic of Korea planned to hold a memorial ceremony for the Universal Declaration of Human Rights on December 10, 1950. But by then Korea was in the midst of the Korean War, and because the intervention of the Chinese liberation army in the war had reversed the military situation, Korea was in an unsettled and serious situation. Korea was in the midst of a fratricidal war over an ideological dispute and both sides suffered from social disorder and hard living. Thus, in such a harsh situation, the memorial ceremony for the Universal Declaration of Human Rights Day was inappropriate.

Nevertheless, the Korean government has performed the memorial ceremony without cessation since 1950. There were no regulations regarding memorial days at that time and the Memorial Day of Human Rights was regulated for the first time as a national memorial day according to Presidential Decree No. 6615, “Regulations on Various Memorial Days,” which was enacted and promulgated on March 30, 1973.³ It was planned that the first memorial day of the declaration

3. After the establishment of the government, the Republic of Korea enacted and promulgated Law No. 53, Law on National Holidays, “to inspire national consciousness and spirit” on October 1, 1949. However, it took twenty years to legalize other memorial days (Kwanbo, No. 6412).

of human rights in 1950 would be commemorated by the United Nations Association of the Republic of Korea, the Ministry of Justice, and the Ministry of Public Information; ceremonies such as memorial lectures, special lectures, and concerts would be held. Just before the January 4th retreat, ceremonies were suspended indefinitely and it became difficult to determine when and what ceremonies were held (Chosun Ilbo, December 9, 1950; December 10, 1950). As quite a number of citizens who greatly distrusted the government were escaping from Seoul, a “colorful” ceremony couldn’t have been held and, if any were held, it must have been simply a formal act.

The Memorial Day of Human Rights that was held in 1951 was different from the first one in two respects. First, the week before and the week after the Memorial Day were stipulated as Human Rights Week and the kinds of ceremonies were diversified. Second, the civilian and military commemorated the ceremony together. On the second Memorial Day of Human Rights, the United Nations Association of the Republic of Korea and the Korean Bar Association held a joint ceremony and the various ceremonies such as radio broadcasts, lectures, symposiums, and radio dramas were not different from those sponsored by the government (Chosun Ilbo, December 10, 1951; Dong-A Ilbo, December 10, 1951). The third Defending Human Rights Week in 1952 was held by the United Nations Association of the Republic of Korea, the Ministry of Public Information, the Ministry of Justice, and the Korean Bar Association and such events as grand memorial lectures, a symposium of defending human rights, a collection of prize theses, and composition, motto, and students’ speech contests were also held. A special exhibition for the declaration of human rights was held at the United States Information Service (Chosun Ilbo, December 10, 1952; December 11, 1952).

Considering that UN Day was commemorated as an important national holiday at this time, the relations between the United Nations and the Korean government become clearer. In 1950, the Korean government began to celebrate United Nations Day, which commemorated the establishment of the United Nations on October 24, 1945. Since 1950, the year that United Nations troops directly joined in the Korean War, the Korean government began to actively celebrate the day. On UN Day, anticommunism was emphasized more than on Human Rights Day. “In many places of this land where UN troops take part in the war and are striving to repulse the enemy and accomplish world peace, a variety of colorful events were performed by the Korean people who love everlasting peace as well as the spirit of the United Nations and the UN soldiers who

Picture 1 Memorial Ceremony of Human Rights Day in 1956

Source: Kim 1958:244

joined in the war to keep world peace” (Chosun Ilbo, October 26, 1951). In 1951, the United Nations Association of the Republic of Korea and the Liberty Newspaper jointly celebrated UN Day. The United Nations Association of the Republic of Korea sent a message of gratitude to the United Nations and the Korean government decided that UN Day would be a national holiday.⁴

Universal Declaration of Human Rights Day and the UN Day were to confirm the superiority of the liberalist and democratic countries.⁵ Accepting that human rights were not acquired by the resistance against feudalism or dictatorial power but by the values of liberalist countries that think highly of liberty and equality, the South Korean government could similarly be a country defending human rights. Also, since the government was barely interested in the contents of defending human rights and the actual protection of people’s basic rights, it

4. UN Day which began as a legal holiday was excluded from the list of legal holidays with the Regulations on Various Holidays, dated September 3, 1976.

5. Then president of the United States Harry S Truman delivered a memorial speech in commemoration of UN Day and emphasized ideological superiority over the socialist bloc, saying “I think it will not be long before the USSR and its satellite countries won’t be able to cope with many liberalist countries that love peace and justice” (Chosun Ilbo, October 26, 1951).

didn't have to consider how antagonistic war and human rights were and how perfunctory and contradictory the protection of human rights was during the war.

Defending Human Rights Week of a Government Estranged from its People

Since the end of the Korean War, the observance of Human Rights Week was strengthened. One characteristic that was different from the ceremonies held during the war was the beginning of a consultation on human rights for the common people. At the Seoul District Public Prosecutors Office, a human rights advice office was established and people could consult with this office about an infringement upon their rights for a week from the day of the declaration of human rights. It was announced that such consultations would be held not just once but permanently (Chosun Ilbo, December 10, 1953; December 11, 1953).

At that time, Korean society was dominated only by nationalism in the form of extreme anticommunism and 'Marching North and Unification' of the Syngman Rhee government. In fact, Korean society lacked free communication. Just after the Korean War when many people were on the verge of starvation, it is very doubtful whether the human rights advice of the government helped the common people. Nevertheless, according to the announcement of the Human Rights Advice Office of the Seoul District Public Prosecutors Office, about 600 consultations were performed during a five year period beginning in 1953 (Chosun Ilbo, February 6, 1957).

Beginning in 1954, the ceremony of Human Rights Week was performed in a formalized way. The Ministry of Education ordered schools to participate and began to mobilize students for the ceremony (Chosun Ilbo, November 19, 1954). Students attended or were part of the chorus and the mobilization of students for the ceremony continued until the 1970s or the 1980s.

Since 1953, the ceremony for Human Rights Day was held not by the government but under the auspices of the International Human Rights League of Korea. This was done because of a United Nations recommendation.⁶ Though the International Human Rights League of Korea held the ceremony indepen-

6. The distinction among the government, civil society, official, and nonofficial was not clear in 1953. Many rightist civil societies, or so-called government circles, were organized and con-

Table 2 Ceremonial Contents of Human Rights Week

Division		Ceremonial Contents
Ceremony		A ceremony in every city, district, town, and county. (Seoul City Hall, 10 a.m., December 10)
Education	Lecture	Under the auspices of the Korean Bar Association, lectures by invited academic and foreign personage. Under the co-auspices of the International Human Rights League of Korea and the Korean Bar Association, a nationwide lecture tour to middle and high schools.
	Speech Contest, Forum, Symposium	Speech and forum contest at universities and high schools. Symposium on human rights with the cooperation of civilians and non-civilians.
	Mock Trial & Mock Assembly	Mock assembly and trial under the auspices of a university's departments of law and politics.
	School Event	Interclass events suitable to the situation of each school.
Propaganda Public Relations	PR Poster	PR poster and picture competition (exhibition) about human rights.
	Collection of Mottos	Collection of mottos concerning human rights. Use of them for PR materials, publication, and broadcasting.
	Radio Broadcasting	PR and enlightenment broadcasting concerning Human Rights Day at each broadcasting station.
Awards	Awarding of Persons of Merit	Awarding of Persons of Merit of defending human rights.
Consultation	Consultation of Human Rights	Consultations at each human rights advice center of each local police agency and human rights body.
Consolation	Prison, Reformatory, Orphanage	Composition of consolation team at each school and visits to prisoners, juvenile detainees, and orphans.

Source: Reconstructed from *Chosun Ilbo* and *Dong-A Ilbo*, every December 10th between 1954-1959

trolled by the government, and their activities overlapped with those of the government. As with the Human Rights Memorial Day, control of government events was sometimes transferred to a civilian. In contrast, Parents Day (Mother's Day at first), which was decided on by the Seoul headquarters of the Association of Korean Women in 1952, became a government memorial day according to the instruction of President Syngman Rhee. Meanwhile, women's organizations throughout the country were also united into the Association of Korean Women according to the instruction of President Rhee (Choi 1991:317).

dently, the contents of the ceremony were not changed and not welcomed by the general public.

The International Human Rights League of Korea was not only the most powerful political basis of Syngman Rhee but also a typical pro-government organization that was created by Lee Hwal, president of the People's Society, an organization to mobilize the masses. Therefore, there was serious criticism of the ceremony of Human Rights Week and the International Human Rights League of Korea.

As the Universal Declaration of Human Rights Day became a formalized ceremony held once a year, the press criticized its formality. The press maintained "though the important things among the basic rights of the people are freedom of the body, freedom of speech and freedom of possession, injustice and illegality prevail these days and the basic rights of the people are not protected" (Chosun Ilbo, December 16, 1954). An assertion was raised that "as human rights that are observed once a year through a slogan or motto end in a mere gesture, we should have human rights observed through practice" (Chosun Ilbo, December 16, 1954).

Also, during the Human Rights Week of 1956 and 1957, *Daehak Sinmun* in an editorial severely criticized the ceremony of Human Rights Day being sponsored by the International Human Rights League of Korea. "It is doubtful whether even the name of the International Human Rights League of Korea correctly understands the ideal of human rights. If the host organization doesn't understand the real meaning of human rights, it is natural that there won't be any hoped-for results" (Daehak Sinmun, December 9, 1957). That is, as human rights are the words calling inherent rights of man and defending means that the strong defend the weak, it is a conflicting phenomenon that the use of defending human rights stipulates the user of the words as the strong and the people as the weak.

Human rights mean basic human rights and the rights human beings have naturally inherited from the Creator. On the basis of this concept of human rights, there lies an ideology that even the state can't deprive us of human rights because human rights have been directly inherited from the Creator and are not rights given by the state but the rights before the state. Also, it is directly connected with the ideology that the state or the government is nothing but an instrument for human beings to keep human

rights. This is the very starting point of democracy. Meanwhile, in our country, the word 'defending' is often added to 'human rights' and 'defending human rights' is frequently used. However, the word 'defending' implies that the strong defend the strong. The word gives such a nuance and it is true that such a word is actually used in reality... As for defending, who defends whom? Can a strong state defend a weak individual? Originally, the concept of human rights placed the individual at the highest position and put the state down at the place of means. Nevertheless, if the state is elevated to the place of the strong and the individual is put down to the place of the weak that are defended, it is contrary to the ideology of human rights. (Daehak Sinmun, December 10, 1956)

Though the formal ceremony of Human Rights Day was continuously criticized by the press because of its exclusion of the people, the Syngman Rhee government used human rights only as a means of announcing that the Republic of Korea was the only legal government recognized by the United Nations and a tactical means of maintaining the political power, but it was never interested in the practical defending of human rights. Then by oppressing the basic rights of the people by revising and expanding the National Security Law and using violence to apply the guilt-by-association system to persons of leftist leanings and trample on the lives of their family, the Syngman Rhee government could issue excessively the abstract slogan of defending human rights.

The formal ceremony of Human Rights Week happened to be canceled because the host organization considered the ceremony of no significance. At the end of 1958, nationwide resistance arose because of the amendment to the National Security Law. The Korean Bar Association couldn't get lecturers because no one wanted to give a lecture on the subject of defending human rights when there had been an amendment to the National Security Law. Since even the Korean Bar Association suggested that the new National Security Law infringed upon the basic rights of the people, the association considered the ceremony of no significance and canceled the ceremony (Chosun Ilbo, December 7, 1958; Dong-A Ilbo, December 8, 1958). This incident was not a mere problem of canceling a Human Rights Week event but was an example of how far Human Rights Week was from being about the subject of human rights when the new National Security Law was being pursued.

Derivative Justification of the Anti-Communist Dictatorial Regime of South Korea

The Syngman Rhee government celebrated the Universal Declaration of Human Rights Day for the purpose of propagating the justification and superiority of a free and democratic system over socialism and indicting and criticizing North Korea's responsibility for the war and the intervention of the Chinese People's Army. Thus, the ceremony of human rights during the war was not an unsuitable combination and could be celebrated. Therefore the ceremony assumed a tactical and symbolic significance.

From the standpoint of the South Korean government, the Universal Declaration of Human Rights was "a supreme ideal that was declared at the United Nations General Assembly in 1948" and "when celebrating the international memorial ceremony, Human Rights Day, Korea should set an example of inspiring the self-consciousness and recognition for basic human rights and freedom together with our friendly nations, the democratic bloc, and try to have happy lives led by freedom" (Chosun Ilbo, December 9, 1950).

Even after the Korean War, Human Rights Day was a good opportunity to defend human rights and free democracy through severe criticism of Communism. In such a situation, the recognition by the government that human rights were only about anticommunism was publicized on a large scale. It was publicized in such a way that "the United Nations should give a hard blow of justice to communist aggressors that were the enemy of the human race and a devil to justice" and "the United Nations should strive to eradicate sources of the enemy of freedom" for the purpose of vitalizing the basic principles of the Declaration of Human Rights (Chosun Ilbo, December 10, 1953).

The Syngman Rhee government presented to its advantage that the Republic of Korea was the only legal government and North Korea was a puppet regime illegally occupying territory north of the 38th parallel and emphasized the recognition of the government of the Republic of Korea by the United Nations. Nevertheless, it is doubtful whether the government or the extreme right delivered the resolution of the United Nations correctly to the people. On December 12, 1948, the United Nations didn't recognize the Republic of Korea as the government of the whole peninsula but as the only legal government established according to the free will of the electorate in regions where an election had taken place. Thus, the United Nations made it clear that the government had effective sovereign power and jurisdiction over South Korea where most Koreans were

living. But the government had no sovereign power and jurisdiction over North Korea. In other words, there was room for interpreting that the sovereignty of the Republic of Korea as was indicated clearly in the constitution of the Republic of Korea couldn't be exercised over the northern part of the peninsula (Seo 2007:53).

Whether Koreans preferred or thought highly of democracy or not, democracy in Korea depended not on original and inherent justification but on derivative and borrowed justification. Just as free democracy was nothing but a borrowed style of culture that had imitated the ideal and system of the United States as a liberator, so were human rights. As democracy in Korean politics had not grown inherently but had been established purposely and mainly depended on borrowed justification, it couldn't be internalized deeply into the consciousness of the people and politicians through serious arguments and discussions despite superficial support of the people (Kang 2002:37-8). Neither could human rights, the most precious values of democracy.

Conclusion

After World War II, in the process of the formation of an international human rights regime and the reorganization of the world order by the United States, Korea first introduced basic rights and human rights as a system. The practical aims of the Syngman Rhee government's celebration of Human Rights Day and its defending human rights were internationally due to the oppression of the human rights regime centering on the United Nations and were to propagate the only legal government recognized by the United Nations internally and to gain the justification of the anticommunist system.

However, the human rights laws couldn't help but bring about unexpected results which caused practical effects as they were introduced as a rule. The Syngman Rhee government prepared Human Rights Week, propagated the Universal Declaration of Human Rights, and held human rights consultations with the people. However, it didn't end in mere propaganda for the government. The people who were ignorant of human rights came to a consultation office to solve their problems and learned the literal meaning of human rights. Therefore, during the April 19 Revolution, it was an effective system that enabled the people to insist on the practical contents of democracy.

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