WHERE IS THE KING BURIED? LEGITIMACY STRUGGLES ON THE KOREAN PENINSULA

ALON LEVKOWITZ
TEL-AVIV UNIVERSITY

Introduction

Since they were established in 1948, the two Koreas have been busy building their internal and external legitimacy. Each of the Koreas, while consolidating its internal regime, has struggled with the other for international recognition as the sole legitimate representative of the Korean peninsula. The legitimacy struggles have lasted for years, changing in complexion in response to changes in the international arena and in the two Koreas' interests and goals. The delegitimacy struggles between the states have prompted the leaders of both Koreas to release printed and verbal statements over the years that aim to undermine their rival's legitimacy. North Korea, in particular, has invested immense resources in its attempt to delegitimize the leaders of the South and South Korea as an independent entity.

In 1991, the Republic of Korea (ROK) and the Democratic People's Republic of Korea (DPRK) agreed, for the first time since they were established, to join the United Nations. By so doing, they granted each other external legitimacy. The June 2000 summit of the leaders of the two Koreas led to another significant improvement in relations between the two states. However, the North Korean nuclear crisis, which erupted two years later, raised the tension in the Korean arena, chiefly between North Korea and the United States.

In the past two years, a new historical debate that has created diplomatic problems among several countries in the region—the DPRK, the ROK, the People's Republic of China (PRC), and others—has been brewing. At its centre stands the Koguryŏ kingdom (37 BCE–668 CE). The debate concerns two issues: the ethnic identity and the history of the Koguryŏ kingdom itself and the authenticity of royal tombs from the Koguryŏ era that are located in North Korea. The debate erupted after the DPRK

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asked UNESCO to recognize the Koguryŏ royal tombs on its territory as a World Heritage Site.[1]

The PRC responded by challenging the North Korean claim about the location of the graves and their authenticity as well as the Korean arguments about the history of the Koguryŏ monarchy. Beijing also applied for recognition of Koguryŏ tombs on *its* territory as a World Heritage Site. China's claims presented South Korea with a quandary: should Seoul side with North Korea, with China, or with neither side, in other words, remain neutral? South Korea decided to favour the North Korean stance, viewing the issue as a general Korean one, while bearing in mind that Pyongyang might exploit Seoul's support to aggrandise the legitimacy of its leader and strengthen its status versus the South.

In view of the ROK's decision and the change that it represents in its behaviour towards the legitimacy struggles between the Koreas, a larger issue needs thorough discussion: has a change taken place in the legitimacy struggles that have characterised the two Koreas' relations since the time the two states were founded? This article presents first theories on legitimation and delegitimation, then briefly reviews the history of the legitimacy struggles between the Koreas since they were established in 1948. It goes on to deal with the issue of the Koguryŏ tombs and the current historical debate—the borders and origin of the monarchy and the policy with which South Korea has decided to tackle the Koguryŏ issue. In conclusion it examines the background of the change in ROK policy on this issue and its implications for the essence of relations between the Koreas today.

Legitimacy

What is legitimacy? Dictionaries define it as confirmation of the lawfulness of a situation or object, legal validation, or the obtaining of judicial, legal, or principled authorisation or authority to rule.[2] Lipset regards legitimacy as the performance of a regime. Legitimacy represents a regime's ability to create a set of beliefs that affirm the suitability of its institutions to preserve a society.[3] The present study uses a definition proposed by Robertson,[4] who regards legitimacy as having both a normative and an empirical meaning. At the normative level, the issue is whether a regime or a ruler should be obeyed. This question is closely related to legal concepts of *de jure* or *de facto* legitimacy. At the empirical level, the theme, from the political and sociological aspects, is how a given political system becomes 'legitimate' in the eyes of its citizens.

There are two ways of testing the legitimacy of a regime:

- On a *procedural* basis: a regime is legitimate when it attains rule by legal means, irrespective of the substantive value of the nature of the regime.

- On a *substantive* basis: a regime is legitimate when it has 'good intentions' and uses good means, i.e. when it serves its citizens' interests and is receptive to their changes and demands, irrespective of how it attained power.

The leaders of the ROK (Syngman Rhee, Park Chung-hee)[5] and the DPRK (Kim Il Sung),[6] claimed that the set of norms that they created and passed on to Korean society was amenable to Korean society at large. From this paternalistic perspective, the ruler knows his citizens' interests and, therefore, has to ensure his survival in power because only he knows how to attain these interests, even if he needs to commit illegalities in so doing.

In a certain respect, this approach corresponds to the view of the legitimacy concept as the ability of a political or social system to develop and maintain a set of general beliefs that posit the existing social order as the one best suited to a society or the political system.[7]

External legitimacy

No state is alone in the international system. Any state's geopolitical location and/or political importance, problems of resources and power struggles with other states create situations in which it forms relations with other states. These relations may take shape within the state's proximate sub-system or between more distant players. In these cases, too, the legitimacy issue may be tested at two levels:

- On a *procedural basis*: a regime is defined as legitimate if governance is attained legally. External legitimacy is manifested in several ways: diplomatic recognition, alliances with other states, membership in international organisations, international agreements, etc. Often it is derived from the political interests of an outside power. The change of attitude in the international arena toward China in the 1970s and the degrading of Taiwan'*s* status are examples of changes in the granting of external legitimacy that take place through international political and strategic considerations, irrespective of procedural internal change.
- On a *substantive basis*: a regime is called legitimate if it has good intentions and uses good means. The government serves citizens' interests and is receptive to their changes and demands.

In US considerations in respect to South Korea and other countries, for example, the procedural level has not always been the decisive factor. Different US presidents have brought different attitudes toward the ROK at various periods of time. President Jimmy Carter detested Park Chung-hee's regime in Seoul and was loath to legitimise it on a substantive basis. In contrast, his successor, Ronald Reagan, gave the ROK almost unlimited legitimacy on the basis of the same parameters.[8]

How important is external legitimacy at the internal level? In certain cases, a leader may invoke external legitimacy to consolidate his status in internal political struggles and present it to his people as an incentive for their support of his regime as opposed to his rivals. The quest for legitimacy from an outside player may sometimes become an internal political problem, as with Korea and Japan in 1965.

Ways of obtaining legitimacy

A government may attain legitimacy by several ways and means:

- *Symbols*: Symbols may be manipulated in the legitimation process.[9] By identifying with symbols culled from the array that the society accepts, a leader may try to generate political and/or personal support. Symbols and symbolic terms such as 'national security', 'economic development', 'national pride' and 'nationhood' may serve as means of attaining legitimacy.[10] The symbols chosen may be rooted in the realities of the target audience's life and should trigger associations among the audience. The set of contexts that is formed in the listeners' minds will induce them to associate the symbol with a set of responses that will cause them to legitimise the party that uses it. Unless a connection with reality and an association is made, the listener will not receive the symbol in the way the speaker intends. The policy that the leader identifies with the symbol should be associated in the listener's mind with 'patriotism', 'national pride' and values of security that will lead to support. The use of symbols to establish the legitimacy of monarchies is as old as antiquity.
- *Religion*: Korean kings in antiquity invoked relations with Chinese dynasties as an important source of legitimacy.[11] They used the acceptance of Chinese religions and philosophies in their quest for outside legitimacy from the Chinese kingdoms.[12]
- *Clothing*: To establish continuity and bolster the regime's legitimacy, kings and nobles wore clothing that had been customary in early Korean and Chinese monarchies.[13]
- *Historical sites*: Leaders use the geographical location of historical sites—shrines and archeological ruins—to reinforce the legitimacy of the state and the regime. In 2001, the government in Pyongyang announced the discovery of the remains of Tan'gun, the mythological ruler said to have founded Korea in 2333 BCE.[14] The announcement was intended to bolster the legitimacy of the DPRK and the Pyongyang regime. If the remains really are those of Tan'gun, it could be argued that North Korea is situated on holy soil and that its legitimacy is unchallengeable.[15] Another example is Park Chung-hee's emphasis on archeological excavations in the vicinity of Kyongju, where the Silla dynasty had its capital. Park's purpose was to bolster the legitimacy of his regime and of South Korea vis-à-vis North Korea.

- *Metaphors*: A metaphor is the borrowing or transference of a name, action or concept to some other object, or the use of an idiom in a sense other than the ordinary one and borrowed from another topic to create a picturesque impression. A leader may use metaphors to justify a problematic domestic or foreign policy, because metaphors allow him to discuss part of the topic and to disregard problematic parts.
- *Myths*: A myth is a belief that is shared without challenge by a large group of people who endow events and actions with a certain meaning. Myths are used to shape people's values, attitudes and outlook in ways that invest them with a strong emotional impact.

Throughout his reign, Kim Il Sung, ruler of North Korea until his death in 1994, built and reinforced the legend of his glorious past as a guerrilla fighter during the Japanese occupation. His son, Kim Jong Il, is also associated with a myth related to his place of birth, which was changed in order to create an account that would further the goal of establishing the legitimacy of the "son."[16] By linking a leader or an action with a myth, a leader may perform manipulations for the enhancement of his or her own personal or political legitimacy. Both Koreas have invoked the unification of the peninsula as a myth in the sense that the populace should unite around the leader who is fighting for it.[17] When the military junta acceded to power in the ROK in 1961, unification was one of the main values that it proclaimed as an aim of its putsch: to attain the goal of *unifying Korea,* to which the Korean people aspire, the leadership will invest its energy in developing the state in order to contend with communism.[18]

In sum, a regime may seek legitimacy by using one method and/or a combination of methods. The choice depends on the situation and the goal for which the regime seeks legitimacy. In making this choice, the regime has to consider the effectiveness of the tactics and their suitability for the target and goal at issue. If these devices are misused, the result may be the opposite of that intended.

Means of delegitimisation

Means of delegitimisation may be divided into two groups: *verbal* and *physical*.

Verbal

A rival may use several verbal tactics to create delegitimacy:

- *Propaganda*: a method that aims to change others' attitudes, views and behaviour. Methods of propaganda vary according to need: symbols, written texts, oral statements and/or the propagandist's behaviour. The target population is the group whose views the propagandist wishes to modify. An example of a

propaganda tactic is the placement of loudspeakers on the North Korean side of the Demilitarised Zone between North Korea and South Korea. The purpose of the speakers is to communicate North Korean messages and propaganda to South Korean soldiers serving in the area.
- *Adoption of methods from the legitimisation process*: the rival exploits the very devices that the target state uses to build legitimacy, but in the opposite way. While a government attempts to use myths to build up its legitimacy, for example, the rival tries to debunk the myth by showing the 'other side of the coin', as in South Korea's attempts to challenge the hero myth of Kim Il Sung.

Physical

A physical attack on the target country's institutions undermines the legitimacy of the government in its citizens' eyes by striking at the government's basic duty to citizens: security and defence. The range of physical activities in this respect is quite wide:

- *Terror attacks*: the government of the DPRK has carried out many acts of terror that inflicted direct or indirect damage[19] on South Korea (such as blowing up a Korean jetliner in 1987, causing 115 fatalities).[20]
- *Direct attacks on the establishment*: violent attempts to attack leaders directly. The DPRK has tried to assassinate South Korean heads of state several times. The ROK President Park Chung-hee was the intended victim on several occasions in the 1960s and 1970s. In 1983, an attempt was made to eradicate the ROK cabinet and its president, Chun Doo-hwan, while they were visiting Rangoon. Each of these attempts failed.[21]
- North Korea also used *anti-government subversion and the infiltration of agents* for this purpose in order to create a state of illegitimacy in the South.

In sum, a government may choose between verbal and physical devices or may choose both. It may use one method or a combination of several. Verbal methods are free of the severe risk of a violent response by the other side. In certain cases, however, physical means are preferable because of their efficiency in attacking the rival's systems. The methods used vary in accordance with the situation and the target that the attacking government wishes to delegitimise.

Legitimacy struggles between North and South Korea

In 1945, when the Japanese occupation ended, Koreans expected the Western powers to help them to re-establish their own state after the lengthy gap imposed by the occupation.[22] Their expectations were dashed, however, as domestic and, mainly, international interests led to the partitioning of the Korean peninsula into two

separate states in 1948—the Republic of Korea in the south and the Democratic People's Republic of Korea in the north.[23]

From the moment of their establishment, the North and South Korean regimes began to cultivate their internal legitimacy.[24] In the north, Kim Il Sung went about this with Soviet assistance and put a maximal array of legitimation devices to use. Symbols were drawn upon: the importance of 'national security' in view of the threat from the 'imperialistic South', emphasis on 'economic development' and the cultivation of Korean nationalism and values as against the Western values that the South had adopted. Later on, the administration in Pyongyang tried to cement the internal and external legitimacy of North Korea by invoking the 'bones' of Tan'gun.[25]

In the South, the governments of the first four republics of South Korea also busied themselves at internal legitimation. The enterprise of building internal legitimacy under Syngman Rhee (in office from 1948 to 1960) was influenced mainly by the Korean War and the president's anti-Communist ideology. The fight against communism, which included struggle against non-Communist opponents of Rhee's regime, was one of the prime motifs of his tenure. Additional symbols were the 'march to the north' and struggle against those who threatened the regime and, by extension, the stability of the state. The government of Park Chung-hee (president from 1961 to 1979) stressed the need to build a 'strong Korea' and to further the country's 'economic development', which would be tested on the basis of its functioning and economic success. Economic successes did ensue, but Park did not perform impressively at the ballot box. 'Unification of Korea' and 'economic independence' were additional rallying calls that Park often mobilised to solidify internal legitimacy.

As the leaders of the two Koreas consolidated their political status, their governments applied policies geared to develop their external legitimacy and delegitimise the 'other' Korea. In both of the first two decades of their joint existence, both Koreas practiced a 'one Korea' policy. They maintained diplomatic relations only with countries that recognised one of the Koreas as the sole legitimate representative of the Korean peninsula, mirroring the 'one China' policy that the PRC practised against Taiwan.

In the late 1960s and early 1970s, the ROK began to widen the circle of states that recognised it and turned its attention to non-aligned states. This marked a major change in Seoul's foreign policy, since the non-aligned states had traditionally favoured the DPRK. Since the non-aligned bloc had been a source of support for Kim Il Sung's regime, the normalisation of relations with the bloc was one of the achievements of the South Korean regime. The appeal to the non-aligned countries symbolised the end of the 'one Korea' policy and the onset of an approach to new markets.[26] The change reached its climax in the late 1980s and early 1990s when Roh Tae-woo's *Nordpolitik,* a policy of outreach to and normalisation of relations

with the DPRK's historical allies, was applied.[27] The obtaining of legitimacy from North Korea's traditional allies, the PRC and the USSR, was significant for relations between the two Koreas. Recognition of the ROK's legitimacy by Pyongyang's allies dealt a severe blow to North Korea's efforts to undermine the legitimacy of the South. From the standpoint of South Korea, the normalisation of relations with the PRC and the USSR not only conferred legitimacy but also opened up new markets and gave Seoul additional leverage over North Korea by means of its allies.

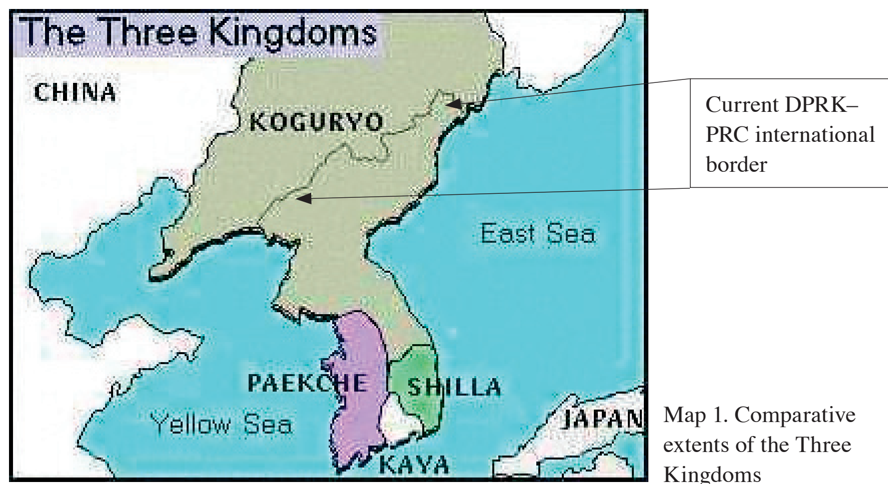
President Kim Dae-jung attempted to change the 'balance of costs' between the Koreas. He instigated a revision of the attitude towards the DPRK and was willing to legitimise the Pyongyang regime in order to change the rules of the game from zero-sum to win-win.[28] The process peaked with a summit between the leaders of the two Koreas in June 2000 in Pyongyang.[29] Study of the leaders' joint statement reveals the components of legitimation. The statement contained 'symbols' that reinforce Korean identity or, as the text says, "the Korean people". It is the "Koreans" (as opposed to outsiders) who control the Korean peninsula, who are to solve its problems.[30] Thus, throughout the summit, the two leaders used symbols that unified and reinforced the legitimacy of both Koreas.

The historical debate between China and the two Koreas over the Koguryŏ kingdom and its history serves as a litmus test. Was there a change in policy on the part of the two Koreas, especially South Korea, in the struggles for legitimacy, or was the summit merely a 'time-out', after which the two Koreas reverted to their zero-sum game in the struggle for legitimacy?

The Koguryŏ kingdom and the struggle over tombs and borders

The Koguryŏ kingdom was the first Korean kingdom to establish itself as an autonomous monarchy. It was the northernmost kingdom among three, the other two being Paekche and Silla. Its geographic location, spanning what is now North Korean and Chinese territory, is indicative of one of the main problems between the countries.

In July 2003, the DPRK applied to UNESCO for registration of the Koguryŏ tombs on its territory, in the vicinity of Pyongyang and in South Hwanghae province, as a World Historical Site (WHS). Its first application was turned down on technical and procedural grounds.[31] Pyongyang was asked to amend the application, re-examine several issues related to the preservation of sites, and reapply a year later.[32] However, the decision-makers' considerations were not solely technical and procedural. One of the opponents of North Korea's application was the PRC. Beijing opposed the registration of the Koguryŏ tombs on principle and rejected North Korea's claim that one of the tombs for which it sought recognition was that of the founder of the Koguryŏ kingdom, Tongmyong Songwang. The monarch's tomb, China claimed, was



Map 1. Comparative extents of the Three Kingdoms

on Chinese soil, even though its exact location had not yet been determined. Some time later, China applied for recognition of several sites on its territory, including fortresses and tombs from the Koguryŏ era.

Each member country of UNESCO may submit only one WHS application per year. The PRC's choice of the Koguryŏ sites in the very year that the DPRK did the same—even though China had a lengthy tentative list of additional sites that it wanted UNESCO to recognise—was puzzling to South Korea, North Korea and other countries. The two Koreas' concerns were reinforced by China's decision to challenge not only the authenticity of the Koguryŏ tombs in North Korea but also the history and validity of the Koguryŏ kingdom itself. Various Chinese representatives claimed that Koguryŏ originated in Chinese kingdoms and not in Korean antecedents, as both Koreas argued.[33]

In February 2002, the Centre for the Study of Borderland History and Geography, an agency under the purview of the Chinese Academy of Social Sciences, launched a five-year national project called 'Studies of History and Geography of Northeast Borderland'. The purpose of the project was to examine historical issues related to the Chinese borders in the northeast region and the ethnic identities of the inhabitants of the region.[34]

What were China's reasons in challenging the history of the Koguryŏ?

- The Three Kingdoms map reveals the reasons for China's concern. The geographic location of the historical Koguryŏ kingdom includes a large piece of China, the northeast area. China's concern is that a unified Korea, if and when constituted, will demand the restitution of territory that had belonged to the historical

Koguryŏ. If China successfully disproves Korea's claim to Koguryŏ, it will be able to thwart future territorial demands.[35] The DPRK's claim for recognition of Koguryŏ tombs may explain why this issue has come up now.

- A Sino-Korean ethnic minority inhabits the provinces that border the DPRK. The Chinese fear separatist tendencies among them.
- There has been an increase in the number of North Korean refugees in the PRC–DPRK border area, prompting concern that the fall of the regime in Pyongyang may set off a flow of additional refugees, further exacerbating China's fears of separatism in this area.[36]

South Korean policy

Various parties in Korea consider the Koguryŏ history crisis with China more serious than the Japanese textbook crisis, the contretemps between South Korea and Japan concerning the disregard in Japanese textbooks of Japan's injustices against Korea.[37] During the textbook crisis, the ROK suspended some of its diplomatic and political relations with Japan and expressed its views on the matter in very hostile terms.

In view of the complex relationship between the PRC and the ROK and the variegated historical relations between the cultures over the millennia, the South Korean administration found it difficult to adopt a policy identical to that taken toward Japan in the textbook crisis. The problem that Seoul faced was how to tackle the Koguryŏ issue. Should it side with North Korea and oppose China's claim, apply a neutral policy, or favour China's policy over North Korea's?

The ROK chose to deal with the legitimacy crisis that it faced by means of a composite policy. At the official diplomatic level, the administration expressed its objections to China's claims in regard to the Koguryŏ.[38] Ban Ki-moon, the ROK foreign minister, delivered a measured diplomatic response that avoided ferocity. The government in Seoul did not wish to aggravate relations with Beijing over the Koguryŏ issue in view of the complexity of bilateral interests and the PRC's central role in the nuclear crisis with the DPRK.[39] In response to Seoul's protest against the policy of Beijing on Koguryŏ, the Chinese government described the matter as not an official Chinese policy but an initiative of non-governmental academicians.[40] The ROK government accepted Beijing's statement and responded in kind, claiming that the dispute was not between governments but between non-governmental groups of citizens. A remark by the ROK foreign minister provided an illustration: "We believe the attempts [on Korea's ancient history] have been made by academic circles and lack any political motivation."[41]

Thus, both governments wish to keep the Koguryŏ dispute from flaring into a bilateral diplomatic confrontation. A deeper look at the matter, however, shows that the Chinese government is directly in charge of the Centre for the Study of Borderland

History and Geography. Combining this with China's arguments to UNESCO against North Korea's assertions when the latter applied for WHS registration of the Koguryŏ kings' tombs in 2002, we find reason to suspect that China's initiative is not solely the action of independent academicians who have nothing to do with the administration.

Notwithstanding Seoul's declaration that this is an issue to be managed by academicians, all important web sites of the ROK government present South Korea's claims in regard to the Koguryŏ clearly and emphatically. Concurrently, non-governmental groups in South Korea have begun to organise academic conferences and protests against China's claims in the matter.[42] Officially, these initiatives belong to groups of citizens who have no connection with the ROK government. At the informal level, however, the government supports these initiatives extensively. Both government and academicians are labouring to deflate the claims of the regime in Beijing and of Chinese academic organisations about the history of Koguryŏ and the tombs of the Koguryŏ kings. Koguryŏ is not part of the Chinese Han dynasty, they say, and its tenure and borders are as taught in Korean schools and universities over the years and not as China alleges. To be more precise, the Korean spokespersons have accused Chinese scholars of *distorting* history for political purposes.[43] China's behaviour in the affair created a situation that forced Seoul to treat the Koguryŏ issue as a challenge to the legitimacy of the Korean people, in contrast to legitimacy struggles that the government in Seoul had waged with Pyongyang over the identity and legitimacy of the respective Koreas. For the first time, Seoul finds itself embroiled in a struggle for the legitimacy of the Korean identity. By challenging the history of ancient Korea, China is challenging the legitimacy and historical origins of both Koreas. Since Seoul is examining the historical debate not at the present-day level, through the prism of the struggle between the two Koreas, but from the perspective of a Korea that will eventually be unified, it is invoking for the first time a 'post-unification' foreign policy towards China.

Conclusion

The change in the patterns of the legitimacy struggle that typified South Korean policy for years attest to the profound shift that the 2000 summit of the two Koreas wrought in the consciousness of the government and people of South Korea. One of the fundamentals of this change, it would seem, is the realisation that the legitimacy struggles are injurious to both Koreas in the present and the future alike. The combined actions of citizens and government in South Korea also give evidence of the democratisation processes that this society is undergoing. This, too, is related to the fact that the ROK government no longer fears for its status and its external and

internal legitimacy and no longer feels that it has to use delegitimation tactics against the DPRK in order to solidify its own status.

In June 2004, UNESCO held a conference in China and approved the DPRK's application for recognition of the Koguryŏ tombs on its territory as World Heritage Sites. UNESCO also accepted the PRC's application for recognition of Koguryŏ tombs on *its* territory as World Heritage Sites of the Koguryŏ dynasty. UNESCO's decision to accept both applications strengthens the two Koreas' claims about the Koguryŏ heritage in Korean history, in contrast to the arguments raised by Chinese spokespeople in the past two years.

Notes

1. According to UNESCO, cultural heritage constitutes "monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science". See http://whc.unesco.org/nwhc/pages/doc/mainf3.htm
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