

Legalistic Thought in North Korean Ideology

Abstract

This paper describes the legalist conceptual framework of the Democratic People's Republic of Korea.² It seeks to determine the extent to which this has impacted on the government and society of the country. To do so, it analyses some aspects of the historical roots of the North Korean ideology and political system. The study argues that North Korean ideology is to a certain extent rooted in the historical background of North East Asia, but has also been purposely reshaped and manipulated in its form to deal with any difficulties and circumstances the regime has had to face. Meanwhile, one observes in North Korean ideology no direct reference to any antecedents. The above claims are illustrated in this article by various primary material of a propagandistic nature published in North Korea and research articles. In other words, the aim of the research is to examine how much legalism has been blended in to create North Korea and its socialist legalistic framework.

Keywords: Lord Shang, Kim Il Sung, Jong Un, Legalism, North Korea, Socialist Legalism.

Introduction

In 1955 the communist leader of North Korea, Kim Il Sung officially unveiled his ideology, called *Juche* (master of destiny) to the North Korean population. This ideology dictated who should rule and which organisations were at the top of the North Korean political system. As such, the political system of North Korea became merely a branch of North Korean ideology.

To understand North Korean society, its history and its way of functioning, it is essential to look at it from the North Korean historical point of view, searching for that which dictates people's lives. It has to be noted that North Korean politicians operate under conditions of a specific practical rationality, created by their *Juche* ideology (주체사상– *juche sasang*). Although North Korea's political doctrines may appear at least strange to Westerners, as far as it represents a contemporary expression of thought that is not only deeply embedded in Korean history (i.e. events related to the Japanese occupation, the consequences of the Korean War, and the unfinished conflict with South Korea), but more broadly in Asian history.

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2 For simplification purposes, I will use the most commonly used term for North Korea in order to refer to its official name i.e. "Democratic People's Republic of Korea."

In this article, I propose an approach that assumes the presence of Legalism (법가 – *Peomga*) in the North Korean ideology. I insist also on the fact that North Korean leaders manipulated various forms of Legalism in order to legitimate their domination, from a foundation consisting of Asian cultural values. In a past publication, I discussed the impact of Confucianism in the North Korean ideology.³ Confucianism was more related to a certain hierarchy in society and the quest for harmony. Legalism is rather a political science aiming to create an efficient state.

This paper is organised into three substantive chapters, following this introduction. It begins with some historical facts related to the development of Legalism in Asia. The second makes a comparison between Legalism and the Kim Il Sung's era of governance. The third discusses the economy of North Korea from a legalist approach.

1. Historical Context of the Development of Legalism

Legalism is a Chinese political philosophy based on the idea that a highly efficient and powerful government is the key to social order. The Legalists advocated government by a system of laws that rigidly prescribed punishments, proportionate to criminal acts, and rewards for specific behaviours. Legalism is one of the many intellectual currents that flourished in China during the three centuries prior to the imperial unification of 221 BCE and the following years. This period, often identified as the age of the “Hundred Schools” was exceptionally rich in terms of political thought. Basically, four schools emerged from these hundreds of institutions: The Confucian, the Moist, the Taoist and the Legalist, which was the youngest in comparison with the three others. Each of these schools are different and have their own perception of the world, which led them to constant controversies between them, however all of them dealt with the art of governance. Each “schools of thought” sought ways to improve the functioning of the state and to attain sociopolitical stability. The legalists' approach appeared to be practical and extremely goal-oriented in comparison to its ideological rivals. The apogee of legalism theory was reached when the Qin dynasty (221–206 BC) united the Chinese territory in the 2nd century BC. The Legalism School can be also summarised as the art of rule by law, and not of law. Hubert Mono Ndajna, a Cameroonian researcher who defended his doctoral dissertation at the Juche Academy of Sciences of Pyongyang in 1990 considers that “the Juche is rich in content and provides answers to the problems of principle arising in the shaping of

3 Nicolas Levi, ‘Correlations Between the Contemporary Ideology of the North Korean and Chosen Confucianism Values,’ *Krakowskie Studia Międzynarodowe*, No. XII/3, 2015, pp. 119–130.

the destiny of the popular masses.”⁴ Again, the notion of answers and masses are connected, making their problems not only real, but solvable through practical answers, those provided by Kim Il Sung. Legalists have a dismissive attitude toward traditional culture and toward moralising discourses. This destruction of prevailing culture is viewed not only through the policy of Kim Il Sung but also through the actions of other Asian leaders such as Mao, who “proposed burning all the collections of prose and poetry after the Tang and Sung dynasties in one go.”⁵ Legalists argue that in order to find solutions to contemporary problems, contemporary tools should be used. When China was still not united, before the Qin Dynasty, the major problem for the legalists was an anarchy that found root on the territory of China. The solution, they argued, was to create a bureaucratic state, which would guarantee order, where the utilisation of force is authorised but not compulsory. The state became the unique unit to be defended, as it was supposed to guarantee the stability of the territory. On one hand, it may be observed that in the last two decades, North Korean leaders have often expressed pride in the 5000-year history of Korea, as a result of the strengthening of North Korean nationalism.

The main goal of the legalists was to create a strong and centralised state. They suggested implementation of a system of awards and punishments, a system that Brando King considers the foundation of legalist authority. On the other hand, these two principles are also fundamental to other schools of thinking, such as the Moist One.⁶ The state authority accommodates human nature and discourages limitless expression of it. This mechanism led to an increase in state surveillance of the population. We present in this research paper the works of Han Fei (280–233), Shen Dao (350–275), and Shen Buhai (400–337).

Legalists starts from man and society as they are and not as they should be. Legalists erase tradition and reflect on the world in which they live, a troubled and politically unstable world. Rewards and punishments (primarily promotion and demotion) are the major levers through which the ruler can control his officials. The ruler is the only person who represents common interests and is defined as being “the lord.” As such, his power is conceived not as a means of personal enjoyment but as the common interest of his subjects.⁷

4 Hubert Mono Ndjana, *Revolution and Creation*, Pyongyang: Foreign Languages Publishing House, 1991, p. 45.

5 Jung Chang and Jon Halliday, *Mao: The Unknown Story*, London: Vintage Books, 2011, p. 15.

6 Brandon R. King, ‘The [Not So] Hidden Curriculum of the Legalist State in the Book of Lord Shang and the Han-Fei-Zi,’ *Comparative Philosophy*, No. 9/2, 2018, p. 76.

7 Paul R. Goldin, *After Confucius: Studies in Early Chinese Philosophy*, Honolulu: University of Hawaii Press, 2005, pp. 3–4.

Another guiding principle of legalism is the nature of the human being. Confucianism emphasised the fact that human goodness is achieved by moral self-cultivation in the context of family and social tradition. The legalist Shang Yang maintained that “the reality of human beings is that they have things they love and things they hate; therefore they can be governed.”⁸ Human behaviour is to be transformed not by inner cultivation but by external manipulation by political authority of love and fear, pleasure and pain.

Legalists underline the direction of all human activity as being toward the goal of increasing the power of the ruler and the state. Legalism in ancient China is based on the framework that humans are more inclined to do wrong than right because they are motivated entirely by self-interest and require strict laws to control their impulses through the threat of punishments. According to Xinzhong Yao, legalism is fundamentally different from Confucianism. The main asymmetry is related to political matters and to the art of ruling over a territory. According to legalists, punishments must be used against any person who breaks the law, in order to maintain the harmony of society. Legalists consider education to be the path to weakness and leads to the collapse of a territory.⁹

Three other central concepts for legalism must be also emphasized. Firstly, the law is the central concept in the legal system of thought. It is no longer the Confucian idea of the sense of the human being and conformity to rites, which are responsible for ensuring social cohesion but the law. The second concept is position in the system. This concept differs from the moral power related to scholars within the Confucian framework. Legalists suppose that the law and institutions are more important than those who are heading these organisations. Then it is important to note that the most powerful organisations in North Korea are efficient, but their leaders are usually unknown,¹⁰ though to a lesser extent than for instance in the Khmer Rouge regime. The most important political organisation of North Korea is organised according to the Soviet model. The third term is techniques of control. Legalists believe that sovereign and related institutions must control, monitor and sanction to ensure the cohesion of the system. State institutions are responsible for ensuring that the law is respected by individuals to such an extent that the punishment itself

8 David K. Schneider, ‘China’s Legalist Revival,’ *The National Interest*, 20 April 2016, <https://nationalinterest.org/feature/chinas-legalist-revival-15845?page=0%2C1> (accessed 20 August 2020).

9 Xinzhong Yao, *Konfucjanizm. Wprowadzenie*, Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2009, p. 73.

10 See: Nicolas Levi, ‘A Historical Approach to the Leadership of the Organisation and Guidance Department of the Workers’ Party of Korea,’ *Acta Asiatica Varsoviensia*, No. 32, 2019, p. 99–116.

would become unnecessary as the terror it inspires would be great. These three ideas give rise to an authoritarian conception of power whose great merit was to expose the levers of power and to reveal the mechanisms of social control in which the personality of the sovereign plays a preponderant role.

2. Legalism during Kim Il Sung's Era¹¹

This article investigates only some selected legalist concepts such as disciplines and punishments, and the relationship between the head of state and his subjects. This part of the paper examines the legalist political vision of the place of the North Korean leader.

2.1. Perception of the Leader

The Book of Lord Shang, an important legalist theoretician, who lived in the 4th century BC, insists on the fact that state will enjoy order, the land will be wide, the army will be strong, and then the ruler will be honoured. This would be the climate of good governance, based on good government. Several legalistic elements are highly visible in the political history of North Korea, such as the repudiation of historical tradition derivating from legalism, and the militarisation of North Korea.

From 1945 to 1954 the North Korean political system officially repudiated historical legacy, which was considered responsible for the problems of North Korea and foreign influence through flunkeyism and dogmatism.¹² For example starting from the 1950s, the regime's first reforms promulgated by Kim Il Sung were processed through land reform aimed at destroying colonial institutions. North Korean communist institutions confiscated land and properties possessed by the Japanese, eradicating the economic base of the traditional kinship community. This socialist reform was based on a pattern of the destruction of traditional structures, such as the land distribution in North Korea, a pattern present in legalism philosophy.

During his youth, the first leader of North Korea, Kim Il Sung, was influenced by several philosophies. Kim Il Sung's views on law reflected the circumstances of his life. Born during the Japanese occupation of Korea, on

11 Kimilsungism can be defined as the ideology and system of power instituted by Kim Il Sung. In 1948, when the Democratic People's Republic of Korea was established, Kim Il Sung became the first premier of the North Korean communist regime. Until his death in 1994, Kim ruled the country strongly, sharing power with Kim Jong Il starting from the early 1960's. Later, the concept of Kimjongilism emerged. This term is related to the ideology of Kim Jong Il, which is based on Kimilsungism. 'Kim Jong Un: DPRK to Carry Forward Revolution,' *China.org.cn*, 12 June 2012, http://www.china.org.cn/world/2012-06/12/content_25628215.htm (accessed 25 August 2020).

12 Ndjana, *Revolution and Creation...*, p. 41.

the 15 April 1912 in the suburbs of Pyongyang, Kim Il Sung spent the majority of his youth abroad: in the Soviet Union and China. Therefore, through his ideological education, he was instructed with Western communist and Asian political values. However, a key factor was that the Youth of Kim Il Sung was during a period of aggression and of war. On 5 June 1926 Kim Il Sung lost Kim Hyung Jik, his father who was an active communist leader.¹³ In the 1930s, when barely in his early 20s, he fought against the Japanese. Later, at the age of 41, during an era of tumultuous change, he coordinated the operations of the North Korean Army during the Korean War (1950–1953), then led North Korea until his death on 8 July 1994. These several elements underline the fact that the world of Kim Il Sung was not based on the Confucian principle, where people are naturally good, but on the legalist approach that the nature of human beings is corrupted and thus that they should be guided by strict coercive norms dictated by the King.¹⁴

After the Korean War, Kim Il Sung played a significant role in the establishment of a new legal and ideological system. After the conflict, the state of North Korea was very weak, this part of the Korean Peninsula having been partially destroyed by the Japanese Occupation and the Korean War. There was an urgent need for fundamental reforms on legal and political issues. As in the case of China, which used Japanese scholars to implement new legal codes in Continental China after the Russo-Japanese War (1905),¹⁵ North Korean leaders were supported by Soviet military specialists. Consequently in 1953 Kim Il Sung brought in the Juche Ideology, a philosophy based on Leninist and Asian patterns. Hypothetically, the Juche ideology is more than a philosophy, it's a global framework for establishing the legal code of North Korea. The ruler becomes the source of law, which is interpreted in the Juche Ideology. The previously mentioned Hubert Mono Ndjana argued in his research papers that the Juche Idea is nothing less than the laws governing the masses.¹⁶ From 1945 to 2018, more than 5000 legal changes were enacted in North Korea. This element can be clearly related to the legalist approach formulated during the Qin dynasty.

The totalitarian aspect of legalism, which implied total control over society, was mainly discussed through the North Korean ideology of Juche, a political thesis of Kim Il Sung which states that the Korean masses are the masters

13 Baik Bong, *Kim Il Sung Biography*, Vol. 1, Beirut: Dar Al-Talia, 1973, pp. 67–69.

14 Peng He, 'The Difference of Chinese Legalism and Western Legalism,' *Frontiers of Law in China*, Vol. 6, No. 4, 2011, p. 649; Luke T. Lee and Whalen W. Lai, 'The Chinese Conceptions of Law: Confucian, Legalist, and Buddhist,' *Hastings Law Journal*, No. 29, 1977, p. 1307.

15 Janos Jany, *Legal Traditions in Asia: History, Concepts and Laws*, Cham: Springer Nature, 2020, p. 349.

16 Ndjana, *Revolution and Creation...*, p. 45.

of the country's development. According to ideologists, the Juche is based on the idea that "man is the master and decides everything. the Juche Idea was formulated as principles that the government uses to justify its policy decisions."¹⁷ In spite of its clear connections to legalism and Confucianism through its practical patterns,¹⁸ Kim Jong Il considered Juche as being a new ideology.¹⁹ This revisionist feature of the history of the ideology omitted to mention that the Juche was also based on Leninist or legalist concepts determining the strategy of the state on a new basis. Kim Jong Il referred to the strategies and tactics presented in the conceptual legalistic framework.²⁰ The weakness of this philosophy was demonstrated when its main ideologist Hwang Jang Yop, defected to South Korea via China and the Philippines in February 1997. The importance of Juche in the politics of North Korea is negated by Brian Reynolds Myers, who suggests that this doctrine is only intended to mask extreme nationalism, which is the real basis for the legitimacy of the North Korean authorities, building their position on the fear of external threats from other countries installed in citizens.²¹

There is a trend in the construction of the political thought of Kim Il Sung. Initially and up to the 1960s, Kim Il Sung relied on the Marxist and Leninist ideology. Only later, when North Korea started to be more economically and politically independent, did Kim Il Sung develop a Korean Socialist Legalism. The element of socialism emphasises the importance of collective ownership of the means of production. The element of legalism embodies an emphasis on formalism and punishments in the application of rules, by applying heavy and rigorously punishments, so people will not dare to try.²² The Leninist approach of Kim Il Sung gained developed during the time he spent in the Soviet Union (1940–1945). Being in the Soviet Union, Kim Il Sung received a military education based on physical exercises, during which he learnt norms of discipline. Becoming a major of the Red Army, Kim Il Sung became indoctrinated with Leninist values and norms of discipline. In the Soviet Union, Kim Il Sung obtained no political education as he was not able to understand

17 Michael Breen, *Kim Jong Il: North Korea's Dear Leader Who He Is, What He Wants, What to Do About Him*, Singapur: John Wiley & Sons (Asia) Pte Ltd, 2004, p. 67–70.

18 Ndjana, *Revolution and Creation...*, p. 41.

19 Kim Jong Il, *On Some Questions in Understanding the Juche Philosophy*, Pyongyang: Foreign Languages Publishing House, 1984; Kim Jong Il, *On Correctly Understanding the Originality of Kimilsungism*, Pyongyang: Foreign Languages Publishing House, 1984, p. 1.

20 Kim Jong Il, *On correctly Understanding...*, p. 8.

21 Brian Reynolds Myers, *The Cleanest Race: How North Koreans See Themselves And Why It Matters*, New York: Melville House, 2011.

22 Pitman B. Potter, *From Leninist Discipline to Socialist Legalism: Peng Zhen on Law and Political Authority in the PRC*, Stanford: Stanford University Press, 2003, p. 7; Jan Julius Lodewijk Duyvendak, *The Book of Lord Shang*, London: Probsthain, 1928, p. 37.

Russian. However, his courses included matters related to discipline, military issues, elements that we also find in the framework of legalism. The political ties of Kim Il Sung with Soviet leaders, such as Lavrentiy Beria, or Joseph Stalin, made clear that Kim Il Sung's mind was influenced by Communist ideology, particularly during the period when North Korea was dependent of the Soviet Union (i.e. until the mid-1960s.). Then all areas of North Korean law were codified, based on the Soviet Model.

In order to justify the independence of the North Korean model, Kim Il Sung also copied some legalism patterns. In accordance with Hwang Jang Yop, the ideologist of the Juche ideology, he understood that the law is like a belonging to the party, which may support the establishment of a dictatorship.

The North Korean constitution of 1972 focused on the party and the *Suryŏng* (the leader) while being in revolutionary service to the socialist state.²³ It is a value derived clearly from legalism, where these thinkers shared the conviction of other political theorists of the Warring States period (475–221 BC): stability and orderly rule in either the individual state or “All-under-Heaven” can be attained only under an omnipotent monarch. A major element of the legalist school is represented through the notion of *Fa*, which means the law. According to Luke Lee and Whalen Lai, the legalists rely on the force of sanctions to obtain obedience to and compliance with the law, and therefore they stress government by *Fa* or decree. This principle is highly visible through the notion of collective responsibility, which was implemented in North Korea. Secondly, legalists insist on complete equality before *Fa*, as opposed to the Confucian acknowledgment of the inequality of people. Also here, no North Korean politicians have a special status toward Kim Il Sung. All are equal and can be judged or considered as guilty, whatever their position. Consequently, the legalists enforce objective and unvarying rules of conduct through the equality of citizens.²⁴ Finally, the deification of the ruler implies that state and society are merely tools for the maintenance of the political power of the ruler. Instructions and processes are therefore made by organisations, which are constituted based upon Leninist principles.

23 *Socialist Constitution of The Democratic People's Republic of Korea*, Article 63, 27th December 1972, Pyongyang: Foreign Languages Publishing House, 1972. This domestic revolution policy was officially disclosed in a 1961 speech by Kim Il Sung entitled “The Duty of Mothers in the Education of Children”: Speech at the National Meeting of Mothers, 16th November 1961, in *Kim Il Sung Works*, Vol. 15, Pyongyang: Korean Workers Party Press, 1963.

24 Lee, Lai, ‘The Chinese Conceptions of Law...,’ p. 1307.

2.2. The Militarisation of the Economy

On economic issues, the presence of legalistic values is also strong. Based on the writing of Shang Yang (known also as Lord Shang), legalists utilise the state as a means to control human nature, and to prevent human beings from pursuing their own self-interest. During Kim Jong Il's era, especially in the 1980s and 1990s, North Korea used some economic concepts of the legalist framework. The legalists considered military activities as essential to the survival and expansion of the political sector. They forged the Qin Kingdom into a strong state with a strong military. That enabled its armies to defeat the other kingdoms and create the Chinese Empire. Legalism was still an innovative but underdeveloped ideology, which may have contributed to the collapse of the Qin dynasty, which survived only until 206 BC. The following dynasty, led by the Han, adopted the Qin innovation of a professional bureaucracy to run the empire.

Coming back to North Korea, its regime also adopted a policy combining economics and military power through the *Byungjin* (병진) and the *Songun* (선군) policies, which consisted of the militarisation of the economy and the elevation of the North Korean Army (The Korean People's Army) as an organisation and as a state function, granting it the primary position in the North Korean government and society. The militarisation of the state is a tool of legalistic policy. The influence of legalism on the economy of North Korea in the context of the economic activities of the inhabitants of this country is more and more difficult to interconnect. This is due to the privatisation of the North Korean economy, essentially through the Jangmadang Generation (North Korean people born in the 1980s and 1990s). More and more often it does not comply with the applicable legal regulations. For example, the development of private economic activity or illegal trade by the so-called *donju* population can be mentioned.

Conclusion

As a conclusion, I would like to underline that the historical roots of some aspects of the North Korean ideology are based on legalism. Nevertheless there is definitely no direct reference to legalism in the North Korean ideology and in the writings of North Korean leaders. Legalism is also not present through direct references to the past and through the militarisation of the economy. The history of legalism in Korea is traced to the Gyeonggukdaejeon, a law book compiled in the Joseon dynasty. There is a mixed perception of legalism within South Korean society, as the post-WWII military regime used the concept of legalism as a tool of governance. The ideas are closely related to Chinese legalism, but are sometimes distinguished because of some

Koreans' distaste for what they see as Chinese use of legalism to legitimise Chinese imperialism.²⁵ Legalism, which is based on the codification of the law, cannot be clearly determined in the case of North Korea. Its degree depends on assessment of North Korean law. Unfortunately, North Korea's policy of releasing very little information is a major obstacle for an objective opinion. In any case, we know if North Korea's constitution has changed significantly over the course of the last seventy years with fourteen revisions.

Legalism in the North Korean form is more related to such concepts as punishments and reward, instead of codification of the law. By exaggerating these principles issued from the legalism in its own policy, the North Korean regime may jeopardise itself. Through an escalation of rewards and punishments (i.e. purges or collective guilt), some of the best North Korean officials may be rewarded on a loyalty criteria or disappear. A similar situation occurred in the Soviet Union in the early 1940s. Meanwhile, the Red Army lost its best officers. They were purged or severely punished by the Soviet Leadership. However, these purges were mainly decided by one leader: Joseph Stalin. These purges led to the defeat of the Soviet Union in the first stages of WWII. In the case of North Korea, several purges have occurred during the last seventy years. The most important took place in 1956 and 2013. In 1956, Kim Il Sung was informed that during his trip to Central Europe, some North Korean politicians had tried to overthrow him in Pyongyang. He suddenly returned to Pyongyang, organised his troops and launched a purge which caused the death of several thousand people. The second most important purge (called in Korean as the Simhwajo Accident) occurred between 1997 and 2000, where around 25,000 casualties were registered. Finally the most impressive purge was in December 2013. A few thousand officials were purged or killed, the authorities convinced that they worked for foreign powerful countries. In this purge, Kim Jong Un simply destroyed a powerful network of North Korean Foreign Trade managers and jeopardised the internationalisation of the North Korean economy. Later, many specialists considered that it retrograded the image of North Korea as a place for doing business. This latest purge is the most tragic in the history of purges in North Korea. Many high-skilled people were either demoted, dismissed, or simply killed. This would definitely affect the economic capabilities of North Korea. Another concept borrowed from the legalists is the notion of collective guilt. This concept was initially developed by the legalist Shang Yang. The domination of the state implied control of the population on the micro-scale, up to five to ten households. If one household was supposed to have done wrong, then the entire cell would

25 Song Dae-keun, 'Use Legalism to Govern the Nation,' *Dong-a Ilbo*, <https://www.donga.com/en/article/all/20060102/245295/1/Opinion-Use-Legalism-to-Govern-the-Nation> (accessed 15 May 2020).

also be considered culprits.²⁶ This principle was also applied in contemporary North Korea, however to a lesser extent during Kim Jong Un's era. In other words we may distinguish more widely the influence of legalism on the North Korean system in the different periods of the rule of three successive rulers. There was a clear evolution of this process.

From a historical perspective this may be compared to what happened during the Qin Dynasty, which quickly collapsed under the weight of its own harshness. Its weakness resides also on the fact that legalism only concerns itself with the self-interest of the ruler and therefore eliminates any contesting groups. Some legalists specified a figure of 9:1 as the ideal proportion of punishments toward rewards.²⁷ In North Korea rewards are directly related to discipline. This increases also the commitment to subjective goals, which are determined by the leader. In the legalist approach, the ruler gives his ministers some rewards based on their exertions not based on loyalty criteria. These subjective goals or values determine the entire system of reward and punishments. According to Lord Shang: "If the people are brave, they should be rewarded with what they desire; if they are timorous, they should be put to death in a manner they hate. In this way timorous people, being incited by punishments, will become brave; and the brave, being encouraged by rewards, will fight to the death. If timorous people become brave, and the brave fight to the death, the country having no equal will certainly attain supremacy."²⁸ The fundamental question is based on how these goals are determined. The weakness lies on the fact that rewards and punishments replaced education and seems to be the definition of what is good with rewards, and what is wrong with punishments.

Punishment is a concept which was highly used in the North Korean ideology. In the case of North Korea, the majority of purges occurred during Kim Jong Il's era. When Kim Jong Un was nominated as the successor of Kim Jong Il in 2011, no large purges occurred except one, in December 2013, related to the network of Jang Sung Thae.²⁹ On the other side, the North Korean leader increased the number of rewards toward its leadership, in comparison to previous leaders of North Korea.

Nevertheless it's important to underline that there is a big danger in considering North Korea as a legalist society. Surely, some legalistic values are found in the Kim Il Sung's political model, however over the last twenty years

26 Zhengyuan Fu, *China's Legalists: The Earliest Totalitarians and Their Art of Ruling*, New York: M.E. Sharpe, 2016, p. 5.

27 Jany, *Legal Traditions in Asia...*, p. 332.

28 Duyvendak, *The Book of Lord...*, p. 108.

29 Nicolas Levi, 'Book review 2: Ra Jong-yil. Inside North Korea's Theocracy: The Rise and Sudden Fall of Jang Song-thae,' *Acta Asiatica Varsoviensia*, Vol. 32, 2019, pp. 143–146.

we can notice that North Korean authorities moved away from some of these. First, the aim of the Legalist State is to create a centralised state. This aim was fulfilled until the moment when the economy became totally state owned up to the mid-1980s. Later, due to external factors, such as the collapse of the Soviet Union and the food crisis of the mid-1990s, the economy became partially privately owned and created the disintegration of the primary economic system of North Korea. Secondly, a legalist state is characterised by regular purges. These purges can be considered as demotions of ministers or broadly speaking officials. At the same time, these purges are consistent with the principle of the elevation of the leader.

The history of North Korea shows us that this political tool was less used during the reign of Kim Jong Un (except regarding the spectacular purge of Jang Sung Thaek's clique) than during the eras of Kim Il Sung and Kim Jong Il. However, the purge is a concept which was highly theorised by North Korean ideologists. Thirdly, the organisational aspect of legalism was maintained through highly disciplined political organisations in North Korea, which is probably one of the last relicts of legalism in North Korea. In other words, values attributed to legalism were much more present during the Kim Il Sung Era than during the periods of the reign of Kim Jong Il and Kim Jong Un.

