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**CONTENTIOUS DIFFUSION OF HUMAN  
RIGHTS: EVIDENCE FROM SOUTH  
KOREAN PRINT MEDIA, 1990-2010**

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**Contentious Diffusion of Human Rights:  
Evidence from South Korean Print Media, 1990-2010**

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**Abstract**

The current scholarship on the human rights diffusion is not well equipped to account for the remarkable dynamics that are notable in the cycle of diffusion in a national society. Our alternative model seriously considers contestation as an intrinsic element in the process of diffusion; this contentious diffusion might stem from complex domestic processes coupled with local cultural responses, political disagreement, and ideological competition. To support these claims, we code and analyze 2,134 newspaper articles that appeared in South Korean print media during the period between 1990 and 2010. Notwithstanding strong evidence pointing to a remarkable diffusion of human rights in South Korean media in the 1990s, the boom period came to an end from the mid-2000s, substantially slowing down human rights coverage as well as making its overall tone increasingly negative. The findings from the South Korean print media lend support for the existence of a dynamic cycle of human rights diffusion, and the need to identify the causal pathways leading to the contentious diffusion of human rights.

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## **Introduction**

The global diffusion of human rights has been remarkable, and scholars have extensively studied the breadth and depth of human rights diffusion with rigorous theories and methods (Cole 2005; Finnemore and Sikkink 1998; Wotipka and Ramirez 2008). The so-called *diffusion literature* first emerged with the study of countries' treaty ratifications, as well as their participation in rights-promoting organizations (Hathaway 2002; Wotipka and Tsutsui 2008), and was expanded to document the extent to which relevant national institutions and laws were created (Koo and Ramirez 2009; Sikkink and Kim 2013); it still flourishes with recent focus on the human rights movement (Chang 2015), business and human rights (Tsutsui and Lim 2015), rape-law reform (Frank and Hardinge 2009) and public rights opinion and/or attitudes (Koo, Cheong, and Ramirez 2015). The impressive evolution of this diffusion literature has involved not only the broadening in the scope of research, but also the notable shift in emphasis from the legal and institutional focus to the educational and cultural focus (Meyer, Bromley, and Ramirez 2010).

We note three responses to this unusual consolidation of the diffusion literature. First, scholars noted the gap between human rights diffusion and the improvements on the group by invoking the concept of decoupling (Cole and Ramirez 2013; Hafner-Burton, and Tsutsui 2005). Second, researchers attempted to discover the new dimension of diffusion by delving into the vertical intensification of the human rights norms, specifically the globalization of accountability and investigation (Kim 2014; Sikkink 2011). Third, several scholars called for close attention to local processes, and/or the bottom-up mobilizations that modify and redefine the global top-down process and subsequently render interesting dynamics in the course of diffusion (Gordon

and Berkovitch 2007).

Further developing the third line of response, this article addresses what happens at a later point in the human rights diffusion, after externally-promoted models are adopted and open for debate. A key consequential aspect of the ongoing spread of human rights, we argue, involves *contestation* over the meanings and boundaries of human rights; their meanings are challenged, and their boundaries are redefined. Consequently, the seemingly innovative diffusion experiences a notable declining phase, which might be a common characteristic dynamic not well understood by the conventional diffusion literature. We maintain that tremendous domestic processes, such as domestic cultural responses, political disagreement, and ideological competition, are responsible for this conflict-laden process of diffusion. It, in turn, challenges the existing assumption that the top-down diffusion process is so straightforward that the cultural and institutional model is adopted without much dispute.

To support our central claim, we examine the South Korean media coverage of human rights during the period between 1990 and 2010. We code 2,134 articles bearing mention of human rights obtained from three major South Korean print media. Korea serves as an interesting case, where human rights recently emerged as a major policy frame (Koo, Kong, and Chung 2012), entered the school curricula (Moon and Koo 2011), and penetrated into the public attitude (Koo, Cheong, and Ramirez 2015). Using a mixed-methods approach, we analyze (a) how and why human rights appeared in South Korea, (b) the increasingly contested nature of the media coverage, and (c) what domestic conditions led to the intensified contestation over the meanings and boundaries of human rights.

Contentious diffusion models, coupled with quasi-faddish cycles, have broad implications for understanding the widespread cynicism regarding the universal application of human rights

on people with different racial/ethnic backgrounds currently sweeping Europe, Asia, and many parts of the world. Efforts of border control to check the inflow of migrants, refugees and potential terrorists, and to play “national cards,” make the universal application of human rights more problematic than before, and the subsequent cynicism might facilitate inattention to human rights. In this sense, the findings we obtain from the Korean experience may be highly relevant to other contexts and may shed new light on the ways that we understand the dynamic cycle of human rights diffusion as a cultural innovation.

## **Background**

The world has witnessed the proliferation of the global human rights regime that comprises legal documents, the UN agencies, and NGOs. As a central feature of the world polity, it has long developed a densely interconnected authority structure (Beckfield 2010). The cohesive nature of the regime is evidenced by the rapid rise of human rights instruments (Elliott 2011), the heightened activity of monitoring agencies (Cole 2006), states’ increasing recognition of those instruments and agencies regardless of their wealth and power (Wotipka and Tsutsui 2008), and the strengthened authority of rights-promoting NGOs (Tsutsui and Shin 2008). Propelled by the extraordinarily expansive authority of this global regime, human rights have diffused into states, organizations, and even individuals around the globe. Now, states are equipped with official human rights watchdogs (Pegram 2010; Sikkink and Kim 2013), national legislations and policies carefully reviewed through a human rights lens (Boyle, McMorris, and Gomez 2002), corporations reporting their abusive conduct (Lim and Tsutsui 2012), and the citizens sensitive to human rights norms (Kamens 2012).

In reaction to the worldwide diffusion of human rights, scholars with different perspectives

debuted and engaged in debate. The first debate surrounds the issue of decoupling, which refers to the situations in which formal policies are disconnected from the practices (Cole and Ramirez 2013). Spurred by loosely coupled structural elements of a formal organization, practice decoupled from policy is rampant, hindering implementations of human rights on the grounds (Bromley and Powell 2012; Meyer and Rowan 1977). Yet, states' empty promises unintentionally lead to heightened mobilizations of NGOs and the subsequent betterment of rights practices (Hafner-Burton and Tsutsui 2005). Though ill-financed, many official human rights watchdogs contribute to the betterment of human rights, with consideration to physical integrity rights over the long term (Cole and Ramirez 2013).

The second debate revolves around the problem of the current scholarship in limiting the direction of the diffusion to the *horizontal* dimension. Critics argue that the diffusion literature primarily concerns the horizontal expansion of human rights, involving the process of standard setting and the subsequent process of the states' endorsement of the legitimated standards. What has been missing is "the vertical intensification of the human rights standards" (Kim 2015b). In order to fully understand the complexity of the human rights diffusion, a combination of three dynamic processes needs to be considered simultaneously: *standard setting*, *investigation*, and *accountability* (Kim and Sharman 2014). Global campaigns to hold human rights criminals accountable through investigation lie at the core of this theoretical innovation (Kim 2015a; Sikkink 2011).

The third line of debate brings up the influence of local processes, and the extent to which the latter interacts with the global external dynamic. This bottom-up approach problematizes the top-down view's inattention to agencies, local cultural tropes, and the mechanisms of change in the world polity or culture. The ideas of institutional entrepreneurs (Dacin et al. 2002) and

agentic explanation and theorization (Kim and Sharman 2014) stress the capacity of agents and their use of cultural frames in particular local settings. Other variants highlight the centrality of national laws (Kim, Longhofer, Boyle, and Brehm. 2013), the influence of local political opportunity structures (Koo 2011; Tsutsui 2006), and the role of local organizations in mediating diffusive external models (Ron, Pandya, and Crow, forthcoming). In the analysis of the diffusion of the human rights discourse in Israel, Gorden and Berkovitch (2007) demonstrated the dynamic interplay between global and local processes, and showed how local events and interpretations played an instrumental role in further incorporating the initial global human rights norms into domestic soil.

This article adds to the last line of debate involving local processes, yet also challenges a key underlying assumption that human rights norms diffuse *smoothly* among nation-states, organizations, and individuals. Because of the densely interconnected nature of the world polity, the human rights regime—as a kind of the polity—is presumed to propel a smooth dissemination of ideas and practices and, further, to lead to the *uncontested* incorporation of these global scripts into national societies. More precisely, the literature carries an untested implication regarding what happens after external models are adopted and exposed to public debate. It is not a coincidence that the diffusion literature tends to focus on the boom periods of the diffusion with the assumption that diffusion across political systems would be smooth, straightforward, and rarely challenged. This article casts doubt on this assumption.

To the contrary, we hold that diffusion across societies is often contested, and consider contestation a key element in the process of diffusion. It especially becomes so at a later point in the diffusion, when local agents come to realize the existence of competing values, and begin to consider human rights vis-à-vis these alternative values. In the process of social learning, the

different conceptions of individuals, communities, and nations often compete for dominance.

With this in mind, we present a series of steps constituting contested human rights diffusion: (1) an implantation period associated with the import of externally originated cultural models; (2) an initial national incorporation of these new models, with an unequivocal support from local actors; (3) an institutionalization phase, during which key institutions and/or laws are put in place; (4) a scrutinization period, in which local actors engage in extensive debate on the meanings and boundaries of the cultural model; (5) a period of decline, leading to the loss of forward momentum with the spread of cynicism.

We hold that the conventional diffusion literature primarily concerns the first three steps, whereas our new model broadens the process in regard to ways to incorporate the additional two processes, coupled with contestation and decline. We also argue that human rights become contentious and display a dynamic cycle because the ideas of what is human dignity and how it is nurtured are deeply imbricated in every local tradition, culture, and political landscape, and these pre-existing ideas and institutions generate frictions with the similar imported values and institutions falling under the category of human rights (Woodiwiss 2003; Good 2010). As a consequence, human rights are often considered *a field of politics* (Ignatieff, Appiah, and Gutmann 2003).

Beckfield (2003, 2010) argues that fragmentation, unevenness, and inequality in the world polity become the source of friction of diffusion. In contrast, world polity scholars attribute dynamics and changes to the decentralized nature or the *openness* of the world polity (Meyer et al. 1997). As such, world polity scholarship would treat conflicts as being driven by the wave of increased criticisms on human rights at the global level, in connection with the heightened global terrorist alert and the subsequently enhanced security concerns. Nevertheless, these views share a



common understanding that dynamism associated with the diffusion process is externally or exogenously driven. We maintain, however, that the friction or conflict cannot be adequately explained without bringing local conditions back in.

We provide three explanations in this regard: (1) Human rights become controversial to the extent that a country's legitimacy rests on traditional notions of community and social order, and/or a strong sense of national belongings. It is not a coincidence that Asian values celebrating family and social order emerged from and gained influence in Singapore and Malaysia, challenged the notion of human rights, and substantially slowed the diffusion of human rights in the countries (Zakaria 1994); (2) Human rights are more likely to come under scrutiny inasmuch as the criteria of what constitutes human rights are not well shared by societal members. The lower political agreements on the rules of the game, regarding what qualifies as human rights, the greater the likelihood that human rights are contested. The extent to which LGBT members deserve their fundamental rights might be highly controversial, and might be associated with the degree to which relevant political agreements exist in the national society; (3) Ideological cleavage becomes a common source of contention. Despite the universalistic nature of human rights, their cultural characters—including equality—are assumed to closely align with the policy programs of the left-wing or center-left parties. Research on the American public attitudes, for instance, suggests that Democrats in general have a higher propensity to agree with promoting human rights overseas (McFarland and Mathews 2005).

## **Data and Methods**

### *Source*

As the ideological orientation of specific media outlets may affect their description of

human rights, we analyze three preeminent daily newspapers in Korea: *Chosun-ilbo*, *Donga-ilbo*, and *Hankyoreh-sinmun*. The former two represent conservative views while the latter represents progressive views. *Chosun-ilbo* is the most widely circulated newspaper in South Korea, publishing 1.75 million copies daily as of 2013. *Donga-ilbo* is the third most widely circulated with 0.9 million copies. Although *Hankyoreh-sinmun* has much smaller circulation of 0.2 million, it is considered the most reliable media source in South Korea (Lee 2014).

### ***Sampling Criteria***

Using a keyword search, we retrieved 2,134 articles from online archives, with titles including the term “human rights” (*ingwon*) and the following terms: sexual minority (*seongsosu*), migrant labor (*ijunodong*), right to survival (*saengjongwon*), right to labor (*nodongwon*), domestic violence (*kajeongpongnyeok*), and female discrimination (*yeoseongchabyeol*). These additional keywords were included because they obviously connote human rights issues, and we did not want to mistakenly omit valuable information by excluding them. We excluded straight news articles that deliver “just the facts” about a given incident and strictly avoid opinion on it. As we are interested in how the media attitudes have changed over time, we pay more attention to “news as we would like it to be” (e.g. editorials or columns) rather than “news as it is” (e.g. straight news reports) (Braham 1982). The period under study is from January 1, 1990 to December 31, 2010, which covers a time span that led the country to sustain economic growth, consolidate democracy, and strengthen civil society.

### ***Methods***

We employ a mixed-methods research design—a quantitative analysis of how the themes

and topics of human rights have evolved and how the trends have changed over time, as well as a qualitative analysis of the media discourse on human rights with particular quotations cited from the newspaper texts. For the quantitative analysis, we codified the number of keyword mentions, identified the human rights subjects, and then categorized them into three different hierarchical taxonomies of “(larger) themes,” “topics,” and “(specific) issues.” Also, we analyzed the tone of the media discourse on human rights and coded each article as being positive, negative, or mixed. A positive (or negative) attitude is defined as support for (or concern about) the causes of human rights. An indication of “mixed” is assigned to articles that express both positive and negative attitudes, or articles in which the attitudes regarding human rights are not consistent.

While the quantitative analysis helps identify the extent to which human rights diffused in Korea and how its contents have changed over time, it is less well suited to discovering why a particular understanding is produced. To complement this shortcoming, we conduct a discourse analysis, focusing on the larger social context that produces this discourse (Fairclough 1992; Van Dijk 1993). As it is practically impossible to analyze the media discourse in all the articles, we use a selection of excerpts and investigate in what context a certain interpretation of human rights became popular (or unpopular) and how this local understanding differs from global trends. Specifically, we use this qualitative approach to understand contentious debates about human rights. This is because, while the quantitative analysis gives us a clue as to how the concept of human rights was diffused over time, it cannot tell us what brought about the debates or how they unfolded.

## **Results**

### ***Expansion***

Figure 1 shows that attention to human rights increased remarkably in all three newspapers from 1990 to 2005, the 16-year period in which the world witnessed a dramatic increase in the number of human rights instruments and organizations. Considering all of the newspapers together, the total number of articles referencing human rights increased more than three times between 1990 (48) and 2005 (165). Throughout the observation period, the coverage was the largest in *Hankyoreh*, followed by *Chosun*, and the least coverage was found in *Donga*. A dramatic decrease, however, is noted since 2006, and this sluggish trend continued throughout the later phase of the 20-year period, an observation that appears to challenge the imagery associated with the conventional diffusion story. In 2010, in fact, the media coverage concerning human rights remains lower than in 1998, the year in which the first liberal president took power and began to push a series of human rights policies.

It is interesting to note that the effects of political regime show mixed results. When the country was first exposed to the global human rights regime in the mid-1990s, the right-wing administration (1993-1997) unequivocally embraced human rights and, consequently, the media coverage increased. To the contrary, after human rights became diffused widely but also embroiled in debate, the right-wing regime (2008-2010) operated in ways to dampen the surge in human rights reporting; the expansive era of human rights discourse seems to have come to an end in South Korea. The political regime is undoubtedly responsible for this dynamic process of human rights diffusion in Korea, but it certainly interacts with the degree of authority of the cultural model, as well as the internal learning process.

(Figure 1 about here)

The three newspapers show somewhat different patterns over time. First, *Hankyoreh* has two noticeable peaks in 1998 and 2003. In 1998, *Hankyoreh* published many articles on the need

to adopt a national human rights commission, which Kim Dae Jung pledged during the 1997 presidential election campaign. In 2003, *Hankyoreh* paid close attention to the human rights issues of migrant workers. *Chosun* and *Donga* were relatively indifferent to these two issues and reluctant to disseminate human rights ideals from the concern that national interests and social security are negatively affected. Nevertheless, the conservative media also increased their coverage of human rights from the mid-1990s to the mid-2000s.

Also, the total number of articles peaked in 2005, which is closely related to the discussion on human rights in North Korea. In 2005, North Korea officially admitted to having nuclear weapons. In response, the conservative media strongly condemned North Korea's provocative acts, and called for national and international attention to address human rights abuses taking place in North Korea, whereas *Hankyoreh*'s attention was relatively small. As will be shown, in the Korean context, North Korea serves as a fault line that divides the conservatives and the progressives in their opinions about human rights.

To demonstrate how South Korean media coverage of human rights diversified over time, we created a coding scheme categorizing the multiple subjects involved in human rights. As seen in Table 1, we identified 42 specific issues and categorized them into 15 topics under three larger human rights themes. We present *civil and political rights* as the first major theme, which upholds the protection of the individual freedom from the government, as well as their ability to participate in civil and political life. The second major theme naturally involves *economic, social, and cultural rights* that concern an individual's social, economic, and cultural entitlements like the right to adequate food, housing, education, health, work, and so on (Landman 2006). The third theme refers to the human rights regime associated with the United Nations system, replete with a variety of programs, and international instruments regarding human rights (Pubantz 2005).

(Table 1 about here)

More specifically, we counted the number of topics and issues covered by all Korean newspapers each year from 1990 to 2010. Figure 2 indicates that the numbers of topics and issues increased overall throughout the years studied; the number of topics grew from 8 to 15 between 1990 and 1997, and that of issues more than doubled from 17 to 36 between 1990 to 2008,<sup>1</sup> a pattern consistent with earlier diffusion studies, in that an expansive range of the types of people and rights are covered alongside the intensification of the global human rights regime (Skrentny 2002; Meyer, Bromley, and Ramirez 2010). We note, however, that the number of issues temporarily decreased in 2000 and 2001, and maintain that this is attributable to a heated local debate over the proper legal forms and mandates of the National Human Rights Commission of Korea (NHRCK). The media coverage in these two years centered on the NHRCK and, as a consequence, underrepresented other crucial rights issues. Nonetheless, the overall pattern corroborates the argument of the diffusion literature that rights increasingly expand to cover different issues and social groups (Gordon and Berkovitch 2007).

(Figure 2 about here)

To examine what issues were newly added to the media coverage of human rights, we created a chronology that highlights the year in which each issue first appeared in the media. Table 2 demonstrates that issues regarding civil and political rights (e.g. freedom of security of persons, death penalty) and the human rights regime (e.g. human rights NGOs and INGOs) appeared relatively earlier while economic, social, and cultural rights-oriented issues (e.g. rights of children, right to education, right to housing) appeared later. Consider, for example, that the right to education, the rights of prostitutes, and the rights of North Korean defectors first debuted

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<sup>1</sup> The number of topics was already saturated at 15 categories in 2000.

in media discourses in 1996.

(Table 2 about here)

### ***Contestation***

Our data on the South Korean media coverage of human rights suggest that the externally imported human rights discourse ceased to expand after a 15-year period, when media coverage unequivocally increased. In fact, a downward trend is notable from 2006 when Roh Moo Hyun, a liberal President, was in power. This decreasing pattern remains unchanged, even though there was a short-lived upward period that spurred a limited surge in 2008 and 2009 under Lee Myung Bak, a conservative President. What happened in the later moments of the expansive 15-year period? What does it imply in putting into perspective the loss of forward momentum and the perpetuation of decreased interest in human rights?

Our analysis of the general tones of the South Korean newspaper coverage suggests that newspaper articles with positive tones decreased gradually, giving way to articles with negative or mixed tones. This *contentious* trend began to emerge from the late 1990s, but it became clearly evident from the early 2000s. Notwithstanding a substantial variation between liberal and conservative media, human rights became no longer accepted naturally, and instead became progressively embroiled in controversy, thus requiring scrutiny and deliberation. As a consequence, the human rights discourse became contentious regarding to what degrees human rights are universal and applicable to the Korean society that has long celebrated collectivity over individuality.

Figure 3 summarizes how the proportions of negative, mixed (and neutral), and positive articles have changed over time. The first notable finding concerns that the proportion of the

articles with positive tones decreased rather dramatically. In 1990, almost all articles display positive tones (96 percent), but in 2010, only 49 percent of the articles are classified as positive, leaving the majority as either negative or mixed-toned. Interestingly, the decreasing pattern of unequivocally favorable articles toward human rights appears to be more consistent throughout the first decade of the 2000s. We present these remarkable quantitative findings as corroborating our hypothesis that the human rights diffusion is not straightforward and it involves a considerable degree of contention, especially at a later phase of the diffusion process. In the following, we seek to strengthen and supplement these initial quantitative findings with more nuanced and qualitative evidence.

(Figure 3 about here)

*Human rights unchallenged: contestations lay dormant, 1990-1997.* Notwithstanding democratization in 1987, the democratic reforms came to an unexpected halt as Roh Tae Woo, a retired four-star general and Chun Doo Hwan's designated successor, was elected President (1988-1992). The media kept a vigilant eye on whether the Roh administration repeated the same history of dictatorship. As a result, the media primarily focused on whether states infringed upon individuals' civil and political rights, such as freedom from torture, right to fair trial, and freedom of conscience. As we see in the excerpt below, undemocratic government actions still remained a grave concern even after democratic transition.

In the inauguration speech, President Roh announced that all the unjust laws and tortures should disappear and that all the conscientious prisoners would be released but our human rights situation is not improving at all and causes worries from international organizations and media...But the fact is that the



number of arrests of political dissidents is higher than in the previous regime...We strongly request that the government...should abolish all the unjust laws such as National Security Law that possibly violate human rights. (Donga 02/27/1990 “The Roh administration and human rights”)

The end of military rule and the inauguration of Kim Young Sam’s civilian government (1993-1997) partially cleared the concerns about the state’s abuse of authority. In this period, the proportion of discussions regarding civil and political rights modestly decreased whereas that of economic, social, and cultural rights gained more salience. The Kim government introduced *segyehwa* as a public slogan, which literally means “globalization.” The media paid close attention to whether the *segyehwa* drive truly met the global standards. In particular, the focus was on whether the Kim administration, as the first civilian government, was differentiated from the previous military regimes as shown below.

Amnesty International pointed out that 500 political prisoners are still in jail...The Kim government seems to have forgotten how hard we fought for democratization and now keeps silent about human rights abuses. The Kim administration recently adopted *segyehwa* as a national motto, but it sounds empty. What would the government say if people ask, “what is *segyehwa* for while 500 political prisoners are still suffering in jail?” (Hankyoreh 12/28/1994 “Korea is still underdeveloped in human rights”)

In sum, from 1990 to 1997, negative or mixed media attitudes toward human rights were rarely found: human rights were hardly challenged in the media discourse.

*Human Rights Embroiled in Contestation, 1998-2001.* Founding NHRCK was one of Kim Dae

Jung's presidential pledges in 1997. As well known, he was a symbol of the struggle for democracy and human rights, but at the same time was the first liberal president: his policies and agenda, thus, often came up against criticism from the conservatives. The NHRCK was not an exception. Overall, the cause for founding the NHRCK was agreed upon, but the conservative media warned against giving it too much power. Behind their concern lied a fear that an emphasis on human rights might undermine the national interests and social order:

It's so true that the state should institutionalize appropriate measures to regulate human rights violations. However, when we introduce a new institution, we should consider whether it harmonizes with the existing system and readjust it to our reality...I agree that it is appropriate to give the NRHCK to investigate human rights violations by the state authority...but we need to reconsider its right to investigate discriminations such as racial or sexual discriminations...we need to consider first why we are using foreign workers. (Chosun 09/28/1998 "NHRCK should not be redundant")

The more the NHRCK was debated, the more human rights itself has become a contested term. While human rights are a universal value, it began to be discussed in a more politicized context in Korea. In particular, the conservatives criticized the NHRCK as being silent about the human rights situation in North Korea, which, they argue, shows the institution's political bias.

After a long, fierce debate, the NHRCK recently released a statement criticizing the government decision to dispatch South Korean troops to Iraq. Also, they announced 10 major human rights agenda of this year including the abolition of National Security Law. However, I have never heard that the NHRCK had any debate or hearing to discuss human rights abuses taking place in North Korea.

(Chosun 04/15/2003 “NHRCK keeps silent about human rights of North Korea”)

In the Korean context, opinion regarding North Korea is deemed to be a “litmus paper,” revealing one’s political ideology. At that time, President Kim Dae Jung promoted the so-called *Sunshine Policy*, a pacifist approach toward North Korea. Yet the conservatives disputed that the Sunshine Policy turns a blind eye to the appalling human rights conditions of the people in North Korea by keeping their regime alive. On the other hand, the progressives refuted this argument by saying that hawkish policies only provoke North Korea, aggravating human rights conditions there.

In sum, under the presidency of Kim Dae Jung, human rights began to take on an ideological meaning and, as a result, ignited controversies; the situation is quite different from that of previous regimes, in which human rights were almost always supported.

*Contestation Intensified, 2003-2010.* After the establishment of the NHRCK, a large number of petitions on any human rights subject were submitted, relevant cases were thoroughly investigated, and subsequent recommendations were made—such as the abolition of the male-dominated family registration system and the passage of a new law regarding conscientious objectors. Undoubtedly, these investigative processes drew extensive media attention. The final policy recommendations, in turn, provided critical opportunities for public debate over whose and what rights should be prioritized and why. In a broad sense, contestation took on three different but relevant characteristics.

First, skepticism about human rights stated that there are other more urgent issues to address, such as national interests and/or national security. Consider, for example, the issue of

migrants. The influx of migrants has sparked concerns over social disorder and national security. The following excerpt from *Chosun-ilbo* reveals how the human rights of migrants were denied in the name of social order:

This event [a worksite raid in Maseok Furniture Industrial Complex by immigration agents] followed the due process of law [far from what human rights groups are criticizing about]...They [illegal migrants] distort the job market, commit crimes, disrupt social order, and bring about social conflicts. Also, due to their illegal status, they easily fall prey to discrimination and human rights violation, which cause anti-Korean sentiment and bad national images of Korea. (Chosun 12/25/2008 “Worksite raid on illegal migrants”)

Second, the debate was about whether a certain right falls under the umbrella of human rights. The argument states that not all rights are necessarily human rights. This type of contestation is well represented by the aborted attempts to legislate the Anti-discrimination act. Since the early 2000s, there have been consistent attempts to introduce the Anti-discrimination act, which prohibits discrimination in employment and other social treatments of people with differences in about 20 categories including gender, race, religion, political beliefs, sexual orientation, and so on. Whenever its legislation was discussed, however, some of the categories triggered heated debate about their qualifications as human rights.

One of the most controversial was sexual orientation. Opponents, particularly Christians, strongly objected to the inclusion of sexual orientation in the discrimination categories. Their argument is that human rights are the sacred rights of human beings given by God, and that gay rights are not human rights as homosexuality is prohibited by the Bible. Also, they believe that homosexuality is simply an “acquired” preference—which thus conflicts with the definition of

human rights that are inherently given. Furthermore, homosexuality, from their perspective, is more of an issue of morality, health, convention, and social order than of human rights.

Last, the debate increasingly became framed as “the human rights (of a group) versus the human rights (of another group).” As the concept of human rights became diversified, those whose human rights had never attracted any attention began to make new claims about their rights. Students are one of these groups. Traditionally, affected by Confucianism, the relationship between teachers and students at school remained highly hierarchical in the Korean context: students are expected to give obedience to their teachers. The negative consequence of this was that the students were often denied their rights: their dress code and hairstyles were regulated, and corporal punishment was allowed as a means for proper discipline. In the mid-2000s, however, students began to speak up, and the progressive media supported their claims as shown below:

Last month, students held a candle light vigil and started a signature collection against regulations on the length of hair...School regulations controlling even students' hairstyles harm their uniqueness and autonomy...Students started to mobilize themselves... they are now aggressively fighting for their human rights that have long been neglected at school... We need to listen to their claims carefully, discuss and debate, and guide them to reach a right conclusion. (Hankyoreh 06/15/2005 “A sincere approach needed to regulations on hairstyle regulations”)

As the students' claims-making continued, the education office in Gyeonggi Province announced the Student Human Rights Ordinance in 2010 for the first time in the nation, which bans physical punishment and lifts the restrictions on the students' hairstyles and clothing. In

response, conservative media expressed a concern about the expansion of students' rights, arguing that strengthening the students' rights undermines the teachers' rights and authority:

National Human Rights Commission of Korea recently opined that some educational practices, such as regulations on students' hairstyles and inspection of elementary school students' diaries, violate human rights of students. Since then, students frequently defy teachers' rights in the name of human rights and as a result teachers face difficulties in managing their classes...Their decisions violate teachers' rights, ignoring teacher professionalism and autonomy.

(Chosun 11/29/2007 "Teachers' rights violated in the name of student human rights")

Another example is a debate on the "human rights of offenders" versus the "human rights of victims." In 2005, the NHRCK announced a recommendation that police prepare guidelines to protect a criminal suspect's human rights and privacy. Since then, the police have put caps and masks on the suspects to hide their face. However, as horrible crimes like serial murders kept making headlines, public outrage triggered a hot debate about whether the disclosure is improper. Those who called for disclosure of a criminal's identity argued that the human rights of offenders are less important than the human rights of the victims and their families.

In sum, the proliferation of human rights claims increases the occurrence of situations in which two or more distinct human rights come into conflict. This is different from the previous era when human rights were regarded as self-evident, with no serious challenges.

### **Explaining the Contestation**

We now explore the larger context in which an expansive phase of human rights evolution

lost its forward momentum, and the human rights discourse became increasingly debated and challenged in Korea, a phenomenon that addresses the existence of a cycle-like pattern of the human rights diffusion in a national society. Focusing on the tension between global and local influences, we intend to provide a more generalized explanation, countering the (potential) criticism that this phenomenon is simply Korea-specific. As globalization intensifies, the pressure from the international community to uphold international norms—such as human rights—increases, which often triggers hostile local responses, particularly in societies with distinctive cultural and political traditions. In the same context, human rights, a seemingly indisputable ideal of respect for human dignity, are contested in the local settings, often resulting in a great deal of cynicism.

### *Conflict with Existing Cultural Values*

Huntington's clash of civilizations thesis (1994) hypothesized that the major source of conflicts among humankind in the coming era would be cultural. According to his argument, in a broad sense, there exists a great division between "the West" and other civilizations, or "the Rest." From the non-Western point of view, he claims, human rights, equality, liberty—the ideas that are widely believed to be universal—are indeed Western values, and the Western efforts to propagate these ideas only produce a reaction against "human rights imperialism" and a reaffirmation of indigenous values.

In particular, Muslim and Asian countries have been quite critical of human rights. First, Muslim societies raised objections about the generalizability of the Universal Declaration of Human Rights (UDHR). They claimed that the UDHR, specifically the articles regarding free marriage choice and freedom of religion, does not fully embrace cultural differences. In the end,

the Islamic Councils in Paris and London issued the Universal Islamic Declaration of Human Rights in 1981. This document, from the outset, clarifies its religious bias in understanding human rights by saying, “Human rights in Islam are firmly rooted in the belief that God, and God alone, is the Law Giver and the Source of all human rights.” “The Law” here denotes shari’a law, the basic Islam legal system derived from Quran.

Asian countries also question the universality of human rights. So-called Asian values put community and family ahead of individual rights, and order ahead of democracy and individual freedom. As Singapore’s Lee Kuan Yew put it, Asians have “little doubt that a society with communitarian values where the interests of society take precedence over that of the individuals suits them better than the individualism of America” (International Herald Tribune 11/09/1991 “As West Pushes for Democracy, Asia Leans toward Japan”). Consider, for example, the practice of caning, a legal corporal punishment. Despite fierce criticism from the global community that it constitutes a serious human rights violation, the Singaporean government has maintained it for the offense of vandalism. In a recent court order for two German men to be caned, the Singaporean government defended, “it is for the vandals who broke the law for their own self-aggrandisement, without consideration of the social costs, and the disruptions that their acts would cause to others” (AFP 03/09/2015 “Singapore Rejects Criticism that Caning is ‘Torture’”).

We could observe this “clash of civilization” in the aforementioned case of debates regarding student’s rights in South Korea. Confucianism nurtures a particular form of relationship between teachers and students, with the latter submissive to the former. This is well shown in the Confucian concept of the trinity of king, teacher, and father (*gunsabu-ilche* in Korean language), meaning that each of them is to be equally respected. From the Western point of view, regulating the length of students’ hair may seem obviously undemocratic, but from the



larger Confucian cultural context, deregulating it triggers concerns about the collapse of teachers' authority and the ensuing disorder in the classroom. This hierarchical sentiment is echoed by the country's view of education as the exclusionary means to achieve success. In a country built around the principle of meritocracy, students' rights would not be equally weighted alongside the rights of teachers.

Countries with homogenous racial/ethnic traditions might also have a higher propensity to experience heated debates surrounding the boundaries of human rights. Since the early Choson period, Korea has maintained a unique form of nationalism on the basis of the same blood and ancestry, and the idolatry of sameness and for a homogenous nation often works to exclude outsiders or out-group members. This idolatry clandestinely facilitates the discriminatory attitudes toward migrants and refugees, which often clash with universal human rights. The pursuit of sameness tends to be intertwined with the heightened security environment, in which the country faces the hostile North and is constantly alarmed by the hostility from the North. This combination is obviously conducive to the environment in which the legitimacy of human rights is not taken for granted.

### ***No Political Agreement on What Constitutes Human Rights***

Philosophical discussion regarding human rights has long been monopolized by the "natural-law view" (Valentini, 2012), identifying human rights as the fundamentally moral rights that people enjoy solely by virtue of their humanity. Human rights, like natural rights, are taken to be rights whose existence does not depend upon any legal or political recognition (Baynes 2009). Under this viewpoint, the scope of human rights has been ever-growing, covering many more rights than was the case before, such as the right to information, the right to health, the

right to environment, the right to globalization, and so on (Oriol 2005; Pendleton 1998; Raz 2010; McDonagh 2013).

The problem rests on the failure of this traditional viewpoint to provide criteria for setting minimal standards for the human rights understood as universal moral rights. For this reason, other scholars recently began to raise doubts about the universality of human rights (Raz 2010; Baynes 2009; Beitz 2004; Rawls 1999). Their argument is that the function of human rights depends on the political context and that, therefore, human rights are special rights that individuals possess in virtue of the specific associative relations they stand in to one another.

LGBT rights are a core example of this lack of political agreement about the criteria. With the growing attention to same-sex marriages around the globe, a crucial question arose regarding whether gay rights are included under basic human rights. In an address to the United Nations in Geneva, Switzerland in 2011, Hillary Clinton admitted that “gay rights are human rights,” and after much debate, same-sex marriage was eventually legalized in the United States on June 26, 2015. However, in the other parts of the world, mostly African countries, gay rights are not supported because they are not considered human rights. On February 24, 2014, Ugandan President Museveni signed an anti-gay bill that includes life sentences for gay sex and same-sex marriage. His argument behind this decision was that gay rights are not human rights because homosexuality is an acquired trait and is not something inborn such as race or gender.

The human rights discourse in South Korea disseminated in a similar fashion. As previously demonstrated, the boundaries of human rights have expanded to those whose rights were not honored before, such as children, sexual minorities, migrants, students and so on. On the other hand, the expansion of the human rights discourse ignited controversies about whether their rights are human rights, and if so, whose or which rights should be prioritized. As there

existed neither serious discussion nor political agreement about what qualifies as human rights, the more expanded its scope came, the more conflict-laden between a rights holder and a rights withholder.

### ***Ideological Cleavages and Domestic Context***

In theory, “universal” human rights imply a cross-situational consistency in the attitudes toward human rights. In practice, however, the attitudes toward human rights often shift across contexts, as a function of political ideology. The conservatives tend to be skeptical about the idea of human rights, while the progressives show a stronger support for human rights norms. A typical example is the attitude toward migrants. The conservatives often perceive migrants as a threat to the host society and prioritize national security, and other conservative values over migrants’ human rights. On the other hand, the progressives tend to support more benevolent policies toward migrants, as they have propensity to put more emphasis on human rights. When Arizona’s anti-immigrant bill was proposed, the conservative Republicans strongly supported its passage while the Democrats and migrant support groups criticized it as a severe human rights violation.

In a broad sense, political ideology has similarly affected the way human rights are understood in Korea, but the process and the dynamics become more complicated when we analyze how each regime and its ideological orientation have shaped the ways in which human rights are interpreted locally. As noted above, under the military rule, human rights, or “ingwon” in the Korean language, were discussed only in the context of state-society antagonism. Until then, *ingwon* was understood as a matter of moral judgment, that is, a matter of good (i.e. society fighting for people’s human rights) and evil (i.e. state infringing upon people’s human rights).

When the first progressive regime took office in 1998, however, *ingwon* began to take on different meanings. The election of Kim Dae Jung, a life-long human rights activist, ended or at least eased the contested relations between the state and civil society. The state was no longer equated with evil as it was in the military regime, which means that human rights were no longer understood simply as a matter of moral judgment. Human rights began to be understood more as “positive rights,” that is, rights that require government intervention to be protected such as the rights to health or education.

Specifically, the founding of the NHRCK marked a new phase in understanding human rights within Korean society. The establishment of the NHRCK was debated more in the context of political ideology and, in this process, human rights themselves began to be perceived as a liberal agenda. The Kim government’s *Sunshine Policy* further consolidated this ideological interpretation of human rights. Kim Dae Jung sought to bring about a state of peaceful coexistence in the Korean Peninsula through reconciliation, cooperation, and mutual exchange with North Korea. His policy immediately ignited strong opposition from the conservatives who have long been the defenders of anti-communism and national security.

Combined with his dedication to the promotion of human rights, Kim Dae Jung’s humanitarian approach toward North Korea amplified a misunderstanding that human rights might be a radical leftist ideology. The conservatives criticized that, if the government really cared about the human rights situation in North Korea, it should not support the survival of the North Korean regime. For them, human rights were viewed as a demagogic slogan that may endanger national security. Since human rights are no longer interpreted in the spectrum of morality, cynicism began to arise. The universality of human rights began to be challenged, and the concept was reduced to merely one of the liberal principles such as equality. It is true that the

cold war rivalry between the South and the North, as well as continuing heinous violations of human rights in North Korea, led the South Korean people to be in favor of human rights as universal values, but the conservatives clearly put reservation on the ways that liberal governments play the *human rights card*.

## **Discussions**

The world has witnessed a resounding success in the human rights movement. Accordingly, scholars developed models explaining accounts of the expansion of human rights, and these efforts consolidated the diffusion literature. Among several theoretical possibilities, a world polity account of the growth of human rights has dominated the field, providing a macro-global explanation as to why and how the diffusion occurred. This top-down explanation, linking global political development to what happens at the local landscapes, is not well equipped to account for the remarkable dynamics notable in the cycle of diffusion in a national society. Different forms of contestations are increasingly noted in many parts of the world, but not well understood by this dominant model. In other words, there is little attention to how local actors respond to what originated from external cultural authorities. We sought to challenge the theoretical focus on the uncontested nature of the diffusion, as well as an empirical focus on the boom periods of the diffusion.

Our quantitative analyses of the South Korean press media show that the number of newspaper articles referencing human rights increased markedly in all three newspapers, and new topics and issues were added gradually. These initial findings corroborate the arguments of the human rights diffusion. A notable decline, however, is observed from the second half of the first decade of the 2000s, and this sluggish trend continued throughout the later phase of the 20-

year observation period. Furthermore, our analysis of the tones of newspaper coverage reveals that negative or mixed representations of human rights gained prominence, outnumbering the number of articles with positive tones from the mid-2000s.

Our qualitative investigations of the representative newspaper articles provided a more nuanced understanding of how the media coverage became increasingly contentious, and how the relentless support of human rights declined. Major contentions center around how to approach the rights of migrants with impending security concerns, how to negotiate the boundaries of human rights with seemingly non-qualified rights-holders such as gays and lesbians, and the ways to determine priority among competing rights-claims, like students' rights versus teachers' rights. Taken together, we note the processes by which human rights took on an ideological meaning so much as universal acceptance.

In contrast to the claim Strang and Macy (2001) made regarding the centrality of the faddish cycle in the diffusive process of innovation, we refrain from contending that the decline phase in the human rights diffusion amounts to an obvious faddish trend. To the contrary, once human rights are institutionalized with the adoption of relevant institutions and laws, this cultural model with universal character may not fall into the faddish mode. In the 21<sup>st</sup> century, in which global cultural principles exert incredible authority, the scenario is not likely to be realized. Yet, the theoretical and empirical possibility of the existence of a semi-faddish cycle helps recalibrate our understanding of the dynamic unfolding of human rights diffusion and its associated factors.

Finally, what would be the consequences of the contentious diffusion of human rights on rights practices? Does it lead to the worsening of human rights practices, via the spread of public cynicism? Or, does it eventually strengthen the power of human rights- via deliberation and debate- and lead to positive changes in practices? This question certainly requires further careful

analysis, but the case of South Korea provides a gloomy picture of what would happen. From the last half of the first decade of the 2000s, human rights stopped improving in Korea. An ongoing debate exists among human rights experts and practitioners as to whether human rights are in recession; yet the loss of forward momentum seems to be clear. It is indeed supported by credible data concerning the country's human rights profile. Between 2009 and 2011, the Cingranelli-Richards Human Rights Index (CIRI) lowered the status of physical integrity rights in South Korea from 6 to 4, accusing the government of engaging in political imprisonments, and restricting the freedom of expression. The results of this international scrutiny on South Korean human rights seems to add weight to the view that contestation is more likely to have a negative impact on human rights practices, but this connection needs to be proved with more careful examinations of other cases. At the very least, however, the Korean experience inspires our imaginations, taking us to newer horizons in the study of human rights.

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Figure 1. Number of Articles with Headlines Mentioning Human Rights Keywords

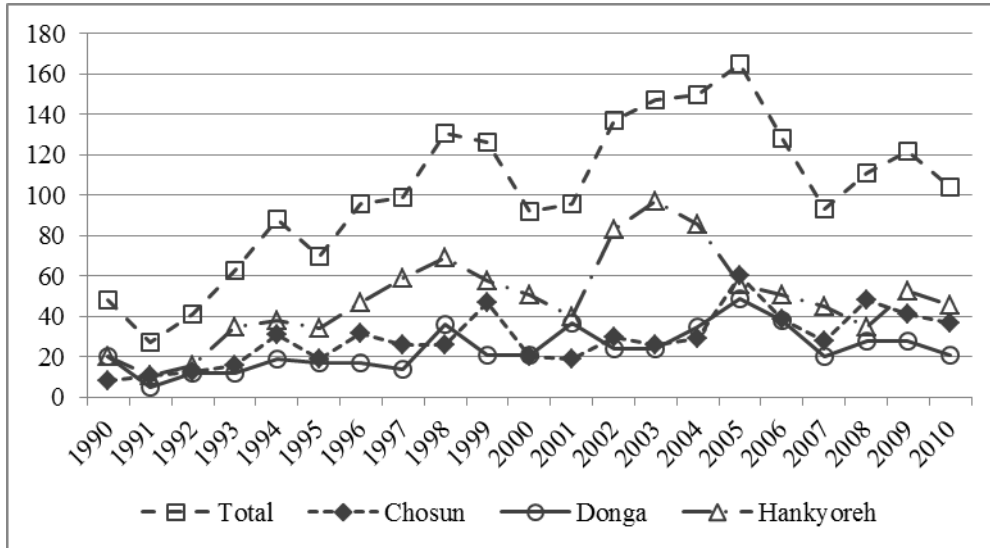


Figure 2. Number of Human Rights Topics and Issues Covered in the Media (1990-2010)

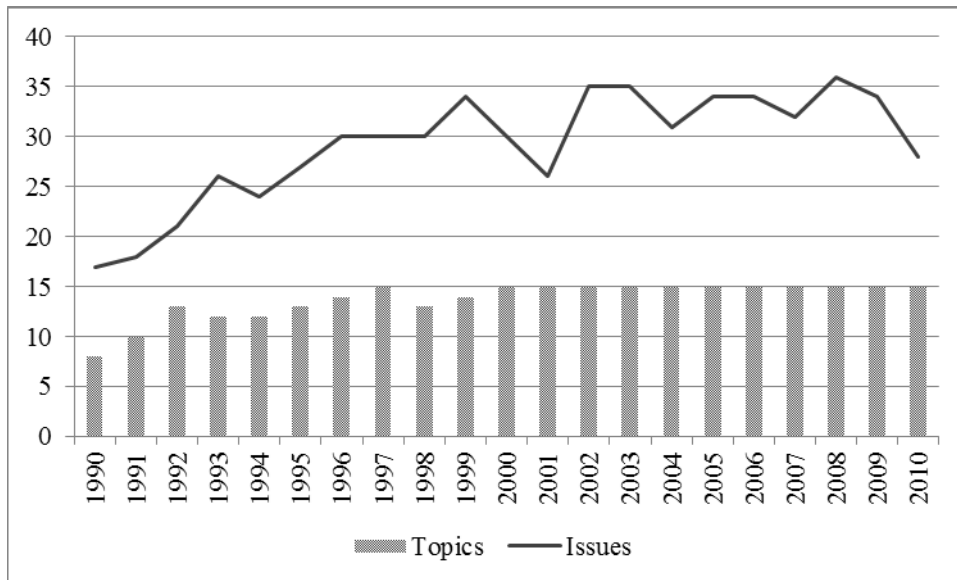


Figure 3. Proportion of Negative, Mixed, and Positive Articles (1990-2010)

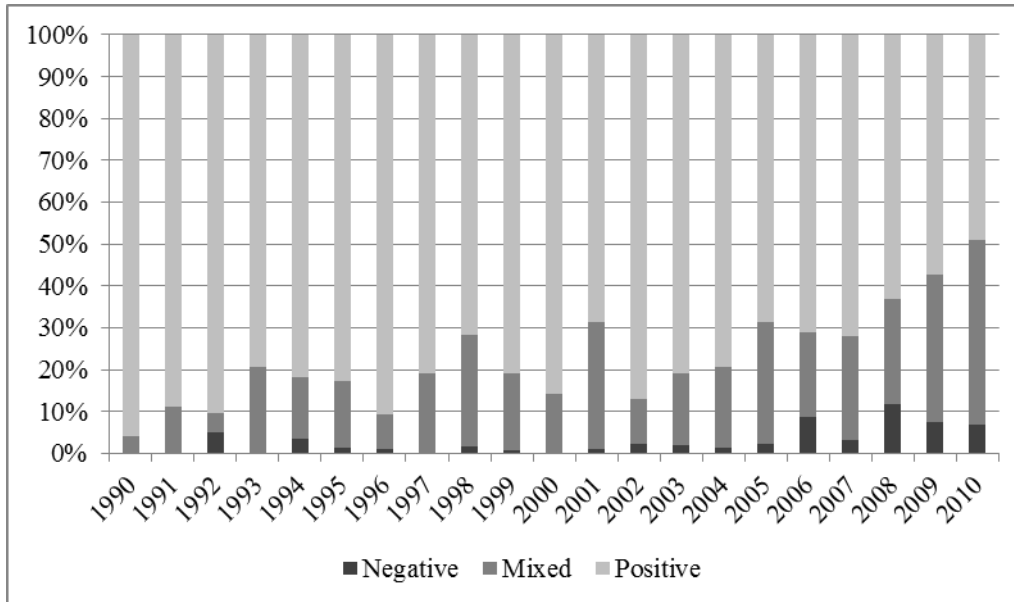


Table 1. Themes, Topics, and Issues of Human Rights in Media Coverage

Theme	Topic	Issue
Civil and political rights	Administrative procedures of state	Death penalty and National Security Law
		Human rights law and policy
	Administrative action of state	Freedom of security of persons
		Rights of war victims
		Rights of military soldiers
		National reconciliation
	Freedom of conscious, religion, and expression	Conscientious objectors
Freedom of assembly and association	Freedom of conscience, religion and expression	
Right of personality	Freedom of assembly and association	
Economic, social, and cultural rights	Labor rights	Rights of personality
		Labor rights
	Right to welfare/social security	Rights of temporary workers
		Right of patients
		Right to housing
		Right to environment
		Right to life
	Right to education	Right to education
	Human rights education	Human rights education
	Rights of migrants	Right of migrants
Right of North Korean defectors		
Right of refugees		

	Rights of family, women, and children	Right of children	
		Freedom from sexual harassment	
		Right of prostitutes	
		Sexual discrimination	
		Domestic violence	
	Other minorities	Right of the disabled	
		Sexual minorities	
	Human rights regime	International human rights	North Korean human rights
			Human rights in Asia
			Human rights in America
Human rights in Europe			
Human rights in Africa			
Human rights in other countries			
Human rights organizations and/or activists		NGOs	
		INGOs	
		IGOs	
		National human rights institutions	
		Human Rights Event and Activist	
Others		Overall human rights	
		Corporate social responsibility	
		Others	

Table 2. First Appearance of Specific Issues by Themes in Media Coverage (1990-2010)

Year	Themes and Issues
1990	<p><b>Civil and Political Rights</b></p> <ul style="list-style-type: none"> <li>Freedom of security of persons</li> <li>Death penalty and National Security Law</li> <li>National reconciliation</li> <li>Rights of war victims</li> <li>Human rights law and policy</li> </ul> <p><b>Economic, Social, and Cultural Rights</b></p> <ul style="list-style-type: none"> <li>Sexual discrimination</li> <li>Labor rights</li> <li>Human rights education</li> <li>Right to life</li> </ul> <p><b>Human Rights Regime</b></p> <ul style="list-style-type: none"> <li>North Korean human rights</li> <li>Human rights in Asia</li> <li>Human rights in Africa</li> <li>Human rights NGOs</li> <li>Human rights INGOs</li> <li>Human rights IGOs</li> <li>National human rights institutions</li> <li>Human rights events and activists</li> <li>Overall human rights</li> </ul>

1991	<p><b>Civil and Political Rights</b> Rights of military soldiers</p> <p><b>Economic, Social, and Cultural Rights</b> Right of refugees Rights of temporary workers Rights of patients Rights of military soldiers</p> <p><b>Human Rights Regime</b> Human rights in America Human rights in Europe</p>
1992	<p><b>Civil and Political Rights</b> Freedom of conscience, religion, and expression Rights of personality</p> <p><b>Economic, Social, and Cultural Rights</b> Freedom from sexual harassment Rights of migrants Rights of the disabled</p>
1993	<p><b>Civil and Political Rights</b> Freedom of assembly and association</p> <p><b>Economic, Social, and Cultural Rights</b> Right of children Domestic violence</p> <p><b>Human Rights Regime</b> Corporate social responsibility</p>
1995	<p><b>Economic, Social, and Cultural Rights</b> Right to environment</p>
1996	<p><b>Economic, Social, and Cultural Rights</b> Right to education Rights of prostitutes Rights of North Korean defectors Right to housing</p>
1998	<p><b>Civil and Political Rights</b> Conscientious objectors</p>
1999	<p><b>Economic, Social, and Cultural Rights</b> Sexual minorities</p>