

The Origins of the Panmunjom Regime

The Korean War and Liberal Peace Projects

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Hak-Jae Kim (Freie Universität Berlin)

Abstract

Why was the Korean War ended by a military armistice agreement? Why couldn't it be developed into a political conference for making a formal peace treaty? To address these questions, this book examines how international laws and institutions (related to war and peace) were implemented in the case of the Korean War (1950-53). This book calls the result of the Korean War armistice negotiation the *Panmunjom Regime* (1953).

As a part of a research project on the Global History of international law and with insights of historical institutionalism, this book attempted to write an intellectual and institutional history of the Korean War instead of military history of battles. This book especially seeks to overcome previous "Cold War study" approaches that are based on a realistic perspective, with the hope to replace it with a "Peace study" approach.

The Korean War is a typical case where ascending/descending argumentations conflicted each other as usually in politics of international law. But the Korean War was a unique case where the UN intervened for the first time in its history by military means through exceptional Security Council resolutions. These decisions, processes and consequences can be understood from a broader perspective on the evolution of the 'liberal peace' ideas since the Vienna treaty, the Versailles treaty, and up to the establishment of the UN system. From this perspective we can also recognize a sense of connectedness between 19th century's European history and the 20th century's East Asian history.

After providing four typologies of peace projects (Peace of God and justice, peace of Hobbes, Peace of Kant and the peace of Durkheim), this book divides the two major "*Liberal peace projects*" of the early 20th century, as a *Kantian peace Project*, comparing it with Cold War style *Hobbesian Project*. In addition, the book also examines how Hans Kelsen, (Carl Schmitt), Quincy Wright, Leo Gross, Julius Stone, Joseph Kunz, Hans Morgenthau, McDougal, and Hersch Lauterpacht have discussed the Korean War case regarding various issues, such as the UN intervention, China recognition, Crossing 38th parallel, voluntary repatriation of Prisoners of War, San Francisco peace treaty, Armistice and political conference etc.

The book also attempts to connect the case of the Korean War to a broader East Asian regional history, by looking into the consequences of the Chinese intervention, the San Francisco peace treaty with Japan (1951), the Geneva conference for the first Vietnam War (1954), and the Bandung conference (1955).

In conclusion, this book argues that previous liberal peace projects only left serious flaws and limitations, meaning that the Panmunjom regime is a failure of the liberal peace projects. Both of legal punishments approach and power balance approach failed to achieve stable, permanent peace system. Therefore, the book argues the Panmunjom regime should be supplemented by a 'social peace' approach, by referring the *Durkheimian Peace*. This new approach emphasizes 'social solidarity' instead of the Hobbesian State or the Kantian International law or individualism. 'Peace as solidarity' would be the alternative imagination for future peace in Korea and East Asia.

magister76@zedat.fu-berlin.de

Contents

Part 1. The Panmunjom Regime and 20th century's liberal peace projects

Ch. 1. The Asian Paradox and the Panmunjom regime

1. What is the Panmunjom regime?
2. Peace studies and The Panmunjom regime
3. Liberal Peace theories and four ideal types of Peace

Ch. 2. Kantian liberal peace and global 'rule of law' project

1. The origins of the 20th Century's liberal peace project
2. 'Liberal Moment' and establishment of UN
3. the UN as a global 'rule of law' project

Ch. 3. Hobbesian hierarchy and the peace as security

1. What is the Cold War?
2. Institutionalization process of the 'Hobbesian Peace'
3. The management of War by UN system

4. Discriminative security order of Hobbes

Part. 2. The Panmunjom Regime and implementation of the liberal peace project

Ch. 4. The early decisions during the Korean War and Kantian projects

1. The outbreak of the War and "Double State of Exception"
2. Debates on the procedure and nature of the UN intervention
3. Was the Korean War a 'Just War'?
4. Limits of Kantian projects

Ch. 5. Chinese Intervention and the rise of Hobbesian Projects

1. Chinese Intervention and the US policy of Non-recognition of the 'Illiberal'
2. The emergence of the balance of power and discussions within the UN
3. Two modes of the liberal peace : militaristic(Korea) and economic(Japan) peace
4. The Origins of East Asian Cold War order and the Panmunjom Regime

Ch. 6. The prisoners of War Problem and the Kantian ideal of the sublime individual

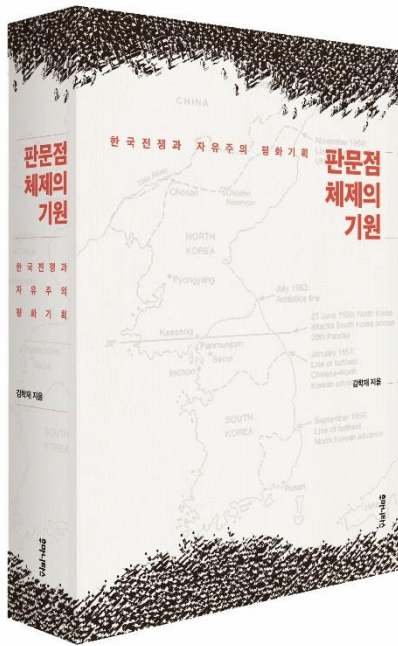
1. The rise of the Voluntary repatriation principle
2. POW camp in Kojima island and the screening process
3. The approval of the Voluntary repatriation principle at UN General Assembly
4. From a 'free individual' to a 'defector program'

Ch 7. The birth of the Panmunjom regime and three peace models in East Asia

1. the Panmunjom regime: A liberal peace on the frontier of anti-communism
2. the Geneva regime : an incomplete peace and balance of power system
3. the Bandung regime : an alternative peace for postcolonial nationalism

Conclusion : the Asian Paradox and “peace as solidarity”

1. 20th century’s liberal peace projects
2. Two liberal projects during the Korean War : Kant and Hobbes
3. A New paradigm of Peace : ‘Social peace’ and ‘solidarity’



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