

ESCAPE FROM CAMP 14: ONE MAN'S REMARKABLE ODYSSEY FROM NORTH KOREA TO FREEDOM IN THE WEST. Blaine Harden. New York: Viking, 2012. Pp. 224. \$26.95.

Many perceive North Korea as a country whose leadership does not function as a protector of its citizens but instead as a dictatorship more than willing to violate the human rights of its own citizens in order to maintain power. Although some people may have seen Pyongyang citizens on television, the vast majority of unprivileged North Koreans living outside Pyongyang or in political camps are hidden from the outside world. *Escape from Camp 14*, written by Blaine Harden, an author and journalist for *PBS Frontline* and contributor to *The Economist*, narrates in excruciating detail the life of a North Korean defector from childhood to adulthood, so that readers may be awakened by the grim realities of the human rights situation in North Korea. Harden's book serves as both a testimony about North Korean political camps and as a call for attention to North Korea's human rights violations against its own citizens.

Two main types of prison camps exist in North Korea, though the North Korean government formally denies the existence of both: Revolutionization Zones, from which prisoners are released after a fixed period of time, and Total Control Zones, from which no one is to be released after entering. There was no conclusive evidence regarding Total Control Zones until 2006, when Dong-hyuk Shin came to Seoul. When interrogated by the South Korean National Intelligence Service, Shin claimed he escaped from Kaecheon Internment Camp, or Camp 14. Burns on Shin's back and lower legs, punctures on his abdomen, and an amputated finger were powerful proof of torture. At first, intelligence agents doubted that anyone could ever escape from the Total Control Zone. However, the consistency and concreteness of Shin's testimonies, along with key similarities between his drawings of Camp 14 and satellite images, gradually convinced them. In 2008, Harden, then a correspondent for the *Washington Post*, met Shin through the help of a human rights activist. Harden conducted a series of interviews with Shin for about a year, and *Escape from Camp 14* was published another two years later. The book describes the life of the only North Korean defector known to have escaped from the Total Control Zone.

Harden presents a terrifying depiction of Shin's time in the prison camp. While Shin constantly suffered from hunger and malnutrition, he was forced to work twelve to fifteen hours a day, with one day off every month. If he did not finish his daily tasks, the guards would confiscate half his ration and give it to another prisoner. When Shin once mistakenly dropped a sewing machine, guards cut off the tip of his middle finger.

Shin, like most kids in the camp, was born out of a prisoner "reward" marriage, in which the guards chose a man and a woman as prizes for one another when they worked hard or informed on other prisoners. Shin never associated family with love. He regarded his family members the same as all other prisoners: as competitors for food. When Shin heard his family mem-

bers whisper about an escape plan, Shin's instinct was not to protect them, but instead to heed a camp rule he had memorized at six years old: "Any witness to an attempted escape who fails to report it will be shot immediately." Without hesitation, Shin told a prison guard about the attempted escape and asked for a prize. His mother and brother died at a public execution, which Shin watched from the first row. He did not feel remorse until much later, after he escaped the camp and understood what he had done.

Shin's absolute obedience to camp rules was shattered when he met Park, a new inmate who once was a high-ranking government official. Park's stories about outside the fence compelled Shin to attempt escape with Park in 2005. Park was electrocuted by charged wires during the escape, but his body served as an insulator that enabled Shin to pass through the wires. After a month of stealing, begging, and scavenging, Shin crossed the Tumen River into China by bribing a border guard. In China, he worked, undocumented, on farms for about two years before he met a South Korean reporter who helped him enter the South Korean embassy in Shanghai and then move to Seoul. Considering the fact that Shin had never lived outside the camp, Harden describes Shin's successful defection to South Korea as a miracle.

The book strikes a balance between Shin's personal story and an exposition of the human rights situation in North Korea. Within Shin's story, Harden provides background about North Korea, South Korea, and China to properly contextualize the biography. Harden's third person perspective and critical examination of the North Korean human rights situation supplement *Escape to the Outside World*, Shin's Korean language autobiographical narrative, which was published in 2007.

Harden explores a root cause of political indifference among South Korean citizens—the nation's status-conscious culture. Harden notes that the competitive South Korean culture, which is preoccupied with the obtainment of wealth and social prestige, or the "right spec" as South Koreans say, has become so important to young people that "it becomes everything to students by grade seven,"<sup>1</sup> affording South Korean citizens little time to care about North Korean human rights issues. Harden observes that a series of North Korean attacks on South Korea over decades which killed hundreds of citizens have not provoked South Koreans to call their government for a counterattack. According to Harden, they seem to be more interested in "preserving peace and protecting living standards" than in "teaching the North a lesson."<sup>2</sup>

Also, Harden mentions that many South Koreans do not want reunification during their lifetimes because they know that reunification costs would be very high, much more than those of Germany.<sup>3</sup> What Harden implies

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1. BLAINE HARDEN, *ESCAPE FROM CAMP* 14 172 (2012).

2. *Id.* at 170.

3. *Id.* at 171.

from these observations is that many South Koreans are so interested in preserving what they already have that they hardly react to North Korean attacks, much less to North Korean human rights violations. Although Harden's account tends to oversimplify South Korean culture, his subtle observations about South Korean society underscore the irony that North Korean human rights problems attract more attention around the world than they do in neighboring South Korea.

Because Shin is the only known person to successfully escape the Total Control Zone, the book has an unavoidable limitation as to the credibility of its factual details. Yet *Escape from Camp 14* is significant because the details of Shin's story disclose the brutality of North Korean prison camps through the eyes of a survivor. By allowing them to vividly imagine themselves in Shin's shoes, the book might jar readers from reluctance and inactivity and prompt them to focus on North Korean human rights issues. The book's supplemental descriptions of North Korea in addition to Shin's life story will also be helpful for students and scholars attempting to learn about how North Koreans live outside Pyongyang, how North Korea commits systematic, serious human rights violations on its citizens, and how South Koreans address—or fail to address—such human rights problems.

—Hyeongsu Park

HUMAN RIGHTS IN OUR OWN BACKYARD: INJUSTICE AND RESISTANCE IN THE UNITED STATES. Eds. William T. Armaline, Davitas Silfen Glasberg, and Bandana Purkayastha. Philadelphia: University of Pennsylvania Press, 2011. Pp. 325. \$59.95.

American scholars, politicians, and laypeople often operate under the assumption that the United States provides the gold standard for human rights protection. Yet the United States' relationship with human rights law and practice is, in reality, far more complex. With *Human Rights in Our Own Backyard*, editors William T. Armaline, Davitas Silfen Glasberg, and Bandana Purkayastha critically examine human rights in the United States through a sociological lens. Through this lens, the authors focus not only on the laws that govern human rights in the United States, but also on the institutional structures that perpetuate human rights violations and on the various movements to improve human rights in the United States. The work's scope is broad, with twenty-three chapters on topics ranging from sex trafficking to sweatshop labor to the human rights of Native Americans, resulting in a passionate, accessible work that challenges readers to examine human rights in the United States and, perhaps more importantly, illumi-

nates potential paths to implement and improve human rights. The collection is a useful tool for students, academics, and advocates for human rights in the United States.

The editors divide the work into seven parts by types of rights. Part 1 addresses economic rights through chapters on workers' rights and predatory lending. Part 2's focus is social rights: the section critiques, in part, the capitalist and individualistic structures and values in the United States that allow social inequalities to persist. Particularly interesting is Barret Katuna's chapter on the right to food and shelter in post-Hurricane Katrina New Orleans. The article highlights the inaccessibility of food and the poor quality and affordability of housing in the wake of the disaster, and Katuna criticizes U.S. noncompliance with relevant provisions in the Universal Declaration of Human Rights that has resulted in a shift in rights enforcement to civil society. Part 3 covers cultural rights, and Part 4 discusses political and civil rights, including an article by Shweta Majumdar Adur that challenges the concept of post-national citizenship through the lens of guest workers in the United States. Although the United States has institutionalized guest worker programs through H1 and H2 visas, these workers still face dehumanizing living conditions and limited opportunities to participate in collective action, demonstrating that the promise of post-national citizenship should not be overstated. Following Part 5's discussion on racial discrimination, Part 6 delves into discrimination against women, including a chapter by Stacy A. Missari illustrating the culture of violence against women in the United States through the failure to adopt the Convention on the Elimination of All Forms of Discrimination Against Women and the Supreme Court's 2000 ruling in *United States v. Morrison* that struck down part of the Violence Against Women Act. Finally, Part 7, entitled "Human Rights and Resistance in the United States," focuses on non-state movements to advance human rights and how these movements have shaped government law and practice.

Nearly all the analyses emphasize intersectional issues, allowing the reader to draw connections between otherwise disparate topics. Given the specificity of many chapters, it would be easy for the issues to be painted as distinct, but instead the work demonstrates an awareness of problems that map onto each other and together place certain communities at greater risk for human rights violations. Kathryn Strother Ratcliff's chapter on health and human rights in the United States, in particular, illuminates the importance of taking intersectionality into account when addressing health and human rights by focusing on the disparities in health care access and treatment among non-native English speakers, African Americans, and low-income Americans. Thus, the author argues for a broader view of health that extends beyond the individual and takes into account societal structures that hinder access to health in many communities. For example, poor neighborhoods often experience food insecurity, a lack of recreational facili-

ties, and exposure to toxic hazards, all of which impact residents' health; for the health of Americans to truly improve, the U.S. health care system must remedy these disparities. Additionally, as the number of patients who speak English as a second language grows, providers must recognize the importance of integrating interpreters into medical care. More broadly, Ratcliff argues that the federal government should work to address structural disparities that perpetuate inequality through health reform initiatives; incorporating a human rights perspective into discussions about health may provide one path through which to do so.

Ratcliff's discussion of barriers to the realization of individual and collective human rights is not unique to her article. Indeed, one of the most meaningful contributions of *Human Rights in Our Own Backyard* is its focus on various movements to improve human rights in the United States. Rather than simply critiquing the law and implementation of human rights in the United States, this work puts forward concrete examples of how to further the human rights enterprise. For example, Sang Hea Kil, Jennifer Allen, and Zoe Hammer devote their chapter to discussing the actions of the Border Action Network, a group that aims to improve the status of human rights on the U.S.-Mexico border. Through a broad, grassroots strategy, the Network seeks more than legislative victories; rather, the group recognizes that human rights must be localized to make these rights meaningful. To this end, the Network conducts advocacy trainings and encourages community members to share their stories of human rights violations to give a voice to those affected by border policies and practices. Through the case study of the Border Action Network, as with other case studies presented in this work, readers can glean important lessons about mobilizing communities and conceptualizing human rights.

While the focus on human rights organizing and activism is one of the work's strengths, the collection could have benefited from more discussion of what would constitute normatively strong human rights law in the United States. Additionally, several chapters state that the United States has violated its obligations under international law provisions, but not all these chapters analyze the specific standards that apply to these provisions and how, exactly, the United States fails to meet them.

Despite these minor shortcomings, the work provides an important contribution to the field of human rights advocacy in the United States. With its accessible style, diverse topics, and ready examples of grassroots human rights mobilization, *Human Rights in Our Own Backyard* will likely be used for years to come to educate and inspire human rights activism in the United States and beyond.

—Elizabeth Hague

NO UNDOCUMENTED CHILD LEFT BEHIND: *PLYLER v. DOE* AND THE EDUCATION OF UNDOCUMENTED SCHOOLCHILDREN. Michael A. Olivas. New York: New York University Press, 2012. Pp. 208. \$35.00.

The concept of education as a human right has for some time received global acknowledgement, as evidenced by its inclusion in the United Nations' 1948 Universal Declaration of Human Rights. Education increasingly has been recognized as integral to an individual's full participation in modern society, although the American constitutional dimensions of educational rights continue to be defined. Indeed, though the federal constitution does not reference education in its text and the United States Supreme Court has held that there is no fundamental right to education,<sup>4</sup> access to education has remained a current topic in the national discourse regarding undocumented individuals. The formative case in this ongoing discourse is *Plyler v. Doe*, 457 U.S. 202 (1982), a 5-4 decision in which the Supreme Court struck down a Texas statute that precluded the use of state funds for educating undocumented schoolchildren and authorized school districts to prohibit these individuals from enrolling in public schools. Utilizing an equal protection analysis, the Court concluded that states were without authority to differentiate among citizens, noncitizens legally residing within the nation's borders, and individuals present without immigration status. The significance of this opinion cannot be overstated, and it is within this framework that Michael Olivas introduces his book *No Undocumented Child Left Behind: Plyler v. Doe and the Education of Undocumented Schoolchildren*.

Olivas expertly dives into a discussion of the many moving parts that culminated in the Supreme Court's *Plyler* decision, characterized as the Mexican-American equivalent of *Brown v. Board of Education* by the Mexican American Legal Defense and Educational Fund (MALDEF). Thus Olivas' discussion should prove interesting even to those familiar with the text of the *Plyler* opinion. In particular, Olivas outlines MALDEF's instrumental role and its successful litigation strategy as counsel to the *Plyler* plaintiffs, the Supreme Court's internal deliberations, and the subsequent direct and indirect challenges to the implementation of the holding. At times, Olivas' work adopts an ethnographic tone with his inclusion of case participant testimonies and personal anecdotes. Yet the reader's introduction to *Plyler* in the first three chapters of the book is clearly anchored by what Olivas views as *Plyler's* key contribution to our body of law—its affirmation that all entrants into the United States, whether by legal or illegal entry, are entitled to equal protection under the law. In addition to emphasizing this entitlement, *Plyler* stressed the importance of an educated populace, stating, "[E]ducation has a fundamental role in maintaining the fabric of our society. We cannot ignore the significant social costs borne by our Nation

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4. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35 (1973).

when select groups are denied the means to absorb the values and skills upon which our social order rests.”<sup>5</sup>

Olivas’ recognition of the significance of *Plyler* is particularly evident in his examination of the judicial decisions from pre- and post-*Plyler* that extended governmental benefits and protections to those without citizenship status. Yet Olivas is not without criticism, opining that *Plyler* should have been decided on federal preemption grounds. Indeed, the facts of *Plyler* demonstrate the state’s circuitous regulation of immigration, a domain over which Congress has plenary power. Such a revision to the reasoning, argues Olivas, would have proven useful to modern courts grappling with questions over alien benefits and state and local involvement in immigration policy regulation. Still, notwithstanding Olivas’ critique, one cannot ignore the social value of a decision reaffirming equal protection for all, particularly in the context of access to elementary and secondary education.

The book then takes an unexpected turn in the fourth chapter. Rather than continuing a focus on K-12 education, as the title suggests, Olivas analyzes undocumented students and their access to higher education. As the *Plyler* decision addressed only K-12 education, Olivas’ observations on this subject matter are scaffolded by various pieces of proposed and enacted federal and state legislation. Arguably, the most well-known proposed legislation is the federal Development, Relief, and Education for Alien Minors (DREAM) Act. Olivas recognizes its significance with an in-depth discussion of its various iterations and its place in immigration reform efforts. Olivas outlines the legislative history of the Act since its introduction in 2001 and includes his own analysis as to why the Act has not garnered enough votes for passage. He cites, among other factors, the ever-present complexities of partisan politics, Republican reluctance to support a bill that, if passed, could be deemed a legislative victory for Democrats, and the difficulties of maintaining bipartisan support with pending elections.

Olivas concludes his text with a reemphasis on *Plyler*’s failure to utilize the preemption doctrine and reaffirm federal authority in the immigration regulation arena, opining that state and local ordinances are more likely than federal legislation to adopt a nativist tone. Olivas raises his own challenge to such nativist sentiments fueling the sub-federal ordinances; he argues that in his experience, most undocumented students are high-achievers and comprise a talent pool that is needed in the United States. Yet in attempting to highlight the positive qualities of undocumented students, Olivas appears to reason that undocumented individuals are particularly suited for education. This rationale is a precarious one, permitting access to education to those bearing specific qualities, rather than promoting the idea of education as a right that should be equally afforded to all. As stated in

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5. *Plyler v. Doe*, 457 U.S. 202, 203 (1982).

*Plyler* and *Brown*, “where the state has undertaken to provide [an education], [it] is a right which must be made available to all on equal terms.”<sup>6</sup>

Nevertheless, with this book Olivas has played an important role in the national discourse on education and undocumented individuals’ rights within the American polity. His work, written from the viewpoint of a long-time advocate, presents insightful information that cannot be gleaned from a casual reading of the *Plyler* opinion. In five succinct chapters, Olivas reveals both weaknesses and strengths of *Plyler*, and his hopes for legislation ensuring educational access for undocumented students. This work also serves as a reminder of the difficulties facing reform in this arena, difficulties arising from the issue’s extremely divisive nature in American politics and society.

Olivas’ reflections will prove appealing to anyone interested in staying abreast of this subject matter as it winds its way through the nation’s legislative and judicial labyrinths. Legal scholars, students, and education advocates alike will appreciate Olivas’ text as a resource on the political and legal landscape surrounding immigration status and the right to education. Certainly, Olivas demonstrates that the evolution of these rights for undocumented individuals has been a tumultuous one. Still, *Plyler* solidified the concept of equal access to education for all, transforming this educational entitlement from a human right as espoused in international declarations to a right explicitly recognized in American case law. With his work on *Plyler* and its legacy, Olivas has made a positive contribution to human rights scholarship, demonstrating that the right to equal educational access, irrespective of residency status, will continue to be vigorously defended on American soil.

—Zainabu Rumala

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6. *Plyler v. Doe*, 457 U.S. 202, 223 (1982), quoting *Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan.*, 347 U.S. 483, 493 (1954).