

**Glenn Tatsuya Mitoma.** *Human Rights and the Negotiation of American Power.* Philadelphia: University of Pennsylvania Press, 2013. 226 pp. \$55.00, cloth, ISBN 978-0-8122-4506-6.



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In Glenn Mitoma's *Human Rights and the Negotiation of American Power*, the title's central term takes center stage: his book is about negotiation more than it is about either rights or power. This is not a bad thing. Mitoma's contributions lie in his carefully drawn sketches of encounters between the U.S. national state and civil society groups (as he defines them) during the founding moments of the United Nations in the 1940s and early 1950s. Instead of an argument about the logic of universal rights or the nature of U.S. power, he provides nuanced discussions of the roles played by academics, lawyers, activists, and the representatives of decolonizing states in defining the American relationship to rights at the UN. This is a labor of love: Mitoma openly advocates the "global emancipatory potential" of human rights, and looks to the 1940s as both a missed opportunity and a source of useable history and institutions (p. 175). In the process he poses deeper problems of conscience and coercion, of moral force and physical power. Throughout the book, however, his obvious affection for a universalist

vision of rights is disciplined by a tight attention to the details of how his actors pursued the institutional foundations of a new global order.

The careful re-narration of the 1940s as a founding moment for global rights politics is itself a substantial and timely intervention. By crafting a new narrative of the United Nations in its formative years, Mitoma navigates terrain that might look less promising after Samuel Moyn's influential critique of the "church history" that turns up progenitors of human rights in every attractive political movement since the Enlightenment.[1] Mitoma does not subscribe to Moyn's view of the 1940s as a stillbirth of human rights, but neither does he fall into sterile polemics over the birth certificate of rights politics. Put another way, he shows that Moyn's penetrating historicism can be taken seriously without fragmenting human rights scholarship into partisans of the 1940s and 1970s. This is encouraging.

Each of Mitoma's five chapters examines a moment when a nonstate actor pushed the United

States towards (or away from) the codification of international human rights standards. The book begins with the Commission to Study the Organization of the Peace (CSOP), an initiative of the League of Nations Association (LNA) that self-consciously sought to rekindle a Wilsonian project of supranational governance at the outset of World War II (the group met for the first time on November 5, 1939). The brainchild of Clark Eichelberger, the long-time director of the LNA, the commission incorporated a politically diverse membership to rally the widest constituency for American participation in a world organization. But more important than bipartisanship was the intellectual influence of the political scientist Quincy Wright, who joined the CSOP just as he was finishing an enormous collaborative project on the causes of war at the University of Chicago. At the end of this decade-long effort, Wright was convinced that a stable international order needed to include human rights written into binding international law. At Wright's prodding, the CSOP embraced the language of "human rights" in 1940, and then brought that language into government service when the commission was made an adjunct of State Department policy planning. For Mitoma the lesson is clear: rights talk can be traced into civil society before it appeared in the rhetorical embrace of the Franklin Roosevelt administration's war aims. A momentary reliance on civil society expertise opened the door for the entry of claims that would potentially circumscribe the powers of the state.

The next two chapters make effective use of the Filipino journalist-publisher-diplomat-soldier-politician Carlos Romulo to highlight "the integration of self-determination with human rights" (p. 73). Mitoma follows Romulo from the 1945 San Francisco conference through the effort to enact a convention on freedom of information, and provides a helpful reading of the "Philippine Pattern": Romulo's effort to yoke gradual decolonization to American power, with the Philippines playing an intermediary role as a regional model

and advanced pupil of U.S. tutelage. Mitoma makes it clear that Romulo was both drawn to U.S. power and eager to hold the Americans accountable to their own democratic rhetoric, and he sharply distinguishes the Romulo of the 1940s from the one who later served under the Ferdinand Marcos dictatorship—"an ignoble end to an otherwise illustrious career" (p. 102). The portrait is a useful extension of Mary Ann Glendon's treatment of Romulo in her discussion of the Universal Declaration of Human Rights, though it is far from the final word on this controversial figure.

From here Mitoma turns to Charles Malik, the Lebanese philosopher and diplomat who shared with Romulo a U.S. education and aspirations to "awaken" the new world leviathan to a "radical moral responsibility" (p. 133). Mitoma emphasizes Malik's exposure to Nazi Germany in the 1930s and his strong embrace of both individualism and civil society as bulwarks against the state, exemplified by his interest in explicit protections for minority groups and families as such, rather than as disaggregated individuals. Mitoma does not fully explore the perplexities of Malik's position: insistent on the priority of nonstate actors, the Lebanese diplomat frequently found himself demanding greater commitments by the United States to intervene coercively in other nations, including his own Lebanon. While this is consistent with a desire to make power serve supranational ends, it is equally an aggrandizement of a particular national state. That the author is preparing a biography of Malik, however, inclines one to think that he fully realizes the possibilities for further illumination here.

The final chapter revolves around a confrontation of two domestic organizations—the American Bar Association (ABA) and the National Association for the Advancement of Colored People (NAACP)—over the power of human rights to transcend national sovereignty. That the NAACP contested Jim Crow at the UN and that the ABA was generally reactionary on this score is not

news. But Mitoma tells the story in a way that highlights a very particular structure. Civil society organizations were the seat of real, substantive, creative approaches to human rights. The state responded, reluctantly, to these pressures. And the actually existing institutions of human rights were the result. The apparent paradox of the United States enunciating norms only to become ensnared in charges of hypocrisy thus vanishes, and we have some surer sense not just of why the state often ignores rights, but why it should bother to embrace them at all. The answer is simple: it was less costly than entirely repudiating or foregoing the support of all the sectors of civil society pushing for rights. While this schematic summary does not do justice to Mitoma's empirically rich work, his emphasis always leads back to civil society.

The creative combination of the CSOP, the advocacy of Malik and Romulo, and the clashing agendas of the NAACP and the ABA is certainly distinctive and worthwhile. But does it mean what Mitoma thinks it does? He applies "NGO" (p. 137) to his actors without much explicit theorizing, and invokes "civil society" without unpacking the term at much length. The resulting conceptualization is broad enough to throw into question any linkage between the period of his study and the politics associated with contemporary NGOs in the Amnesty International pattern. A rubric that would cover the ABA and the NAACP along with Quincy Wright and his graduate students would surely also cover the National Association of Manufacturers and the Catholic Church. What kind of analytic purchase does this provide? Mitoma has discerned something significant, but does not substantially modify the view that something drastically different—or structurally different—is at stake in the organization of contemporary NGOs. Moreover, Mitoma at times suggests that the really significant factor is simply distance from the state. John Foster Dulles, for example, appears as someone whose views of rights are determined almost entirely by which hat he wore—

he was pro-rights in the Federal Council of Churches and against rights at the State Department (pp. 41-42). The state, it would appear, can be inoculated with a human rights vaccine developed by Dr. Civil Society (a very distant relation of Dr. New Deal and Dr. Win-the-War), but does not itself incubate cures for inhumanity. This is contestable. A rather more creative state would have become apparent if the author had spent his time with, for example, Archibald MacLeish, the bureaucratically nimble poet who enunciated his own liberal vision of rights from the Library of Congress to the Office of Facts and Figures to the State Department.

But Mitoma has provided a service in charting the waters he has chosen to sail. While a more thoroughly historicized approach to the term NGO—or better, a theoretically explicit approach to "civil society"—would be helpful its absence does not detract from the value of Mitoma's contributions.

And the ambition of his underlying interest is daunting: nothing less than to understand how the vast powers of the state are channeled to take account of moral ends, however sporadically and unevenly. Beyond the political negotiations that are the framework of the book, he provides glimpses of the kinds of power and conscience his title gestures towards. The conclusion, drawing on Malik, yearns for an expansive fulfillment of human rights with the force of the United States behind them. It is an inspiring hope. As his story unfolds, though, we hear almost in passing of the charnel house of the Korean War. American power of course contributed in no small measure to the division of the peninsula and the shape of the war that followed, with its millions of dead—a war far more total than limited within its geographic confines. Malik wanted, in his own words, to wake the American giant. Those who spent the twentieth century under American bombsights might look at this project rather differently. This should underscore the challenge of thinking

through the relationship of U.S. power and human rights, both historically and prospectively. Mitoma does not solve the problem, but his work is a valuable addition to the larger project he identifies at the outset.

Note

[1]. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Harvard University Press, 2010), 6.

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