

Anna Su. *Exporting Freedom: Religious Liberty and American Power.* Cambridge: Harvard University Press, 2016. 286 pp. \$39.95 (cloth), ISBN 978-0-674-28602-3.



Reviewed by Helge Årsheim (University of Oslo)

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Commissioned by Seth Offenbach (Bronx Community College, The City University of New York)

Exporting Freedom: Religious Liberty and American Power is a great read. In the style of fast-paced political dramas, the book tells the story of US promotion of religious liberty abroad through six dispersed snapshots, mixing close-ups with broader perspectives on a global scale. Traveling from colonial enterprises in the Philippines to peace conferences in the wake of world wars, Anna Su takes the reader on a journey from the standoff between *détente* and engagement policies in the 1970s to the postwar occupations of Japan and Iraq. In more than one way, this book helps historians better understand religious liberty promotion just as Samuel Moyn's *The Last Utopia* (2010) helped improve historians' understanding of the history of human rights.

Su introduces her approach to religious liberty by observing that while the recognition of the freedom of religion in the Bolivian constitution in 1906 "started out as a diplomatic effort to protect the rights and liberties of US citizens traveling abroad," it nevertheless "ended with a constitutional provision guaranteeing religious freedom for all inside Bolivia" (p. 1). This quote summarizes and encapsulates the ways in which her six historical examples are framed and presented: across the examples, a variety of US foreign policy initiatives to promote religious liberty throughout the long twentieth century are

examined and duly criticized for colonial arrogance, bias, or partisanship at the outset, only to be somewhat rehabilitated towards the end through painful learning processes. The fundamental ambivalence between the promotion of religious freedom as an inherently contested political process and the redeeming potential of a robust legal framework that could end or at least limit the scope of religious persecution runs throughout the book.

While Su is clearly critical of the many initiatives presented by US politicians to promote religious liberty, she is also clear that this "past wreckage" carries important lessons for how to discuss the topic today (p. 10). Dismissing parallels between the role of religious freedom in the "civilizing" projects of the late nineteenth and early twentieth centuries and the present-day promotion of religious freedom, Su stresses that "the liberalism of empire is not the same as the empire of liberalism, no matter how hard we want to make them so" (p. 161).

Underscoring the difference between the imperialism of old and the present-day human rights enterprise, the initial chapter on the creation of constitutional guarantees securing religious freedom in the US colonization of the Philippines is scathing in its critique. Tellingly entitled "A White Man's Burden," the chapter amply

demonstrates how the promotion of religious liberty in the Philippines served utilitarian political aims, securing the effective governance of the archipelago while also pandering to domestic debates on American self-understanding as a noncolonial power and the international stature of the nation as a benevolent apostle of liberty and progress (p. 34).

The constitutional experiment in the Philippines and the effort to create a workable concept of religious liberty featured a variety of classical colonial tactics, from the deployment of government commissions to map the situation on the ground, to the signing of treaties with local leaders to lend an air of legitimacy to colonial rule. The most fascinating aspect of the narrative about the Philippines, however, is the influence of the strained relationship between Catholics and Protestants, both internally in the United States and externally in the US diplomatic relationship with the Vatican. These relationships were marred by suspicions and anxieties stretching back to the very self-understanding of American statehood being founded on religious dissent and a clear separation of church and state. This relationship and its influence on the interpretation and implementation of religious liberty at home and abroad has not been sufficiently researched in the literature, and Su should be commended for bringing attention to it. A chapter on the drafting of the religious freedom provisions in the Japanese constitution following World War II similarly brings out the utilitarian motivations of the United States acting as an occupier seeking its own interests in the creation of legal provisions for other nations. Unlike the Philippine example, however, Su seems more positive towards these provisions, as they provided Japanese people with a shield against government encroachments (p. 109).

In chapters documenting the roles of US presidents Woodrow Wilson and Franklin D. Roosevelt in securing legal guarantees for religious freedom after successive world wars, the narrative shifts gears, entering into near-biographical mode. Wilson and Roosevelt are portrayed through personal quotes from secretaries, wives, friends, and physicians, offering glimpses into their mindsets, Wilson playing the role of the idealist, Roosevelt the pragmatist. Unlike scholarship on the Filipino constitutional experiment, the literature on Wilson and Roosevelt and the role of the United States in the creation of the League of Nations and the United Nations is large and from a variety of different scholarly fields, and most of the information presented in these chapters has been chronicled in some way or form by others, although the influence of these presidents on religious freedom has so

far not received sufficient attention.

Among the more novel items is the claim in the chapter on Wilson that his attempts to remove religious strife and intolerance as sources of war in fact brought about the modern international legal regime on religious freedom (p. 37). While much of the chapter documents the missionary zeal of Wilson and his wish to create a new declaration of independence for the world (p. 42), the relationship between these visions and the modern international legal regime on religious freedom is not entirely clear. Su is certainly correct that the religious freedom provisions of the mandate system and the minority treaties helped an international legal regime for the protection of religious freedom emerge (p. 58). But this is not the same as claiming that Wilson's efforts brought about the modern international legal regime—if anything, the regulations securing the freedom of religion in the mandate system were primarily carried over to the UN Trusteeship Council, which under the UN Charter was given the responsibility to encourage respect for human rights in the territories under its mandate. While similarities of form can certainly be identified, there is no more evident causal relationship between the mandate and minority systems and the modern international legal regime than there is with the clauses in the 1885 Berlin Treaty, which also secured the freedom of religion, as Su points out.

Indeed, the very institutionalization of the mandate system and the minority treaties, both of which were furnished with rules of implementation, monitoring, and adjudication, are a far cry from the modern international legal regime, whose machinery of implementation only took its first, hesitant steps in the mid-1970s with the establishment of the UN Human Rights Committee, and still remains a largely voluntary mechanism whose monitoring bodies have no available sanctions or remedies. Arguably, the very lack of institutionalization is the *sine qua non* of the modern international legal regime on religious freedom, and can be seen as one of the primary engines of US and other states' willingness to promote this and other rights on their own.

The chapter on Roosevelt likewise features an unusual approach: in the annals of religious freedom scholarship, Eleanor Roosevelt usually plays a larger role than her husband due to her involvement in the negotiations leading up to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. For that reason, the inclusion of a substantial analysis of Franklin Roosevelt's approach to religious liberty is to be welcomed, not least

due to his decisive influence on the run-up to the inclusion of human rights in the UN Charter, without which the UDHR would never have seen the light of day. Su paints a rich picture of the negotiations leading up to the Dumbarton Oaks conference, pointing to the deployment of religious liberty throughout the public speeches and statements by Roosevelt as a strategic device to secure domestic support for his proposed United Nations (p. 64). Somewhat surprisingly, however, she contrasts his view of religious liberty as a core component of democratic order and a pillar of peace with the contemporary human right we know today (p. 62). Surely, few theorists of contemporary human rights would disagree that the protections of religious freedom and other rights as spelled out in international legal instruments are conducive to, if not indicative of good governance, the rule of law and the democratic order. In this particular respect, Roosevelt's pragmatism, under which the protection of religious freedom is viewed as a component of democracy, seems considerably more apt for our troubled times than the flaming idealism of Wilson.

The view of religious freedom as a key aspect of democracy also propelled the concept to center stage in the larger ideological battles of the Cold War, as one of the primary tools in the propaganda war between the United States and the Soviet Union. In what is arguably among the strongest and most incisive chapters in the book, Su chronicles the 1970s aftermath of President Harry Truman and his administration's carefully orchestrated and nurtured national moral and spiritual offensive against the Soviet Union, using religion as the main weapon begun in the late 1940s (p. 114). In this narrative, the passage of the Jackson-Vanik (JVA) amendment to the Trade Reform Act in 1974 and the adoption of the 1975 Helsinki Accords (HFA) are portrayed as symptoms of the official concerns for religious believers in the Soviet Union expressed by members of Congress dating back to the anticommunist crusades of the 1950s and 1960s.

Whereas the JVA introduced morality into foreign policy by making trade agreements conditional on the recognition of the right to emigrate, the HFA legitimized the idea that human rights were a matter of international concern. Both differed sharply with the official policy of *détente*, under which shared interests in trade and international security among the superpowers trumped ideological convictions and meddling in internal affairs. The HFA in particular has had a tremendous impact on the promotion of human rights beyond the confines of international treaties, as the adoption of the agreement

spawned the creation of international, domestic, and nonstate organizations dedicated to monitoring the implementation of its provisions. Major international human rights actors like Human Rights Watch, the Organization for Security and Co-operation in Europe (OSCE), and the handful of European Helsinki committees all trace their ancestry to the HFA.

The final chapter brings the narrative into our near-present, and explores the intertwinement of the adoption of the International Religious Freedom Act (IRFA) in 1998 and the 2004 Transitional Administrative Law (TAL) of Iraq, which set out to blend the principles of Islam and democracy with an explicit guarantee of freedom for all individuals to their own religious belief and practice (p. 137). Su is certainly right to conclude that the TAL represents one instance in which the old and new ways of promoting international religious freedom have come together, as it sought to sideline Islam to promote democracy while also inserting religious freedom provisions derived from international human rights treaties via IRFA (p. 157).

Chronicling the rise of IRFA, Su dismisses the charges made by critics of the act that unilateralism undermines international cooperation and that singling out specific rights creates an irrational hierarchy of rights (p. 147). Surprisingly, at least given the considerable ambiguities explored in earlier chapters, she observes that a unilateral approach, whether by imposition of sanctions or other means and if used properly, might aid the internalization of these norms by forcing political attention to it, and that the promotion of religious freedom can cultivate other freedoms like free speech and public assembly (p. 148).

It is certainly true at the structural level that neither unilateralism nor singular rights promotion in themselves are bound to fail, but the failure of the US Department of State to use the unilateral approach offered by IRFA properly against egregious violators of religious freedom like Saudi Arabia has been repeatedly decried even by the most enthusiastic sponsors of the bill. Similarly, the definition of religious freedom in IRFA article 2(a)(3) specifically leaves out the limiting clauses of the International Covenant on Civil and Political Rights (ICCPR) article 18(3), under which the freedom of religion or belief can be subject to limitations that are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.^[1] While this omission removes the crucial balancing act required for the right to engage construc-

tively with other rights, article 3(11) of IRFA expands the remit of religious freedom violations considerably, as it identifies egregious rights violations like torture, detention, enforced disappearances, and the denial of the right to life, liberty, and security as âparticularly severe violations of religious freedom.â[2] This view is at odds with most international monitoring bodies, which would tend to see these violations primarily as particularly severe violations of the rights in themselves, regardless of religious identities or points of view.

It is also surprising that the more conceptually oriented criticism leveled against religious freedom, IRFA, and related initiatives briefly touched upon in the introduction to the book are not addressed more explicitly in this chapter. While unilateralism and rights hierarchies are certainly important misgivings against any act of rights promotion, the epistemological, historical, political, cultural, and legal challenges of promoting religious freedom abroad can hardly be overestimated. In no small measure, this is due to the ambiguity and ambivalence of the term and concept of religion: within the academy, the search for a unifying concept of religion has long since been abandoned by most scholarly communities, which have settled for more situational and contextually sensitive approaches under which the exact determination of the term varies with the contextual constraints of different settings, historical experiences, and rights discourses.

Transposed to the monitoring of religious freedom, these contextual constraints practically invalidate unified views of what the right may or may not cover, the means by which it is violated, and the remedies most pertinent to put a stop to them. Even the United States and numerous European states, which are more often than not aligned in their views of human rights, tend to

disagree on the proper borders between exemptions for religious communities and the scope of antidiscrimination laws. The development of the âmargin of appreciationâ doctrine of the European Court of Human Rights in its religious freedom jurisprudence is another example of the tremendous contextual constraints of litigating on religion; the tortured, consensual language of the Human Rights Committeeâs General Comment no. 22 (1993) on the interpretation of article 18 of the ICCPR, under which both state-church arrangements and blasphemy laws were tacitly accepted, yet another. The very ambiguity of religion as a concept, a social identity, a set of beliefs, and an institutional reality create specific problems with the promotion of religious freedom by singular states that are not easily overcome.

Taken together, the six chapters in *Exporting Freedom: Religious Liberty and American Power* present an intriguing account of how and why US politicians have sought to promote religious liberty abroad, offering fresh perspectives on processes that have not been properly addressed in the scholarly literature on religious freedom. However, although I agree with Su that the slow realization of religious freedom should be built on âcontinuing deliberation, contestation, and mutual recognitionâ (p. 162), I am not entirely convinced that the state-driven promotion of singular rights is the best way to achieve these objectives.

Notes

[1]. <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>.

[2]. <http://www.state.gov/documents/organization/2297.pdf>.

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