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Book Review



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Abstract

The international media is saturated with stories of religious violence and persecution—particularly in the Middle East. The United States has been engaged in an ongoing battle to combat this violence around the globe, often in the name of ‘religious freedom.’ The concept of religious freedom is typically portrayed as an unalloyed good—an aspiration and ideal that the international community should strive towards. Following the passing of the International Religious Freedom Act of 1998, the United States established an Office of International Religious Freedom. Canada established a similar version with its own Office of Religious Freedom in 2013. In her provocative book, *Beyond Religious Freedom: The New Global Politics of Religion*, Elizabeth Shakman Hurd critically examines the pursuit of religious freedom as an intrinsic good. Contrary to the prevailing narrative, Shakman Hurd provides a critique of government-led programs and policies that promote religious freedom abroad. She illustrates some of the deeply problematic consequences that occur when religious freedom is used as a tool of foreign policy, and when complex issues are defined solely in terms of religious rights and freedoms.

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Book Review

***Beyond Religious Freedom: The New Global Politics of Religion*, by Elizabeth Shakman Hurd¹**RACHEL DEVON²

THE INTERNATIONAL MEDIA IS SATURATED with stories of religious violence and persecution—particularly in the Middle East. The United States has been engaged in an ongoing battle to combat this violence around the globe, often in the name of ‘religious freedom.’ The concept of religious freedom is typically portrayed as an unalloyed good—an aspiration and ideal that the international community should strive towards. Following the passing of the *International Religious Freedom Act of 1998*, the United States established an Office of International Religious Freedom.³ Canada established a similar version with its own Office of Religious Freedom in 2013.⁴ In her provocative book, *Beyond Religious Freedom: The New Global Politics of Religion*, Elizabeth Shakman Hurd critically examines the pursuit of religious freedom as an intrinsic good. Contrary to the prevailing narrative, Shakman Hurd provides a critique of government-led programs and policies that promote religious freedom abroad. She illustrates some of the deeply

1. (Princeton, NJ: Princeton University Press, 2015).
2. Rachel Devon graduated from Osgoode Hall Law School in 2017 and is currently articling at Fasken Martineau DuMoulin LLP. She is a former Senior Editor of the Osgoode Hall Law Journal.
3. See Shakman Hurd, *supra* note 1 at 37.
4. This office has since been converted to one with a broader mandate—the Office of Human Rights, Freedoms and Inclusion. See “Religious freedom office replaced with new ‘office of human rights,’” *CBC News* (18 May 2016), online: <www.cbc.ca/news/politics/religious-freedom-bennett-dion-human-rights-1.3587518>.

problematic consequences that occur when religious freedom is used as a tool of foreign policy, and when complex issues are defined solely in terms of religious rights and freedoms.

Shakman Hurd begins on a cautionary note. She argues against attempts to posit religion as a stable category driving the creation of foreign policy, the pursuit of rights advocacy, and international governance. She suggests that “[t]o rely uncritically on ‘religion’ as an object of law and policy, whether domestically or internationally, exacerbates the very problems that many modern attempts to govern deliberatively and democratically have sought to manage or resolve.”⁵ In making this argument, she distinguishes between expert religion, official religion, and lived religion. She describes expert religion as religion defined by those who generate policy-relevant knowledge, such as scholars and policy experts.⁶ In contrast to expert religion, lived religion is religion as practiced by ordinary people; this category captures practices that “fall outside the confines of religion as construed for purposes of law and governance.”⁷ Finally, she describes official religion (or governing religion) as religion defined for the purposes of law and government—religion that is privileged through advocacy for international religious freedom.⁸ In this sense, official religion necessitates clear policy choices about what does or does not count as religion.

After setting up this conceptual framework for analysis in chapter one, Shakman Hurd then invokes case studies of so-called religious minorities around the globe to illustrate prevailing narratives about the pursuit of religious freedom. It is the seamless integration of theory with real-world case studies that makes Shakman Hurd’s book so effective. While each chapter includes a theoretical or philosophical argument regarding the problems inherent in relying on religion as a stable category of foreign policy, the case studies bring her arguments to life, making them easy to understand. She discusses the Sahrawi refugees fleeing Moroccan forces, the Rohingya in Myanmar, and the Alevis in Turkey, as just a few examples. Drawing on case studies from these lesser-known groups makes Shakman Hurd’s work particularly engaging.

Shakman Hurd describes a discourse she calls the “two faces of faith” which she argues “shapes the contemporary global governance of religious diversity.”⁹ She suggests that experts typically speak of religion as having “two faces”—meaning

5. Shakman Hurd, *supra* note 1 at 122.

6. See *ibid* at 9-12.

7. *Ibid* at 13.

8. See *ibid* at 15-16.

9. See *ibid* at 22.

religion appears both as a problem and as its own solution. On the one hand, there is “bad religion”: religion that requires discipline and surveillance.¹⁰ On the other hand, there is “good religion”: religion that promotes an international public good, such as through humanitarian relief efforts.¹¹ Shakman Hurd invokes the example of the Sahrawi refugees fleeing Moroccan forces to explain how this discourse manifests in practice.

Shakman Hurd ultimately suggests that governing social difference through religious rights and freedom serves to reduce “complex social, historical, and political histories and inequalities to a problem of religion,” while deflecting tension away from other sources of exclusion such as class, colonial history, economic justice, and land rights.¹² In making this argument, she invokes the example of the Rohingya people, typically labelled by international commentators as a “persecuted Muslim minority.”¹³ She argues that the marginalization of the Rohingya cannot be reduced to religion; that to classify the Rohingya as a persecuted religious minority is to single out religious identity from a number of other discriminatory forces at play.¹⁴ Singling out religious difference as the sole motivator of the violence “misrepresents the complexity of the situation and deflects attention away from the Rohingya’s comprehensive exclusion from Burmese state and society historically and in the present.”¹⁵ Drawing on the example of the K’iche’—a Maya ethnic group living in Guatemala¹⁶—Shakman Hurd further argues that the logic of religious rights renders politically invisible less established religions and other modes of belonging that do not count as ‘religious.’¹⁷ Finally, she takes issue with the fact that contemporary religious freedom advocacy emphasizes *belief* as the core of religion, because this reflects a particular understanding of religion that is not universal.¹⁸ The basic argument of this chapter of the book is that “[g]overning difference through religious rights and freedoms authorizes particular understandings of what it means to be religious, and what it means for religion to be free.”¹⁹

10. See *ibid* at 23.

11. See *ibid* at 24-25.

12. *Ibid* at 42.

13. *Ibid* at 43.

14. See *ibid* at 46.

15. *Ibid*.

16. See *ibid* at 50.

17. See *ibid* at 49-50.

18. See *ibid* at 40.

19. *Ibid* at 64.

She then explores and critiques the politics of US foreign religious engagement projects—religious reform projects that instruct individuals and groups abroad how to ‘be free.’ She describes how American foreign relations have been characterized by attempts to cultivate forms of religiosity in other countries, although tellingly only those aligning with American strategic interests.²⁰ This is problematic, according to Shakman Hurd, because it puts the onus on government to define who is religious and who is not, what counts as religious authority, and which religions are legitimate enough for engagement.²¹ Further, she is concerned by such government-sponsored religious outreach and suggests that “[t]he religions of the majority, the politically powerful, or those sympathetic to US political and strategic interests” are the ones that attract support.²² While this paints a somewhat bleak account of foreign religious freedom projects led by the United States, it also portrays a powerful and important counter-narrative to the notion of religious engagement as purely altruistic.

In chapter five, Shakman Hurd explores the implications of labelling certain groups as religious minorities in need of legal protection. In the case of the Alevi, she argues that such an approach “obscures a broader field of lived cultural and religious practices and traditions that are associated with Alevism, downplays the cross-cutting ties and affiliations between Alevi and non-Alevi communities, and reinforces the exclusionary connection forged by the Turkish state between governed Sunni Islam and Turkish nationalism.”²³

Her arguments are summarized in the final chapter. Overall, the resounding message from the book is that religion is not a stable category from which to create foreign policy and to govern internationally. She contends that such an approach risks “exacerbating the social tensions, forms of discrimination, and inter-communal discord that [it] claim[s] to be uniquely equipped to transcend.”²⁴

Shakman Hurd’s overall argument is compelling. However, her critique of the pursuit of religious freedom as an intrinsic good can be, at times, both overly simplistic and harsh. First, while it is true that religions are not homogenous, this does not mean that religion is never a category of exclusion or that persecution does not occur on religious grounds. While defining persecution in religious terms may obscure other forms of discrimination, certain groups may not have any other means of claiming rights protection other than on the grounds of

20. See *ibid* at 71.

21. See *ibid* at 67.

22. *Ibid* at 82.

23. *Ibid* at 96.

24. *Ibid* at 64.

religion. Perhaps then, Shakman Hurd may be too harsh in suggesting that the global pursuit of religious freedom is fundamentally misguided. Second, her critique of using the category of religion as a basis from which to conduct foreign policy, because of its inherent internal divisions and dissent, is overly simplistic. Applying that same line of argument, other categories of belonging such as geography, ethnicity, and race appear equally complicated and ill suited as a basis for the creation of foreign policy. Despite diversity within religions, religion is often the primary category in which groups understand and define themselves. If that is the case, why should religion not be viewed as an appropriate category of political analysis and foreign relations? In this respect, Shakman Hurd's analysis provokes the reader to think critically about what categories of belonging, if any, can be used to categorize, motivate, and drive foreign policy.

Overall, Shakman Hurd's book is engaging and well argued. As a critical and thought-provoking piece, *Beyond Religious Freedom* leaves the reader questioning the prevailing narrative of the pursuit of religious freedom as an intrinsic good. This book is particularly timely for Canadian readers given that in 2016, Canada's Office of Religious Freedom was replaced with an office focused more broadly on human rights. Stéphane Dion, Canada's former Minister of Foreign Affairs, stated that "it was a 'mistake' to 'isolate' freedom of religion from Canada's broader human rights efforts," since "inclusion includes freedom of religion with other aspects of our society. Pluralism. Rights of women. Rights of refugees."²⁵ This broadening of focus seems to reflect Shakman Hurd's underlying concern regarding the instability of religion as the basis of legal protection. It demonstrates, as Shakman Hurd makes so powerfully clear, that religion is deeply embedded in politics and history—rather than standing apart from it.

25. Lee Berthiaume, "Liberals' replacement for Office of Religious Freedom will promote broader range of rights," *National Post* (17 May 2016), online: <nationalpost.com/news/politics/liberals-replacement-for-office-of-religious-freedom-will-promote-broader-range-of-rights>.