

International Law as Evangelism

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I INTRODUCTION: “A BARGAIN ABOUT GOD AND NATURE”

This chapter suggests that the rise of the UN’s development and human rights regimes share many parallels with the development of American Christianity, especially after the Evangelical pivot away from the Social Gospel after World War II. In exploring the many intersections of post–World War II internationalism and Evangelicalism, it suggests that the rise of certain UN values should be considered at least partly an expression of law as religion. That is, some international law is sanctified as universal truth, or presented as a “savior,” while some political speeches can be considered secularized versions of the American Evangelical take on Jesus’s call to “go and make disciples of all nations.”

In broad strokes, the chapter explores the influence of a distinct form of American Evangelicalism, which took form during the century before the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 but which overtook Mainline Protestantism in America as the dominant “political theology” after World War II.¹ At the same time as the UN human rights mission floundered during the Cold War,² Evangelicalism became a dominant force first in the ideological outlook of many Americans and then in the American political sphere.³ The UN turned its focus to Bretton Woods progeny, adopting and promoting a new

¹ Accounts of this are provided in various forms by, inter alia, MATTHEW AVERY SUTTON, *AMERICAN APOCALYPSE: A HISTORY OF MODERN EVANGELICALISM* (2014); ERNEST R. SANDEEN, *THE ROOTS OF FUNDAMENTALISM: BRITISH AND AMERICAN MILLENARIANISM, 1800–1930* (1970); GEORGE M. MARSDEN, *FUNDAMENTALISM AND AMERICAN CULTURE* (2006); ADAM LAATS, *FUNDAMENTALISM AND EDUCATION IN THE SCOPES ERA: GOD, DARWIN, AND THE ROOTS OF AMERICA’S CULTURE WARS* (2010); STEPHEN SPECTOR, *EVANGELICALS AND ISRAEL: THE STORY OF AMERICAN CHRISTIAN ZIONISM* (2008); MARK HUTCHINSON & JOHN WOLFFE, *A SHORT HISTORY OF GLOBAL EVANGELICALISM* (2012); RANDALL BALMER & LAUREN F. WINNER, *PROTESTANTISM IN AMERICA* (2002); RUSSELL SANDBERG, *LAW AND RELIGION* (2012); RELIGIOUS RULES, STATE LAW, AND NORMATIVE PLURALISM: A COMPARATIVE OVERVIEW (Rosetta Bottoni, Renaldo Cristofori, and Silvio Ferrari eds., 2016).

² See MICHAEL IGNATIEFF, *AMERICAN EXCEPTIONALISM AND HUMAN RIGHTS* (2005); see also JOHANNES MORSINK, *THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ORIGINS, DRAFTING, AND INTENT* (1999).

³ See SUTTON, *supra* note 1.

universalist mission: “development.” While this mission began as an inwardly focused European project, it grew, especially during the years following the Cold War, into an outwardly focused extra-Western mission with goals now described as “inextricably linked” to those of human rights.⁴ In parallel, and especially after the Cold War, Evangelicals embraced a new globalism that saw greater engagement with international development as a means to maximize individual impact, both for the evangelizer and for the evangelized.⁵

While “development” in law describes an economic process that is dependent upon the external condition of capitalism,⁶ “development” as a concept has long been associated with “natural” processes, as inevitable as the passage of time.⁷ While philosophers David Hume and Adam Ferguson contested the idea that “development” could ever be understood as “continuous growth” – they were both writing in some form on the inevitable decline of nations⁸ – it was their contemporary Adam Smith who carried the day. Smith’s descriptions of capital economics are well known: an inevitable force, an “invisible hand” guiding the “progress of opulence,” the “necessity” of which is imposed by the “natural . . . order of things.”⁹ Indeed, the voices comprising the dominant philosophy of the West, and the founding texts of economics as a discipline, presented “development” not as a *choice* but as a *necessity*.¹⁰ American Evangelicals have a similar understanding of the progression of history.¹¹

Like “development,” the Universal Declaration is infused with beliefs that human rights are “natural,” necessary, and just. Specifically, that document articulates rights as if their validity for anyone depends upon their validity for everyone. Many of these rights are presented as innate; all are presented as universal. Perhaps because of this, even some prominent lawyers assume the ratification of the UDHR had some form of universal consent at its genesis.¹² But this has never been the case. The UDHR very much reflects American, Christian, and Evangelical values. At the very least, it presupposes a natural law formulation that sanctifies the

⁴ European Commission on Democracy and Human Rights, EIDHR, Mission Statement, www.eidhr.eu/democracy-human-rights-development (last accessed April 24, 2017).

⁵ MELANI MCALISTER, *THE KINGDOM OF GOD HAS NO BORDERS: A GLOBAL HISTORY OF AMERICAN EVANGELICALS* (2018).

⁶ The economic concept of “development” is one that strives toward “convergence” regarding several criteria, including education, per capita spending power, GDP, etc. The project of “convergence” assumes a capitalist market economy.

⁷ See e.g. CHARLES DARWIN, *ON THE ORIGIN OF SPECIES* (1859).

⁸ GILBERT RIST, *THE HISTORY OF DEVELOPMENT* (1997).

⁹ See ADAM SMITH, *THE WEALTH OF NATIONS* (1776).

¹⁰ See e.g. *id.*

¹¹ To dispensational protestants, history progresses in a series of predetermined stages, as revealed by *Revelation* 20 and 21, and other biblical passages.

¹² Comment based on a public speech delivered by Supreme Court of Canada Judge Rosalie Abella at the Conference on Constitutional Adjudication: Between “Pluralism” and “Unity,” Luiss University, Rome (May 6, 2017). Abella made reference to the universal consensus that “we” had regarding human rights in the decades following World War II.

mere status of “humanity.”¹³ Adjectives such as “inherent,” “inalienable,” and verbs such as “born” are used throughout the Declaration in alluding to the source of the rights it enshrines.¹⁴ The UDHR also speaks of “the fundamental attributes of the individual” and the “essential rights of man,” and while the lawyers who crafted the final draft went to great lengths to avoid references to “God” as “Nature” in the text, there was one exception in the Preamble’s assertion that people are “by nature endowed with reason and conscience.”¹⁵ The essential idea is that rights are derived from the virtue of being human, to be recognized rather than created by humans and human institutions. On this view, sovereignty is likewise rooted in the individual rather than the group.

But these conceptions of human rights are far from necessary. This was obvious at the outset in many ways. For example, not a single Communist nation voted to approve the language in the finalized draft, primarily based on objections that the draft improperly conceptualized the relationship of the individual to the State.¹⁶ The draft assumed in many instances that individual rights were more important than group rights.¹⁷ Had the six Marxist states entered a “no” vote, the draft would not have become enshrined as the document we read today,¹⁸ but these states, along with South Africa (abstaining due to continued apartheid) and Saudi Arabia (abstaining due to objections about family rights) – took the abstention role as an act of diplomacy; one that would allow the draft to move forward without indicating the complicity of abstaining states.¹⁹ This symbolically if not procedurally undermined the UDHR’s universalist claims at its very genesis: it suggested that the document was ideologically unsound or immature.²⁰

While some might dismiss the idea that Christianity infused the UDHR by pointing to the diversity of its drafters,²¹ that dismissal would ignore the fact that all three ideological authors – including the predominant two²² – spent their entire

¹³ Michael Ignatieff describes this process in his Tanner Lectures delivered at Human Rights as Politics, Human Rights as Idolatry, Princeton University Center for Human Values (April 4–7, 2000).

¹⁴ Art. 1–8, Universal Declaration of Human Rights (December 10, 1948); see also MORSINK, *supra* note 2, ch. 8.

¹⁵ UDHR, Preamble.

¹⁶ The lack of “true” universality regarding competing views of the appropriate conceptualization of group versus individual rights was also evident in contemporary human rights related debates regarding how to frame the crimes charged at Nuremberg, for example, in Lauterpacht’s emphasis on protecting the individual through the crime against humanity of “mass murder” versus Lemkin’s emphasis on creating the elevated crime of genocide to encapsulate the moral weight of targeting a “group” as more severe than merely targeting a large number of individuals.

¹⁷ MORSINK, *supra* note 2.

¹⁸ Unanimous ratification was a precondition to the legitimacy of its “universal” claim, so by abstaining rather than dissenting, the abstaining parties allowed the voting parties to proceed with a claim of unanimity. See *id.*

¹⁹ See *id.*

²⁰ IGNATIEFF, *supra* note 2.

²¹ See e.g. MARY ANN GLENDON, *THE FORUM AND THE TOWER: HOW SCHOLARS AND POLITICIANS HAVE IMAGINED THE WORLD FROM PLATO TO ELEANOR ROOSEVELT* (2011).

²² Although Eleanor Roosevelt was present for the discussions, by her own journal accounts and counter to popular American myth, she did not participate as the discussion of the “two learned gentlemen”

adult lives seeped in American Christian ideology. One was an American Christian, one passionately embraced Evangelicalism, and the two non-Americans had spent most of their adult lives in the USA and had received their prolonged higher educations from American universities.²³ While Peng Chun Chang spent the vast majority of his formative years and adult life in the USA eventually receiving a PhD from Columbia, Charles Malik since boyhood attended evangelical schools founded by US missionaries in Lebanon, eventually attending the American University in Cairo and earning a PhD from Harvard. If Malik had his way, the UDHR would make direct reference to “God,” but he settled for an expression of the “God”-assumption in the idea of “inherent” rights – a hard-fought concession according to the record.²⁴ Later in life, in an essay honoring then-famous televangelist Billy Graham published in the *Journal of the Evangelical Theological Society*, Malik declared that “the Bible is the source of every good thought and impulse I have,” and expressed an apocalyptic longing for Jesus to “return and judge the living and the dead.”²⁵ Back in 1948, Chang was able to curtail Malik’s fervor with quotes from Confucius as the two pinpointed “universal” truths for the UDHR.²⁶

In the place of “God and Nature,” the UDHR enshrines beliefs about the individual that carry elements of both “God and Nature.” The human is “God”-like because human rights elevate humanity above all else; the planet and all other species are functional instruments over which the human has domain. The human is also “Nature” because the UDHR’s rights come not from creation or cognition but from mere existence. The element of “nature” is especially important to the present role of the UN’s development mission because, as already noted, the concept of development itself is often assumed to be a necessary, inevitable occurrence.²⁷

The year following the adoption of the UDHR saw President Truman’s now infamous Point Four 1949 Inaugural Speech,²⁸ which encouraged a new globalist

quickly went over her head. See *id.* The drafting committee, distilled from eighteen discussants, consisted of Eleanor Roosevelt, Peng Chun Chang, and Charles Malik. The actual drafting was largely the handiwork of Canadian lawyer John Humphrey, with a few slight revisions from French lawyer René Cassin. See IGNATIEFF, *supra* note 2.

²³ This was true of both Peng Chun Chang and Charles Malik. While Chang was a committed Humanist, Malik published an account of his evangelical beliefs regarding God’s call to Americans: Charles H. Malik, *The Two Tasks*, 23 J. EVANG. THEOL. SOC. 289 (1980).

²⁴ MORSINK, *supra* note 2, at 284.

²⁵ Malik, *supra* note 23, at 290.

²⁶ See ELEANOR ROOSEVELT, *ON MY OWN* 77 (1958).

²⁷ See Kevin Crow, *The Concept of “Development” in International Economic Law: Three Definitions and an Inquiry into Origin*, 14 MANCHESTER J. INT’L ECON. L. 148 (2017).

²⁸ The full text of Truman’s Point Four is as follows: “[W]e must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas. More than half the people of the world are living in conditions approaching misery. Their food is inadequate. They are victims of disease. Their economic life is primitive and stagnant. Their poverty is a handicap and a threat both to them and to more prosperous areas. For the first time in history, humanity possesses the knowledge and skill to relieve suffering of these people. The United States is pre-eminent among nations in the development of industrial and

development mission. His speech came at the same time as Cold War tensions or ideological prematurity froze out human rights – the UN’s original *raison d’être*.²⁹ Point Four’s mission is exemplary of American Exceptionalism. Here, I suggest that it parallels Evangelicalism in ways that are immediately striking. First, it recalls the desperate straits – the horror of hunger and want – in which more than half the world’s population live (the “unsaved” other). Second, it presents the good news (gospel) that, “for the first time in history,” (a singularity, a Messianic notion) an answer is at hand that will bring happiness and make it possible for lives to be transformed. Third, this will not come to pass without agency: energies must be mobilized to produce more, to invest, to work, to expand trade. Finally, in the end, if the chance is seized and people agree to the efforts required, an era of happiness, peace, and prosperity will dawn from which everyone stands to benefit. This cluster of ideas can also be viewed as an expression of quasi-religious faith in American approaches to social and economic governance – as a call for *International Law as Evangelism*.³⁰

The speech can be more critically viewed as replacing the English colonial language of the “white man’s burden” to “civilize the savages” with a triumphalist “responsibility” to bring “democracy” and “rule of law” to “underdeveloped nations.”³¹ At the same time as the UN’s primary mission morphed from human rights to development, the organization turned increasingly to NGOs that were already engaged in the international proliferation of projects like education, poverty-reduction, and what would today be known as “capacity building.”³² Initially, the biggest of these were missionary organizations, responding to Jesus’s command – “go and make disciples of all nations” – long before the UN was hatched, and boasting global networks that the UN hoped to mobilize.³³ While many of the largest of this first wave had Catholic and Protestant roots, by the time the “third wave” of Christianity began to emerge in “developing” nations in the 1980s,³⁴ most of these

scientific techniques. The material resources which we can afford to use for assistance of other peoples are limited. But our imponderable resources in technical knowledge are constantly growing and are inexhaustible.” President Harry S. Truman’s Inaugural Address of January 20, 1949, in DEPARTMENT OF STATE BULLETIN, January 30, 1949, p. 123.

²⁹ See UN Charter, Preamble.

³⁰ I use the term “evangelism” rather than “evangelicalism” for the title of this chapter because “evangelism” more directly describes a behavior or way of thinking about law that is facilitated by the UDHR and the BWIs, whereas Evangelicalism refers to a more specific ideology.

³¹ For a general overview of criticisms in this vein, see MARITTI KOSKENNIEMI, *THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW: 1870–1960* (2004); also compare IGNATIEFF, *supra* note 2, with SAMUEL MOYN, *THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY* (2010); see also SAMUEL MOYN, *CHRISTIAN HUMAN RIGHTS* (2015).

³² For a recent, controversial, and likely now defunct articulation of the American concept of “capacity building,” see the Trans-Pacific Partnership’s Chapter of the same name. Before its demise on the first day of Donald Trump’s Presidency in 2017, the TPP was the largest proposed free trade agreement ever to include both “developed” and “developing” countries.

³³ E.g., Catholic NGOs such as the Salvation Army and the International Committee of the Red Cross. There were also evangelical networks such as the Young Men’s Christian Association (YMCA) and others.

³⁴ Katharina Hofer, *The Role of Evangelical NGOs in International Development: A Comparative Case Study of Kenya and Uganda*, 38, 3 *AFRICAN SPECTRUM* 375 (2003).

organizations had largely secularized their international activities, sometimes as a precondition for UN funding.³⁵ However, in executing UN development initiatives – a task that has fallen exponentially to NGOs since the conclusion of the Cold War³⁶ – these NGOs gained increasing ability to set preconditions for international assistance both through global prominence and through “consultant” status.³⁷

In painting a picture of international human rights and development law as Evangelism, this Chapter proceeds in broad strokes. This is somewhat of a necessity for the chapter’s aim; volumes would be needed to explore each of the movements it references in full. The chapter also makes no claims about the specific mindsets of individuals working within the organizations or agencies mentioned; it is rather analyzing the social movements that produced and reshaped human rights and development during the immediate post–World War II moment to the present day. Thus, in broad strokes, the following sections will map the departure of dominant Christian ideology from mainline “Social Gospel” Protestantism to an increasingly political form of Evangelicalism after World War II (Section II); the Evangelical globalism that emerged from Jesus’s call to “make disciples of all nations” and its parallels in the Bretton Woods and outgrowths of Truman’s Point Four vision of “development” (Section III); interactions between Evangelical organizations and parallels to Evangelical thought as the UN shifted its focus from human rights to development (Section IV); and some concluding remarks on how international lawyers might – given the existence of a good dose of Abrahamic (if not Christian) ideological infusion in UN institutions – (re)imagine how international law might respect multiple ideologies at the same time (Section V).

II FROM “SOCIAL GOSPEL” TO EVANGELICALISM

Postmillennialism and Premillennialism describe differing doctrinal beliefs regarding the present stage of human history as it relates to the apocalyptic prophecies of the Book of Revelation in the Protestant Bible. Postmillennialists interpret Revelation Chapter 20 as a promise that Jesus Christ’s “second coming” will occur *after* a period of 1,000 years during which Christian ethics will globally thrive.³⁸ Postmillennialists hold that, prior to this Christian Millennium, the church is equipped with the teachings and gospel of Jesus and charged with a Great Commission to “go and make disciples of all nations . . . teaching them to obey everything I have commanded you.”³⁹ Once the Church has executed this work, the doctrine holds, the Christian Millennium will commence, and only after the

³⁵ See *id.*; see also KAMARI MAXINE CLARKE, *FICIONS OF JUSTICE: THE INTERNATIONAL CRIMINAL COURT AND THE CHALLENGE OF LEGAL PLURALISM IN SUB-SAHARAN AFRICA* (2009).

³⁶ *Id.*

³⁷ See *id.*; see also IGNATIEFF, *supra* note 2.

³⁸ See *e.g.* SUTTON and other sources cited *supra* note 1.

³⁹ *Matthew* 28:19 (New International Version).

conclusion of that Millennium will Jesus's physical return to Earth occur.⁴⁰ Between the American Revolution and the American Civil War (1776–1861), Postmillennialism was by far the prevalent doctrine amongst American Protestants. In the decades following the Civil War, Postmillennialists began to take less seriously the supernatural elements of their religious belief. Influential theologians, such as William Newton Clarke, found that the Bible was not “infallible and supernatural” but rather a “natural and normal” ethical guide to inform our behavior here on earth.⁴¹ The Kingdom of Heaven was not otherworldly, but a description of ideals for this world; it was not external but internal.⁴² On this view, Christians had a duty to ensure that social and economic systems responded to the call in Jesus's Matthew 6:10 prayer: “Thy Kingdom come. Thy will be done, on earth as it is in heaven.”⁴³ This was the Social Gospel: a belief that humans had a duty to create heaven-like conditions on earth coupled with a belief that the end of the world was nowhere in sight. Thinking along these lines dominated “mainline” Protestantism in America from roughly the 1880s until the 1930s.

By contrast, Premillennialists believe that the physical coming of Jesus will occur *prior* to the 1000-year Christian Millennium, and that followers of Jesus will ascend into heaven at that time by means of Rapture.⁴⁴ The dominant American Pre-Millennialist school is known as “Dispensationalism.” Dispensationalists hold that, after the Rapture, there is a seven-year period of “tribulation” after which Jesus will return again with his saints (this is based on an equation derived from Revelation 20 and 21). After this return, the Christian Millennium will begin.⁴⁵ The distinctive feature in the theology of Dispensationalism is the belief that history is divided into several sections, each exhibiting the same characteristics: God reveals himself to humanity, humanity is asked to obey, humanity fails to obey, God judges humanity and introduces a new period of probation. (Adam's fall, Noah's Ark, Abraham's calling, Moses's exodus, Christ's birth, the current age of the church.⁴⁶) Dispensationalists believe the earth is currently nearing the end of the 1000-year Rapture-inducing period of sin. Scholars in many fields have offered accounts of how this mindset affects the individual's relationship to the earth, the individual's relationship to society, and the individual's relationship to other

⁴⁰ See e.g. SUTTON and other sources cited *supra* note 1.

⁴¹ E.g. *id.*

⁴² E.g. BALMER & WINNER, *supra* note 1.

⁴³ *Matthew* 6:10 (King James).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ “And I saw thrones, and they sat upon them, and judgment was given unto them: and I saw the souls of them that were beheaded for the witness of Jesus, and for the word of God, and which had not worshipped the beast, neither his image, neither had received his mark upon their foreheads, or in their hands; and they lived and reigned with Christ a thousand years. But the rest of the dead lived not again until the thousand years were finished. This is the first resurrection. Blessed and holy is he that hath part in the first resurrection: on such the second death hath no power, but they shall be priests of God and of Christ, and shall reign with him a thousand years.” *Revelation* 20:4–6 (King James).

individuals.⁴⁷ Some have noted that Premillennialism absolves its adherents of a strong sense of responsibility for social amelioration. Others have noted that, if the earth is “fallen” and social evils are the result of the devil’s influence, rather than focus on bringing about social conditions that allow individuals to realize God’s kingdom on earth, the more essential project is to prepare oneself and others for heaven. This is where Evangelicalism finds its primary orientation.⁴⁸

The causes of Evangelicalism’s rise to prominence since World War II are obviously manifold; too vast to explore in great detail here. But some economic perspectives, particularly from Barro and McCleary,⁴⁹ note that it is not the particular sect or interpretation that boosts social appeal so much as the *sincerity* of belief in faith and religion. The economist’s view suggests that greater diversity in the supply of religions combined with religion’s exposure to America’s “sink or swim” capital markets led to a Christianity of increased “quality” to seize market share (if quality is measured through a religion’s ability to secure capital from its followers).⁵⁰ Where quality is determined by devotion, although it is difficult to accurately measure “sincerity,” American Evangelicals appear unique in the *type* of religious sincerity they hold as compared to other predominantly Protestant cultures.⁵¹ In other fields, some suggest that, as the First World War claimed millions of lives from 1914–19 and as the Great Depression set in after 1929, the Premillennial message of impending doom became more palatable to a population living on the fringes of death and economic ruin.⁵² Still others suggest that a sincere belief in the merits of the Free Market rendered Premillennial theology’s “fallen world” doctrines a plausible explanation for the failures of *laissez faire* Capitalism.⁵³ At least one common thread that runs throughout the explanations for Evangelicalism’s rise is the observation that a cultural majority in America sought some form of “light in the darkness”: an interpretation of scripture that could not only inspire sincerity on a personal level, but also explain the inconsistency of war and economic depression with the belief that Godliness and Capitalism brought peace and prosperity.⁵⁴

Whatever spurred its rise, this “light in the darkness” ideal kept Evangelicals largely apolitical until after World War II. For the first half of the 1900s, Evangelicals rejected the political process as a component of “modernity,” bent on reinterpreting God’s word to cater to the lax moral standards of a corrupted society.⁵⁵ One influential scholar describes early Evangelicals as a “loose, diverse, and changing federation of

⁴⁷ See *supra* note 1.

⁴⁸ See SUTTON, MARSDEN, SANDEEN, BALMER & WINNER, all *supra* note 1.

⁴⁹ Robert Barro & Rachel McCleary, *Religion and Economic Growth* (Nat’l Bureau of Econ. Rsch., Working Paper No. 9682, 2003), https://scholar.harvard.edu/files/barro/files/religion_and_economic_growth_2003.pdf (accessed May 12, 2017).

⁵⁰ *Id.*

⁵¹ See especially SANDEEN, MARSDEN, and SUTTON, *supra* note 1.

⁵² See BALMER & WINNER, *supra* note 1.

⁵³ See MARSDEN, *supra* note 1.

⁵⁴ Sutton emphasizes this narrative.

⁵⁵ See MARSDEN, *supra* note 1.

cobelligerents united by their fierce opposition to modernist attempts to bring Christianity into line with modern thought.”⁵⁶ Evangelicalism certainly had intellectual foundations, but it was also reactionary, suspicious of institutions as corruptors of the faith.⁵⁷ In the mid-1920s until the 1950s, the drive to keep Christianity “pure” created a situation in which Evangelicals were “determinedly sectarian and isolated from the American cultural mainstream.”⁵⁸ The exclusion from politics was a voluntary, even doctrinal, component of the belief.

In many ways, Harold Ockenga led the charge of Evangelicalism’s new political engagement. Long before Richard Nixon spoke of the “silent majority” in the early 1970s, Harold Ockenga spoke of the “unvoiced multitudes.”⁵⁹ He viewed FDR’s inaction on sexual licentiousness and Eleanor’s support of interracial marriage as a sign that it was time to “clean house at Washington” (a slogan not unlike Trump’s “drain the swamp”).⁶⁰ This thread was picked up by Jerry Falwell, Billy Graham, and eventually Ronald Reagan, all three of whom spoke of the “moral majority.”⁶¹ Falwell and Graham both eventually held official positions as “spiritual advisors” to presidents – Graham was advisor to Nixon, Bush, Reagan, and Clinton. Ockenga, Falwell, Graham, and Fuller formed the National Association of Evangelicals (NAE) in 1942, and over the next fifteen years, this organization crafted “a culturally savvy, professional Evangelical engagement with public life that helped Americans make sense of the post-War apocalyptic reminders of imminent violence, horrific persecution, inhumanity, and destruction.”⁶² According to the NAE, the “American Century” had arrived, and it was the “wholehearted” responsibility of America as the “most powerful nation in the world” to “exert upon the world the full impact of our influence.”⁶³ The NAE held influence over Evangelical doctrine that is difficult to overstate, and it unrelentingly linked country with faith. The NAE’s “American Century” paralleled the rise of modern Evangelicalism as a political force.

III “MAKE DISCIPLES OF ALL NATIONS”

When the UDHR was drafted, the Social Gospel still held dominant sway on American culture, especially amongst the intellectual elite who participated in its creation.⁶⁴ But in

⁵⁶ *Id.*

⁵⁷ Billy Graham’s son, Franklin Graham, founder of a major international “development” provider, has come under fire for comments indicating as much.

⁵⁸ JOEL A. CARPENTER, *REVIVE US AGAIN: THE REAWAKENING OF AMERICAN FUNDAMENTALISM* (1997).

⁵⁹ See Harold Ockenga, “Unvoiced Multitudes” in *Evangelical Action! A Report of the Organization of the National Association of Evangelicals for United Action* (1942).

⁶⁰ SUTTON, *supra* note 1.

⁶¹ Jerry Falwell formed an organization under this name in 1979.

⁶² See SUTTON, *supra* note 1.

⁶³ Henry Luce, *The American Century*, *LIFE*, February 17, 1941. This article predated the NAE, but Luce spoke on behalf of many of its founders.

⁶⁴ Esteemed international lawyers such as Humphreys and Cassin, and colleagues such as Eleanor Roosevelt and Malik.

the decades following the UDHR's ratification, Evangelicalism rose to the fore both ideologically and politically. The rise of Evangelicalism, along with its Dispensationalist understanding of history as progressing in distinct phases toward a definite end, correlated with a shift in the UN's focus from an organization predominantly engaged in the propagation of rights to an organization predominantly engaged in various forms of "development": educational, democratic, and of course, economic.⁶⁵ This is not to say that Evangelicals caused this shift. But even while Evangelicalism cannot be said to have directly created it, from the perspective of powerful Evangelicals such as World Vision's Robert Peirce and Frank Phillips, the rise of the global development project gave secular form of financial backing to Jesus's call to Evangelical missionaries in Matthew 28:19–20: "Therefore go and make disciples of all nations, baptizing them . . . and teaching them to obey everything I have commanded you."

There are many parallels to note between Evangelical globalism – the specific belief that one has a "responsibility" to bring one's way of life to those that are living in other ways – and the UN's human rights and development missions. Evangelicalism's characterizations of "unreached people groups" are often those development institutions characterize as "least developed." And like the Social Gospel, human rights as an ideal spread not because it overtly serves the interests of a few powerful states but primarily because it presents itself as advancing the interests of the powerless. Just as missionaries have done since the days of Jesus, human rights imbedded itself into the soil of cultures and worldviews independent of the West, promising that it could sustain ordinary peoples' struggles against unjust States and oppressive social practices – that anyone could be "saved."⁶⁶ Perhaps the UDHR was appealing in these contexts not as a representation of universal norms, not as an expression of some intrinsic good of humanity, but as "salvation." The salvationist promise was deliverance from humanity's potential for depravity.

This is not to say that the UDHR was drafted in an Evangelical or even Abrahamic vacuum. Many delegates participated on its committee. But after initial debates, only three delegates actually participated in the crafting of the UDHR's initial provisions: Roosevelt, Malik, and Chang. Although some place Roosevelt at the helm due to her position as Chair, both Roosevelt's and Malik's diaries and letters, along with the resulting draft of the UDHR and other official records, indicate that Malik, a fervent Evangelical, dominated the discussion. The discussion itself took place within a broader emerging framework. While the UDHR has become important to our present, it was born amongst a crowd of appeals to international juridical means to prevent the repetition of wartime atrocities, including the UN Charter of 1945;⁶⁷ the

⁶⁵ See ECOSOC and UNDP mission statements. See also "development" initiatives from US Dep't of State.

⁶⁶ See SUTTON, *supra* note 1.

⁶⁷ Outlawing aggressive war between states.

Genocide Convention of 1948;⁶⁸ the revision of the Geneva Conventions of 1949;⁶⁹ and finally the International Convention on Asylum of 1951.⁷⁰ Nevertheless, the Abrahamic influence on the precise shape of these international mechanisms is well documented and virtually undeniable.⁷¹

In this light, an Evangelical layperson would likely understand the UDHR's text or the Point Four speech not with reference to international relations, law, or global economics, but with reference to concepts familiar in daily religious life. Point Four mirrors the call of the Gospel: America must “go” and “mak[e] the benefits of our scientific advances available” for all “underdeveloped areas” teaching the “inadequate[ly]” nourished “victims of disease” with “primitive and stagnant” economies how to “relieve the suffering” through America’s Messianic “knowledge and skill.”⁷² And in order to ensure that disciples are made “of all nations,” ratifying international human rights covenants has become a condition of entry for new states joining the UN.

IV FROM HUMAN RIGHTS TO “DEVELOPMENT”

The worldwide spread of human rights norms is sometimes seen as a moral consequence of economic globalization.⁷³ The US State Department’s annual report for 1999 on human rights practice around the world describes human rights and democracy – along with “money and the Internet” – as one of the three universal languages of globalization.⁷⁴ While this may too easily imply that human rights are a style of moral individualism that have elective affinity with the economic individualism of the global market,⁷⁵ it can certainly be said that the narratives advanced by the US State Department view human rights and development as advancing hand in hand.

This was not always so. Although there was certainly enthusiasm amongst newly decolonialized States for especially the “self-determination” provisions in the UDHR at its outset, and although some of those States sought to mobilize the

⁶⁸ Protecting religious, racial, and ethnic groups against extermination.

⁶⁹ Strengthening noncombatant immunity.

⁷⁰ Protecting the rights of refugees.

⁷¹ See e.g. OONA HATHAWAY & SCOTT J. SHAPIRO, *THE INTERNATIONALISTS: HOW A RADICAL PLAN TO OUTLAW WAR REMADE THE WORLD* (2017).

⁷² Direct quotes from Point Four, full text cited in footnotes to Section I above.

⁷³ *Id.*

⁷⁴ U.S. DEP’T OF STATE, *ANNUAL REPORT ON GLOBAL HUMAN RIGHTS PRACTICE* (1999).

⁷⁵ Such an explanation fails to recognize the antagonistic dimensions of the relation between human rights and money, between moral and economic globalization. Antagonism can be seen, for example, in the campaigns by human rights activists against the labor and environmental practices of the large global corporations. T. F. HOMER-DIXON, *ENVIRONMENT, SCARCITY AND VIOLENCE* (1999); O. MEHMET, E. MENDES, & R. SINDING, *TOWARDS A FAIR GLOBAL LABOUR MARKET: AVOIDING A NEW SLAVE TRADE* (1999); see also Amnesty Int’l, *Human Rights: Is It Any of Your Business?* (2000); Carnegie Council on Ethics and International Affairs, *Who Can Protect Workers’ Rights? The Workplace Codes of Conduct Debate*, 2 *HUMAN RIGHTS DIALOGUE* (2000).

UDHR in international relations, more critical voices have convincingly shown that the UDHR lacked a shared “universalist” understanding to begin with,⁷⁶ and therefore lay largely dormant until it was revitalized as part of a broader economic agenda,⁷⁷ or a mobilizing utopic vision, at the end of the Cold War.⁷⁸ The United Nations and the Bretton Woods Institutions were hatched after roughly a decade in which the New Deal and the “Social Gospel” saturated religious and political life in the United States.⁷⁹ The work of UK economist John Maynard Keynes, whose most famous book advocated for central spending in excess of tax revenue during times of economic stagnation,⁸⁰ was also influential in shaping how the IMF and World Bank conceptualized the central goal of Bretton Woods – international economic cooperation.⁸¹ All of these ideas (New Deal, Social Gospel, Keynesianism) elevated a community rather than individualized approach to economic policy, which is a far cry from the individual primacy attributed to the UDHR today. Thus, in the original split of development and human rights, one might conceptualize the Bretton Woods institutions as expressing the Social Gospel’s communalism and human rights as expressing its emphasis on the intrinsic worth of individual human beings.

As already noted, the “development” institutions were initially “inwardly” focused toward the States that created them. Once the institutions were established, and once Europe was rebuilt and increasingly interdependent, the development mission turned “outward” toward Africa, Asia, and South America, beginning in the mid-1970s under Nixon and accelerating ever since. The UN Charter demanded that its values be accorded to all nations “without distinction” without much consideration paid to the idea that distinction might at times be a good thing.⁸² Thus (again in very broad strokes), as a large influx of new states (former colonies) opted into GATT 1948 and other trade agreements in the late 1950s and 1960s,⁸³ and as increased production capacities and urbanization in “developed states” coincided with an increase in global demand for commodities, the (in)ability of former colonies to produce those primary goods ushered in the Kennedy Round in 1963.⁸⁴ It was the Kennedy Round

⁷⁶ SAMUEL MOYN, *THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY* (2010); see also SAMUEL MOYN, *CHRISTIAN HUMAN RIGHTS* (2015).

⁷⁷ JESSICA WHYTE, *THE MORALS OF THE MARKET: HUMAN RIGHTS AND THE RISE OF NEOLIBERALISM* (2019).

⁷⁸ See MOYN, *THE LAST UTOPIA*, *supra* note 76.

⁷⁹ For an enriching discussion on the social ideologies underlying the New Deal, see Heinz Elau, *Neither Ideology nor Utopia: The New Deal in Retrospect*, 19 *ANTIOCH REV.* 523–37 (1959).

⁸⁰ See JOHN MAYNARD KEYNES, *THE GENERAL THEORY OF EMPLOYMENT, INTEREST, AND MONEY* (1936).

⁸¹ See United Nations Monetary and Financial Conference, *Final Act and Related Documents, Bretton Woods, New Hampshire*, July 1 to July 22, 1944, https://fraser.stlouisfed.org/files/docs/historical/eccles/036_17_0004.pdf.

⁸² See UN Charter Preamble.

⁸³ This was largely the result of a wave of new post-Colonial states in Africa and Southeast Asia, and a corresponding rise in global demand for commodities.

⁸⁴ The Kennedy Round was the sixth session of GATT negotiations, held in Geneva between 1964 and 1967. It was spurred by the US Trade Expansion Act in 1962, which authorized then-President Kennedy to conduct mutual tariff negotiations with other states. The negotiations were planned in 1963, but unfortunately, Kennedy was assassinated before they took place in 1964.

that legally incorporated for the first time Truman's "development" as a goal of the emerging international economic legal order, and it later migrated back to primary UN organs through the ECOSOC and the UNDP.⁸⁵

While US resistance to outcome-driven human rights tribunals was present from the start,⁸⁶ it conversely embraced "security and predictability"-driven international economic tribunals. Economic tribunals – ICSID arbitration and the WTO's DSU – rose along with the shift in development's luminary away from Keynesian influence. The reasons for the massive overhauls that broke through in the 1980s are manifold, but the tides seem to have turned partially as a result of the Oil Shock of 1973⁸⁷ – itself fueled by Richard Nixon's departure from the "gold standard" guaranteed at Bretton Woods – and partially as a result of neoliberal economic policies in the 1980s that took the place of Keynes, bolstered by the Evangelical resistance to all things Communist during the same period.⁸⁸ Indeed, the Reagan and Thatcher administrations in the 1980s advocated outright anti-Keynesian approaches to economics in a "conscious effort" to reposition and recalibrate "ideas and expectations about the appropriate role of government, the importance of private enterprise, and the virtues of markets."⁸⁹ Those administrations successfully mobilized anti-communist fervor against the idea of government economic planning in general.

In the decades prior to Reagan, at least two pivotal factors drove the UN to entrench "development" in international law. First, the Cold War constituted the "Third World" as an ideological battleground of the major powers,⁹⁰ so that new States or national liberation movements were able to benefit from the support of influential protectors (sometimes switching from one to another).⁹¹ Second,

⁸⁵ Economic and Social Council, established in 1945; UN Development Programme, established in 1965 as an organ of the ECOSOC.

⁸⁶ See MORSINK, *supra* note 1.

⁸⁷ The oil crisis itself is part of the Bretton Woods legacy. When President Nixon decided to take the US dollar off the gold standard in 1971, it meant that foreign states, including OPEC states, could not redeem their US foreign exchange reserves for gold, as established by the Bretton Woods Agreement of 1944. This collapse of the dollar's value and booming cost of gold hurt many OPEC countries, and when Nixon took the additional step of requesting \$2.2 billion in military aid to Israel to fight Egypt in 1973, OPEC reacted by placing an embargo on oil exports to the United States, sending the country into a recession. See e.g. Kimberly Amadeo, *OPEC Oil Embargo: Causes and Effects of the Crisis*, THE BALANCE, 21 January 2017.

⁸⁸ Keynesian policies came to an end in 1971, when Nixon put a stop to the fixed exchange rate of the US dollar. Floating exchange rates are now the norm amongst major world economies. See *The Bretton Woods Conference, 1944*, U.S. DEP'T OF STATE, <https://2001-2009.state.gov/r/pa/ho/time/wwii/98681.htm>.

⁸⁹ STEPHEN GILL & DAVID LAW, *THE GLOBAL POLITICAL ECONOMY: PERSPECTIVES, PROBLEMS AND POLICIES* (1998).

⁹⁰ The term "Third World" was first used by Alfred Sauvy in an article entitled *Tiers Monde, une planète* (L'OBSERVATEUR, August 1952), which compared the colonial or ex-colonial countries to the Third Estate of the *Ancien Régime* in France. He referred to a short 1789 book by Abbé Sieyès which posed the famous formula: "What is the Third Estate? Everything. What has it been so far within the political order? Nothing. What does it ask? To be something."

⁹¹ See IGNATIEFF, *supra* note 2.

Communist-Capitalist antagonism blocked the UN decision-making system, because the effective veto of the permanent members of the Security Council could be used to prevent any action under Chapter VII of the Charter “with respect to threats to the peace, breaches of the peace, and acts of aggression.”⁹² The organization was thus forced to recalibrate its mission to areas of greater international consensus, which included a (then vague) promise of “development.”⁹³ By the time Ronald Reagan stood at the Brandenburg Gate in West Berlin and famously demanded that “Mr. Gorbachev tear down [the Berlin] wall!,”⁹⁴ “development” – through the UN and the international legal instruments that took cues from its institutions – was fully incorporated as a legal instrument in the emerging field of international economic law.⁹⁵ But while “development” became entrenched in international law during the fiercest decades of the Cold War,⁹⁶ it was not until after the collapse of the Berlin Wall that the neoliberal philosophy emerged as the global preference for ordering both the domestic and the international economy.⁹⁷ Neoliberalism’s proponents believed in the market above all to determine an efficient allocation of resources;⁹⁸ foundational neoliberal assumptions like those in Ricardian “comparative advantage” became the assumed logic guiding new approaches to international trade and investment law in the 1990s.⁹⁹ Neoliberalism stressed privatization of public enterprises,¹⁰⁰ liberalization of flows of investment,¹⁰¹ and global governance of trade and investment.¹⁰² Obviously, these were not new ideas that suddenly emerged after 1989, but they did become

⁹² The UN intervention in Korea had been formally “recommended” on June 27, 1950 by the Security Council (in the absence of the Soviet representative), but the conduct of operations drew its authority from the General Assembly, which, in Resolution 355/V of 3 November 1950 – the so-called Uniting for Peace or Acheson Resolution – substituted itself for a Security Council again paralyzed by the return of the Soviet delegate. This episode, legally murky as it was, demonstrated the UN’s incapacity to act in accordance with the provisions of the Charter.

⁹³ See generally *id.*; see also ARTURO ESCOBAR, *ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD* (1995).

⁹⁴ Ronald Reagan’s speech at the Brandenburg Gate came during the closing years of the Cold War, on June 17, 1987, in response to Soviet leader Mikhail Gorbachev’s consistent signaling to Western powers that he was open to economic restructuring and to working toward the resolution of long-standing tensions with the United States. However, Gorbachev met resistance from his own regime and from East German leader, Erich Honecker. The Berlin Wall was built in August 1961 to prevent East Germans from fleeing communist rule and escaping to West Germany. Its sudden destruction in November 1989 symbolized the fall of communism worldwide.

⁹⁵ See *e.g.* generally Jean Rey, Report on the Kennedy Round, June 1967.

⁹⁶ 1950s McCarthyism, 1960s Cuban Missile Crisis, 1970s Vietnam War.

⁹⁷ Neoliberalism reached the peak of its influence in the 1990s, although it emerged as a philosophy and garnered varying degrees of influence during several earlier periods. See JAMIE PECK, *CONSTRUCTIONS OF NEOLIBERAL REASON* (2010).

⁹⁸ See generally Chicago School economists in the vein of MILTON FREIDMAN, *CAPITALISM AND FREEDOM* (1962).

⁹⁹ See *e.g.* M. SORNARAJAH, *RESISTANCE AND CHANGE IN THE INTERNATIONAL LAW ON FOREIGN INVESTMENT* (2015).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

bound together as a sort of “package deal” in what John Williamson famously coined the “Washington Consensus” – ideas as old as “motherhood and apple pie,” but tied together and remarketed as a surefire toolkit for “economic development.”¹⁰³ This set of policies was embraced by the Washington-based international economic institutions: the World Bank, the International Monetary Fund, and the (now Geneva-based) World Trade Organization.¹⁰⁴ Today it represents a convergence of ideas, debatably synonymous with George Soros’s concept of “market fundamentalism”¹⁰⁵ that emanates not only from Washington, but from the entire developed world.

By the 1990s the Washington Consensus was considered widely as the basis of US economic success. The national interest required government agencies to take such a stance: The USA’s economy prospered as a result of multinational corporations being able to produce and market goods abroad while sourcing raw materials from abroad for use at home.¹⁰⁶ Predictably, other States that benefitted, that is, the most economically powerful States, rallied around the neoliberal globalist approach. Thus, the economic provisions that began at the Kennedy Round in 1963 and traveled through the UNCTAD in 1964,¹⁰⁷ the UNDP in 1965,¹⁰⁸ the UNSC’s so-called Second Development Decade Resolution in 1970,¹⁰⁹ before becoming hierarchized in the Enabling Clause of 1979,¹¹⁰ became entrenched through the Marrakesh Agreement and the establishment of the WTO in 1995.¹¹¹ Alongside these developments, “New International Economic Order” (NIEO) efforts that began at the Asia-Africa Conference in 1955 and served the “Third World” through

¹⁰³ John Williamson, *A Short History of the Washington Consensus*, first published in 1998, Williamson’s essay was republished in Narciss Serra and Joseph Stiglitz (eds.), *THE WASHINGTON CONSENSUS RECONSIDERED: TOWARDS A NEW GLOBAL GOVERNANCE* (2008), p. 14; DAVID HARVEY, *A SHORT HISTORY OF NEOLIBERALISM* (2005); STEPHAN GILL, *POWER AND RESISTANCE IN THE WORLD ORDER* (2008) (arguing that global governance on the basis of market dominance was locked in by rules). See also Alvaro Santos, *The World Bank’s Uses of the “Rule of Law” Promise in Economic Development*, in *THE NEW LAW AND ECONOMIC DEVELOPMENT* (David Trubek and Alvaro Santos eds., 2006).

¹⁰⁴ Of course, the term “Washington Consensus” is not entirely accurate, as noted by Joseph Stiglitz and others. Firstly, it is not a “consensus” in the strict sense, but rather, a convergence of ideas. And secondly, it is not exclusive to Washington, but rather a concept emerging from the entire developed world. See *id.*

¹⁰⁵ Market fundamentalism, according to Soros, is the idea that markets are “value free,” a function of pure mechanical or mathematical truths, unattached to ethics or morals. See e.g. George Soros, *Capitalism versus Open Society*, *FINANCIAL TIMES*, October 30, 2009.

¹⁰⁶ As one indicator, between 1990 and 2000, the US GDP nearly doubled, from 5.5 to 9.8 trillion dollars. See *US Business Cycle Expansions and Contractions*, NATIONAL BUREAU OF ECONOMIC RESEARCH, www.nber.org/cycles/cyclesmain.pdf.

¹⁰⁷ UN Conference on Trade and Development, <http://unctad.org/en/Pages/Home.aspx>.

¹⁰⁸ UN Development Programme, www.undp.org.

¹⁰⁹ S. C. Res. 2626/XXV, (October 24, 1970).

¹¹⁰ GATT, *Differential and More Favourable Treatment Reciprocity and Fuller Participation of Development Countries*, L/4903 (November 28, 1979) www.wto.org/english/docs_e/legal_e/enabling1979_e.htm.

¹¹¹ Marrakesh Agreement Establishing the World Trade Organization, April 15, 1994, 1867 U.N.T.S. 154.

a series of UN Resolutions mostly in the 1970s found themselves dead in the water when economically developed States failed to get on board with an alternate convergence of ideas – what one might call the “Bandung Consensus” – that is, economic sovereignty, corporate regulation under international law, and permanent sovereignty over natural resources, amongst other proposals. In sum, in the 1990s, it became settled that international economic law’s job was to increase the size of the pie, not to redistribute it.

Increasing the size of the pie, however, meant more international resources should be spent on infrastructural, educational, and institutional development in developing States. While trade and investment legal regimes ensure that private interests are protected against States and that States are protected against discriminatory trade practices amongst themselves, the UN and Bretton Woods Institutions could not leave development entirely to the private sector. In formal development initiatives, the role of NGOs has expanded significantly since the United Nations Development Programme (UNDP) was established in 1965, and almost exponentially since the conclusion of the Cold War. Scholars writing on UN Initiatives in the Global South in 2004 had already noted that the “UN’s Economic and Social Council [ECOSOC] now grants consultative status on its work to 2,234 NGOs from around the world.”¹¹² Citing a 1999 paper on the “Politics of Development” and an ECOSOC report from 2003,¹¹³ one scholar compares this number to the mere forty-one NGOs that were similarly involved in the 1940s:

Even the World Bank, often primarily focused on large-scale development and infrastructure projects, recognizes NGOs as vital to its work. In 1998, 50 percent of the projects it approved incorporated NGO participation, a marked increase from 1973, when only 6 percent of Bank projects involved NGOs. The growth in number, scope and profile of African NGOs over the last thirty years mirrors these general trends among Southern NGOs.¹¹⁴

In part because of the purported “weakness” of postcolonial governments, powerful human rights and rule of law NGOs have become recognized and institutionalized as part of the UN’s post–World War II development mission. Their members tend to speak from a place of authority on issues that affect indigent communities, and some have been able to influence national and international spheres of public policy by expanding into new geographic sites and engaging in unprecedented partnerships.¹¹⁵ In tandem, during the immediate post–Cold War period between 1991 and 2001, the government-sponsored development assistance flowing from individual Western

¹¹² SARAH MICHAELS, *UNDERMINING DEVELOPMENT: THE ABSENCE OF POWER AMONG LOCAL NGOS IN AFRICA* (2004).

¹¹³ Michael Chege, *Politics of Development: Institutions and Governance*. This was a background paper prepared for the World Bank’s “Africa in the 21st Century” project (Global Coalition for Africa, 1999).

¹¹⁴ MICHAELS, *supra* note 112.

¹¹⁵ *Id.*

states fell by an estimated 25 percent,¹¹⁶ which further increased global demand for UN-funded NGO assistance.

The most prominent non-faith-based NGOs in today's transnational landscape – such as Amnesty International and Human Rights Watch – fight for human rights as an ideological contest for the establishment of what James Ferguson has argued grants membership and access to “Western” institutional power: the power of information, the power of capital, the power of mobility.¹¹⁷ Increased acquisition of such powers depends on the acceptance of certain development and human rights agendas. While AI and HRW do not receive state funding to do so, they are largely operated by individuals who held human rights-related positions in US Government or in UN Agencies; the boards of directors of both organizations are populated overwhelmingly from US and European firms and philanthropic organizations. Religious NGOs, by contrast, increasingly receive direct funding from the USA.¹¹⁸

Where does Evangelicalism fit into this picture? We have seen that the UDHR and development missions carry ideological parallels with the development of American Evangelical thought. We have also noted that Evangelicalism has played an ever-increasing role in American politics since World War II. Here, I want to suggest that an intertwining of these parallel ideologies emerged with the UN's increasing reliance on NGOs at the turn of the twenty-first century. The United States placed increasing pressure on the UN to adopt Evangelical-supported policies predominantly associated with reproductive health. In 2001, George W. Bush spearheaded domestic legislation aimed at increasing Evangelical involvement in global development projects,¹¹⁹ and in 2002, the Bush administration withheld hundreds of millions of dollars in funding from the UN Fund for Population Activities, the WHO, and NGOs with reproductive programs in developing countries.¹²⁰ The Trump administration did the same thing in 2017 and 2019.¹²¹ Meanwhile, conservative evangelical NGOs boosted their presence at UN policy forums. As Jennifer Butler observed in 2000, only the most conservative Christian groups are represented at the UN,¹²² sometimes joining forces with Islamic conservatives and politically conservative think tanks such as the Heritage Foundation on areas of common interest such as “halt[ing] the expansion of sexual and political rights for gays,

¹¹⁶ CLARKE, *supra* note 35 citing Vangelis Vitalis, *Official Development Assistance and Foreign Direct Investment: Improving the Synergies*, presented at Organization for Economic Co-operation and Development's Global Forum on International Investment: Attracting Foreign Direct Investment for Development, Shanghai, December 5–6, 2002 (p. 3), online at www.oecd.org/dataoecd/54/61/2764550.pdf (accessed May 14, 2017).

¹¹⁷ JAMES FERGUSON, *GLOBAL SHADOWS: AFRICA IN THE NEOLIBERAL WORLD ORDER* (2006).

¹¹⁸ See CLARKE, *supra* note 35; see also Hofer, *supra* note 34.

¹¹⁹ See the Bush Administration's so-called Faith-Based and Community Initiatives (2002).

¹²⁰ Hofer, *supra* note 34.

¹²¹ Edward Wong, *Trump Administration Expands Anti-Abortion Policies with New Overseas Funding Rules*, N.Y. TIMES, March 26, 2019.

¹²² Jennifer Butler, *The Religious Right at the Beijing +5 PrepCom*, 15 GLOB. POL'Y F. (2000).

women, and children.”¹²³ Since the late 1990s, international conservative organizations have increasingly mobilized in support of “pro-family” or “anti-LGBT” values across faith lines.¹²⁴ While many of these organizations emerged from Western Catholic and Protestant states, the reactionary approach of Evangelicalism has found allies in many non-Christian states. One fascinating outcome of this phenomenon is the ability of the Evangelical movement to claim universality when it comes to the principle of a right but particularity when it comes to the definition. Specifically, where the UDHR declares a universal right to marriage in Article 16, Evangelicals insist that the “men and women” to whom this right belongs be defined as heterosexual units, not as individual men and women with the freedom to marry other individuals, whether men or women. The ability of conservative Evangelicals to exercise this type of political influence through domestic and international institutions has inspired conservative groups from other denominations to lobby the UN as well.¹²⁵

The backdrop for the influence of American Evangelical organizations through UN institutions had been set long before the turn of the twenty-first century. In the immediate post–World War II era, international Evangelical NGOs were the organizations best equipped to internationalize the shifting mission of the UN – they had the skills and the infrastructure to mobilize Western resources to achieve social goals abroad.¹²⁶ This is because Christian missionaries “did development first” along its non-investment-based dimensions such as education, medical aid, and technology transfer. By the time Truman produced his secularized call to spread American values to all nations in his Point Four speech, evangelical organizations like The Salvation Army and The American Red Cross had already existed for the better part of a century, and already boasted an impressive global spread.¹²⁷ As the Social Gospel that nourished those organizations gave way to Evangelicalism during the Cold War years, new global organizations like YWAM, Bethany, World Vision, and Samaritan’s Purse also rose to prominence.¹²⁸ This new guard of global missionary organizations differed from their Social Gospel ancestors in that they placed individual experience at the fore: not only a conversionary agenda with respect to the evangelized but also a transformative experience with respect to the evangelizer.¹²⁹ Many of these organizations took advantage of Reagan, Clinton, and Bush-era incentives to increase government involvement with Evangelical organizations abroad.¹³⁰

¹²³ Colum Lynch, *Islamic Bloc, Christian Right to Team Up to Lobby U.N.*, WASH. POST, June 17, 2002.

¹²⁴ Barro & McCleary, *supra* note 49.

¹²⁵ Hofer, *supra* note 34.

¹²⁶ CARPENTER, *supra* note 58.

¹²⁷ The Salvation Army and the Red Cross (including the American Red Cross) both had extensive global networks by the late 1800s. Multiple sources confirm this, but see e.g. EDWARD H. MCKINLEY, *MARCHING TO GLORY: THE HISTORY OF THE SALVATION ARMY IN THE UNITED STATES, 1880–1992* (1995).

¹²⁸ Hofer, *supra* note 34.

¹²⁹ MCALISTER, *supra* note 5.

¹³⁰ *Id.*

World Vision and Samaritan's Purse in particular took advantage of government "development" funding to advance global initiatives through longstanding state cooperation when other Evangelical NGOs were wary of government funding as a potential infringement on religious autonomy. Both organizations – World Vision and Samaritan's Purse – were founded by Evangelical minister Bob Pierce (who believed Christianity was the cure for Communism),¹³¹ both focus on "international development," and both receive substantial "development" and "humanitarian aid" contracts from the USAID and from the UN.¹³² Along with a growing number of Evangelical groups, World Vision has consultative status with UNESCO and partnerships with UNICEF, UNHCR, ILO, WHO, and other Evangelical groups around the world. With a stronger missionary focus, Samaritan's Purse specializes in emergency relief and infrastructural projects related to water, sanitation, nutrition, medical care, and public health.¹³³ It receives USAID funding and works closely with UN development initiatives around the globe.¹³⁴ It has come under fire for intermingling US government initiatives with religion, most publicly for requiring USAID recipients to sit through prayer meetings prior to receiving aid,¹³⁵ and its President Franklin Graham (cofounder and son of famed Evangelist Billy Graham) has openly described non-Evangelical religions as inherently "evil."¹³⁶

These are two examples of many. But a systematic analysis of every Evangelical organization engaged in the UN's development project is beyond the scope of this Chapter, and not necessary to demonstrate the central point: the concept of "development" in international law reflects Evangelical ideology, and the latter has sought to shape the former's contours as it migrated from the UDHR to ECOSOC, the UNDP, the World Bank, and the multitude of NGOs now engaged in the project of international development. I do not present this as "good" or "bad." Indeed, in many ways it is unsurprising that international human rights and development efforts turned to Evangelical organizations in expanding development projects during and after the Cold War. As political scientist Robert Woodberry has expertly shown, "conversionary protestants" were responsible for creating many of the social preconditions that led to the world's most successful democracies (high literacy rates, mass education, voluntary organizations, and newspapers).¹³⁷ Perhaps it is precisely because these preconditions facilitated democracy that they became

¹³¹ Information derived from the websites of these organizations, available at www.samaritanspurse.org, and at www.wvi.org, respectively (last accessed May 15, 2017).

¹³² *Id.* See also Hofer, *supra* note 34; Clarke, *supra* note 35.

¹³³ Information on the organization available at www.samaritanspurse.org (last accessed May 15, 2017).

¹³⁴ Hofer, *supra* note 34; Clarke, *supra* note 35.

¹³⁵ See e.g. David Gonzalez, *U.S. Aids Conversion-Minded Quake Relief in El Salvador*, N.Y. TIMES, March 5, 2001, www.nytimes.com/2001/03/05/world/us-aids-conversion-minded-quake-relief-in-el-salvador.html (last accessed May 15, 2017).

¹³⁶ See e.g. Laurie Goldstein, *Top Evangelicals Critical of Colleagues Over Islam*, N.Y. TIMES, May 8, 2003, www.nytimes.com/2003/05/08/us/top-evangelicals-critical-of-colleagues-over-islam.html (last accessed 15 May 2017).

¹³⁷ Robert Woodberry, *The Missionary Roots of Liberal Democracy*, 106 AM. POLIT. SCI. REV. 244 (2012).

cherished cultural goals in the American psyche, and while a multitude of complexity has gone into the shaping of the present international legal status quo, one can rationally speculate that, in part, the UN secularized these cherished Western cultural goals at its founding and in many subsequent instruments, retrospectively rationalizing them through the language of modernity, and then began to institutionalize them in part through “development.”

But while it took the better part of two decades to mobilize the international resources and institutions that would – in this comparison – “minister” to the “underdeveloped,” the structure of Point Four parallels Evangelicalism in ways that are immediately striking. First, it recalls the desperate straits – the horror of hunger and want – in which more than half the world’s population live (the “unsaved” other). Second, it presents the good news (gospel) that, “for the first time in history” (a Messianic notion), an answer is at hand that will bring happiness and make it possible for lives to be transformed. Third, this will not come to pass without agency: energies must be mobilized to produce more, to invest, to work, to expand trade. Finally, in the end, if the chance is seized and people agree to the efforts required, an era of happiness, peace, and prosperity will dawn from which everyone stands to benefit.

The fact that Truman’s speech parallels a secularized version of the “truth” as proclaimed by Evangelicalism may have contributed to American “faith” in Truman’s “development.” But the underlying belief fueling this “faith” was shared not only by the Christian world but, insofar as a Messianic message is conjured, by everyone who belonged to a salvationist religion.¹³⁸ In the years since 1949, rhetorical techniques have been used again and again in declarations affirming the necessity of “development” as the only solution to the problems of humanity.¹³⁹ And in much the same way questioning religious belief was frowned upon within the Church, questioning “development” as such is frowned upon by international lawyers, economists, and human rights activists alike.¹⁴⁰ “Unsaved” people groups as characterized by Evangelical missionaries parallel the “underdeveloped” nations as categorized by the UN. The World Bank’s largest concentration of development projects exist in areas that correlate with Luis Bush’s 10/40 window – an often used Evangelical visual tool to point to the area of the earth most in need of “saving.”¹⁴¹ This aligns to the ideological legacy of the UDHR in ways too close to seem entirely coincidental. As Charles Malik – one of the two ideological fathers of the UDHR – wrote in a 1980 contribution to the *Journal of the Evangelical Theological Society*:

Jesus Christ is my Lord and God and Savior and Song day and night. I can live without food, without drink, without sleep, without air – but I cannot live without

¹³⁸ See MARIE-DOMINIQUE PERROT, GILBERT RIST & FABRIZIO SABELLI, *LA MYTHOLOGIE PROGRAMMÉE: L'ÉCONOMIE DES CROYANCES DANS LA SOCIÉTÉ MODERNE* (1992).

¹³⁹ *Id.*, at 196–97.

¹⁴⁰ This statement is based on the observations of Gilbert Rist (1997).

¹⁴¹ See LUIS BUSH & BEVERLY PEGUES, *MOVE OF THE HOLY SPIRIT IN THE 10/40 WINDOW* (1999).

Jesus. Without him I would have perished long ago. I live in and on the Bible for long hours every day. The Bible is the source of every good thought and impulse I have. In the Bible God himself, the Creator of everything from nothing, speaks to me and to the world directly – about himself, about ourselves and about his will for the course of events and for consummation of history. And believe me: Not a day passes without my crying from the bottom of my heart, “Come, Lord Jesus!” I know he is coming with glory to judge the living and the dead, but in my impatience I sometimes cannot wait and I find myself in my infirmity crying with David, “How long, Lord?” And I know his kingdom shall have no end.¹⁴²

Many of the tenets of Malik’s Evangelicalism – from the individualistic focus, to the emotional witness, to the apocalyptic yearning – are also identifiable in the UDHR. Through the extension granted by Point Four and existing international religious networks, the UN’s development project echoes Evangelicalism’s call to spread the neoliberal gospel to all nations. In other words, it can be considered a form of evangelism.¹⁴³

V CONCLUSION

The UN human rights institutions and the Bretton Woods institutions mirror to some degree religious beliefs that are deeply seeded in the Evangelical ethos. This is *International Law as Evangelism*. Today, UN and USAID development funding, empowered by Christianity-infused human rights texts, enable Evangelical missionary organizations to transcend state and international government in the spread of conservative goals: the World Congress of Families, which promotes anti-LGBT laws internationally on the basis of UDHR Article 16;¹⁴⁴ the Alliance Defending Freedom, which draws its funding from American corporations such as the former Blackwater Security Group and represents Christian clients in international courts;¹⁴⁵ World Vision, which receives USAID funding and regularly bids on UN development contracts, but has the authority to impose conditions on communities that receive benefits of those contracts;¹⁴⁶ and many others. Obviously, USAID and the UN support a great many organizations and projects whose goals are not aligned with Evangelicals, but it does not fund organizations from other religious sects under the umbrella of “development.” Thus, in addition to providing a social context

¹⁴² Malik, *supra* note 23.

¹⁴³ See note 30.

¹⁴⁴ UDHR Article 16 describes the right to marry and form a family. The language of the article specifically refers to “men and women” in defining the right, but the Article does not restrict the right only opposite sex couples.

¹⁴⁵ See *e.g.* Dimitrova v. Bulgaria, App. No. 39084/10, Eur. Ct. H.R. (2015), finding violations of freedom of thought and religion. For information on the organization’s funding, see www.adflegal.org/issues/international. Blackwater changed its name to Academi after a long series of controversies related to the execution of its US government contracts in Iraq tainted its name.

¹⁴⁶ CLARKE, *supra* note 35; see also IGNATIEFF, *supra* note 2.

characterized by a universalizing impulse, Evangelical organizations have also been strikingly active in reshaping UN and US development spending and decision-making.

While religious influence on domestic legal systems is well-documented and relatively uncontroversial in many instances, the dominant influence of any ideology infusing the construction and interpretation of international law should be resisted. This is not to say that ideology is not continuously and inevitably present in how we understand what is “good” or even “right” – of course it is. But perhaps if international lawyers start with a recognition that international law is infused with ideology, we can move beyond claims that present any particularized expression of the “good” or “right” as universal. From there, perhaps we can imagine how international law might express and respect multiple ideologies at the same time.

