

2019

H-Diplo

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Article Review
No. 886
1 October 2019

Article Review Editors: Thomas Maddux and Diane Labrosse
Web and Production Editor: George Fujii

Elise Carlson-Rainer. "Will Sexual Minority Rights Be Trumped? Assessing the Policy Sustainability of LGBTI Rights Diplomacy in American Foreign Policy." *Diplomacy and Statecraft* 30:1 (March 2019): 147-163. DOI: <https://doi.org/10.1080/09592296.2019.1557422>.

URL: <https://hdiplo.org/to/AR886>

Review by **Cynthia Burack**, The Ohio State University

Although the Obama administration had begun to integrate Lesbian, Gay, Bisexual, Transgender and Intersex/Sexual Orientation and Gender Identity (LGBTI/SOGI) human rights into its foreign policy and human rights assistance before 2011, Secretary of State Hillary Clinton announced the administration's support for SOGI human rights in a speech in Geneva in December of that year. The Global Equality Fund, which Clinton introduced in her speech, was implemented in 2012, and her successor, John Kerry, created the position of Special Envoy for the Human Rights of LGBTI Persons—the first of its kind in the world—in early 2015. However, since the 2016 presidential election, grassroots LGBTI advocates and human rights professionals have expressed concern about the fate of U.S. government support for international sexual orientation and gender identity (SOGI) human rights.

For gender and sexual minorities abroad, the stakes of U.S. support are high. Through embassy engagement, administration of the Global Equality Fund, and other forms of international diplomacy and cooperation, the U.S. has become a key advocate for international SOGI human rights. Hence, the question of whether SOGI policies and practices have been institutionalized in a way that insulates them from possible attempts to extirpate or neutralize them is an important one. In "Will Sexual Minority Rights Be Trumped?," Elise Carlson-Rainer addresses the sustainability of U.S. government foreign policy advocacy for SOGI human rights under an administration that is favorably disposed neither toward LGBT civil rights within the U.S. nor to international human rights law and advocacy.

Carlson-Rainer provides a brief overview of the development of U.S. SOGI human rights advocacy during the Obama administration. In this overview, she outlines key policy decisions that collectively made the U.S. "arguably the most powerful voice" in international SOGI rights (151). Within four years after Clinton's Geneva speech and the promulgation of Barack Obama's Presidential Memorandum on LGBT human rights, the U.S. had "moved beyond championing LGBTI rights in bilateral relationships to assuming global leadership for LGBTI equality in international institutions" (151). The ironies of U.S. leadership in this area include the United States' own history of official government labor discrimination against lesbian and gay

citizens and the U.S. government's late adoption of support for international SOGI human rights, following the advocacy of some European nations.¹

In this article on LGBTI/SOGI human rights, Carlson-Rainer relies on data from diverse sources, including interviews with current and former public officials, among other SOGI actors; participant observation in LGBTI rights advocacy venues; and a wide variety of civil society organization and foreign affairs archives. This multi-method approach enables a broad investigation of SOGI human rights foreign policy and a more specific investigation of the resilience of that policy under the Trump administration. Carlson-Rainer focuses on two groups of actors: government personnel in the administrative state and LGBTI human rights activists. These two groups of human rights stakeholders operate "inside and outside the state" (149). So analysis of SOGI policy continuity includes, for example, Freedom House, an independent, non-profit civil society organization that functions as an implementing partner with the State Department to deliver human rights assistance to LGBTI people outside the U.S. Among Carlson-Rainer's interviewees are foreign service officers or diplomats who have supplied information, perhaps on the condition that they not be named. Such a condition can provide fruitful context for understanding both the sensitivity of U.S. support for SOGI human rights and the situation for officials who support SOGI policies in the Trump administration.

In terms of specific frames for the analysis, Carlson-Rainer turns to Paul Pierson's theory of the stages of policy implementation to "assess the potential durability of LGBTI right in [U.S.] foreign policy" (151).² And she uses Jutta Joachim's schema of "key mechanisms that social movements use to change and shift policy agendas" (153).³ There is also an historical dimension to the analysis, as Carlson-Rainer recurs to the trajectory of human rights commitments, policies, and practices in the transition from the Carter to the Reagan administration and beyond. This historical analogy to the current case of SOGI human rights furnishes scholars of policy stability (in general) and LGBTI/SOGI human rights (in particular) with concepts of 'insider activism' and 'passive resistance' to guide our thinking about political transitions and the policy strategies of policy professionals embedded inside the federal bureaucracy.

In addition to pro-LGBTI/SOGI civil society voices, there are other civil society actors with stakes in whether the U.S. government advocates for SOGI human rights in international arenas and works with international and grassroots organizations to provide SOGI human rights assistance. These are Christian conservative groups and opinion leaders. Once the Obama administration began to implement SOGI policy, Christian conservative moral entrepreneurs consistently represented the administration's human rights policy as a zero-sum competition in which the human rights of especially Christian religious minorities were deprioritized and ignored in favor of the human rights of gender and sexual minorities. In the 2016 presidential election, conservative evangelicals gave Donald Trump unprecedented support; to woo them, Trump selected a number of favorite sons (and a few daughters) with histories of anti-LGBT animus and advocacy, including former Indiana Governor Mike Pence as his Vice President, former U.S. Representative from South Carolina

¹ Phillip Ayoub, *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility* (Cambridge: Cambridge University Press, 2016).

² Paul Pierson, "The Study of Policy Development," *Journal of Policy History* 17:1 (2005): 34-51.

³ Jutta Joachim, *Agenda Setting the UN, and NGOs: Gender Violence and Reproductive Rights* (Cambridge: Cambridge University Press, 2013).

Mick Mulvaney as his Director of the Office of Management and Budget (and now acting Chief of Staff), and former Kansas Governor Sam Brownback as Ambassador at Large for International Religious Freedom. Christian conservative elites openly celebrated the confirmation of Mike Pompeo as Secretary of State in the expectation that he would resolve the conflict between SOGI and religious liberty in favor of Christians oppressed by rising support for LGBTI civil rights and SOGI human rights.

Christian conservative organizations, lobbyists, and media platforms monitor the SOGI-related activities of the State Department and bring pressure to bear on Republican political appointees and elected officials to eradicate SOGI human rights policies and programs. Just as Carlson-Rainer encourages LGBTI/SOGI rights proponents to “follow funding streams from the State Department and policy priorities” as “indicators of actual policy direction,” Christian conservative groups also carefully monitor these indicators in order to assess the commitment of the Trump administration to their priorities (148). Christian conservative elites and organizations also highlight the contradictions of a Trump administration that has taken many anti-LGBT positions but still nurtures support for SOGI human rights in the federal bureaucracy.

A key contribution of Carlson-Rainer’s analysis is her demonstration that LGBTI human rights policy and diplomacy share many attributes with policy and diplomacy in other domains. If LGBTI human rights is more like than unlike other policy domains under the circumstances of the transition from one party to another, we should look to the conditions of policy stability in these domains rather than to the rancorous discourse that has characterized domestic U.S. debates over LGBT rights. This insight about how to situate a SOGI human rights foreign policy and commitment to human rights assistance can help explain why, in early 2019, support for SOGI has not been dismantled or defunded.⁴ Such an analysis is not predictive; that is, it does not assure stakeholders in human rights and advocacy communities that it is impossible for the U.S. commitment to SOGI to diminish or be neutralized—in Carlson-Rainer’s term, to “go dormant” (148). Examples of policy domains that have been, and continue to be, significantly revised and neutralized under the Trump administration include reproductive rights and climate change. And, of course, nothing guarantees that elected officials—including the president of the United States—will not act to undermine equality under the laws and target disfavored outgroups when it is politically useful to do so.

Relying on interviews with foreign policy officials, Carlson-Rainer conveys that a U.S. commitment to ending violence and discrimination against LGBTI people has had bipartisan support. Her analysis confirms that once policies are institutionalized—and especially when they have been embedded and institutionalized across multiple sectors of the federal government by a wide variety of agencies and sponsors—they are more difficult to extinguish than many might imagine. A perennial concern of political scientists has been that the federal bureaucracy serves entrenched interests, and resists accountability and rightsizing. However, in arenas contested in domestic U.S. culture wars, citizens and civil society organizations may count on the administrative—pejoratively, the ‘deep’—state to maintain continuity of policies championed during previous administrations. With regard to U.S. support for SOGI human rights, human rights advocates in the U.S. and abroad now rely on officials in the administrative state to protect programs that address the needs of vulnerable groups and protect human security.

⁴ Cynthia Burack, “Sexual Orientation and Gender Identity Human Rights Assistance in the Time of Trump,” *Politics and Gender* 14:4 (2018): 561-580.

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Elise Carlson-Rainer's consideration of and projection for the sustainability of LGBTI rights diplomacy in the foreign policy of the United States is timely. Her account of a U.S. commitment to SOGI human rights in a political moment of U.S. nationalism and populist reaction is systematic and persuasive. While it is clear that Carlson-Rainer approves of a U.S. commitment to SOGI human rights, her analysis is judicious and firmly grounded in political science literatures. It can be difficult to investigate political events and policy implementation in real time. Even so, the importance of tracing the fate of U.S. commitments to human rights makes such work imperative.

Cynthia Burack is a political theorist and professor of Women's, Gender, and Sexuality Studies at The Ohio State University. Her research is in the fields of religion and politics, sexuality and politics, and SOGI human rights. She is the author or editor of seven books, the most recent of which is *Because We Are Human: Contesting US Support for Gender and Sexuality Human Rights Abroad* (2018), published in the Queer Politics and Cultures book series she co-edits for State University of New York Press. Her current research focuses on U.S. support for SOGI human rights in the Trump administration and Christian conservative opposition to SOGI human rights.

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