

Secular State, Religious Nation? *American ‘Civil Religion’ and the Paradox of Democratic Belonging*

RICHARD AMESBURY
Claremont School of Theology

ABSTRACT

One way that Americans have understood themselves collectively is in terms of the category ‘religion.’ Drawing on Jacques Derrida’s reading of the American Declaration of Independence, I argue that the quest for extra-democratic sources of political legitimacy, including those said to belong to ‘American civil religion,’ is motivated by the structural impossibility of providing any justification from *within* the democratic process for the violence required to found and regulate access to democratic states. While emphasizing the limits of civil religion, I conclude that the space historically occupied in the American imagination by the category of ‘religion’ cannot be left empty.

KEYWORDS

civil religion, citizenship, democracy, atheism, Jacques Derrida

Since the publication of Robert Bellah’s 1967 article ‘[Civil Religion in America](#),’ discussions of the topic have tended to devolve into debates between those who find the very idea morally objectionable and those who regard some form of civil religion as socially necessary. A Durkheimian at heart, Bellah has usually taken the latter position: ‘Rather than simply denounce what seems in any case inevitable,’ he has written, ‘it seems more responsible

to seek within the civil religious tradition for those critical principles which undercut the ever-present danger of national self-idolization.¹ Yet, if there is a benign form of American civil religion in the making, it has been a long time coming. The problem is not simply the proclivity to idolize the nation or the state, but the apparent impossibility of articulating our social bonds without relegating significant segments of the population to second-class citizenship. Because the ‘imagined community’ of a *nation* rarely maps neatly onto the actual citizenry of a *state*, the quest for unity, however minimal its basis, ironically issues in exclusions.

This paper explores the relation between secular statehood and religious conceptions of nationhood in the context of the United States, where, I argue, political membership continues to be linked to religion in ways characteristic of what Charles Taylor calls a ‘neo-Durkheimian’ society. The persistence of this self-understanding, I contend, is due not simply to the *absence* in the U.S. of an established church – a feature often cited by secularization theorists to explain comparatively high reported levels of religious belief and practice in the United States – but to the *presence* of an alternative ecclesial structure, namely *denominationalism*. Beginning in the latter half of the twentieth century, denominationalism expanded beyond its Protestant origins, while preserving a link between God and nation, thereby giving rise to a semi-establishment of *religion*, conceived as a genus. One side-effect of this way of imagining collective identity is the continued exclusion of (uncloseted) atheists from American public life.

Bellah’s concept of ‘American civil religion’ captures something, though not the whole, of this linkage. To the extent that scholarly discussion of civil religion has tended to focus on public rituals and the pronouncements of elected officials – references to God in Presidential inaugural addresses are often treated as paradigmatic of the genre – it has tended, unfortunately, to obscure the sub-theoretical character of what might be termed *American civic imaginaries*. These imaginaries operate largely below the surface of explicit discourse and can survive, even flourish, when certain of their more visible appurtenances have been pruned away. By contrast, the more explicit forms of civil religion, though not simply epiphenomenal, are nevertheless dependent on the subterranean formations of the civic imagination: cut off from these, they quickly wither.

¹ Robert N. Bellah, *Beyond Belief: Essays on Religion in a Post-Traditional World* (Los Angeles, CA: University of California Press 1970), 168.

Taylor, among others, has argued that the United States is presently undergoing a shift from a neo-Durkheimian to a post-Durkheimian dispensation, in which political and religious belonging will be uncoupled. But while it is true that religious understandings of nationhood are contested and may gradually be displaced by other civic imaginaries, I argue that Bellah was not altogether mistaken: the political space historically filled in the United States by *religion* cannot be left empty if the polity is to legitimate itself. Drawing on Jacques Derrida's reading of the American Declaration of Independence, I argue that the quest for extra-democratic sources of political legitimacy, including those said to belong to 'American civil religion,' is motivated by the structural impossibility of providing any justification from *within* the democratic process for the violence required to found and regulate access to democratic states.

1. DEMOCRATIC CITIZENSHIP AND EXCLUSION

Within a democratic state, the exercise of coercive political power is answerable to norms internal to democratic governance, including those properly belonging to an ethics of citizenship. However, because it necessarily takes place 'prior to' or 'outside' the system it makes possible – as it were, in a different conceptual time or space – the power required to institute and/or regulate access to the democratic polity, unlike the power exercised by citizens over one another *within* it, cannot fully be authorized democratically.

The result is a paradox at the heart of the democratic enterprise: on the one hand, democracy is possible only when there is a *demos*, and constituting a *demos* in the context of multiple sovereign states inevitably produces exclusions. In other words, *citizenship* requires that we distinguish insiders from outsiders, and the democratic struggle among citizens to be treated equally *to one another* is almost always, in effect, a quest to be treated differently from those *outside* the polity. On the other hand, there is no *democratic* way of distinguishing between insiders and outsiders, of determining who belongs and who does not. The question of who is eligible to vote, for example, cannot be decided, but only begged, by a vote. In short, democracy seems both to demand and to resist closure: it necessarily requires exclusions, but no particular exclusion can be justified democratically. As a consequence, the moral borders of a democratic state are inherently fuzzy and contestable, always provisional and subject to being redrawn.

2. RELIGION AND POLITICAL BELONGING

One way in which states historically have sought to legitimate themselves and define the moral boundaries of citizenship is by linking civic or political membership with religious belonging. But as Taylor has noted, the nature of this linkage has been conceived differently over time. In what Taylor terms ‘paleo-Durkheimian’ societies, such as those characteristic of ‘pre-modernity,’ God was understood to be present in the locus of ‘the sacred’ – e.g., in the person of a king who mediated between ‘higher’ and ‘ordinary’ times.² In neo-Durkheimian societies, by contrast, God is conceived to be present in the organization of the polity itself: ‘The Design of God, as it were, defines the political identity of this society.’³ ‘This can be filled in,’ Taylor writes, ‘with an idea of moral order which is seen as established by God, in the way invoked, for instance, in the American Declaration of Independence: Men have been created equal, and have been endowed by their creator with certain inalienable rights.’⁴

In paleo-Durkheimian societies, the dominant ecclesial form was that of the *church*. A church, as Troeltsch and Weber defined it, is universalistic in its aspirations, aiming to encompass the whole of a society and claiming a monopoly on the means of grace: *extra ecclesiam nulla salus*.⁵ But although the Reformation saw the emergence of various Protestant *sects*, which aimed to include only the elect, its immediate result was not the demise of the ‘church-type’ but its proliferation and territorialization. The Westphalian doctrine of state sovereignty, which incorporated and extended the principle of ‘*cuius regio, eius religio*,’ made possible the emergence of multiple national churches. However, in the United States, where establishment (at the federal level) was from the beginning prohibited by the First Amendment, the church-type morphed into something new – namely, *denominationalism*.⁶

² Charles Taylor, *A Secular Age* (Cambridge, MA: The Belknap Press of Harvard University 2007), 446.

³ *Ibid.*, 453.

⁴ *Ibid.*, 447.

⁵ See Ernst Troeltsch, *The Social Teaching of the Christian Churches*, vol. 2, trans. Olive Wyon (Louisville, KY: Westminster John Knox Press 1992 [1912]), 331 and Max Weber, *Economy and Society*, vol. 2, ed. Guenther Roth and Claus Wittich (Los Angeles, CA: University of California Press 1978 [1922]), 1204.

⁶ Casanova has argued that although ‘[t]he doctrinal basis of denominationalism had already emerged with the First Great Awakening,’ the idea did not crystallize institutionally until Constitutional disestablishment and the Second Great Awakening ‘transformed Protestant churches and sects alike into denominations.’ José Casanova, *Public Religions in the Modern World* (Chicago, IL: University of Chicago Press 1994), 53.

Whereas churches are compulsory, denominations are free associations, which do not claim exclusive access to the divine.

Yet, although denominationalism permits a ‘separation of church and state’ at one level, it can preserve the link between religion and political identity on another. As Taylor notes, ‘the members of mutually recognizing denominations can form a people “under God,” with the sense of acting according to the demands of God in forming and maintaining their state.’⁷ In this way, denominationalism allows for the possibility of conjoining a secular state with a religious nation: ‘The Republic secures the freedom of the churches; and the churches sustain the Godly ethos which the Republic requires.’⁸ This was precisely the bargain celebrated by Alexis de Tocqueville, who observed in the early 1830s that ‘religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions.’⁹

For Tocqueville, ‘religion’ meant *Christianity*: while ‘the sects that exist in the United States are innumerable,’ they are all ‘comprised within the great unity of Christianity, and Christian morality is everywhere the same.’¹⁰ Since his time, however, the denominational structure has expanded to include groups once excluded from it.¹¹ The early stages of this process are reflected in the title of Will Herberg’s 1955 book *Protestant-Catholic-Jew*.¹² What it succeeds in capturing is not the full range of religious options available in the middle of the twentieth century, but rather the triptych of possibilities that had managed to achieve public recognition as authentic ways of being ‘American.’ It was at this historical juncture that the phrase ‘Judeo-Christian’ came into vogue; the words ‘under God’ were added to the Pledge of Allegiance; and ‘In God We Trust’ was made the national motto. Writing in 1952 for the majority in *Zorach v. Clauston*, which upheld a New York program allowing public school students to be released for off-site religious instruction, Supreme Court Justice William O. Douglas opined, ‘We are a religious people whose institutions presuppose a Supreme Being.’¹³ Increasingly, Amer-

⁷ Taylor, *A Secular Age*, 454.

⁸ *Ibid.*, 453.

⁹ Alexis de Tocqueville, *Democracy in America* (Ware: Wordsworth Editions 1998 [1835]) 120.

¹⁰ *Ibid.*

¹¹ See José Casanova, ‘Immigration and the New Religious Pluralism: a European Union – United States Comparison,’ in: *Secularism, Religion and Multicultural Citizenship*, Geoffrey Brahm Levey and Tariq Modood (eds.), (Cambridge: Cambridge University Press 2009).

¹² Will Herberg, *Protestant-Catholic-Jew: An Essay in American Religious Sociology* (Chicago, IL: University of Chicago Press 1955).

¹³ William O. Douglas, *Zorach v. Clauston* 343 U.S. 306 (1952).

ica was coming to conceive itself as ‘religious,’ though not exclusively Christian. As Herberg put it, ‘It may indeed be said that the primary religious affirmation of the American people, in harmony with the American Way of Life, is that religion is a “good thing,” a supremely “good thing,” for the individual and the community. And “religion” here means not so much any particular religion, but religion as such, religion-in-general.’¹⁴

During the past half century, additional groups, including Muslims and Mormons, have (to a qualified extent) found space under the sacred canopy, though not without continuing resistance. Commenting on these developments, José Casanova has argued that ‘American religious pluralism is expanding and incorporating all the world religions in the same way as it previously incorporated the religions of the old immigrants.’¹⁵ Under the emerging regime – which might be called *multi-religious denominationalism* – recognition extends to a limited range of possibilities which the state recognizes as ‘religions’ and among which it aspires to be neutral. In return, these groups acknowledge each other’s right to exist and accommodate themselves to the demands of a liberal state. In this way, a secular state and a religious nation not only co-exist but mutually reinforce one another.

Yet, the apparent expansiveness of Casanova’s formulation – ‘all the world religions’ – may obscure the ongoing reality of exclusions, which are occluded partly because the possibilities in question are denied the status of genuine ‘world religions.’ Moreover, those groups that *have* succeeded in achieving recognition often have had to refashion themselves in vaguely Protestant form. In addition, ‘permissible’ religious identities can still be overridden by ‘impermissible’ identities of other kinds, resulting, for example, in the continued social exclusion of persons on ‘racial’ or linguistic grounds.

3. ATHEISM AS UN-AMERICAN

Though a powerful national imaginary, the multi-religious paradigm outlined above is of course contested on a number of fronts. One of its rivals is the sectarian narrative of ‘Christian America,’ but the denominational paradigm is also increasingly being challenged, as it were on its opposing flank, by the so-called ‘New Atheism.’ Indeed, although the current wave of interest

¹⁴ Herberg, *Protestant-Catholic-Jew*, 84.

¹⁵ Casanova, ‘Immigration and the New Religious Pluralism,’ 157.

in atheism is commonly viewed as a popular reaction against the ‘Christian Right,’ many conservative evangelicals share contemporary atheism’s antipathy toward ‘religion.’ This rhetorical affinity is no accident: unwilling or unable to accept the relativized status of ‘denominations’ alongside other alternatives, atheism and conservative Christianity are arguably reacting not simply to one another, but also against a normative social matrix from which they perceive themselves to be excluded.

The status of atheism in the United States is particularly telling, since it is atheism over against which *America* as a ‘religious nation’ has largely come to be defined. Sociologists at the University of Minnesota found that their respondents ranked ‘atheists’ first in terms of groups that do ‘not at all agree with my vision of American society,’ followed rather distantly by ‘Muslims,’ ‘homosexuals,’ ‘conservative Christians,’ and ‘recent immigrants.’¹⁶ The researchers, led by Penny Edgell, noted that while negative attitudes toward atheists were correlated with negative views of sexual minorities and, in most cases, Muslims, these correlations were not large. They suggest that ‘this indicates that the boundary being drawn vis-a-vis atheists is symbolic, a way of defining cultural membership in American life, and not the result of a simple, irrational unwillingness to tolerate small out-groups.’¹⁷ Indeed, the researchers note that the incorporation of other previously marginalized religious groups may actually have exacerbated intolerance toward atheism.¹⁸ They conclude that to be an atheist in the United States ‘is not to be one more religious minority among many in a strongly pluralist society. Rather, Americans construct the atheist as the symbolic representation of one who rejects the basis for moral solidarity and cultural membership in American society altogether.’¹⁹

4. PERFORMING A COLLECTIVE ‘WE’

The founding documents of the American republic famously employ the first person plural: ‘we the people.’ But as Derrida has noted in connection with the Declaration of Independence, ‘this people does not exist. They do *not* exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If

¹⁶ Penny Edgell, Joseph Gerteis, and Douglas Hartmann, ‘Atheists As “Other”: Moral Boundaries and Cultural Membership in American Society,’ *American Sociological Review* 71 (2006), 218.

¹⁷ *Ibid.*, 218-20.

¹⁸ *Ibid.*, 231.

¹⁹ *Ibid.*, 230.

it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer.²⁰ By speaking in the name of a community yet to be imagined as such, the Declaration conjures the very ‘people’ its signatories claim to represent. ‘There was no signer, by right, before the text of the Declaration which itself remains the producer and guarantor of its own signature. . . . It opens *for itself* a line of credit, *its* own credit, for itself *to* itself.’²¹ In this way, the Founders’ ‘we’ can be read as *performative*, rather than *constative*: its referent is not an already existing entity, but an entity in the act of constructing and legitimating itself, a not-yet-fully present referent.²²

Yet, as Taylor noted in the remarks quoted earlier, the Declaration also contains a number of well-known gestures beyond itself, to what Derrida calls ‘another “subjectivity.”’ By ‘appealing to the Supreme Judge of the world for the rectitude of our intentions’ – as the Declaration’s final paragraph has it – the signers present themselves as *co-signers*. Derrida writes:

It is still ‘in the name of’ that the ‘good people’ of America call *themselves* and declare *themselves* independent, at the instant in which they invent (for) themselves a signing identity. They sign in the name of the laws of nature and in the name of God. They *pose* or *posit* their institutional laws on the foundation of natural laws and by the same coup (the interpretive coup of force) in the name of God, creator of nature. He comes, in effect, to guarantee the rectitude of popular intentions, the unity and goodness of the people.²³

On Derrida’s reading, these invocations of self-evidence, of ‘the Laws of Nature and of Nature’s God,’ represent the Founders’ attempts, however oblique, to escape the vicious circle of self-authorization by anchoring the legitimacy of the new polity in something constative rather than performative, something ‘given.’ As Derrida puts it, ‘for this Declaration to have a meaning *and* an effect, there must be a last instance. God is the name, the best one, for this last instance and this ultimate signature.’²⁴

God is here Derrida’s term of art for whatever is said to arrest the performative regress inherent in constituting a *demos*, be it Providence, Nature, History, or any of the other putative constatives that have lent an aura of ne-

²⁰ Jacques Derrida, ‘Declarations of Independence’ in *Deconstruction: Critical Concepts in Literary and Cultural Studies* vol. IV, Jonathan Culler (ed.), (New York, NY: Routledge 2003 [1986]), 27.

²¹ *Ibid.*, 27.

²² See *ibid.*, 25.

²³ *Ibid.*, 28.

²⁴ *Ibid.*, 28-9.

cessity and immutability to contingent political arrangements. These various extra-systemic ‘guarantees’ serve to conceal or justify the violence required to institute and maintain the polity and to reify the distinction between insiders and outsiders.

5. ‘CIVIL RELIGION’: NECESSARY AND UNACCEPTABLE?

For Bellah, ‘the American civil religion’ is a discrete and coherent object of analysis, a set of public rituals and dogmas distinct from and existing alongside the Protestant Christianity from which (much of) it has been ‘selectively derived.’²⁵ Although subsequent commentators have preferred to treat civil religion as a more diffuse phenomenon, usually dropping the definite article, they have agreed that the adjective ‘civil’ serves usefully to delimit a particular *modality* or *style* of American religiosity. Though protean, civil religion, it seems to be assumed, can be distinguished more or less cleanly from *non-civil* religion – that is, from religion untainted by the politics of national identity: *religious* religion. But recasting the discussion in terms of the broader question of the mutual implication of the categories *religion* and *nation* brings into view a messier, more complicated picture. What is allowed to count as genuine ‘religion’ is deeply intertwined with how Americans understand themselves collectively, and the content of civil religion *sensu stricto* – the public rituals of Memorial Day and Thanksgiving, the symbolic landscape of Arlington National Cemetery, the religious rhetoric of Presidential inaugurations, etc. – is largely moulded to fit the shared theological and semiotic space, however cramped, in which the various socially permissible creeds overlap.

Bellah has argued on Durkheimian grounds that civil religion, or something similar, is necessary for the maintenance of social cohesion. The claim contains an important kernel of truth: the justificatory void currently occupied in the United States by the category of ‘religion’ stands in permanent need of being filled. This is the space the Declaration of Independence reserves for God, but ‘God’ – Derrida’s name for the ‘last instance’ – can be imagined to take various forms, including resolutely ‘secular’ ones. We can replace one god with another, but we cannot eliminate the gods altogether, without precipitating the political equivalent of a credit crisis. The political function of civil religion – that is, of ‘religion,’ as the term comes to us today,

²⁵ Bellah, *Beyond Belief*, 175.

entangled in a genealogy of nationalism – is precisely to provide the hermeneutical framework needed to rationalize the violence on which even democratic forms of collective political identity depend. As Derrida writes elsewhere, ‘the “successful foundation of a state” (in somewhat the same sense that one speaks of a “felicitous performative speech act”) will produce *apres coup* what it was destined in advance to produce, namely, proper interpretative models to read in return, to give sense, necessity and above all legitimacy to the violence that has produced, among others, the interpretative model in question, that is, the discourse of its self-legitimation.’²⁶ In this sense, to deny the need for gods is, paradoxically, to be already in the interpretive grip of an ideology of legitimation, blinded to the very problem the gods are invoked to solve.

As we noted earlier, discussion of Bellah’s thesis has tended to pit those who regard civil religion as serving a necessary social function against those who view it as morally unacceptable, but their respective conclusions are not contradictory. To be sure, there is nothing inevitable about American civil religion *per se*, and scholars of religion and politics would be wise to avoid taking upon ourselves the mantle of its apologists. But if the argument of this paper is sound, the underlying problematic that generates the demand met by ‘civil religion’ is inscribed within the aporetic structure of the democratic state itself. It consists in the inability to justify, from within democracy, the founding violence and exclusions on which democratic states depend.

Because this justificatory circle can never be closed, the violence required to found a republic is conserved and reenacted in a temporal spiral. Derrida writes:

It belongs to the structure of fundamental violence that it calls for the repetition of itself and founds what ought to be conserved, conservable, promised to heritage and tradition, to be shared. A foundation is a promise. . . . And even if a promise is not kept in fact, iterability inscribes the promise as guard in the most irruptive instant of foundation. Thus it inscribes the possibility of repetition at the heart of the originary.²⁷

On this account, ‘the very violence of the foundation or position of law must envelop the violence of conservation and cannot break with it.’²⁸ Yet, the ite-

²⁶ Jacques Derrida, ‘Force of Law: The “Mystical Foundation of Authority,”’ in: *Deconstruction and the Possibility of Justice*, Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson (ed.), (New York, NY: Routledge 1992), 36.

²⁷ *Ibid.*, 38.

²⁸ *Ibid.*

rability of all ‘foundations’ – their repeatability in novel contexts – is also what makes possible change, ‘repetition with a difference.’ The boundaries required for the existence even of democratic states are thus perennially subject to contestation and renegotiation. ‘This is not to wage war on them and to see evil therein,’ as Derrida puts it in *Politics of Friendship*, ‘but to think and live a politics, a friendship, a justice which *begin* by breaking with their naturalness or their homogeneity, with their alleged place of origin. Hence, which begin . . . by marking an “originary” heterogeneity that has already come and that alone can come, in the future, to open them up. If only unto themselves.’²⁹

Derrida’s analysis points up the need continually to contest and rethink, but also the impossibility of simply doing without, extra-democratic sources of legitimacy. The construction of a *demos* is always a work in progress. Because every ‘we the people’ contains an ineradicable performative element that can never fully be naturalized in a constative, its referent – the subject of much of the history of American political struggle – is never finally present to itself. The question of *who belongs* is not one that can be answered once and for all, by appeal to the ‘intent of the Founders’ or the ‘plain meaning of the text,’ to the authority of the past or the ‘presence’ of the gods. It can be answered only tentatively, by performing these texts differently, in the name of a future community, a democracy yet to come.^{30 31}

²⁹ Jacques Derrida, *Politics of Friendship*, transl. George Collins (New York, NY: Verso 1997), 105.

³⁰ See, e.g., Derrida, ‘Force of Law,’ 46 and *Politics of Friendship*, 103-6.

³¹ Acknowledgments: This paper developed out of a much shorter piece I wrote for *The Immanent Frame*. See Richard Amesbury, ‘Religion and the Civic Imagination,’ *The Immanent Frame*, 5 March 2010, <http://blogs.ssrc.org/tif/2010/03/05/religion-and-the-civic/> (accessed August 16, 2010). Special thanks to my research assistant, Jeff Murico, for editorial assistance.

