AMERICAN CIVIL RELIGION AS SEEN FROM FRANCE

A COMMENTARY TO FRED GEDICKS’S PAPER:
“AMERICAN CIVIL RELIGION: AN IDEA
WHOSE TIME IS PAST”

PIERRE-HENRI PRÉLOT*

INTRODUCTION: THE VARIABLE MEANINGS OF CONCEPTS

First of all, thank you for inviting me to take part in the conference at Brigham Young University. Fred Gedicks’s paper demonstrates the complexity of the controversial concept of civil religion; an idea that has gone1 seems to be the reality.

It is a great honor for me to be with you, especially with the difficult task of talking to Americans about the United States. I have to talk about the common beliefs of Americans, which is very hard to do for someone who does not think like an American. Europeans tend to characterize Americans as an overly religious People.

One difficulty is that I am not American. Another difficulty is that I am French. Some legal or sociological key concepts, such as neutrality of state, freedom of religion, secularism, and civil religion, are common to occidental nations and cultures, and particularly to France and the United States. These concepts, however, do not have the same significance everywhere. Confusion resulting from the use of the same concepts in different cultural contexts is one of the main causes of misunderstanding between people. For example, I have to explain to my students the difference between the role of the French and the U.S. President. I tell them that Americans decided to have a president because they did not want to have a king anymore, whereas the French wanted to have a king again after killing him.

* Public Law Professor, Cergy-Pontoise University (Paris); Director 2002–10, Ecole doctorale “Droit et sciences humaines,” Cergy-Pontoise University (Paris); Member 2003–07, CNU (National University Council, Public law section); Dean of the faculty of law 1997–2002, Cergy-Pontoise University (Paris).

The most relevant example of such misunderstandings in the field of religion is the concept of freedom of religion itself that was proclaimed in the U.S. Constitution, the French Déclaration des droits de l’Homme et du citoyen,\(^2\) and in almost all the French constitutions since 1791. The Third Republic, which is so important from the point of view of Laïcité and the separation of church and state, grants freedom of religion in a single law, the famous loi sur la séparation des Eglises et de l’Etat du 9 décembre 1905 (Article 1).\(^3\) For a majority of French constitutionalists, however, freedom of religion is part of the republican tradition, and, as such, it belongs to our material constitution.

The significance of freedom of religion is completely different in the United States and in France. In the United States, freedom of religion protects religions and individuals from the state, from other religions, or both. Most other western countries understand freedom of religion in this same way; the French perception of religion is rather rare. In France, freedom of religion emancipated people from Catholicism and grants them the protection of the state against religious influence in society. Therefore, freedom of religion actually should be considered freedom from religion, meaning that a free man (a citizen) can only belong to the national community, regardless of his (private) religious beliefs. This is why the prohibition of Muslim scarves in French schools is consistent with religious freedom in France, whereas it would not be in the United States.

The legal and political meaning of the concept of freedom of religion is fundamental to understanding the meaning of civil religion. Gedicks defines civil religion as a common faith of the people through religious pluralism\(^4\)—in France, it would rather be a kind of common theology—that is beyond religious diversity. This is the great difference between France and the United States: civil religion in France is a national theology, whereas civil religion in the United States is a common faith.


\(^4\) See generally Gedicks, supra note 1.
A. The Religious Origins of Nations

As Gedicks suggested, there are four defining moments for civil religion in the United States. Anthropologically, the most interesting moment is the founding of the United States, because it tells us the story—or the myth—of the origin of American civil religion. The creation of the United States was the realization of God’s will. Like the Jewish People in the Old Testament, the first Americans understood themselves as a chosen people arriving at the Promised Land. Two factors led to the creation of this myth: (1) the exodus of part of the religious European population to North America in the seventeenth and eighteenth centuries; and (2) the desire to legitimate the founding of the United States as a fulfillment of God’s will.

The self-understanding of a nation as the fulfillment of God’s will is not limited to the United States. There are other Zions all over the world. For example, according to Gregoire de Tours, France became a nation when King Clovis was baptized in 496. The Salic law, as it was written in the eighth century, describes the illustrious nation of Francs, whose founder is God.7 France then became, as Pope Jean Paul II recalled when he visited France in 1978, “the eldest daughter of Roman Church.”8 Furthermore, the spread of French ideals, particularly in the field of human rights, is in a way the modern achievement of the spread of Christian values. Lastly, the Islamic concepts of Umma (the community of believers) and “Dar al Islam” (the land of Islam) also clearly refer to a nation or a people that have been chosen by God.9

In other words, a nation is like a child: it wants marvelous parents, it wants parents who have dreamed of it before making it, and if it has brothers and sisters, it pretends to be the preferred child.

5. As Fred Gedicks observed, consider language from the great seal of the United States such as “God has favored our undertaking.” Id. at 894.
6. What makes the U.S. experience unique is that it occurred recently, at a time of secularization of European countries, particularly France.
8. Pope John Paul II, Mass at Le Bourget (June 1, 1980).
9. In Islamic theology, Dar al Islam is the area of the world under the rule of Islam. See generally Manoucher Parvin & Maurie Sommer, Dar al-Islam: The Evolution of Muslim Territoriality and its Implications for Conflict Resolution in the Middle East, 11 Int’l J. Middle E. Stud. 1 (1980).
B. The Contradictions of Civil Religion

Gedicks claimed that American civil religion is an oxymoron. Is that true, and what does that mean? Historically, the construction of European nations was a political as well as a religious process. All European nations originally defined themselves as Catholic, then Orthodox in the oriental holy Empire, and then Protestant from the sixteenth century onwards. Furthermore, the Ottoman Empire considered itself an Islamic nation. Religion was in that sense civil and political as much as it was spiritual. Religion permeated all aspects of life. The concept of civil religion appeared in the second part of the eighteenth century, at a time of secularization of states and privatization of religious beliefs, when religion progressively ceased to be a civil affair. In that regard, “civil religion” belongs to the vast category of concepts that appear once the reality they are supposed to describe has vanished. In other words, not only is American civil religion an oxymoron, but all civil religion is an oxymoron from the point of view of the Enlightenment and secular modernity. Civil religion, however, has nothing to do with the Enlightenment. It belongs to the pessimistic anthropology of Jean-Jacques Rousseau.

Civil religion as a means of strengthening national unity was also tested during the French Revolution. The *Constitution civile du clergé* was a sincere, but radical attempt to merge the community of citizens (the sovereign nation) and the Christian community (at that time, nearly everyone was officially Christian). One of the most important events at this time, the nationalization of the Church’s property (“la nationalisation des biens du clergé”), was not

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10. See generally Gedicks, supra note 1.

11. Consider the principle of “cujus regio ejus religio” (“whose realm, his religion”) that appeared during the European Reformation. See Handbook of European History, 1400-1600: Late Middle Ages, Renaissance, and Reformation 657 (Thomas A. Brady, Jr. et al. eds., E.J. Brill 1995).


14. As Gedicks observed, Rousseau argued that “no state has ever been founded without religion serving as its base.” Gedicks, supra note 1, at 891 (quoting Jean-Jacques Rousseau, *On the Social Contract* 96, 99 (Donald A. Cress ed. & trans., Hackett Pub’g Co. 1983) (1762)).

an expropriation from a legal point of view. All the ancient churches that had been erected in the Middle Ages became the nation’s property.\textsuperscript{16} The baptized were included in the community of citizens, and the French Catholic Church had become national.\textsuperscript{17} Seizing the Church’s property, therefore, was less a nationalization than a change in the quality of the owner, involving the same community of people (from the Church to the nation, from the Christian community to the community of citizens).

The idea of civil religion in the French Revolution refers rather to Robespierre and his “culte de l’Étre suprême,”\textsuperscript{18} or to the Directoire with the “culte décadaire” or the “culte théophilanthrope,”\textsuperscript{19} which were all, to some extent, influenced by Rousseau. Such a civil worshipping is not exactly a civil religion in the sense of Rousseau or in the American sense. It was conceived as a means for authorities to control people. In Conspiration des Egaux, Buonarotti stated the following:

Actually, the practice of a worship that presents the Supreme Lord as the creator, the legislator and the protector of humanity, had the great advantage to suit those who value Christianity only for morals, those who reject atheism, those who hate superstition. (It was furthermore grounded on the opinion of wise men revered by mankind, and on reasoning that cannot be refuted); it could become, within the hands of the reformers, a strong lever for the setting of democratic institutions; it was the sole legal means to talk in the great meetings of people.\textsuperscript{20}

\textsuperscript{16} See generally id.

\textsuperscript{17} See generally id.


\textsuperscript{19} See generally Albert Mathiez, La Théophilanthropie et le Culte Décadaire, 1796-1801: Essai sur L’histoire Religieuse de la Révolution (Felix Alcan ed., 1904), available at http://gallica.bnf.fr/ark:/12148/bpt6k118570z.r=LA+THEOPHILANTHROPIE+ET+LE+CULTE+DECAUDAIRE.langEN.

\textsuperscript{20} Par Ph. Buonarotti, Conspiration pour l’Égalité 105 (Bruxelles, La Librairie Romantique 1828). In the original version, Buonarotti stated the following:

En effet, la pratique d’un culte qui présente l’Étre Suprême comme le créateur, le législateur et le protecteur de l’égalité, offrait l’immense avantage de plaire à ceux qui ne tiennent au christianisme que par sa morale, à ceux qui repoussent l’athéisme, et à ceux qui abhorrent la superstition. Elle était en outre fondée sur l’opinion des sages que l’humanité révère, et sur des raisonnements qu’il est impossible de réfuter; elle pouvait devenir, entre les mains des réformateurs, un levier puissant pour l’établissement des institutions démocratiques; elle était le seul moyen légal de parler à de grandes réunions de peuple.

\textit{Id.}
Civil worship was an imposed national theology rather than a common faith, and as such, it could not work.

The origin of American civil religion is very complex, and there are many books addressing the issue. As Tocqueville explained, Americans created the first new democracy in the world, and they had to determine how to create national unity in a society where all people are equal, without anyone’s authority above them except God’s. Protestantism has played an important role in developing democracy in the Occident, and the United States was its first laboratory.

According to Robert Bellah, American civil religion is “a set of religious beliefs . . . shared by most Americans and consistent with the particular theologies of [most American religions].” Gedicks convincingly explained the content and symbols of American civil religion. American civil religion appears to be a mixture of religious and secular beliefs; religious beliefs are, in a way, nationalized, and national life and culture are religionized. Such a syncretism of secular and common religious beliefs does not (and should not) act as a substitute for old religions. Rather, it tends to express a form of ecumenism of American people. Civil religion is at best—or at worst—a new secular religion, but a first level religion, whereas traditional religions still exist at the highest step. This is probably why freedom of religion in its different components (religious test, establishment clause, free exercise clause) is so important in the United States. Freedom of religion is not the only legal support for religious pluralism. It is above all the first article of the U.S. social contract, granting to all religions their place in a society united by a common civil faith. Ideally, the connection between religions and civil religion is akin to the relationship between the states and the federal government. It seems to work like a kind of religious federalism.


23. Id. at 892–93.

24. Id. Gedicks mentions the “ambiguity” of civil religion—that “[o]n the one hand, . . . [i]t is a set of religious beliefs that [order the civil life],” but “on the other hand, [i]t is also a set of secular beliefs held with a religious tenacity that perform the same function.” Id.
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C. The Historical Moments of American Civil Religion

Gedicks stated that there were four “historical moments of American civil religion,” which are as follows: (1) “The Founding: the United States as Old Testament Israel”; (2) “The Civil War: the United States as New Testament redeemer”; (3) “The Cold War: the United States against godlessness”; and (4) “The Culture Wars: the United States against moral relativism.”

This sequencing of U.S. history shows that civil religion is not a single domestic affair, as it was more or less until the Second World War, but it might also determine the position of the United States towards other nations. As Gedicks said, during the third period, American values were opposed to Russian godlessness. Furthermore, the fourth period was not only a period of moral relativism inside the United States, but it was also the time of the Vietnam War, the Iranian Revolution, and the end of communism.

It is probable that such a globalization started with the Civil War, which, with regard to values such as the abolition of slavery, involved not only the United States, but the whole civilization. After the United States abolished slavery, slavery could no longer be a domestic affair anywhere in the world. At the beginning of the Civil War, Abraham Lincoln said that the United States might be “the last best hope on Earth.” At the conclusion of the Gettysburg Address, Lincoln stated, “[i]t is rather for us to be here dedicated to the great task remaining before us . . . that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.” National war was indeed a war for democracy on the Earth. In other terms, the destiny of American civil religion, from the very beginning, was to transform itself in a world civil religion, fulfilling the old dream of the unity of the human race under God.

Considering the United States as the new Zion should mean that for Americans, the terrorists on September 11th did not simply

25. Id. at 893–98.
26. Id. at 896.
28. ABRAHAM LINCOLN, Address Delivered at the Dedication of the Cemetery at Gettysburg, in THE COLLECTED WORKS OF ABRAHAM LINCOLN 17, 23 (1953).

attack a rich, occidental, and Christian nation, like they could have done with France or Italy. Instead, they attacked, in the name of Allah, the Promised Land chosen by God Himself. Since this is probably the case, President Bush’s foreign policy (in Afghanistan and Iraq) has to be understood, as it is in Europe, like a new crusade, and theologically like the Apocalyptic Armageddon, otherwise known as the war of goodness against badness. When Bush visited Germany in 2002 to convince Chancellor Schröder to follow him, his intonations were resolutely religious. Gedicks did not address the issue, but to Europeans, it seems as if September 11th opened a new period for American civil religion after the end of communism and the short illusion of the diffusion of liberal values all over the world. This new period started logically after September 11th with a strong reassertion of traditional American and Christian values. The election of Barack Obama in 2008 might be the prospect of a more inclusive definition of American civil religion, and this is probably why this election, more than any other before, was such a universal event. The stake for non-Americans was the universality of American values—the content of civil religion—expressed through the presidential election.

D. The Impossibility and the Undesirability of American Civil Religion

In the third part of his lecture, Gedicks addressed “the fortunate improbability of American civil religion.”

30. George W. Bush, Former President of the United States, Remarks to a Special Session of the German Bundestag (May 23, 2002), available at http://georgewbushwhitehouse.archives.gov/news/releases/2002/05/20020523-2.html. Near the end of President Bush’s speech, he made the following remarks:

One of the greatest Germans of the 20th century was Pastor Dietrich Bonhoeffer. (Applause)—who left the security of America to stand against Nazi rule. In a dark hour, he gave witness to the Gospel of life, and paid the cost of his discipleship, being put to death only days before his camp was liberated.

“I believe,” said Bonhoeffer, “that God can and wants to create good out of everything, even evil.”

That belief is proven in the history of Europe since that day—in the reconciliation and renewal that have transformed this continent. In America, very recently, we have also seen the horror of evil and the power of good. In the tests of our time, we are affirming our deepest values and our closest friendships. Inside this chamber, across this city, throughout this nation and continent, America has valued friends. (Applause.) And with our friends we are building that house of freedom—for our time and for all time.

Id.

31. Gedicks, supra note 1, at 898.
1. The Impossibility of American Civil Religion

According to Gedicks, American unity through religion is no longer possible due to religious pluralism and the increasing proportion of unbelievers (and spiritualists).\textsuperscript{32} Immigration brought Buddhists, Hindus, and Muslims to the United States. As Gedicks stated, “[o]ne can reliably estimate, therefore, that the national identity defined by contemporary American civil religion now excludes between one-quarter and one-third of all Americans.”\textsuperscript{33} Moreover, civil religion cannot function yet as a source of identity and national unity, due to the appropriation of its symbols by evangelicals and conservative Catholics.

The function of civil religion in a country of migrants is to enable people coming from anywhere in the world, having different beliefs, to live together with the same common faith in the Nation, from the moment they or their children become U.S. citizens. The question, therefore, is: can Americans live without a civil religion that makes them be Americans rather than merely Irish Catholics from New York, or Spanish Catholics from California, or Amish people from Pennsylvania, or Mormons from Utah, or migrant Muslims, Hindus, or Buddhists? The concept of religious federalism may be approximate, but nevertheless, it shows that the role of American civil religion is to federate all the members of the national community, regardless of their beliefs, and to make all beliefs contribute to national unity through diversity. The evolution of U.S. society might imply, not the disappearance of a civil religion, but a new definition of it on a less religious and more secular basis. In France, people are very attentive to religious references in President Obama’s speeches, and they expect them to be more secular and less religiously oriented than former President Bush’s.

2. The Undesirability of Civil Religion

Gedicks claimed that civil religion leads to idolatry.\textsuperscript{34} The divinization of the state is an old story in Europe; its strongest expressions were Fascism, Nazism, and Communism. Europeans tend to believe that Americans are protected from such a danger. Civil religion also includes standards of American life, such as markets, business, and welfare, which is a kind of sweet idolatry. Such a

\textsuperscript{32.} \textit{Id.} at 898–900.
\textsuperscript{33.} \textit{Id.} at 900.
\textsuperscript{34.} \textit{Id.} at 901.
worm was in the fruit of civil religion from the beginning, and it is the job of religions to propose something more stimulating to people than ordinary welfare.