WHY ARE WE TALKING ABOUT CIVIL RELIGION NOW?:
COMMENTS ON “CIVIL RELIGION IN ITALY:
A ‘MISSION IMPOSSIBLE’?” BY
ALESSANDRO FERRARI

Winnifred Fallers Sullivan*

I. INTRODUCTION

Crosses of various kinds have served to symbolize aspects of human culture and society over a time and space that both precedes and exceeds Christianity. The simplicity and evocative power of the meeting of two lines and their capacity to structure our imagination in various ways finds examples from all over the world and throughout human history.1 Crosses, like other simple shapes—circles, helixes, crescents, stars, spirals—derive their power, in part, from their capacity both to signify universal experiences and to carry highly specific references that root them in very particular religious and political histories. A cross can be at once a symbol of all meeting places, of the axis mundi, and also of highly particular religious meanings such as those attributed to the execution of one man in Roman Palestine in the first century of the common era. Meanings are always supplied by the viewer. They are not inherent in the object. A cross does not “mean” without a context.

Alessandro Ferrari, in his wonderfully interesting paper on civil religion in Italy for this symposium, notes what he sees as a persistent anomaly in secular Italy: the display of crucifixes2 in public school classrooms and the effort of the Italian courts to excuse their presence constitutionally.3 The crucifixes present a scandal

*Professor of Law and Director of the Law, Religion and Culture Program, University at Buffalo, The State University of New York. Ph.D. 1993, University of Chicago; J.D. 1976, University of Chicago; B.A. 1971, Cornell University.


2. A crucifix is a particular kind of Christian cross, one distinguished by the presence of a corpus, a representation of the body of the crucified Christ.

3. Since I wrote this essay, the European Court of Human Rights has ruled that this Italian practice violates the European Convention on Human Rights. The Italian government has appealed the decision. See infra note 16. In preparing my response to Professor Ferrari’s paper for publication, I have benefited from a second paper of his published in

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of a sort, as he describes it, evidence of incomplete secularization. Interestingly, one of the First Amendment religion clause cases that was before the United States Supreme Court in its October 2009 term concerned public display of a cross. And it was only one of many recent cases in the United States challenging public display of a cross. Why do crosses continue to present themselves publicly and to present such a difficulty for the modern secular nation-state? Haven’t the myths and symbols of religions been supplanted by the myths and symbols of nationalism? Has secularization failed? Or, has the cross been secularized? I will argue that the crosses and other religious symbols that continue to populate our imagination and our environment connect the universal and the particular in ways that the nation fails to, even while they cause offense to some, revealing, among other things, the limits of civil religion, as well as of secularism.

This symposium addresses itself cross-nationally to the problem of civil religions today. What are civil religions today? Do we need them? How are they related to “real” religion? How are they related to nations and nationalism? Although related genealogically to predecessor imperial and monarchical cults, modern civil religions are a feature of the nation-state. They supply the myths, rituals, and codes by which a particular country lives and celebrates its unity. They help to create those imagined communities of which we are members. They help government to govern by ensuring that the citizens of a particular country feel that they belong and understand that belonging as carrying certain cultural values and civic obligations. A civil religion does not lead to salvation, or nirvana, or eternal truth. It just enables ordered and bounded life on this earth. Or, so it is said. Civility, civilization, civil society—and religion—overlap in often uncomfortable ways. Civil religion might contain or locate some of the surplus desire


that democracy cannot contain but it does that in service of state sovereignty. It supplies a need that is understood to have been created at the time of disestablishment and separation, but one that has been incompletely theorized.

For many Americans, I think, “civil religion” has come to denominate a thin, nationalistic deism believed necessary, and constitutionally permissible, for public ceremony and for the expression of patriotism, without much more. Civil religion is not regarded by most Americans to be a legitimate form of religion, but rather a bastard relation more to be curtly acknowledged than warmly embraced. This is so in large part because legitimate religion in the United States is understood not to be political. We understand ourselves to have real religions capable of supplying all that is necessary in the way of religion without the need for any pale substitutes. Further, we believe we enjoy the separation of church and state, and religious freedom. Perhaps civil religion is also regarded as suspect because real religion has been understood to be under threat in the last thirty years or so—from secularists and terrorists—so it needs protecting also from its wannabe imitators.

In this symposium, however, civil religion as a topic, whatever its shortcomings as an analytic category, provided an unexpectedly rich field for cross-cultural comparison, an occasion to reflect on a predicament common to early twenty-first century nation-states around the globe: how to imagine their own unity and protect their sovereignty, while responding to both the interconnectedness promoted by globalization and to the increased religious vitality and diversity apparent at home and abroad? Civil religion as a

7. The current rejection of civil religion by Americans is surprising in some ways. Robert Bellah’s classic mid-century article on civil religion in the United States offered a subtle and complex explication of U.S. civil religion with real depth and substance, a religion of both priestly and prophetic power. See generally Robert N. Bellah, Civil Religion in America, DAEDALUS, Winter 1967 (1967), reprinted in AMERICAN CIVIL RELIGION 21 (Russell E. Richey & Donald G. Jones eds., 1974). He described a religion of the United States transcending its particular religions, being capable of critique as well as of celebration, and while sometimes devolving into mindless jingoism, also embodying the best of a shared American experience of pain and sacrifice and hope. Robert Bellah’s hope—that the ideals embodied in American civil religion would enable the United States to emerge with integrity from the Vietnam War ready to participate in a world civil religion that was equally rich—seems dated now. On the religiousness of American national identity, see also Paul Kahn, Sacrificial Nation, The Utopian (March 29, 2010), http://www.the-utopian.org/2010/04/Sacrificial-Nation.html.

8. Reading the religious self-understandings of Americans in the context of the various wars in which the United States is now engaged is beyond the scope of this Comment but surely undermines the easy self-confidence of Americans with respect to the unique success of their church-state arrangements. See infra Part IV for a discussion of the civil religion of military contractors.
topic also supplied a useful occasion for considering the current crisis in liberal theory and law regarding religion. How is it that liberal theory has failed with respect to religion? What does religion continue to supply that nations have failed to process and control? Is civil religion a useful analytical frame in considering these matters? For some, the cross competes with the crescent for the symbolization of a new world civil religion. For others, a shared humanity reaches beyond the particular histories of those symbols, in their narrower meanings, and points to new ways of conceiving our common destiny.

II. ITALIAN CROSSES

Alessandro Ferrari’s positioning of Italy in the field of civil religions presents a fascinating and, to most Americans, largely unfamiliar example of a modern liberal secular state that is both overwhelmingly Catholic in population and also “host” to the historic capital of the Roman Catholic communion. As Ferrari tells the story, Italian civil religion is compromised by Italy’s problematic identity both as a nation and a state dominated by the Roman Catholic Church. Yet, not in the obvious ways most Protestants in the United States would suspect. Both in its founding in 1871 and in its postwar constitution, Italy was conceived as a modern liberal secular state, and Italians today understand their government and their public life to be thoroughly secular. Few Italians, however, according to Ferrari, identify with the symbols and myths of the Italian state, relying instead on the symbols of the Catholic Church to represent their unity. Italian laicità, thus, on Ferrari’s reading, is less secularist than French laïcisme. Ferrari terms it a Habermasian laicità.9 But it remains ambiguous and unresolved what exactly this lingering Catholic identity is about.

Moving on from the French/Italian comparison to a comparison of Europe and the United States, Ferrari begins with the conventional contrast between a European penchant for a more secular civil religion combined with a formal public relationship with the churches, on the one hand, and, on the other, what he sees to be the U.S. penchant for a more religious civil religion combined with a complete privatization of the churches. Europeans think of themselves—and Americans think of them—as non-religious; in other words, they believe this in the face of continuing formal part-

9. Of course, Blandine Chelini-Pont’s paper in this conference suggests that French laïcisme is also less secularist than its caricatures might suggest. See generally Blandine Chelini-Pont, Is Laïcité the Civil Religion of France?, 41 GEO. WASH INT’L L. REV. 765 (2010).
nerships between governments and religious organizations across educational and social service sectors and evidence of continued personal ties to the Christian tradition. Americans, on the other hand, think of themselves and are thought of as religious, notwithstanding a careful distancing of government and religion. Each is intended to go its own way. The Italian arrangement, Ferrari tells us, falls between the two models, having both a more religious public culture than some other European countries and a more recent history of disestablishment. Ferrari suggests, however, that these historic differences may be shifting as changes in both the United States and Europe tend toward a convergence. The recent abandonment of separation in favor of a more formal accommodation of religion in the United States, and a backing off in Europe, of hard secularism in favor of what the Italian bishops seem to call “sane laicitá,” and President Sarkozy of France calls a “laïcisme positif,” may suggest movement toward a common U.S./European model of accommodation. Ferrari also suggests that Italy may even be better prepared for the new salience of religion than some other European countries because of its less secular nature. But the low “statism” of Italy, he says, handicaps its ability to protect the rights of minorities both within and without the major religious communities.

How is Italian civil religion expressed? If civil religion poses the question as to what sentiments and symbols can serve to unify the diverse citizens of a particular nation-state, there are, according to Ferrari, several enduring challenges confronting Italy. Regional differences, mainly divided north and south, but also urban and rural differences, are significant, longstanding, and persistent. The postwar constitutional moment (1946–1947) in which communists, socialists, and Christian Democrats were united against fascism, and on which enduring civil society institutions and sentiments might have built, was dissipated in the Cold War. This loss has meant that national symbols (flag, anthem, and so forth), as well as the narratives of wartime resistance, are less important to Italian national consciousness than the enduring unity of Catholic

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11. Italy was unified as a country in 1871. The peninsula had for centuries before that been home to assorted princely and city-states that were subject to repeated invasion. Italian as a lingua franca began to be invented only at the end of the nineteenth century, when one regional language, Tuscan, was adopted as a national language. See generally Christopher Duggan, *A CONCISE HISTORY OF ITALY* (1994).
baptism. By default, as Ferrari describes it, and somewhat ironically given a pervasive secularism and the real diversity even within the Catholic Church, Italians are united by the symbols of Catholic Christianity. Even while championing individual freedoms, the Italian state, in what Ferrari terms the “original sin of Italian political history,” has continuously accommodated itself to the Catholic Church in various ways.

Italian constitutional structuring of church-state relations was embodied in four articles in the 1947 Constitution, four articles that Ferrari orders in two pairs. Articles 19 and 20 guarantee free exercise of religion for individuals and prohibit state discrimination against religion or among religions. Articles 7 and 8 delineate the separation of church and state: Article 7 separates the Italian state and the Catholic Church, their relationship being formally regulated by the 1929 Lateran Treaty with the Vatican; while Article 8 guarantees the right to organize and the equality of other religions. As Ferrari points out, while appearing to thoroughly delineate a modern secular legal regime with respect to religion, in practice these two pairs set up a kind of schizophrenia not entirely dissimilar to that between the two clauses of the First

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12. For Americans, of course, the original sin of constitutional history is the accommodation of slavery, and there are interesting structural parallels between these two constitutional sins that might be further explored. There has been an accommodation of majority religion as well in the United States, coalescing in the nineteenth century with what is described by historians as a de facto establishment of Protestant Christianity, but that accommodation has been structured differently in part because of the dominance of the free-church model in U.S. Protestantism. See generally Mark De Wolfe Howe, The Garden and the Wilderness: Religion and Government in American Constitutional History (1965) (giving an account of the evolving legal establishment of religion in the United States).

13. Article 19 states that all people have the right to freely profess their religious belief in any form, individually or with others, to promote them, and to celebrate rites in public or in private, provided they are not offensive to public morality. Art. 19 Costituzione [Cost.] (It.). Article 20 provides that no special limitation or tax burden may be imposed on the establishment, legal capacity, or activities of any organization on account of its religious nature or its religious or confessional aims. Id. art. 20.


15. The state and the Catholic Church are independent and sovereign, each within its own sphere. Their relations are regulated by the Lateran Pacts. Amendments to such pacts that are accepted by both parties shall not require the procedure of constitutional amendments. Art. 7 Costituzione [Cost.] (It.). All religious denominations are equally free before the law. Denominations other than Catholicism have the right to self-organization according to their own statutes, provided these do not conflict with Italian law. Their relations with the state are regulated by law, based on agreements with their respective representatives. Art. 8 Costituzione [Cost.] (It.).
Amendment to the Constitution of the United States. The first pair guarantees freedom of religion while the second pair devolves state power to those religious institutions that are willing to conform themselves to the model of the Christian Church, even while they curtail the very individual liberties guaranteed by the first pair.

The paradoxes of the Catholic Church’s role in Italy are interestingly illustrated in the history Ferrari tells of recent court cases challenging the display of the crucifix in Italian public schools. Italy has a national primary and secondary school curriculum. Public school rooms are also used for voting purposes. Although private schools do exist, the educational system is understood, as in many countries, as the key means of citizen formation. Multiculturalism is a mandated aspect of the curriculum, as in all European Union countries. Nevertheless, a crucifix is mounted in every Italian public classroom directly behind the teacher. Numerous legal challenges have been made to this practice. And, while Italian constitutional discourse formally endorses a policy of safeguarding religious freedom and religious pluralism, what exists, according to Ferrari, is a constitutional policy more dictated by the Lateran Treaty than the Italian Constitution. And yet, under this regime, it is not in fact the case that the Catholic Church is calling all the shots, in a narrow partisan sense. Although it has political influence, the Church clearly is not able simply to dictate to the Italian government. Ferrari’s argument is that, almost paradoxically, when the courts approve school crucifixes as symbols of religious freedom, there is a sense in which they are saying that the Catholic Church at times stands in for all religions—including the civil religion—as a universal religion.

Interestingly, while this universalizing and nationalizing of Catholic Christianity may seem parallel in ways to U.S. rhetoric about the United States as a Christian nation—or to the recent success of the faith-based initiative in the United States—in Italy, according to Ferrari, this is not a popular movement. On the contrary, Fer-

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rari argues that as a political project, it is promoted by an elite on the right that wins by default, due to the vacuum created by the weak state. Perhaps also it resonates in a general way with the one unifying experience of Italians—their Catholic baptism. The cross thus can be understood to function for the courts as a guardian of an Italian version of multiculturalism. Indeed, Ferrari suggests, in contrast to France, it may be the crucifix that protects the headscarf. Tolerance of a sort is possible in Italy, in other words, because of what Americans would call an establishment of the Catholic Church.17

There is a deep ambiguity here. The Catholic Church in Italy is both an agent of anti-democratic sectarian politics and a source of a broad humanitarianism. Ferrari himself seems to desire a Vatican II version of Catholicism as a “true” civil religion, one that might accommodate freedom and pluralism. But his prediction is that the Catholic Church will instead play a more straightforward political role, one that aims for a narrow sectarian bid for power. In comparing French laïcisme and Italian laïcità, Ferrari suggests that France needs to strengthen the nation, that is its emotional affective identity, and Italy needs to strengthen the state, its capacity to resist the emotional pull of the Catholic Church with effective constitutional governance. The crucifix seems to stand in the midst of this set of conflicting tensions.

III. AMERICAN CROSSES

How different is the United States? Most importantly, comparatively speaking, the United States has neither a church nor a state in either the French or the Italian sense. American Christianity, while culturally dominant and influential in many ways, supplying an anthropology and cosmology for most Americans, has always been too fragmented institutionally to support a robust claim to institutional power of the kind still enjoyed to an extent by the Vatican in Italy and emphatically repulsed by the French in the Revolution. The U.S. federal government is a government of limited powers mostly lacking the paternalistic power and identity of the European state, succeeding as it did, in most cases, to an absolutist monarchy. Sovereignty resides in the people. Since the beginning, American governments, in a patchwork of laws with a complex blend of local, state, and federal claims to define Ameri-

17. And tolerance derives its cultural authority in part, according to Ferrari, from the canon law of the Roman Catholic Church, which directly prescribes the need for tolerantia. See Ferrari, supra note 3, at 147–49.
can identities, have negotiated the relationship of religion to secular power in the United States.

Consider the recent history of cross displays in the United States. While the posting of either crucifixes or crosses on the walls behind schoolteachers, à l’Italia, is unthinkable in the United States, the banishing of crosses worn by schoolchildren, à la France, is also unthinkable. Further, there are indeed publicly displayed crosses everywhere else—along highways, in cemeteries, and in public parks. Many are war memorials. Two recent cases illustrate the ambiguities of this symbol in the U.S. context as well—and the challenge to courts in the United States to regulate such things.

Salazar v. Buono, a United States Supreme Court case, concerned a cross that was installed as a World War I war memorial in the Mojave Desert in 1934 by the Veterans of Foreign Wars. In 1994, the entire area was declared a National Preserve under the jurisdiction of the National Park Service. Shortly thereafter, the constitutionality of continued display of the cross was challenged. The district court ordered removal of the cross. Its order was upheld by the Ninth Circuit. Congress tried to remedy the situation by ordering the transfer of the few acres on which the cross stands to a private party, but the Ninth Circuit enjoined the transfer. That decision was appealed to the Supreme Court. Standing and remedy were the central constitutional issues in the case, but the ambiguous nature of the cross as a symbol was reflected in the many amicus briefs that were filed. What is the meaning of this cross? And, how would one know?

Another decision from the Southern District of California, Trunk v. City of San Diego, concerned the twenty-nine foot Mt. Soledad cross in San Diego. The first cross was erected on Mt. Soledad,

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18. The public display of crosses in the United States was controversial from the beginning. For example, John Endecott, then–former governor of the Massachusetts Bay Colony, was accused of having cut the red cross of St. George from the colony’s flag, on the ground that its display was idolatrous and papist. For a discussion of the ensuing controversy over the nature of symbols and of government, see Elizabeth Dale, Debating—and Creating—Authority: The Failure of a Constitutional Ideal in Massachusetts Bay 1629–49 (2001).

19. Personal crosses, however, can be banished from prisons in the United States if they are reasonably believed to present a threat to prison security. See Sasnett v. Sullivan, 91 F.3d 1018, 1025 (7th Cir. 1996), rev’d 521 U.S. 1114 (1997).


21. Id. at 2, 4–5.

22. Id. at 6.

23. Id. at 7.

then city-owned land, in 1919, as a part of a war memorial. That cross has been replaced several times and the area around the cross further developed as a memorial since then. In 2004, after litigation against the city seeking removal of the cross, the federal government acquired the property on which the cross stands by eminent domain in order to establish it as a national veterans memorial.\(^{25}\) Again, legal action was instituted, this time challenging Congress’s acquisition of the memorial. In 2008, Judge Larry Burns, after a lengthy consideration of the possible meanings and contexts of the cross, held its display not to communicate an unconstitutional message and granted summary judgment for the defendants.\(^{26}\) Applying a hybrid \textit{Lemon}/\textit{McCreary} test, Burns wrote, “The court finds the memorial at Mt. Soledad, including its Latin cross, communicates the primarily non-religious messages of military service, death, and sacrifice . . . . As such, despite its location on public land, the memorial is constitutional.”\(^{27}\) “The primary effect of the Mt. Soledad memorial is patriotic and nationalistic,” he concluded.\(^{28}\) “This is but another way of saying the message the objective observer takes away from the memorial is a secular one.”\(^{29}\)

How did Judge Burns understand the two crosses? He discussed and distinguished the earlier decision finding the Mojave cross unconstitutional, \textit{Buono v. Kempthorne},\(^{30}\) as follows:

Plaintiffs rely on \textit{Buono} to support their initial argument that displays with crosses ought to be analyzed differently from displays with other religious symbols or texts. They suggest the Court need not engage in a detailed analysis of the evidence, but should simply conclude the Latin cross necessarily conveys an exclusively religious message . . . . But unlike \textit{Buono}, where no one apparently disputed that the cross is exclusively a Christian symbol, here it is disputed . . . . precedents dealing with public displays of crosses in the \textit{Establishment Clause} context suggest Latin crosses should not be assumed to be primarily or exclusively religious symbols . . . . The Latin cross is, to be sure, the preeminent symbol of Christianity, but it does not follow the cross has no other meaning or significance. Depending on the

\(^{25}\) Id. at 1204.
\(^{26}\) Id. at 1225.
\(^{27}\) Id. at 1224.
\(^{28}\) Id. at 1220.
\(^{29}\) Id. at 1220.
context in which it is displayed, the cross may evoke no particular religious impression at all. 31

Symbols are to be evaluated in context, according to Burns, and key in the Mt. Soledad case was the presence of other objects in addition to the cross. 32 He described its appearance and surroundings:

The cross was conspicuously marked with a bronze plaque noting its status as a veterans’ memorial, and other features were added to the site. These include six large concentric walls displaying over two thousand engraved, formal black granite memorial plaques recognizing individual veterans, with room for over a thousand more. The plaques contain personal information, pictures, and symbolic elements (both religious and secular) and are installed at a substantial cost to the purchasers. The religious imagery on the plaques includes crosses, the Star of David, and emblems of other religions. Adjacent sidewalks invite visitors to view the plaques up close. Other additions to the memorial include brick paving stones commemorating veterans and supporters, and twenty-three bollards honoring community and veterans’ organizations, encircling the walls. Finally, an American flag now flies from a large flagpole at the memorial. 33

One might say that the Mt. Soledad cross had been converted from a religious symbol to a symbol of civil religion by being mixed with other objects, including the flag, just as the nativity scene and the Christmas tree were understood in earlier establishment clause cases to be converted into secular/civil ones by being placed in the presence of other symbols. 34

The crosses themselves are indistinguishable. Both of these crosses, the Mt. Soledad cross and the Mojave Desert cross, are pedantically referred to by the parties and by the courts as “Latin” crosses. Dictionaries will tell you that a “Latin” cross is distinguished by a longer vertical arm, in contrast to a “Greek” cross that has arms of equal length. 35 The Latin versus Greek difference means little in the U.S. context. The distinction is truly a matter of ancient history. What is most noticeable when American crosses are contrasted to Italian crosses, though, is that American crosses

32. Id. at 1213–14.
33. Id. at 1203–04.
35. See, e.g., Webster’s New World College Dictionary (2009)
have no bodies. They are Protestant crosses. Does that make them more capable of universal meaning? The judge in the Trunk case cited City of Eugene. “While a crucifix is an unmistakable symbol of Christianity, an unadorned Latin cross need not be.” In this quotation, one hears whiffs of an earlier U.S. anti-Catholicism, but also one hears an expression of the nondenominational Protestant Christianity that was understood to serve a universal purpose in nineteenth and early twentieth century public contexts in the United States, including in public schools. Empty crosses make a larger claim to universality in the U.S. context, but, in the Italian context, crosses with bodies are unwritten by the universalism of Catholic teaching.

U.S. courts are divided about the presence of crosses on public lands. Clearly they do not serve the unifying symbol of national identity that Ferrari suggests is the case for the crucifixes in Italian classrooms. But, like those crosses, the claim is made also in the United States that the cross is a universal symbol, one that stands in for all religions, for a universal sacrifice that is inclusive rather than exclusive. This universality derives both from theological claims made by Christian speakers and by the apparently enabling function of the presence of even one religious symbol, an enabling function that gestures beyond nationalism. In contrast to the banishing of religious symbols sought by some in French political history, for both Italians and Americans, the accommodation of Christianity arguably makes a place for religion that can then be extended to other religions. This place is necessarily structured by Christian assumptions and is regulated by secular law, but one can make the argument that it is a kind of religious freedom.

IV. Conclusion

So, can you display the cross, or tolerate display of the cross and other religious symbols, and still be a liberal secular state? Ferrari suggests that in some sense Italy has failed to successfully create a civil religion as evidenced both by the weakness of the Italian state

36. The presence—or lack thereof—of the body is the subject of apologetic polemics between Catholics and Protestants that ring the usual changes about sacrifice, sacramentalism, real presence, idolatry, and so forth.

37. Separation of Church and State Comm. v. City of Eugene, 93 F.3d 617, 626 n.12 (9th Cir. 1996) (O’Scannlain, J., concurring).

38. For one version of this history, see generally John T. McGreevy, Catholicism and American Freedom (2003).

39. For discussion of a similar argument made by evangelical prison workers in Iowa, see generally Winnifred Fallers Sullivan, Prison Religion (2009).
in the protection of religious minorities, and the continued structural and cultural authority of the Catholic Church. What would a successful civil religion look like in Italy? Surely not simply the deployment of the Italian flag and national anthem, the stories of the resistance, and enforcement of minority rights. That kind of narrow nationalism has been tarnished by the history of acts done on its behalf. The Italians, liberal and conservative, like the Americans, seem to want their civil religion to have more substance and to be less subject to political manipulation. They seem to want to borrow what they would like from their religious traditions while responding hospitably to diversity. In other words, they want to have their Christianity and eat it too.

In the conference from which the papers in this symposium are drawn, one sees the ways in which a complex mix of religious and secular symbols, ideas, and gestures have served in these four societies to provide unifying points, not always for the good of all. All four cases also show the impoverishment of the received pieties—that only a neutral separate secular public realm can truly represent everyone and ensure religious freedom. Professor Talip Küçükcana, in his response to the roundtable at the end of the conference, dramatically challenged representatives of the European Union who presume to come to Turkey and tell them that they have failed to separate church and state. Everywhere, he says, there is an amalgam of religious and civic symbols and narratives and a hybrid religio-legal regime that serve to legitimate and celebrate the fragile nation-state in its claim to allegiance—and to sacrifice. Everywhere there is a compromise of the ideal of separation. He spoke of the symbolism of the Turkish flag whose field of red represents the blood of Turkish soldiers in which is reflected a crescent moon and star. This myth is traced to origins in various battles over the last millennium, but the crescent moon, like the cross, is understood to be both religious and secular, as it predates Islam as a religious/national symbol.

What is civil religion today? Is civil religion simply an analytic category invented by sociologists to explain the attachment of citizens to their countries? Are civil religions the invention of nation-states anxious to promote an affective nationalist piety that will preserve public order? Do soldiers fight and die for their country out of civic piety as the American Civil Liberties Union suggests in its various amicus briefs in the cross cases? In his article about the ambiguities of the role of military contractors in the Iraq War, Professor Mateo Taussig-Rubbo notes the expressed motives of the
men who fight and die as employees of Blackwater, Inc.40 While they are private citizens, mercenaries, in effect, formally denied the status of U.S. soldiers within the national economy of sacrifice, who do not receive medals or military burials, their own motives are less tidy. Like those who died in the Good War, they understand themselves as fighting for both the United States and for universal values—for freedom and the rights of all men. At their headquarters in North Carolina, they create their own civil religion that celebrates the sacrifice of their men.41 Faisal Devji writes of the motives of Al Qaeda fighters.42 They too see themselves as, in some sense, fighting for humanity. What these examples suggest is that the modern nation-state has limited control over its own symbolization and sovereignty. Italians, like others, reach for symbols that link them both with Italian history and with a wider human history. Particular religious identities and affiliations serve as one location for persons of many nationalities to universalize their participation beyond the confines of a particular state. Secular ideologies such as environmentalism serve a similar purpose. One might say that in the process, global civil religions are being created and re-created.

41. See id. at 124.