

# Hollow pledge: The problem with 'under God'

by [Rodney Clapp](#) in the [November 16, 2004](#) issue

The Supreme Court's June ruling on whether "under God" should be part of the Pledge of Allegiance passed with relatively little notice, since the case was rejected on procedural grounds. For those who paid attention to the arguments, however, it conclusively exposed the incompatibility of American civil religion with any kind of robust Christianity. If one considers *Elk Grove Unified School v. Newdow* theologically, with the conviction that God ultimately refers to the Creator-Redeemer met in Israel and Jesus Christ, then the "God" Americans are to pledge their nation to be "under" is at worst an idol and at best the true God's name taken in vain.

California atheist Michael Newdow originally went to court arguing that the daily recitation of the pledge in his daughter's public elementary school was an unconstitutional establishment of religion. In 2002, the Ninth U.S. Circuit Court of Appeals agreed and found the pledge's inclusion of the God-phrase unconstitutional. The controversial ruling was appealed and accepted for review by the U.S. Supreme Court.

The court might then have faced head-on Newdow's argument that "under God" in the regular recitation of the pledge constituted an endorsement and establishment of religion. But a technical issue arose. Newdow and the girl's mother, Sandra Banning, had never married and are separated. Banning legally retains primary custody over their daughter, including the final say on her education. On that basis the court ruled that Newdow did not have legal status to bring the case on his daughter's behalf.

Why should Christians consider the case more closely? First, because the solicitor general who argued the case on behalf of the U.S. government, Theodore Olson, mounted a vigorous case for retaining the God-phrase. This was predictable, since Olson is an appointee of George W. Bush. Besides his awareness of the president's own personal and political support of "God" in the pledge, Olson could not have

been insensitive to the overwhelming support for the phrase among conservative evangelicals, one of Bush's most powerful and intensely supportive constituencies. We can rest assured, then, that Olson put forth as strong and "Christian-friendly" a case as possible. Its theological assertions and implications are consequently quite significant.

The second reason *Newdow* deserves close attention is that, although the court did not officially rule on the pledge's inclusion of the God-phrase, some justices took it upon themselves to argue in favor of it anyway. Their opinions on the case reveal how, in the contemporary U.S., one might legally argue for some reference to "God" in the Pledge of Allegiance. Like Olson, the justices had to make their arguments in light of U.S. legal history, past and present religious pluralism, and variegated religio-political support of the God-phrase in the pledge. Accordingly, though they set no official precedents on the matter, their reasonings in response to *Newdow* are theologically telling.

Chief Justice William Rehnquist's opinion summarizes the basic attitude underlying the theologically germane aspects of the government's argument and the court's response. Mindful of legal and constitutional precedents, Rehnquist knew that the God-phrase must be stripped of theological content to qualify as an admissible declaration in a government-sanctioned pledge. He asserts bluntly that the pledge, with the God-phrase, is not a "religious exercise." The pledge instead "is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents." As a "commendable patriotic exercise," the object of the pledge is to unify and otherwise promote the good of the nation.

It is not just that the pledge as a whole is something other than a "religious exercise"—no part of it, including the God-phrase, can be a religious exercise. Rehnquist writes, "The phrase 'under God' is in no sense a prayer, nor an endorsement of any religion . . ." In reciting the pledge, "participants promise fidelity to our flag and our Nation, not to any particular God, faith, or church."

However the chief justice's reasoning stands up legally, it is incoherent as a theological statement. Along with the other monotheistic faiths of Judaism and Islam, albeit in its unique way, Christianity professes that there is only one true and real God. To cite or refer to a "God" who is not the subject or object of "any religion," who is not the "particular God" of any given faith or church, is to introduce a "God" additional to and apart from the "particular" living God of the Christian church. This

puts Christians (and other monotheists) in an awkward position, since we worship and acknowledge the existence of one God and one God only.

A related aspect of Rehnquist's opinion is more coherent but hardly theologically satisfying. He declares that the God-phrase in the pledge is a recognition of America's history, a history that demonstrably includes, time and again, reference to "God" (Christian or otherwise). As he parses it, "under God" is not in any sense a current, efficacious act of religious devotion; it is rather a historically "descriptive phrase," taking account of the attitudes and beliefs of our ancestors.

Olson, in the government brief, takes a similar tack. He argues that "under God" has no faith or religious content. He is explicit that it does not even affirm "monotheism" but declares only a "belief in allegiance and loyalty to the United States flag and the Republic that it represents." As such it serves—"clearly" and "solely"—a "secular purpose." Citing former Supreme Court opinions, Olson declares that the reference to the deity "may merely recognize the historical fact [that the U.S.] was believed to have been founded 'under God.'"

In short, the God-phrase in the pledge is not a matter of theology but of historical sociology. It makes no reference to the true or any actual God, but only to the deity (or deities?) Americans once believed in.

Furthermore, the brief makes it clear that the God-phrase does not intend or attempt "communication with . . . the Divine. . . . The phrase is not addressed to God or a call for His presence, guidance, or intervention." In other words, if this "God," who is met in no monotheistic faith, who serves a "solely . . . secular purpose" and is located only in the past should somehow attempt to be present, to guide or to intervene in the affairs of those reciting the pledge, that "God" (who sounds rather like the God of the Bible and Christianity) would be distinctly unwelcome.

Note that this is the case put forward by the representative of a strongly "conservative" administration, one deeply sympathetic with American evangelicalism and at least some form of Christian orthodoxy. It is not the argument of an administration indifferent or inimical to traditional faith. Yet the best case it can make for keeping "under God" in the pledge clearly empties the phrase of any substantive theological content. It makes "God" a museum object confined to the dead past and effectively (if inadvertently) posits polytheism in place of monotheism. Not only that, it makes clear that the deity cited in the pledge is

appealed to instrumentally, in service of the flag, and has no presence and may offer no guidance. God is put at the service of the flag, not the flag at the service of a real, present and intervening God.

In her opinion Justice Sandra Day O'Connor underscores how the deity is emptied and instrumentalized in and for the pledge. She says the phrase is a "simple reference to a generic 'God,'" and is "inconsequential" in any religious weight or effect. Citing formerly wrought judicial language, she calls the reference "ceremonial deism" and pointedly insists that it does not intend to place the speaker or listener in "a penitent state of mind," create "spiritual communion" or invoke "divine aid." The speakers of the pledge refer to a "generic deity" without any expectation or concern that it or any other deity will actually interfere with their own purposes.

Like Rehnquist, Olson and O'Connor would retain the God-phrase in the pledge. But they can do so only by expressly denying that the God here referred to is the God of Israel, met in Jesus Christ. And they can do so only by admitting outright that for such a pledge they want an amorphous "God" who is always and only on the side of the flag and the Republic for which it stands. They frankly argue not for a Christian (or Jewish or Islamic) monotheism, but for what H. Richard Niebuhr called henotheism, that is, loyalty to the "god of my country over all others."

Henotheism in premodern times, according to Niebuhr, centered on clan or tribe. Its pervasive form in the modern world is nationalism. "Nationalism shows its character as a faith whenever national welfare or survival is regarded as the supreme end of life; whenever right and wrong are made dependent on the sovereign will of the nation, however determined; whenever religion and science, education and art, are valued by the measure of their contribution to national existence."

Henotheism is not the theism of any stripe of serious, intentional Christianity—especially not after the German church's experience under Nazism. What Olson and O'Connor propose at worst is idolatry—if they mean to posit a henotheistic and false "God" of the American flag in addition to the one and true living God. At best, if they mean merely to allow or encourage professed Christians to confuse the Living God with the "generic God" propping up the pledge's "ceremonial deism," they propose a taking of the Lord's name in vain. Either way lies serious theological error and offense.

*Newdow* definitively exposes the theological incoherence and dubiousness of “ceremonial deism” in its many forms. American civil religion, and its construction of “God,” has necessarily always been a vague, makeshift affair. Though many early Americans surely heard patriotic and public references to “God” as a reference to the Father, Son and Holy Spirit of classical Christianity, it is clear that Founding Fathers such as Thomas Jefferson and Benjamin Franklin intended the word less specifically, regarding “God” as a more removed, impersonal and deistic entity. The unfolding, increasing pluralism of the U.S. population has meant that national, official references to “God” have had to become more and more plastic and elusive. In today’s America, the word must be stretched to include not only Protestants, Catholics and Jews, but significant numbers of Muslim, Buddhist, Hindu and other citizens representing various world religions. If that is not enough, more than 10 percent of American citizens declare themselves atheistic or otherwise nonreligious. Official references to “God” must be capacious—or insignificant—enough not to disenfranchise these citizens.

Short of hanging on to the muddy, vacillating devices of ceremonial deism, Christians appear to face one of two choices. One is the open, deliberate restoration of Christian theocracy. Then the referent of “God” in the pledge would be clear and honest. Some evangelicals and conservative Catholics lean in this direction, but gingerly and equivocatingly, if not disingenuously, because of the sheer infeasibility of theocracy in a pluralistic America. With most contemporary Christians, I would argue that theocracy is not only politically dangerous but theologically disastrous.

We are on much more solid theological ground if we turn to the other choice. That choice is to recognize what the Bible and such exemplars of the Christian tradition as Augustine have taught us: to see and trust that the church and not any nation-state is preeminently the social agent through which God works God’s will in history. The church catholic stretches throughout the world and is its own “public,” crossing the comparatively sectarian boundaries of nation-states. Knowing themselves first of all as “citizens with the saints,” Christians may then, like the Babylon-dwelling Israelites counseled by Jeremiah, work and pray for the welfare of the cities (and nations) in which they now dwell, but never confuse those cities with the kingdom for which the church stands.

This means and entails many things. In the case of the pledge it means that atheists should not be alone in hoping to see this “God” dropped from it. Faithful and thoughtful Christians should also want the pledge to be returned to its pre-1954

form, and thereby end any pretense of embracing a henotheistic God or cheapening their own faith language.