

## Silvio Ferrari

1. *Introduction.* In 2008 Peter Berger, Grace Davie and Effie Fokas published a book entitled “Religious America, Secular Europe?”<sup>1</sup>. The authors mention briefly civil religion, noting that this concept came originally from Europe, was developed in the United States during the '60 and returned to Europe in the '90. This timeline is revealing: the debate on civil religion started in the States at a time when the “national covenant” had been broken (to quote the title of a famous book by Bellah<sup>2</sup>) and resurfaced in Europe when immigration from Asia and Africa raised the question of the identity of Europe and of its constituent nations<sup>3</sup>. In both cases the notion of civil religion had something to do with the search for a nucleus of values capable of binding individuals together and making a people out of them. When a particular religion or culture cannot perform this unifying role, civil religion takes its place in providing a set of values, symbols and rituals upon which the spiritual unity and social cohesion of a nation can be built<sup>4</sup>.

This cluster of historically rooted values and principles constitutes the framework within which national identity is redefined and changes can take place without breaking too sharply with the past. At the same time it defines the borders between those who are full citizens and those who are only “legal” citizens. In this way civil religion links itself to citizenship and gives content to its dimension of national identity<sup>5</sup>. Implicit in this idea of civil religion is the persuasion that “full” citizenship is not only a matter of status and rights but also, and maybe above all, of shared values: to be a good citizen does not mean (only) not to commit crimes but also requires the citizen to feel part of a common narrative, to partake some foundational myths, to develop a sense of belonging, solidarity and commitment<sup>6</sup>.

In this paper I shall start from the assumption that, in the long run, a citizenship based only on the cold exchange of rights and obligations is not viable; something more, capable of warming the

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<sup>1</sup> London, Ashgate, 2008.

<sup>2</sup> Robert Bellah, *The Broken Covenant: American Civil Religion in Time of Trial*, New York, Seabury Press, 1975. A few years later Bellah, referring to his article on “Civil Religion in America” (*Daedalus*, 1967, pp. 1-21), wrote: “Looking back now it seems that the article and the widespread response it evoked reflected some kind of break in the line of American identity. Civil religion came to consciousness just when it was ceasing to exist, or when its existence had become questionable” (Robert N. Bellah, *The Revolution and the Civil Religion*, in Jerald C. Brauer, *Religion and the American Revolution*, Philadelphia, Fortress Press, 1976, p. ....[vicino alla nota 29].

<sup>3</sup> Peter Berger, Grace Davie and Effie Fokas, *Religious America*, p. 45.

<sup>4</sup> See Robert Bellah, *The Broken Covenant*, p. 3.

<sup>5</sup> According to Christian Joppke (*Transformation of Citizenship: Status, Rights, Identity*, in Engin F. Isin, Peter Nyers, and Bryan S. Turner, *Citizenship between Past and Future*, London, Routledge, 2008, p. 37) citizenship has three dimension: “citizenship as status, which denotes formal state membership and the rules of access to it; citizenship as rights, which is about the formal capacities and immunities connected with such a status; and, in addition, citizenship as identity, which refers to the behavioral aspects of individuals acting or conceiving themselves as members of a collectivity”. Civil religion is connected in particular to the last dimension of citizenship.

<sup>6</sup> The emotional dimension of citizenship emerges clearly in the formula of the U.S. oath of allegiance for naturalized citizens: “I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic [...]; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God”.

hearts of citizens, is required<sup>7</sup>. In this perspective rights and obligations are the starting point of a longer and more complex process that can extend for more than one generation. But while we need to allow time for the development of this process, its direction has to be clear from the beginning: if not, we risk going in the opposite direction and drifting away from our goal. Therefore the questions I would like to address now are: is civil religion a helpful tool to build full and responsible citizenship? And, if so, which kind of civil religion can best perform this task?

2. *Four patterns of civil religion.* Although Bellah has written of a world civil religion<sup>8</sup>, most of the scholars have focused their attention on the national level and studied civil religion as a component of national identity. I shall follow this line and shall speak of French, Italian, European, and American civil religions: but I shall take them as ideal-types, fully aware that none of them exists in reality in such a “pure” state. These ideal-types serve to mark the borders of the field of play but they are unable to explain the complexities and intricacies of the game, once it has started.

a) *France or laïcité as civil religion.* As I have said, civil religion has many facets. One of them is the sacralization of secular concepts and symbols, that become the axis around which political and civil society is organized. This is the case, in France, of *laïcité*, conceived as the general principle that can include and reconcile the particular values of the religious, racial, ethnic, cultural, and political communities living in the country. In this perspective *laïcité* is seen as a cluster of universal and abstract values –liberty, equality, tolerance, etc.- that every citizen and group must embrace independently of his or her origins, preferences, belongings. Citizenship is built around these values which, as was stated by the past French President Jacques Chirac, are “at the heart of our republican identity”<sup>9</sup>. Consistent with this approach, the contract of “accueil et integration” that each immigrant has to sign when entering France<sup>10</sup> lists *laïcité*, together with democracy and equality, among the non negotiable values on which the French Republic is founded.

This secular conception of civil religion is not without consequences for the way that relations between State and religions are shaped. I shall mention three examples. In the field of education, the French school curriculum (with the exception of Alsace and Moselle) do not include either a teaching of religions nor a teaching about religions: this is a very exceptional case, as all the EU States and almost all the European countries include this teaching in the their school curricula, as a compulsory or optional subject<sup>11</sup>. At the European level, France is the spearhead of the fight against the so-called “new religious movements”: a law has been enacted and a governmental body has

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<sup>7</sup> Tariq Modood (*Multiculturalism, Citizenship and National Identity*, in Engin F. Isin, Peter Nyers, and Bryan S. Turner, *Citizenship*, p. 117) underlines that the status and rights dimensions of citizenship are necessary “in the way of skeleton to a living body” to sustain the “all wider meaning of citizenship”, which includes its identitarian dimension.

<sup>8</sup> See the discussion of a “world civil religion” contained in *Civil Religion in America*, pp. [verso la fine]; see also Id., *Can Christianity contribute to a global civil religion*, in *Cambridge Companion to Christianity and Human Rights*, Cambridge, Cambridge Univ. Press (forthcoming)..

<sup>9</sup> This passage of a speech given by Chirac in 2003 is quoted by Blandine Chélini Pont – Jeremy Gunn, *Dieu en France et aux Etats-Unis. Quand les mythes font la loi*, Paris, Berg, 2005, p. 15.

<sup>10</sup> The text of the contract can be read at [http://www.anaem.fr/IMG/pdf/Contrat\\_2008.pdf](http://www.anaem.fr/IMG/pdf/Contrat_2008.pdf).

<sup>11</sup> On the teaching of religion in the French schools see Jean-Paul Willaime, *Teaching Religious Issues in French Public Schools. From Abstentionist Laïcité to a Return of Religion to Public Education*, in Robert Jackson, Siebren Miedema, Wolfgang Weisse, Jean-Paul Willaime (eds.), *Religion and Education in Europe: Developments, Contexts and Debates*, Münster, Waxmann, 2007, pp. 87-102. About Europe see Elza Kuyk, Roger Jensen, David Lankshear, Elizabeth Löh Manna, Peter Schreiner (eds.), *Religious Education in Europe*, Oslo, Iko-ICCS, 2007, pp. 71-75.

been created to combat the sects and the “derive sectaires”<sup>12</sup>. Also in the field of religious symbols, France has taken a very clear-cut position, by passing a law that prohibits the wearing at school of religious symbols that are too visible. Once more, no other EU country has followed this path<sup>13</sup>.

In my opinion there is a link between the secular conception of civil religion prevailing in France and these legal and political choices. If national identity has to be built around the notion of *laïcité*, “it is the role of the state to create *laïque* citizens”<sup>14</sup> educating them to the values of *laïcité* and shielding them against the competing values upheld by religions. This attitude explains the exclusion of the teaching of religion from the school curriculum, the prohibition of wearing religious symbols at schools and the need to protect citizens against the threat to freedom posed by the new religious movements.

How much this conception of civil religion can cope with the two driving forces that are changing the European religious landscape –the increasing plurality of religions and their growing public character<sup>15</sup>- is open to discussion. The weakest point of the French pattern is the assumption that not only the State and its institutions but also society and politics have to be independent from particular religious? traditions and conceptions of life<sup>16</sup>. To attain such a goal these traditions are to be pushed to the margins of public life: but privatization of religion is met with growing resistance on the part of many of the historical religions of Europe and is rejected by a consistent part of the immigrant communities, especially those that come from countries where law and politics are intermingled with religion, as well as by a part of the autochthonous Europeans.

b) *Italy or Catholicism as civil religion*. The central core of the Italian pattern is the attempt to govern the ethical, cultural and religious plurality of the country through the values of Catholicism, raised to the rank of civil religion<sup>17</sup>. More precisely, Catholicism supplies the cultural and ethical principles on which full citizenship is based: provided they are ready to accept this condition, non-Catholics can fully enjoy religious freedom rights (although not religious equality rights). Governing diversity by stressing (Catholic) identity is the narrow and arduous path Italy is trying to follow.

The debate about the crucifix is the best example of the Italian way of interpreting civil religion. In the Italian public schools a crucifix has to be hung on the walls of every classroom. Faced with requests to remove it, the courts have stated that the crucifix is not only a religious symbol but also the symbol of Italian identity: it manifests the historical and cultural tradition of Italy and is a sign

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<sup>12</sup> See James A. Beckford, “Laïcité”, “Dystopia”, and the Reaction to New Religious Movements in France, in James T. Richardson, *Regulating Religion. Case Studies from Around the Globe*, New York, Kluwer, 2004, pp. 27-40; Cyrille Duvert, *Anti-Cultism in the French Parliament: Desperate Last Stand or an Opportune Leap Forward? A Critical Analysis of the 12 June 2001 Act*, *ibid.*, pp. 41-53.

<sup>13</sup> On this issue see John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, Princeton, Princeton Univ. Press, 2006.

<sup>14</sup> Peter Berger, Grace Davie and Effie Fokas, *Religious America*, p. 76.

<sup>15</sup> On these transformation see Silvio Ferrari,

<sup>16</sup> This assumption emerges clearly in the “Déclaration sur la *laïcité*” prepared by Jean Bauberot, Roberto Blancarte and Micheline Milot and published on December 9, 2005 (see art. 4 and 9). The text is published in Jean Bauberot, *L'intégrisme républicain contre la laïcité*, Paris, Aube, 2006.

<sup>17</sup> This project was expressed by the president of the Italian Bishops Conference, Camillo Ruini, on February 11, 2005: see his address at [www.chiesa.espressoonline.it/dettaglio.jsp?id=23170](http://www.chiesa.espressoonline.it/dettaglio.jsp?id=23170)).

of a value system based on freedom, equality, human dignity, and religious tolerance<sup>18</sup>. As citizenship is founded on these same values, that are to be respected by everybody, the presence of the crucifix in the classroom cannot be made dependent on the religious convictions of the students<sup>19</sup>. These decisions express in legal terms the idea –supported by large part of the Catholic hierarchy, the governing political coalition and the public opinion- that only the Catholic tradition can perform the role of civil religion of Italy and can provide the set of fundamental principles and values on which social cohesion is founded.

If we now take in consideration the same examples we examined when speaking of the French pattern, the different impact of the two conceptions of civil religion on the Church-State system becomes evident<sup>20</sup>. In the Italian public schools, the teaching of the Catholic religion is compulsory, in the sense that the State has the obligation to provide it and the students or their parents can decide whether to attend or not Catholic religion classes; other religions can be taught but only at request of the students and the teachers are not paid by the State (as the teachers of Catholic religion are). In Italy there is no specific law concerning new religious movements nor an official institution charged to control or combat them: but these movements are far from enjoying the same legal status other religious communities have and up to now only religions of the Judeo-Christian group were able to conclude agreements with the Italian State<sup>21</sup>. Finally, the symbols of minority religions – like the Islamic scarf, the Jewish kippa, or the Sikh turban – are not a matter of concern in the Italian schools, while the debate focused on the symbols of the majority religion: when the Catholic symbols were put at stake almost everybody – from the President of the Republic to the Prime Minister – felt compelled to utter a public outcry in their defense<sup>22</sup>.

Up to a certain point minority religions are sheltered by Catholicism against the harshness of the “*laïcité à la française*” and can benefit of the dominant position of Catholicism in Italian society. But there is a price to pay for that: the integration of non-Catholic religious communities in Italian society passes through the acceptance of the dominant position of Catholicism as the civil religion of the country. This point was clearly made when the Archbishop of Canterbury suggested giving *shari’a* some place in the English legal system<sup>23</sup>. Commenting his proposal, the Catholic press underlined that “rather than trying to defend religion through the guise of secular multiculturalism,

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<sup>18</sup> Recently the Council of State made a step forward and declared that the crucifix is the symbol of the Italian model of... *laïcité*. According to the Council of State, in Italy the principles that are at the base of the idea of *laïcité* cannot but have a religious origin: therefore the best way to manifest the secular character of the Italian school is the crucifix in the classroom. This conclusion does not mean that the crucifix is deprived of its religious significance. But, according to the Court, it has a different meaning depending on the place where it is situated: when the crucifix is placed in a church or another place of worship, it is only a religious symbol; when it is placed in a school, it becomes a tool for educating students, independently from their religious beliefs, to the values of tolerance, mutual respect, dignity of human being, human solidarity, non discrimination, etc., that is to the values that are at the core of the notion of *laïcité* (Council of State, decision of February 13, 2006, n. 556, in [http://www.olir.it/ricerca/index.php?Form\\_Document=3517](http://www.olir.it/ricerca/index.php?Form_Document=3517)).

<sup>19</sup> The court went even further: the fact that Italian schools are attended by a growing number of non-Christian students underlines the need of the crucifix, because it contributes to propagate the principles of respect of diversity and refusal of radicalism (both religious and secular) that are at the foundation of the Italian legal system and that may not be familiar to students of other cultures and religions (Administrative Court of Veneto, decision of March 17, 2005, n. 1110, in [http://www.olir.it/ricerca/index.php?Form\\_Document=2075](http://www.olir.it/ricerca/index.php?Form_Document=2075)).

<sup>20</sup>  
<sup>21</sup> An agreement was signed with the Buddhist community in 2000 but up to now the Parliament did not enact the law required for its application.

<sup>22</sup>  
<sup>23</sup> The speech, given on February 7 2008, can be read at <http://www.archbishopofcanterbury.org/1575>

the Archbishop of Canterbury should have been defending religious pluralism through Christianity” because “only Christianity can integrate other religions into a shared European project[...]. Paradoxically, what other faiths require for their proper recognition is the recovery of the indigenous European religious tradition – Christianity”<sup>24</sup>. In conclusion, the Italian pattern is based on the gamble that citizenship and social cohesion can be built around a particular religious and cultural tradition: in the short term this strategy may work, but nobody knows how long it will be able to face the challenge of a growing immigration of non Christian communities.

c) *America or the non-denominational civil religion*. I do not presume to explain to Americans the American civil religion: I shall simply try to convey a European point of view on this topic. From my Old Continent perspective, the core of the American pattern is a non-denominational civil religion, based on the persuasion that religion can play a helpful public role in fostering the republican virtues<sup>25</sup>. It differs both from the French model, where religion has little public relevance, and from the Italian model, where the public role of religion is monopolized almost exclusively by Catholicism. This difference emerges clearly in the American version of separation between Church and State. Separation is an essential feature of the American model of civil religion, as it precludes State cooperation with one religion or a selected group of religions: it is a barrier against the unequal treatment of religions that characterizes the Italian Church-State system. But the American separation cannot be confused with the French one: while it prevents the teaching of religion in public schools it does not exclude the teaching about religions<sup>26</sup>, it does not imply the prohibition of wearing religious symbols in public institutions<sup>27</sup> nor an aggressive policy against new religious movements<sup>28</sup>. Separation is confined to the relations between Church and State and does not affect, as sometimes happens in France, the relations between religion, politics, and society<sup>29</sup>. A different conception of what is public and what is private rests behind this difference<sup>30</sup>: while in Europe the “public” tended to be monopolized by the State and only recently has this trend been (partly) reversed, the US is characterized by the existence of a broad public arena where non-State actors like the religious communities can operate and prosper.

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<sup>24</sup> Phillip Blond and Adrian Pabst, *A new kind of “laïcité” to integrate Islam in the West*, in *Oasis*, n. 4, April 2008, in [http://www.oasiscenter.eu/index.php?page=36&lang=en&table=contributi&directory=contributi&name=contributi\\_doc&news=429&group=contributi&subgroup=doc\\_2008](http://www.oasiscenter.eu/index.php?page=36&lang=en&table=contributi&directory=contributi&name=contributi_doc&news=429&group=contributi&subgroup=doc_2008). Oasis is a journal founded by the cardinal Angelo Scola, the Patriarch of Venice and one of the most influential personality among the Italian bishops.

<sup>25</sup> “The idea that religion is the basis of public morality, and so the indispensable underpinning of a republican political order, is a constant theme from Washington’s Farewell Address to the present” (Robert N. Bellah, *The Revolution and the Civil Religion*, ...). **[dopo nota 8]**

<sup>26</sup> On the meaning of “teaching about religions” see the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*, Warsaw, OSCE/ODIHR, 2007.

<sup>27</sup> On the contrary, the US government supported a Muslim girl who wanted to attend classes wearing a scarf: see *Bush administration intervenes to allow Muslim schoolgirl to wear scarf: U.S. take opposite tack from France*, in *International Herald Tribune*, April 2, 2004 (available at [http://www.ihf.com/articles/2004/04/02/islam\\_ed3\\_php](http://www.ihf.com/articles/2004/04/02/islam_ed3_php)).

<sup>28</sup> See W. Cole Durham, Jr., *The United States’ Experience with New Religious Movements*, in *European Journal for Church and State Research*, 1998, pp. 213- 237, concluding that “given time and an open flow of information and impartial review of the extensive literature available on the topic, Europeans will tend to relax about NRM issues in the same way that Americans have” (p. 237).

<sup>29</sup> In its first work on civil religion Bellah had already underlined that “separation of Church and State has not denied the political realm a religious dimension” (*Civil Religion*, p. 3)

<sup>30</sup> See Gret Haller, *Limits of Atlanticism. Perceptions of State, Nation and Religion in Europe and the United States*, New York, Berghahn, 2007, pp. 16-65.

The reasons that explain this difference are well known and I will not take the time to examine them analytically. Therefore I shall focus immediately on what is the main challenge faced by the American model, that is building a coherent and functioning civil religion from different religious (and non-religious) sources. As long as civil religion was based on the values of a specific majority denomination (Protestantism) or religion (Christianity) or parent religions (Judeo-Christianity), it worked and was able to build a people out of a number of immigrant communities: some think that this model can be stretched to include Islam and support the idea of an Abrahamic civil religion, but what to do with the growing number of non-believers and followers of non-monotheistic religions? How can they be incorporated in the arena of full citizenship, if it is crowded with symbols that are not theirs? The American model seems to be faced with an impossible dilemma between inclusion and efficacy. The growing religious plurality of American society pushes for enlarging the borders of the American civil religion, but this enlargement is bound to dilute its content<sup>31</sup>. Has American civil religion reached its point of exhaustion?

d) *European Union or the nonexistent civil religion*. I doubt we can seriously speak of a civil religion of the EU. On the one hand, EU is too weak to build its own secular civil religion, as it is abundantly shown by the growing criticisms of the “Brussels bureaucrats” and the renaissance in Europe of the rhetoric of national identities. On the other hand there is no consensus about the foundation of a “religious” civil religion of the EU. The proposal to make Christianity (or Judeo-Christianity) the civil religion of Europe was rejected when the (aborted) EU constitution was discussed<sup>32</sup> and the different patterns of civil religion adopted in the EU member States –not only the French or Italian ones but also those of the Nordic<sup>33</sup> and of the Orthodox<sup>34</sup> countries- prevents the adoption of a uniform civil religion at EU level.

3. *The trends and the scenarios*. As I said before the French, Italian and American civil religion models are ideal-types that do not exist in their “pure” state. Moreover, these models are not static but are quickly changing and approaching under the pressure of the “public” plurality of religions. President Sarkozy’s references to “positive” *laïcité*<sup>35</sup> show that the exclusion of religion from the public sphere is no more a dogma officially supported by the French government and, already before his election, the constitution of the “Institut européen de sciences religieuses”<sup>36</sup> and the (still

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<sup>31</sup> See R. Jonathan Moore, *Civil Religion*, in Catharine Cockson (ed.), *The Encyclopedia of Religious Freedom*, New York, Routledge, 2003, p. 63. This danger had been anticipated by Bellah, *Civil Religion* (p. 15 ff.), who proposed as a way out the building of a world civil religion (see infra, p. ...).

<sup>32</sup> See Philip Schlesinger, François Foret, *Political Roof and Sacred Canopy? Religion and the EU Constitution*, in *European Journal of Social Theory*, v. 9, n. 1, 2006, pp. 59-81.

<sup>33</sup> See the contributions collected in the forthcoming book *Law and Religion in the 21<sup>st</sup> Century: Nordic Perspectives*.

<sup>34</sup> See Lina Molokotos-Liederman, *Identity Crisis: Greece, orthodoxy and the European Union*, in *Journal of Contemporary Religion*, 18, 3, 2003, pp. 291-315.

<sup>35</sup> See *With pope’s visit, Sarkozy challenges the French secularism*, in *The Christian Science Monitor*, September 15, 2008 (available at <http://www.csmonitor.com/2008/0915/p01s01-woeu.html>); *Benoît XVI a tenté d’apaiser la querelle laïque et dénoncé le fondamentalisme*, in *Le Monde*, September 15, 2008, p. 8. See also Sarkozy’s address of 20 December 2007 in Rome (available at

[http://www.elysee.fr/documents/index.php?mode=cvview&cat\\_id=7&press\\_id=819](http://www.elysee.fr/documents/index.php?mode=cvview&cat_id=7&press_id=819)).

<sup>36</sup> See Jean-Paul Willaime, *Teaching Religious Issues*. The Institute is financed by the State and has the mission to train State school teachers about the place and role of religion in contemporary society.

timid) adjustments in the mission of Milivudes<sup>37</sup> went in the same direction. Thirty years ago the Italian legal system was much less open to minority religions than it is now, after the signing of agreements between the State and a number of non-Catholic religious communities<sup>38</sup>. In the United States a string of Supreme Court decisions –starting with the prohibition of the prayer session at the beginning of the school-day (1962)- has re-interpreted the First Amendment in a way that tends to limit religious activities in schools, approaching the French model<sup>39</sup>. However, these transformations do not provide a clear response to the question I raised at the beginning of my paper: has civil religion a future?

Some answer squarely in the negative and affirm that civil religion has become useless: religious plurality makes it unlikely to work “as the social and political unifier that civil religion is supposed to be”<sup>40</sup>. In such conditions the survival of liberal democracy does not depend on a strong civil religion but “on the development of thin, procedural values, which permit individuals to pursue their own conceptions of the good so long as they do not interfere with that pursuit by others”<sup>41</sup>. It is the Rawlsian argument, to which one can oppose the coldness and individualism of these thin procedural values: will they be able to create the solidarity, commitment, feeling of belonging required by a full citizenship?

To meet the challenge of pluralism, others advocate the idea of a world civil religion, that “would draw on religious traditions beyond the sphere of Biblical religion alone”<sup>42</sup> and would consist of a “set of symbolic forms” capable to forge “a new global cultural consensus on issues of the environment, human rights, and social justice”<sup>43</sup>. The national civil religions would not disappear, but rather become components of this global civil religion, whose development depends on the successful negotiation of “some kind of viable and coherent world order”<sup>44</sup>. Bellah wrote this passage more than forty years ago but the attainment of this goal does not look closer now than then. The existence of a global market, a global system of communication, a global economy does not mean there is a global civil society able to generate civil religion. In this situation urging a global civil religion could appear a way to escape from the problems faced by national civil religions.

In my opinion we cannot ignore the strength of the link between civil religion and national State but we should be aware that, after the end of the Westphalian State model<sup>45</sup>, national States are no longer the same. With a bit of emphasis, we could say we are witnessing a dissociation between law and love. The State still provides an unsurpassed legal framework for its citizens’ life, much stronger than that provided by trans-national and international organizations: but many States are no

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<sup>37</sup> In 2002 the *Observatoire interministériel sur les sectes* changed its name and became *Mission interministérielle de vigilance et de lutte contre les dérives sectaires*. This change has been read as an indication of a more balanced approach to the issue of new religious movements.

<sup>38</sup> On this openness (and its limits) see Silvio Ferrari, *State and Religious Communities in Italy*, in *Church and State towards Protection for Freedom of Religion*, Tokyo, The Japanese Association of Comparative Constitutional Law, 2006, pp. 218-230.

<sup>39</sup> See Peter Berger, Grace Davie and Effie Fokas, *Religious America*, pp. 72-80.

<sup>40</sup> Frederick Mark Gedicks – Roger Hendrix, *Uncivil religion: Judeo-Christianity and the Ten Commandments*, in *West Virginia Law Review*, v. 110, n. 1, Fall 2007, p. 304.

<sup>41</sup> Frederick Mark Gedicks – Roger Hendrix, *Uncivil religion*, p. 305.

<sup>42</sup> Robert Bellah, *Civil Religion*, p. 18

<sup>43</sup> Robert Bellah, *Can Christianity*.

<sup>44</sup> Robert Bellah, *Civil Religion*, p. 18.

<sup>45</sup> See Claus Leggewie, *Between National Church and religious supermarket*, [completare con dati in Istituto]

longer nations, in the sense that they have lost the ability to create the emotional commitment that characterized the national State. Immigration and globalization have put an end to the identification of State and nation described by Hanna Arendt at the beginning of the 1950s<sup>46</sup>: today States host within their borders many nations, constituted by different cultural, ethnic, religious, linguistic, and racial communities that are taking the place of the nation as the *locus* of belonging, commitment and solidarity. This explains why civil religion cannot work anymore as a factor of social cohesion as long as we have the pretension of creating it at national level.

Let me explain what I mean by referring briefly to an American lawyer, Robert Cover. According to Cover any person lives in a normative universe that he defines as “a world of right and wrong, of lawful and unlawful, of valid and void”<sup>47</sup>. Religious communities are a good example of these normative worlds: they are the places where new legal meanings are created through the personal commitment of the community members, who apply their will to transform the “extant state of affairs” according to their “visions of alternative futures”<sup>48</sup>. But the coexistence of different legal worlds requires a system-maintaining force, which Cover identifies in the “universalist virtues” of liberalism, embodied in the modern State: without them these legal worlds “would be unstable and sectarian in their social organization, dissociative and incoherent in their discourse, wary and violent in their interactions”<sup>49</sup>. In other words, normative communities cannot flourish without the State legal framework.

It is difficult to fall in love with a legal framework, but it is possible to recognize that its existence is a matter of common interest<sup>50</sup>. Therefore we need to start from the communities where belonging and commitment can be found, make room for them within the State legal framework and encourage them to recognize they need the State framework because it provides the rules governing the field of play where they live and compete. Of course no field is neutral and for this reason its rules should be reduced to the minimum required for a fair game. I shall focus on two rules that all religious actors should respect<sup>51</sup>. The first excludes accepting statements based on a direct and exclusive reference to the will of God as elements of public debate aimed at taking decisions binding the whole community. For example, I cannot oppose abortion or euthanasia by affirming that God is against them: although I may be convinced of that personally, in the public forum I need to support this persuasion with arguments that can be understood by the whole community, constituted by persons of different faiths and convictions. Once the public debate has come to an end, majority rule has to be respected: that is, once a law permitting abortion or euthanasia has been democratically approved, all are bound to respect it, including those who are convinced that abortion and euthanasia are evils. Naturally, that does not prevent them from trying to change that

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<sup>46</sup> See Hanna Arendt, *The Origins of Totalitarianisms*, New York, Harcourt Brace, 1951, p. 275 [verificare]

<sup>47</sup> *Nomos and Narrative*, in *Harvard Law Review*, 97, 1983, p. 4.

<sup>48</sup> *Nomos and Narrative*, p. 9. It is not an eschatological or utopian appeal: Cover underlines that pointing at the future is not enough to generate commitment, belonging and solidarity if there is no conscious effort to build a bridge linking today's reality and this alternative future (p. 9). The responsibility of these normative communities to take on the present world, that is made of a plurality of competing universes, includes the acceptance of some fundamental rules that make a peaceful coexistence possible.

<sup>49</sup> *Nomos and Narrative*, p. 16.

<sup>50</sup> Tariq Modood rightly underlines that common interest may be more important than agreement “for dialogue to be sustained” (*Multiculturalism*, p. 118).

<sup>51</sup> For a broader discussion of this topic see Silvio Ferrari, *Laicità asimmetrica. Cristianesimo e religione civile in Europa*, in *Il Regno-attualità*, 6/2006, pp. 200-212.

law through all means acceptable in a democratic regime and, as a last resort, from making use of conscientious objection.