



**One Nation under God**

by

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This simple phrase – “under God” – sticks in the courts and the public discourse of this republic like a bone caught in the throat. Would that we had a Saint Blaise to dislodge it. Lacking at this point a cure, at least it fails to rise to a crisis thanks to the quiet but solid support that it registers among the public. They know who their republic is. Lest however they start to forget, it is necessary to express what is perhaps only implicitly understood: to make explicit why this is a republic under God.

This is a topic that I addressed in my book, *Rethinking the Headlines*. The discussion there still reflects my thinking, but it does not reflect all of my thinking. It is an annoying but essential fact of life that we learn something new every day. That is certainly the case with this topic. I owe many thanks to Sam Gregg of the Acton Institute, whose essay on St. Thomas More and his defense of traditional English law proved so illuminating.<sup>1</sup>

What is a Pledge of Allegiance?

Why do we pledge allegiance to the republic? There is an interesting asymmetry involved because, as Americans and as free people of every nation, we recognize that it is the republic that pledges allegiance to us, the public. We rule. It is a nation of the people, by the people, and for the people. But as individuals it is necessary for us to pledge allegiance too. We pledge allegiance to our commitment to solidarity with our fellow citizens. Consequently, it would be fundamentally contradictory for any individual to concoct a unique, personal pledge.

Now, some people want to pledge allegiance, but not to a republic *under God*. They want to pledge allegiance to some other republic which is definitely *not* under God. It is our great good fortune as Americans that we have the luxury to simply ignore that departure. While it is absurd for some of the citizens to have unique pledges, in practice the traditions of peaceful tolerance that historical reality have fostered here impose on us a hesitancy to fight. As long as their republic and our republic are compatible, never mind. It's a free country. Yet the actual terms of the pledge are meaningful. If our pledge was merely a promise of loyalty and submission, we would only have to say that we pledge allegiance to America, and leave it at that. No one would resist that innocuous pledge, so why don't we simply leave it at that?

The Pledge of Allegiance does more than simply to state our loyalty. It defines the republic that we are loyal to. It is a single nation: not a nation divided into a ruling party or class

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<sup>1</sup> Sam Gregg, *Legal Revolution: St. Thomas More, Christopher St. Germain, and the Schism of King Henry VIII*. *Ave Maria Law Review* 5(1), 2007. Mr. Gregg puts the trials of Thomas More into the frame of contemporaneous innovations in English law, especially the Act of Supremacy. That Act was an unequivocal declaration of unlimited, totalitarian government, which Thomas More found deeply offensive as a matter of law.

or region, and another conquered, submissive part. If America was not a single nation; if it was divided between conqueror and conquered, would that be the nation we pledge our allegiance to? It is not necessary to read in this question the implied threat of armed resistance to oppression, though our own Declaration of Independence affirms that the subjugated have potentially the right to fight their oppression. When we assign our allegiance to one nation, we affirm in any case our commitment to work to remove barriers of unequal power and privilege that make two nations from one. Sadly, we see around us so many examples of fellow citizens who have abstained from that pledge.

When we say “indivisible,” that is not definitional, it is intentional. The unity of the nation was guaranteed when we recited “one nation,” but the nation is not indivisible by definition; it can always be divided by internal conflicts or by external interference. The follow through, “indivisible,” is our promise to defend the unity of the nation against all threats domestic and foreign. We defend not only unity, but everything that we attribute to the republic: its unity, its commitment to liberty and justice for all, and its submission to higher, absolute standards of right and wrong.

Our loyalty is also reserved to a republic that guarantees and that actually delivers liberty and justice for all. Every day, in a hundred ways, this guarantee of liberty and justice are violated. As but one telling example, we see at work a criminal law and court system so riddled with injustice and cronyism that the rich and privileged can routinely escape judgment for even the most heinous and undeniable crimes. That is not the work of the republic that we pledge our allegiance to. We have no duty to submit to injustice. Rather, we have pledged ourselves to courts and laws that ensure liberty and justice for all. For the guilty to walk out of court a free as the birds is not mercy, it is injustice and – on our part – cowardice. We need of course to temper this lofty principle with realism; we neither demand nor expect perfection from this republic. Because the truth of events is often hard to discern, we know that mistakes will be made on both sides. Our commitment is not to have perfect justice; it is only a commitment that as a result of what we do, it will be more justice rather than less justice. Sadly, we also see around us so many examples of fellow citizens who have abstained from that pledge.

Now we come to the hard part: *under God*. We owe allegiance to a republic under God. What does that mean? An essential part of the answer to that question is, of course, a statement of who God is, but that topic can wait. We can agree well enough on a working definition. But what are we asserting when we affirm *under God*? We are saying clearly that this republic is not the final arbiter of good, or justice, of rights of men and women, of fairness and equality of opportunity. Those are truths that preexisted the founding of our happy republic and that will

endure forever even if it should fail. There is amongst the public a somewhat understandable, but nonetheless erroneous, tendency to misread the phrase “under God” to say “under men of God.” In the Protestant historical tradition in particular, the figure of the Pope in Rome seems always to lurk in the background as a threatening proxy for God. You say God, but you get the Pope. That is the instinctive fear. Yet we should at least have learned that the list of men who stand in for God is long, and is by no means limited to Catholic men. “Under God” means “under the guidance of God,” but God does not speak to us directly. He speaks through men, so that is the problem, and it truly is a problem because it is not so easy to know which men and women he speaks through. Yet this does not give us the right to evade the deeper truth, which is that under God means under the principles of the Good, the Truth, and His Justice, which are eternal and invariable.

This is the nation that we pledge allegiance to: “One nation under God, Indivisible, with Liberty and Justice for All.” But apart from the exact terms of our allegiance, we recognize a prior fact, that we as free citizens have the right to pledge our allegiance however we will as long as it does not attack the rights of our fellow citizens. It is our pledge and our allegiance. No government, and no agency of any government, has the authority to edit our pledge or to redirect our allegiance. No court of law, even the one rightly called Supreme, has the authority to rewrite our pledge. All government is Limited. It is for them to earn our allegiance, but not for them to redefine it. We the citizens have a further right, which is to teach our pledge to another generation, as not only a statement of personal conviction, but as a shared declaration. We always balance the demands of freedom of conscience against the needs of community solidarity. If some citizens want to opt out of our pledge, or if they insist that their children be exempted from it, that’s fine. If they then complain that exercising their rights puts them out of step with the neighbors, well that’s reality. It is both a personal and a communal pledge, and nothing can change that. Those who may some day have to die for their nation can not be denied the right to affirm publicly what that nation is.

#### Separation of Church and State: Why “Under?”

One can readily image two distinct reasons to object to the phrase “under God.” One can protest at “under,” and separately one can protest at “God.” What is the perceived problem with “under” and who would object to it? This issue is a manifestation of the doctrine of separation of Church and State.

The separation of Church and State is frequently interpreted as a grant of unlimited authority to the state in all matters where it is competent to rule, which is understood to mean in

all matters except those that arise in houses of worship between the hours of 10 am and 11:30 am on Sunday mornings. But this is a dangerous distortion of separation; it is instead a doctrine of domination. Marx introduced the beguiling phrase “Dictatorship of the Proletariat,” which asserts that the popular will is the “god” of the state. The people, acting collectively, are entitled to do and to demand anything. We see clearly that that leads to disaster. That since the people are not gods, their will is not wise or just or good. So the Marxist doctrine is a justification for much more than the separation of Church and State; it is a justification for the separation of wisdom and justice and virtue from the state. There is no right of separation of justice and state; there is only injustice. At the time of King Henry VIII, the king and Parliament made a claim comparable to the Marxist doctrine, which only goes to reveal Henry as the Stalin of his day. Neither a government nor any other sort of institution has the right to make the desires of its constituency a kind of god with unlimited legitimacy.

The truth is that every state is “under,” despite any claims made by its more fanatical advocates. Even the Marxist state is under the dictatorship of the proletariat, although in reality since the public is oppressed and its rights denied, it is the proletariat who are hopelessly ground down under the state. Every state is answerable for its faithful defense of the rights of its citizens, for the justice of its laws and of the actual application of those laws, for the guarantee of equality under the law, for the guarantee of the essential needs of living to each citizen from the abundance of the common wealth of the nation, and for the faithfulness to all the particular duties to its people. No matter how galling it may be for secularists to admit that their hero-state is “under,” they always expect – whether secretly or expressly – that their state will be under them.

Church and state are rightly separated. The duties that are proper to each of them do not overlap. Each is constituted to serve the public in specific areas. The state moreover is called upon to answer to the people, and to be responsive to their demands. The church, by contrast, is constituted to serve the needs of the people, but not necessarily to be answerable to their wishes. “Church,” in this context, refers to all churches, to all religious institutions, and not just to one or another specific one. It seems from history that when the public legitimacy of the state is most secure, then also is the separation of Church and State most secure. In recent memory, the heroic victory of the West over the Axis powers in 1945 endowed the state with such a strong capital of popular approval that in the two decades that followed, both church and state flourished in America. This was the time when Bishop Fulton Sheen held forth on Sunday nights and many people watched in fascination. When the state is ineffective and the public withdraws its approval from the current regime, then it is that partisans of the state become more nervous about what the

church – and to repeat, this means all sorts of genuinely religious institutions – is up to and quicker to lash out in angry defense of their prerogatives. We seem to be in such a time now.

While separate however, church and state must interact when the church becomes an advocate for the public, appealing on their behalf to the authority of the state. Because the state is answerable to the public, it can not reject this advocacy. Those men and women who insist that the state is not “under” want to see in this advocacy a violation of the separation of church and state, but it is the opposite. It is the church serving the public in its way, and asking the state to also listen to and to serve the public in the ways proper to it.

#### God and State: Why “God?”

Even amongst those persons who accept the legitimacy of limited government, some are still resistant to pledging a state under God. Many of them sincerely believe that a humanistic moral code that affirms the virtues, including truth and justice, is an adequate substitute. They fear moreover that placing the state under God is only one short step from placing them under God, which is definitely not where they want to go.

The state that we pledge our allegiance to is a state that guarantees freedom of conscience and freedom of speech. It is not a state where enthusiastic participation in the next tent revival is, as the saying goes, “highly recommended.” It is a state where liberty is guaranteed. It is also a state where the very identity of God is open to dispute. Where for instance the notion of a Triune God is as abhorrent to some as it is cherished by others. In every religious tradition, God is a personal God. He speaks to the individual and asks – or threateningly demands – that each place himself under God. These are differences of conscience that the state must bridge, and of course they are a compelling reason for the separation of Church and State. But all believers can unite in placing their state under God. They can also agree that while the state is under God, the citizens individually have free choice about whether they also want to be under God in a personal sense. Hardly any citizen would want a state that consciously rejects a commitment to respect the rights of its citizens or to respect the rule of laws because they are fair and decent and that the public are happy to assent to. Almost everyone wants a state and laws that do good, and that when necessary defends them from the few who do not want good laws. In short, while some citizens do not want to be under God personally, nearly all want the state to be under God.

If the nation is not “under God,” it is very likely to be under other gods. Money is a god, a god that rules any nation where everything is for sale. Is justice for sale in the courts? Is truth for sale in the press and the television? Power is also a god. Does the nation impose its will on its

neighbors, and send its citizens to rule them? Does it revel in the power to kill, and seek its safety from it?

The Right to Demur.

Having adopted a Pledge of Allegiance, the public naturally want it to be widely, or even universally, pledged. It is a fact of life however that not everyone will join in. In part this happens because a few persons will have perceived, or will think they have perceived, a better pledge to a better nation. It will happen also because some persons are simply inclined to reject the accepted Pledge simply **because** it is accepted; there are persons who for whatever reason instinctively recoil from the community ideas. As long as these personal idiosyncrasies are not an actual threat to the community, they should be tolerated, bearing in mind that “difference” is not itself “threat.”

All too often – and this is precisely the attack on freedom of conscience that causes some to demur – resistance to commonly held ideas is treated as a threat. Too often, individuality is stigmatized by the community and unhesitating submission to the will of the community is the only acceptable way. That is wrong, and the error is immediately evident from the fact that it violates rights that the Pledge of Allegiance asserts. The Pledge of Allegiance is not a ritual chant intoned in a long-forgotten language which we repeat out of ancient custom as an incantation against evil spirits. The Pledge is a personal statement which it is not only necessary to recite and to affirm, but to **understand**.

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