CRITICALLY CONSIDERING AMERICAN CIVIL RELIGION AND SECULAR NOTIONS OF SEXUAL FREEDOM

BY

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ABSTRACT

CRITICALLY CONSIDERING AMERICAN CIVIL RELIGION AND SECULAR NOTIONS OF SEXUAL FREEDOM

Thesis under the direction of R. Jarrod Atchison, Ph.D., Associate Professor of

Communication.

This research investigates the collective consciousness of proper sex and gender performance in the United States through the lens of the religious rhetoric of American civil religion. I seek to better understand how American civil religion is perpetuated, to investigate its ideologically Christian notions of innate human sexuality, and to uncover how these notions inform American secular discourse of sexual freedom. I utilize Robert N. Bellah's theory of American civil religion, as well as Joan Wallach Scott's theorizing of sexularism, to investigate instances of public religious rhetoric in the United States, especially where it meets the discourses of secularism and sex and gender. Specifically, this project analyzes three artifacts and/or public policy campaigns pertaining to the regulation of sex and gender identity and uncovers the ways in which the influence of American civil religion preferences inherently Protestant values and serves to justify forms of gendered subordination.

CHAPTER ONE: INTRODUCTION

On January 21, 2017, more than three million individuals participated in organized marches across the United States and about two million others marched on all seven continents across the globe. *The Women's March* became the largest organized march, not only in American history, but also the single largest protest in world history. Organizers of the protest aimed to address U.S. policies and proposals by newly elected President Trump that negatively affect women and minorities across the country. Protestors advocated for women's rights, racial equality, reproductive rights, healthcare, workplace, and immigration reform, and freedom of religion. J. Bob Alotta, member of the march organization committee and executive director to Astrea Lesbian Foundation for Justice, warned protestors "our values and our choices will be tested... in the days, weeks, months, and years to come... we will need to become our own North Star." Alotta's caution was pointed at both the plainly denoted and the inferred plans of the President sworn into office just a day prior.

Alotta was not misguided. In the months [and year] that followed the historic marches, the concerns of the protestors materialized from both within and outside the political leadership of the nation. In July of 2017, President Trump took to Twitter to share with the public his plans to put a ban on transgender eligibility for military service in any capacity. This came just one year after Ashton Carter, defense secretary under President Obama, had announced that transgender Americans would be allowed to serve openly, would not be barred from service in any capacity, and that the Pentagon would cover medical costs for vital care (including gender transition and hormone therapy).

President Trump's defense secretary, Jim Mattis, moved to delay any plans to allow transgender recruits to join the military and Republican congressmen attempted to pass a bill that would reverse the Obama-era policy to provide medical coverage for gender transition and hormone therapies. As the debate ensued and tensions increased, President Trump released his public statement on Twitter, writing, "after consultation with [his] generals and military experts, please be advised that the United States government will not accept or allow transgender individuals to serve in any capacity in the U.S. military." In the months that followed, District Judge Colleen Kollar-Kotelly overturned Trump's ban, stating that there were "no legitimate concerns regarding military effectiveness." However, in March of 2018, President Trump released a revised memorandum that bans some¹ transgender individuals from military service: "transgender individuals with a history of gender dysphoria... except under certain limited circumstances".

Just a month after Trump's initial series of tweets, advocates for women's rights, LGBTQ rights, and freedom of sexual expression faced further pushback. In August 2017, the Council on Biblical Manhood and Womanhood (CBMW) published a digital manifesto resembling the U.S. Constitution in structure. The coalition, whose self-published mission is to "equip the [Christian] church on the meaning of biblical sexuality," addressed Evangelical Christians within an exigence of "Western culture" becoming "increasingly post-Christian". After calling upon their audience, in a preamble, to maintain biblical convictions in the "secular spirit of our age," the statement outlines fourteen articles, each containing one affirmation and one denial of beliefs

¹ The revised memorandum bars openly transgender individuals from service, as stating one's gender identity as different from their sex assigned at birth qualifies them for the diagnosis of gender dysphoria under the Psychological Association Diagnostic Manual.

pertaining to a divine nature of human sexuality. The articles included statements pertaining to marriage, sexual purity, sex/gender identity, etc., and the document bears 165 original signatures from prominent Christian pastors, seminary administrators, and other Christian leaders. Since its public release, it has gained more than 20,000 additional digital signatures of affirmation.

At the conception of America as a nation state, with the U.S. Constitution, the founders outlined the provisions for what is considered the founding of the nation as secular: the right of religious freedom. Since the birth of the Constitution, the public understanding of U.S. secularism has come to be a "separation of church and state." Rather, America existing as a secular state means that religious institutions are not to harbor any regulatory power of the government and the government cannot regulate religious expression (wherein it does not impose on another's right to or from religious expression)⁸. Though the government may not, and has not officially imposed a national dogmatic faith, American Sociologist Robert N. Bellah theorized that there is a religious dimension through which Americans form a collective consciousness: American civil religion. According to Bellah, the American civil religion is a means through which the collective citizenry of the nation understands itself (its values, its purposes) through a transcendent lens. In

The goal of this thesis will be to explore the discourse of American civil religion.

More specifically, I will investigate the collective consciousness of proper sex*2 and gender performance through the lens of the religious rhetoric of American civil religion.

Ultimately, I seek to better understand how American civil religion is perpetuated, to

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² Use of '*' to denote 'sex' as a prefix for varying terms of sex (as a prescribed biological category designated by chromosomal markers) and sexuality (as an orientation of practice)

investigate its ideologically Christian notions of innate human sexuality, and to uncover how these notions inform American secular discourse of sexual freedom. I will utilize Robert N. Bellah's theory of American civil religion, as well as Joan Wallach Scott's theorizing of Sexularism, to investigate the public religious rhetoric in the United States, especially where it meets the discourses of secularism and sex*/gender.

Religion

Moving forward, I believe it is necessary to define the term *religion* as it will be considered throughout the remainder of this thesis. The rationale being that much of the debate around the character of civil religion in America (or around its very existence) is linked to various understandings of what is/is not religious. I will ground my discussions in the following assumptions: (1) religion is a system of ritual actions believed to be necessary for the livelihood of a collective¹¹ and (2) religion necessitates a level of commitment that can go beyond rationality¹². The first assumption is informed by the works of Carolyn Marvin, who defines religion as a "system of lived engagement grounded in the most profoundly meaningful acts— offering up the real lives of true believers to secure the moral and physical survival of the group". "Religion is," Marvin states, "what Jesus did on the cross, what holy warriors undertake for Islam. Religion is the bodhisattva renouncing his own salvation for that of others." Marvin locates religion in practice, embodied commitment that prioritizes the good of the collective over the good of the individual.

The second assumption about religion is grounded in Peter Gardella's claim that "religion has to do with what is binding or obligatory." The term, *religion*, Gardella explains, "derives from the Latin *ligo*, which means 'I bind'." Such as Marvin

illustrated, Gardella explains that any religion should not so simply be deduced to a set of beliefs, but, instead, it should be understood that religions exist within "systems of symbols, actions, and ideas that.. Bind together groups of people, or people and gods, or even the elements of nature." Gardella defines "religion" as "a system of nonrational commitments that holds life together." This definition includes not only Western religions that are centered on God/Gods/the divine, but also religions that "do not consist of beliefs but of practices," such as Taoists, Buddhists, and Confucians¹⁶. Gardella stresses the "nonrational" character of religious behavior, not to maintain that *all* religious behavior is nonrational, but instead that religious commitment can be categorized in its uniqueness because of its ability to "go beyond reason."¹⁷

These assumptions about religion inform my understanding that American civil religion functions as a real religion for the collective that is the United States of America. Moving forward, I will outline how and in what ways religion has been studied in the rhetorical tradition, including attention to the ways religious rhetorical studies have intersected with civil religion and feminist criticism. I will define American civil religion as originally conceptualized by Robert Bellah in 1976 and I will highlight how civil religion has come to be conceptualized within the communication discipline. Ultimately, I will identify a gap in the discourse that leads me to investigate American civil religion as it contributes to the understanding of US secularism and sex*/gender identities and performance.

Religious Rhetoric

Michael Souders defines the rhetoric of religion as "the linguistic and symbolic techniques involved in the propagating, reinforcing, teaching, or forming of theological

beliefs or structures."¹⁸ The study of such is not, as Souders argues, limited to "Godtalk," but "can be extended to apply to all areas in which religion's language of transcendence seeps into symbolic action, even when religion itself does not explicitly appear."¹⁹ Souders' definition concisely outlines the two historical lines of inquiry within religious rhetoric as it has been studied from the earliest centuries to this moment: a split between what Kenneth Burkes describes as "words about God," or the direct study of theology, and the study of religious character in all languages.²⁰ Religious rhetorical study has majorly focused on either the formation of subject identities within direct religious contexts or an essence of religiosity in human communication.

Walter Jost and Wendy Olmsted characterize the relationship between religion and rhetoric when they present "religion as a quest and rhetoric as the evocation of that quest," bringing us a more full picture of religious rhetoric, which they call a "passage in which ideas and arguments regarding what it might mean "to believe" develop." Wayne C. Booth reinforces this notion in writing that rhetoric includes "the art of discovering warrantable beliefs and improvising those beliefs in shared discourse." Booth argues that rhetoric and religion are inextricably intertwined by this nature. The "beliefs" Booth refers too are those about human nature that cannot make a true stand in the world of falsifiability within the empirical sciences, but instead rely on shared human discourse for consideration. ²³

Augustine of Hippo, of the 5th century, is credited as one of the original philosophers of religious rhetoric.²⁴ Augustine was a devout follower of the Christian scriptures, holding them in the highest regard as the very "foundation of life... origin of morality, philosophy, eloquence, rhetoric and teaching."²⁵ Early Christian leaders, prior

to Augustine, have been described as skeptics of rhetorical practice due to its early theorizing in connection to persuasion and deception. Augustine, however, argued that "Christians must be capable in rhetoric to spread the faith and combat its opponents." Here, Augustine accepts an Aristotelian understanding of rhetoric as the means available for persuasion and argues for its importance to the central call of Christian theology. Augustine believed that studying and living in accordance to the biblical scriptures necessitates sharing its content with non-believers. He saw rhetoric as not only a helpful tool, but a necessary skill for developing a deeper understanding of Christian doctrines and more effectively presenting what one had learned to others.

While Augustine focused on the role of rhetoric in Christian life, Kenneth Burke's theorizing of the relationships between language and religious structures brings us towards a different line of inquiry for religious rhetoric. In *The Rhetoric of Religion:*Studies in Logology, Burke moves away from a traditional study of 'theology,' which Burke understands as the study of "words about God," toward a rhetorical study of logology, or "words about words," in order to emphasize the importance of hierarchy and religious rituals in all types of language. To Burke, the study of religion or religious systems reveals a characteristic nature of language systems.³⁰ It is important to recognize that Burke pulls directly from theological understandings of Western civilization, of Christianity in particular, as others have done in the past (Maddux, Condit), to outline his analogies between religion and language, between theology and logology. According to Burke, biblical theology speaks to a "fundamental human condition" and, in turn, reveals the unique properties of human language systems.³¹ For the sake of this thesis project, it is of main importance to familiarize with the various ways religion and rhetoric have

come to be wed in discourse, therefore I will not outline Burke's full analogous arguments about the nature of language in light of biblical theology. Instead, it is my desire only to highlight Burke's introduction of the study of religion as a study of language and, thus, of rhetoric.

Laurent Pernot maintains that religion is inextricably linked to rhetoric through language, in verbal and written speech of the divine or the sacred, in the expressions of "religious feeling or awareness," as well as to discourse "in the strict sense, as it was codified, taught, practiced and discussed throughout history." Pernot summarizes the multitude of connections between rhetoric and religion, including the areas of persuasion, discourse, and the formation of communities, in order to highlight the "numerous and complex" ways in which the dialogue between rhetoric and religion takes place. This thesis will consider many of these numerous and complex connections, paying particular attention to the constitutive power of religious discourse in the United States.

Religious Rhetoric and American Civil Religion

French sociologist Émile Durkheim described religion as "the system of symbols by means of which society becomes conscious of itself."³⁴ Here, Durkheim reveals the constitutive nature of religion, as it calls subjects into being through the shared identification with meaning making symbols. ³⁵ This thesis project will focus on religious rhetoric that influences the subjectivity of 'American' and, more specifically, the subjectivity formed within Robert Bellah's conceptualization of the American civil religion. Robert Bellah outlined the concept of American civil religion in his 1976 *Daedalus* article by drawing on Jean-Jacques Rousseau's 'civil religion' (*Social Contract.*) Rousseau had argued that, at the basis of every state should be a "civil

profession of faith," which should include in its doctrine the belief in: a provident deity (God), a life to come (afterlife), reward for justice, punishment for transgression, the sanctity of a social contract, and the avoidance of intolerance. Bellah defined American civil religion as a national relationship to physical and ideological symbols that constitute a *real* religion and identified this particular religious dimension along the tenets outlined by Rousseau.

While Rousseau dictated that all nations should require a profession of faith in the civil religion by all citizens, Bellah did not identify the American civil religion as a mandated state religion, but instead recognized it as a more general "dimension... through which [the collective/citizens] interprets its historical experience in the light of transcendent reality". ³⁶ That is, Bellah did not recognize the American civil religion as dogmatic, but instead more fluid, a sociological phenomenon of civic connectedness- an understanding of the nation's founding and future through a divine lens.

Considering statements from the nation's founding members, such as Benjamin Franklin and George Washington, Bellah argued that, while the explicit expression "civil religion" was not used, the spirit of the concept was integral to the cultural climate and played a "constitutive role in the thought of the early American statesmen".³⁷ Furthermore, he maintained that the American civil religion shaped by the rhetorical acts of the founding fathers was perpetuated into his present moment, it was enduring. He also cautioned that this civic religiosity not be misconstrued with the denominational Christianity of the Anglo-Puritan settlers.

Bellah marked a clear distinction between the civic faith of American civil religion and biblical Christianity, maintaining that the civil religion was to remain, as

Philip Gorski puts it, "open to all speakers of America's inherited language of civic purpose". ³⁸ The civil religion of America is found in a shared identification with the founding narrative of the collective citizenry. Bellah does, however, identify the significant ways in which that founding narrative is connected to very distinct narratives of the biblical scriptures. For instance, Bellah identifies the belief in a provident deity, God, as a basic tenet of the civil religion in America. Bellah examines that "neither Washington nor Adams nor Jefferson mentions Christ in his inaugural address; nor do any of the subsequent presidents, although not one of them fails to mention God" The God of the American civil religion, however, varies characteristically from the God of the Bible. According to Bellah:

The God of the civil religion is not only rather "Unitarian," he is also on the austere side, much more related to order, law, and right than salvation and love. Even though he is somewhat deist in cast, he is by no means simply a watchmaker God. He is actively interested and involved in history, with a special concern for America.⁴⁰

While he recognizes that American civil religion shares/appropriates many symbols, rituals, and belief systems found in the biblical scriptures, it was not understood by Bellah as a replacement for Christianity for those that uphold Christian doctrine in their private lives.⁴¹

American civil religion shares three important similarities with the theological narrative of the Bible—*exodus, sacrifice, and a gaze toward the future*. ⁴² In both his 1967 article and his 1975 book, *The Broken Covenant*, Bellah identifies these themes as key markers in the founding "narrative" of the American civil religion, which he calls

"America's myth of origin." Bellah puts forward that the first marker, the Exodus narrative, is grounded in a common analogy between America and Ancient Israel. The Old Testament chronicles the Israelites journey out of Egypt in the book of Exodus. The biblical story of the Israelites describes their fleeing from slavery, as they were led by Moses, through the direction and strength of God. God himself promised the Israelites the land of Canaan in return for their faithful journey to Mount Sinai (Ex. 6:4).

According to Bellah, the American Revolution is the embodiment of the American Exodus narrative, "a final act of Exodus from the old lands across the waters," for which Washington is remembered as the 'American Moses'. 44 This land, claimed as the United States, is the promise land, gifted to all generations of the American people in return for their valiant denial of tyranny and courageous journey through the wilderness of the Atlantic. The Exodus of the biblical scriptures includes a "promised land" and the establishment of "a new social order that shall be a light unto all the nations". 45 Bellah argues that the promise land theme has been an enduring one in the nation's founding myth (it's founding narrative). 46 He quotes President Johnson's inaugural address, in which Johnson claims the original settlers, "... came already here—the exile and the stranger, brave but frightened—to find a place where a man could be his own" (President Johnson as guoted in Bellah).⁴⁷ Johnson's statement is a direct reference to the scriptures in Exodus story and describes how the first Americans "made a covenant with this land," just as God himself made a covenant with the Israelites to deliver them to a land of their own.

While the Revolution marked the first period of Exodus and fulfilment of divine purpose, Bellah describes the Civil War as the birth of "new civil religion," containing

distinct qualities of the New Testament scriptures. The sacrifice of American people, and ultimately the leader himself (President Lincoln), introduced the Christian archetype of death and rebirth to the American Way. Bellah posits that the Civil War serves as "the second great event. . . that involved the national self-understanding so deeply as to require expression in civil religion". As the first great internal strife of the nation, Bellah explains, the Civil War caused the American people to consider "the deepest questions of national meaning;" their ability to endure and their divine calling.

As the country waged war within itself, President Lincoln's self-proclaimed task was to embody and preserve national unity, which he saw exemplified in the Constitution. Addressing the deeper case for the conflict, slavery, Lincoln categorized the death and destruction of the Civil War as a necessary "woe due to those whom by the offense came" (Abraham Lincoln's Second Inaugural, as quoted by Bellah). 49

Redemption and reconciliation are common themes throughout biblical scripture. The most paramount example is found in the life and death narrative of Jesus. Referring to biblical narratives of these very themes, Lincoln describes the war as "true and righteous" judgment of God as a response to the sins committed against slaves in America. Lincoln paints a picture of "redemption and reconciliation" not only as a will of the people to end suffering and restore unity, but as the will of God and to be carried out by the American people.

According to Bellah, American civil religion is additionally marked by specific rituals and symbols that are embodied in "ceremonial events," "civil scriptures," and "cultic celebrations". He prescribes the inauguration of a President as one of the most important ceremonial events of American civil religion, asserting that it "affirms, among

other things, the religious legitimation of the highest political authority". O Under the mandate of Article two, Section one of the Constitution, the Presidential oath is presented as, "I solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States" (constitutionus.us). While making this vow, all but three incoming presidents have placed their left hand on the Bible, raising their right.

Bellah draws a connection between the religious symbolism and the political ritual as an act of extending the presidential oath beyond the Constitution, beyond the people, to God himself. "In American Political theory," Bellah explains, "sovereignty rests, of course, with the people, but implicitly, and often explicitly, the ultimate sovereignty has been attributed to God". Thus, the act of placing one's hand on the scriptures while pledging an oath to the people becomes an acknowledgment towards the ultimate sovereignty of God over the nation.

American civil religion is further scripted into the national self-understanding through the admonishment of what Bellah calls "civil scriptures;" the Declaration of Independence, the Constitution, and the Gettysburg Address. These documents serve as physical, memorial representations of purpose for the American people as prophesied by the founding fathers. Much like the scriptures of the Bible serve as a guiding text for a spiritual law of salvation and love to practicing Christians, the civil scriptures exemplify the laws of justice and right of the American civil religion. The Declaration of Independence holds particular significance in America's myth of origin because it signifies a precise beginning of the nation.⁵² Likewise, the Constitution has come to be venerated as sacred, according to Bellah, because it is "closely bound up with the

existence of the American people".⁵³ Without this symbolism given to its meaning by the American people, the Constitution does not actually "call upon any source of sacredness higher than itself and its makers".⁵⁴ These civil scriptures are the documents through which the nation conceives of its very self.

Finally, Bellah outlines the importance of "cultic celebrations" to the interpellation of American citizens into civil religion. He positions Memorial Day as a celebration that serves to "integrate the local community into the national cult". 55 The sacrifices of the Civil War (and every American conflict following) have become venerated in the observance of Memorial Day. Drawing on the analyses of Lloyd Warner, Bellah explains that Memorial Day becomes an event which calls upon a united citizenry, bringing the whole community into the continued rededication of the American vision to the "martyred dead" and the ultimate "spirit of sacrifice." Likewise, according to Bellah, Thanksgiving Day (officially secured under the presidency of Abraham Lincoln) functions as a way "to integrate the family into civil religion." 57 With the addition of the Fourth of July, Veterans Day, and the birthdays of Washington and Lincoln, Bellah argues that a "ritual calendar for the civil religion" is born. 58 Together ceremonial events, civil scriptures, and cultic celebrations serve as "powerful symbols of national solidarity" and "mobilize deep levels of personal motivation for the attainment of national goals." ⁵⁹ Ultimately, American civil religion provides a lens through which Americans can interpret our conceptual past as a nation while also casting vision for where we may end up in the future.

During the Vietnam War era, Bellah began to doubt his own conceptualization of the civic faith. He witnessed a collective disillusionment toward the nation and did not believe that the American people would continue to "buy into" the myth of origin as he had understood it. Scholars such as Carolyn Marvin, Philip Gorski, Andrew Murphy, William Harlow, and Peter Gardella observed the endurance of the civic religious dimension and have maintained American civil religion as integral to public life in America. Gorski expresses concern with the "limitation" of calling American civil religion a "founding myth," because he argues it suggests a "cultural decline," with the climax of civil religious fervor at the founding of the nation. Instead, Gorski sees "the civil religion as evolving, rather than declining... a dynamic and living tradition; like a great river, it [has] deepened and widened over time". 60 Moreover, Gorski reckons that the river of civil religion has not yet run dry in America.

American Civil Religion and Religious Rhetoric

American civil religion, as a phenomenon, is taken up across various areas of study (political theory, sociology, philosophy) and for decades civil religious discourse has provided ample grounds for consideration in rhetorical studies. The great majority of religious rhetorical scholarship focuses on two areas: rhetoric of transcendence and in the study of "God-terms" in civic/American public discourse. As referenced earlier, Peter Gardella stipulated that "it belongs to the essence of religion to go beyond reason." Though Gardella outlines that religion does not require faith in a supernatural being, he does reason that religious belief does, by nature, go beyond a level of reason in making sense of being, in "holding life together." Returning to the arguments of Wayne C.

Booth, this is where religion becomes wed with rhetorical discourse: through its split from falsifiable reason. The religious experiences that go beyond reason, go beyond

scientific proof, are made sense of through emotion and commitment, "imagined communities" share in these experiences through "commonplaces," through language.⁶³

The rhetorical study of American civil religion often focuses on the transcendent notions of American nationhood. Bellah himself stipulated that 'God' is used in American oral traditions, as well as presidential oratory, to employ a sense of transcendent meaning and purpose for the nation. According to Bellah, subjects of the American civil religion ascribe power to a 'God' to make sense of the past, and often the present struggles, in light of a predestined future. Scholars such as Richard Crosby, Nathan Crick, and Ann Strahle, have taken up the importance of transcendent discourse in American civil religion to discuss its constitutive power in collective meaning making of the nation. Crosby identifies the very guiding myth of the civil religion and the understanding of what it means to be American as: "America is exceptional and divinely ordained."64 He traces the linkages to both Protestant and Catholic influences at the time of the nation's founding and argues that surely, rhetoric of America's divine ordination shapes the way Americans understand themselves. Crick takes up the rhetoric of transcendence as a tool for Presidential rhetoric in calling together the collective citizenry into shared understanding of self and purpose, while Strahle analyzes media representations of military experience to demonstrate how the divine purposes of the nation are tied to the military experience. 65 Thomas Lessl reasons that collectives, such as that of the faithful Americans, link themselves to a transcendent reality to compensate for their reliance on cultural construction for the vitality of their identity. ⁶⁶ Rather, the cultural immortality offered by a transcendent purpose helps to overcome the anxieties of "worldly" cultural formations.

Rhetoricians also pay particular attention to the veneration of "god terms" and their relation to public religious discourse as well as collective identity formation within the civil religion. By "god terms," I am referring to the value laden terms that carry strong, almost automatic meaning to particular collectives. Lessl argues that "religious symbols are needed in order to sustain collective faith in the reality of a collective." Rather, the veneration of particular symbols gives reason to the formation of a collective. God terms serve as religious symbols of identity. Though he does not use the phrase, Gardella identifies the word "America" as a god term for the subjects of the civil religion, that there is a near automatic understanding of what it means to identify as "American." Terms such as liberty, freedom, democracy, peace, and tolerance have all been taken up as god terms and serve rhetorical significance in the construction of the American identity.

Religious Rhetoric, American Civil Religion, and Feminist Criticism

Rhetoric's intersectional study of religion and sex*/gender has an ever-growing list of nodal points. Rosemary Reuther uncovers feminist hermeneutics as a method of working out "the dialectical tension between truthful accountability to past tradition and new creativity in response to ethical and theoretical challenges of present times." In Reuther's description of feminist hermeneutical practices, the direct study of theology (words about God) is married to the critical analysis of the applied praxis of the theology itself. In this way, Rhetoricians study both the structure and content of the traditional texts in terms of their relation to sex* and gender, as well as the ideological identity formation that meets symbolic action.

The later point, a focus on institutional religion's discursive power to influence identity formation accounts for most of the field's study of religion and sex*/gender. While others have indeed investigated the connections between sexual regulation and American liberal politics, including secularism,⁶⁹ there is a gap in the literature of religious rhetoric in terms of feminist thought and the American civil religion. My attempts to reason with this have come up with one assumption: that because American civil religion is not considered an institutional religion like those with clearly identifiable sacred texts or dogmatic instruction, its rhetorical agency falls within the realm of greater cultural influence and, thus, is not clearly identified as a discursive power in sex*/gender identity formation.

To more accurately place the civil religion of America as it functions in contemporary society, Gorski moves to extend Bellah's former understanding and insist that civil religion is not one automatic reflex but instead a "via media" through which civic Americans travel between two political extremes, which he identifies as (1) religious nationalism and (2) radical secularism. The former functions as "a sort of apocalyptic and nativist hyperpatriotism," which we can observe in the "Fortress America" and anti-immigrant rhetorics. The second extreme is found in the "sort of secular progressivism that seeks to dispense with any notion of tradition and bar all religious expression from the public square". Civil religion maintains that both the political/public sphere and religious tradition have necessary boundaries, but "that there is also a place where those borders crisscross with one another." While religious nationalists advocate for a total fusion of religious tradition and civic engagement and

radical secularists argue for a complete separation, civil religionists recognize the space of overlap as important for both the religious and civic spheres.

Andrew Murphy originally supported Gorski's argument for expanding our understanding of civil religion when he put the notion forth in his 2011 exploratory article, "Barack Obama and Civil Religion." In Gorski's reconceptualizing, Murphy recognized the potential to marry the study of American civil religion in new ways "with comparative research on religion, politics, and society." In fact, Murphy called for revived attention to American civil religion, specifically focusing on micro cases, the "more localized and contested ground-level" episodes to build new literature and a deeper understanding of the philosophy of American civil religion as it functions in different areas of society and, thus, different areas of study.

Carolyn Marvin similarly argues for a revived interest in American civil religion, but reckons that scholars face major roadblocks in studying the topic, just by their general disposition towards cultural criticism. Marvin pinpoints two major impediments for critical cultural scholars in general. The first is the authority given to textual evidence (what is created) over a "bodily base" (the cultural values and muscle work to get there). The second is that "scholars have failed to recognize or respect the religious intensity of U.S. nationalism: namely, the official testimony of patriotism that it is not religious at all". In the later roadblock, Marvin explains a gap in American civil religion research, explaining that scholars take hypernationalist commitments to the Constitution, the court, and the nation at the face value of its sectarian language without recognize the *religious* commitment to the law. Part of the work of this thesis will be to attend to this gap in the American civil religion research.

Critical Feminist Approach

In my analysis I will take a critical feminist approach. This means engaging in ideological criticism through a feminist lens, uncovering the ways in which identity markers (such as sex* and gender) are used to justify subjugation.⁷⁷ In particular, I will be working through Joan Scott's notion of *Sexularism*, which challenges the traditional understanding of secularism as gender emancipating and, instead, interrogates 'secularism' as a tool for gender subordination. It is the aim of this thesis to examine if/how the ideological effects of American civil religion support a prioritizing of ideologically Christian notions of sex* and gender performance within a legal framework that is nominally secular.

Sexularism: Joan Scott chronicles the genealogy of western secularism beginning with the French Revolution as the birth of early modernity and reason that mobilized a major shift in the secularizing of the European west. This political shift, Scott explains, focused on introducing the rule of reason where religion once had power. The shift brought with it a new iteration of the public/private dichotomy (Max Weber). The rise of rationality brought with it "the notion of separate spheres: public and private, reason and passion, objective and subjective." That which was not reasonable or rational was delegated to the private sphere or, as Max Weber articulated it, the "interior state of being". Weber theorized a process of disenchantment during and as a result of the enlightenment period that brought with it the formation of an "exterior state of being," the hyperrationalized "realm of economics and politics," and the "interior state of being," in which individuals grapple with the tensions of their "less material forms of fulfillment"

(affect, passion, and the irrational).⁸⁰ Scott identifies Weber's theory of disenchantment as one of the cornerstones of secularism discourse.

The *disenchantment* theorizing brought with it new methods for articulating notions of gender/ gender roles/ the role of sex in society. Scott writes:

When reason becomes the defining attribute of the citizen and when abstraction enables the interchangeability of one individual citizen for another, passion gets assigned not just to the marital bed (or the chambers of the courtesan), but to the sexualized body of the woman. So it is that domestic harmony and public disorder are figured in female form; the "angel in the house" and the unruly "pétroleuse" are two sides of the same coin. Masculinity is confirmed in opposition to both of these representations: men are the public face of the family and the reasoning arbiters of the realm of the political. Their existence as sexual beings is at once secured in relation to women and displaced onto them.⁸¹

Similarly, Scott argues, "the danger of feminine sexuality was not taken as a religious phenomenon but as a natural one." Chronicling the shifting ideals of modernism and the social and political focus on reason and nature, she uncovers ways in which the subjugation of female bodies also changes. She explains that, for early secularists, there was no separating women from their sex. Secularists replaced "God" with nature in the process of disenchantment and the nature of women's bodies were defined as means of production (e.g. biological reproduction). Women, through a series of articulations, became the embodiment of the private sphere and were relegated to remain within its bounds along with religion, passion, and sex.⁸²

As a French historian, Scott focuses on the specific context of French *laicite* (French secularism), a term used to define France's political separation of civil society from religious society for her analysis. According to Scott, the term *laicite* was first used by the French Third Republic, in 1871, "as a challenge to the cultural authority of organized Christianity and its ability to influence or rival state power."83 In the nineteenth century, Scott explains, secularism or the secular was defined as that which is "thisworldly," rather, it emphasized earthly temporalities.84 The term "distinguished the world and its affairs from the church and religion" and, according to Scott, *secular* maintained a negative connotation in its earliest references "within religiously centered discourses."85 Following the Protestant Reformation and by the French Revolution, Scott dictates, "the secular referred to the state and its representatives in opposition to the church and the clergy."86 In this new context, the dualism switched and the religious became the negative referent in secular centered discourses. As this switch occurred, the religious became relegated to the private sphere.

Scott references the work of Talal Asad in distinguishing how and in what ways religion, and that which was associated with the religious, was consigned to the private sphere. Asad explains that the reclassification of things related to the religious as private (private thought, private practice) was a distinctly Western process, particularly in white, Christian societies.⁸⁷ Therefore the referent for secular modernism became those who did not adopt the same dualities between the secular and the religious (the separation of the political from the religious): particularly Islamic nations of the East. Scott chronicles how this opposition takes shape in French social and political life, under the guise of campaigns for women's liberation.

Scott reasons that not only did the formation of the secular create a duality between the political and the religious (or the modern/liberal and the religious/tradition), it also formulated a gendered binary that "feminized the realm of religiosity." In other words, the discourse mobilized by European nations in the process of secularization figured women into the private sphere along with the religion. Scott writes, "nineteenth-century secularist campaigns deployed the language of sex difference in order to disarm the power of religious institutions, not by abolishing those institutions but by feminizing them." Masculinity was centralized in discourses of the market, politics, rationality, and bureaucratic organization. Femininity categorized the home, family, spirituality, emotion, and sexual intimacy.

Scott's work continues to draw a genealogy of women's liberation as well as continued regulation through the secular state of France. Her work illuminates the ways in which 'women's liberation,' particularly Muslim women's "liberation" through secularism continues to perpetuate subjective practices of regulation and subordination. For example, she investigates head covering discourse to show how the banning of religious expression becomes forced subordination to "feminist" ideals that claim to liberate them from patriarchal suppression. Further, Scott, along with scholars such as Asad and Saba Mahmood, traces the multitude of effects that follow regulated secularism, including the regulation of gender expression and sexuality. This thesis will join the conversation by applying the critical lens to the unique context of US secularism.

Justification

The current archive of the American civil religion literature within the field of communication largely focuses on two debates: whether or not it exists, and, if it does,

how should it be defined. Scholars who deny its existence are heavily influenced by the limitations outlined by Murphy, as previously mentioned: the inability to recognize the genuine religiosity of the civic dimension. Possibly the most prominent critic of American civil religion, Roderick Hart, reasoned that there is no civil religion in America, but instead "the government of the United States and America's organized religious bodies entered into a very practical [contract]... the guise of complete separation."90 Hart explains that while the state and religious institutions maintain a "guise of separation," the contract includes state support for the value of religion and religious values, so long as religious institutions provide support for government in times of crisis when public support is necessary. 91 Hart's contract metaphor is supported by scholars like Robert Friedenberg who argues that any positive religio-political relationship between the US government and organized religion is a rhetorical tactic to appease social concerns and regulate values. 92 The limitation of these critiques is that they fail to recognize the American civil religion as its own religious dimension, and in the very close cases in which they approach this possibility, they misinterpret the civil religion as a state sanctioned, mandatory religious doctrine.

Supporting Bellah's original interpretation of the civil religion in America, as well as Gorski's contemporary application of the concept as a sort-of mediator between political extremes of religious nationalism and radical secularism, this thesis will serve to provide further evidence for the genuine religiosity of this civic dimension. It will both maintain the separation of American civil religion from Christianity, while uncovering the nuanced ways in which the two institutions support one another. Finally, this thesis will head Andrew Murphy's call to engage in the micro cases of American civil religion

and, at the same time, close a gap in the study of American civil religion, by marrying it with feminist critique to analyze the ways in which American civil religion uniquely positions US government to justify regulation by identity markers having to do with sex* and gender performance.

Chapter Preview

The next three chapters of my thesis will each contain one case study analyzing a particular artifact or policy pertaining to the regulation of sex* and gender identity. The aforementioned Nashville Statement will serve as the artifact of my first case study in chapter two. The aim of exploring this document is to, first, identify the ways in which the Christian church appropriates venerated symbols and rituals of the state to both perpetuate and influence the shaping civil religion in America. Chapter three will focus on House Bill 2 of North Carolina: the Public Facilities Privacy and Security Act. This bill, signed into law in 2016, has remained a contentious issue in ongoing lawsuits. Chapter four will focus on the previously discussed ban on transgender individuals from military service. I will investigate the particular ideological assumptions communicated in each case study in order to illuminate the ways in which sex* and gender identity are used to justify particular regulations of identity performance. In the conclusion, I will unpack how the three case studies together illuminate both a new avenue for studying American Civil Religion as well as a deeper understanding of the ideological discourses involved in public policy making and collective identity formation in the United States.

CHAPTER TWO: A SEXULAR CONSTITUTION

In his 2017 inaugural address, United States President Donald Trump celebrated what he described as the transition of power from government leaders to the American people. On "the day the people became the rulers of this nation again," the invigorated new Chief Executive cast his vision for a "rediscovering" of national unity, with a return to patriotism. Trump proclaimed, "at the bedrock of our politics will be a total allegiance to the United States of America, and through our loyalty to our country, we will rediscover our loyalty to each other" (2017). In this, Trump suggests that Americans should reclaim their *right* to prioritize national interest over global concern. "The Bible tells us," he said, "how good and pleasant it is when God's people live together in unity." Here Trump suggests it is the will of *God* that the nation return to some natural order of unity and that America becomes a nation of divine allegiance.

In his address, the newly appointed President Trump necessitates a national return to citizen loyalty to America. He extends his warrant from the will of the people to a higher criterion set by God himself: that God's people, the American people, carry out his divine will on earth. While some audiences might suggest the President was exercising his right to express his personal faith and hope for the nation, I reason that Trump's religious rhetoric serves a ceremonial significance that reveals the vestigial role of a public religious dimension: American civil religion.

In the introduction to this thesis, I outlined the definition of American civil religion as dictated by Robert Bellah himself, describing the foundational understanding of American civil religion as a *real*, or identifiable, religious connection to physical and

ideological symbols that construct the founding narrative of the collective citizenry of the United States. Likewise, I outlined the theoretical characteristics of the American civil religion, dictated by Bellah, as: the profession of faith in a diety, a transcendent understanding of the American identity (a marked "life to come"), and the venerations of republican values ("reward for justice," "punishment for transgression.")⁹⁴ The following chapter will consider the relationship between the political and the religious in America as it is understood through the lens of American civil religion. First, I will outline the ways in which scholars have taken up the foundational understanding of American civil religion offered by Bellah, then I will suggest a unique avenue for analysis of civil religious discourse. Through a close reading of the Nashville Statement, published in 2017 by the Coalition for Biblical Manhood and Womanhood (CBMW), I will consider the rhetorical significance of religious institutions deploying symbolism integral to American political discourse and the American identity. Ultimately, I argue that the CBMW's use of constitutional imagery and structure lends to the legitimation of political action with a religious basis.

Cynthia Toolin argues that civil religion, in any context, may operate to build up, affirm, or legitimize culture. The three functions differ in succeeding progression. To build up culture, according to Toolin, is to purposefully establish "the foundations and beliefs a society will stand on." Culture is affirmed by the collective adherence to the established foundations and beliefs in order to maintain them as status quo. Legitimizing culture, "is the most important function of civil religion. It roots the behavior of the society in its past actions and beliefs." Christina Littlefield summarizes Toolin's distinctions, dictating that "culture building is telling Americans they have a mission

from God, culture affirming is telling Americans they are special because of this mission, and legitimizing culture is using the mission to justify international actions." The legitimizing process is of most importance to the analysis of this particular case study, as I will highlight the constitutive power of religious communication in relation to political action.

Littlefield summarizes civil religion as "as shared set of values, beliefs, narratives, and practices that gives a society cohesion and purpose." She adds, "civil religion draws from the highest common factors inherent in faiths of the society, as well as from the society's culture, secular philosophy, and history. Littlefield highlights what Bellah originally dictated, that American civil religion is to be understood as set apart from other spiritual faiths, but not necessarily in contention with them. While I maintain this assertion, I also recognize a gap in civil religious research that preferences the study of political actions or political actors, while giving lesser attention to the rhetorical significance of religious institutions and their relationship to the political sphere. As previously mentioned in the introductory paragraph, it has been of great interest to communication scholars, in particular, to consider the constitutive power of the transcendent discourse of civil religion in collective meaning making of the nation. Giving attention to distinctly religious activity provides a deeper understanding of this phenomenon.

Maurice Charland outlines the constitutive nature of rhetorical discourse, rejecting the notion that audience relations to communication are predetermined (that ideologies are impulsive and can, therefore, be assumed). ¹⁰¹ Instead, Charland aligns with Louis Althusser in the understanding that subjects are inscribed into ideologies through an

interpellation process that "hails" or addresses directly the subject as well as the subject's acceptance of being constituted within the particular subject identity. Therefore, Charland understands that subjectivities are not fixed with a "neutral history devoid of human interpretation." According to Charland, subjects are extrarhetorical; subjects "exist only as a series of narrative ideological effects." The significance of a constitutive understanding of rhetoric is located in the recognition of audience participation in the communicative process. Charland explains, "constitutive rhetoric must require that its embodied subjects act freely in the social world to affirm their subject position." Audience members must signify their acceptance of a subjectivity by acting in a way that represents their identification with the constituted body.

Civil religious rhetoric in America engages in the interpellation of multiple subject groups, including the proud American citizen, the faithful (religious) American, and the American that believes their religious faith is integral to their civic duty. Philip Gorski emphasizes the process through which civil religion influences the collective meaning making of the American identity, writing: "the civil religion is a narrative that tells us where we came from and where we are headed, not just what our commitments are. It embeds out values and commitments within particular stories of civic greatness-and collective failure." The religio-political nature of the civil religion narrative in the United States forges a connection between seemingly religious (namely Christian/Puritan) values and the commitments of the political system. Gorski continues in highlighting the significance of the identity construction within a civil religion, explaining: "civil religion provides one starting point for thinking about how we can sustain democratic solidarity in this changing context. It provides an alternative to a

reactionary traditionalism that seeks to restore cultural homogeneity and also to radical individualism that seeks to dissolve all political bonds."¹⁰⁶ Gorski adds, "[civil religion] is perhaps the best starting point that we have for thinking about the future of America."¹⁰⁷

In addition to the power of the civil religion narrative that breeds political tradition, Gorski additionally highlights the role of the American civil religion "pantheon." The pantheon of civil religion refers to the "founders, heroes, saints, and martyrs of American civic life." As highlighted previously, Bellah assigns particular importance to the role of the president (and past presidents). As the highest political authority of the nation, Bellah argues that the Presidency finds both legitimation and obligation through civil religion. Rather, according to Bellah, through the political process, which includes the appointment of the president by the people and the consecration of their authority with the oath of office at the inauguration, the president becomes bound to both the will of the people as well as the will of God who endowed purpose unto the nation. Studies involving the presidency as integral to American civil religion have mostly analyzed presidential address, in speeches like those at the inauguration ceremonies, in the State of the Union address, and other public forums.

Toolin provided easily the most comprehensive overview of civil religion in presidents' inaugural speeches in a content analysis of all inaugural addresses between 1789 to 1981. With the basic question of whether or not civil religion can be identified in inaugural addresses, Toolin searched for direct references to the characteristics of civil religion outlined as necessary by Bellah. She payed particular interest too, "specific references to a deity (e.g., God, the Hand which guides the universe), for the enumeration

of republican virtues (e.g., freedom, duty), and for particular religious content of either the Judeo-Christian tradition (e.g., Land of Milk and Honey) or a national nature (e.g., Abraham [Lincoln's] death being symbolic of the death of Jesus)."¹⁰⁹ Likewise, Toolin looked for obvious religious references, to particular events and people in American history, as well as religious and political references made in tandem. Finally, she looked for references to the three established themes of American civil religion (outlined by Bellah and described at length in the introductory chapter): "Sacrifice, Exodus, and American Destiny under God."¹¹⁰

In her findings, Toolin listed 150 references to a deity in the 49 inaugural addresses analyzed in the study. Only 10.4 percent of the speeches left out a reference to a deity in any form. While looking to the enumeration of republican values, Toolin found that 44 addresses referred to the value of *duty* at least once, "usually in the sense of duties of the elected president." Toolin affirms Bellah's assertion that the inauguration serves as a sort of spiritual binding of the office to a higher natural order, writing that "the addresses seem to imply that this duty is a sacred trust, which is passed on from president to president, awakening in each a sense of his unworthiness for the task at hand." In each instance, duty is secured to a sense of purpose or a specific calling. The second republican virtue analyzed by Toolin in the inaugural addresses up until 1981 was that of "freedom." According to Toolin, freedom is discussed in all but four of the 49 speeches, and "was usually used to refer to civil liberties as God given rights that we have in our possession and that we must protect, and, if possible, extend."

Directing her attention to the specific themes of American civil religion, *Sacrifice*, *Exodus*, *and American Destiny*, Toolin identified evidence of reference to Exodus in just

two addresses, by Thomas Jefferson, 1805, and Franklin D. Roosevelt, 1935. The theme of sacrifice is present in 18 of the 49 addresses, identified in distinct periods of conflict, during the War of 1812, the Civil War, World War I, and the Korean War. According to Toolin, this suggests an amendment needs to be made to Bellah's original theorizing of the American civil religion, moving the theme of sacrifice to an earlier conception than the Civil War. Finally, Toolin locates the theme of "destiny" present in 45 of the 49 addresses, in each instance paired with the theme of *International Example*. According to Toolin, "the sentiment that is expressed in this theme is that the United States has the best government yet formed, and that as such it is the American destiny to be an example to all other nations." ¹¹⁴ In addition, Toolin identified explicit religious reference in 28 of the addresses, including references to "Christians and Christianity, angels, Heaven, Israel, the Cross, and the Star of David," as well as more detailed references such as the offering of a prayer (Eisenhower, 1953) and the direct quotation of biblical figures (Carter, 1977; Kennedy, 1961). Analyzing direct references to particular people and events in American history, Toolin identifies 150 references to the U.S. Constitution across 35 speeches, stating, "the sense one gets from reading these references is that the Constitution is a sacred book that guarantees rights and privileges to American citizens and that it is an infallible authority."115

Toolin's analysis of the 49 presidential addresses given until 1981 highlights that not only is a civil religion present in the particular context, as Bellah has theorized it in the political sphere, it also provides thorough example of civil religious ideals being used to justify internal values and international relations. The inauguration of the president is traditionally known to be a time in which the newly appointed Commander in Chief will

outline their particular plans and goals for their presidency, as well as their vision for the nation as a whole. I am particular interested in Toolin's recognition of the Constitution as a "sacred" text and "infallible authority," regularly used as justification of those particular plans, goals, and visions.

Constitution

The United States Constitution, ratified in 1789, is headed by a preamble declaring the union of the United States as a nation committed to justice, tranquility, welfare, liberty, and prosperity for its people. The U.S. Constitution contains seven articles, describing how the nation's government is to be organized. It is signed by thirty-nine delegates from twelve of the original thirteen states. Peter Gardella asserts that "the Constitution functions both as a sacred text and as icon." He writes:

Phrases like "We the People," "the Blessings of Liberty," "freedom of speech, or of the press," "to keep and bear arms," "cruel and unusual punishments," and "due process of law" have echoed through the public discourse, attaining a power equal to the prayers of the invocations of gods. "Constitutional" and "unconstitutional" have become the equivalents of clean and unclean, kosher and *trayfe*, saved and damned.¹¹⁸

Bellah himself categorized the United States constitution as a "civil scripture" of the American civil religion. Civil scriptures align to Toolin's ladder of building, affirming, and legitimizing culture. The Constitution, as well as documents like the Declaration of Independence and the Gettysburg Address, aided in building up the American culture at their conception as they laid the foundations of what the American values and beliefs would be for the citizens of the future. They served as physical memorials to affirm the

continuation of those values and beliefs for future generations and they serve as legitimizing powers for domestic and international affairs.

The analyses offered both by Bellah and Gorski demonstrate the ideographic nature of the Constitution in the United States. Michael McGee conceptualized the ideograph as a link between rhetoric and ideology. 119 Beginning by settling his understanding of 'ideology' as a sort of "mass consciousness," 120 he reasons that it neither matters whether 'ideology' is conceptualized as "public philosophy" or a "public opinion," nor a "philosophy of myth" as proposed by Kenneth Burke. 121 Instead, McGee reasons, that however we come to conceptualize 'ideology,' the presence of a sort of public consciousness is foundational to "describing and evaluating the legitimacy of public motives." 122 "Ideology in practice," according to McGee, is located in political language, "rhetorical documents, with the capacity to dictate decision and control public belief and behavior." ¹²³ The political language produces ideology. McGee describes ideographs as the vocabulary of the political language. Rather, he argues that ideographs are "slogans... easily mistaken for the technical terminology of political philosophy." ¹²⁴ The deployment of these slogans "reveals... structures of public motives... which have the capacity both to control 'power' and to influence (if not determine) the shape and texture of individual's 'reality.'"125 Thus, McGee demonstrates how rhetoric, or widespread political language in particular (ideographs), comes to constitute public consciousness or realities (ideology).

Janis Edwards and Carol Winkler take up McGee's theorizing of the ideograph and extend the rhetorical force to visual metaphors. The authors consider Joe Rosenthal's 1945 photograph of five US Marine's and one Navy Corpsman raising an

American flag on the Pacific island of Iwo Jima in a visual analysis. Edwards and Winkler reason that the image has not only become iconic in mass American culture, but its repeated representation has inscribed upon the image a "special type of symbolic form that represents an essence of cultural beliefs and ideals at a high level of abstraction."127 Edwards and Winkler argue that the widespread (re)presentation of the Iwo Jima flagraising photograph "constitutes an instance of depictive rhetoric that functions ideographically ."128 Their analysis of the image problematizes and expands McGee's theorizing, that the ideograph as only local to verbal expressions, by exploring "how the context of cultural parodies functions to express ideographic forms."¹²⁹ Many scholars (Stabile & Kumar, 2004; Cloud, 2004; Schwartz-DuPre, 2010) have taken up Edwards' and Winkler's extension of the visual ideograph to demonstrate how proliferated (re)presentations come to evoke specific ideological assumptions for particular audiences. Moving forward, I will demonstrate how the parodied visual representation of the US Constitution by a religious institution functions ideographically and calls upon a particular narrative of American-ness that further scripts the American civil religion in the collective consciousness of the nation.

Edward Corwin characterizes a republican constitution as the "consecration of an already established order of things," and further argues that it serves as a resolution for "man's terror of a chaotic universe, and his struggle toward security and significance."¹³⁰ According to Corwin, the U.S. Constitution speaks to an innate desire to communicate and regulate power. Further, Corwin suggests that the United States Constitution, in particular, has a uniquely divine influence over the American people. Max Lerner asserts that the American people have a fetish-like relationship with the Constitution, believing

that it contains in itself "supernatural powers." Much like Corwin, Lerner describes a divine role of the Constitution in the lives of the American people, stating specifically that "the very habits of mind begotten by an authoritarian Bible and a religion of submission to a higher power have been carried over to an authoritarian Constitution and a philosophy of submission to a 'higher law'." John Engle describes the Constitution as an "overly potent political symbol in America." Engle suggests that the Constitution, and other American political symbols, such as the flag, are venerated as part of a national myth that the American public was "born out of some newfound discovery and appreciation for individual liberty." There is great consensus that the American people have a significant connection to the function of the Constitution as an instrument for conceiving a national self-understanding. The Constitution serves as a symbol of the nation's set-apartness.

Nashville Statement

In August of 2017, the Coalition for Biblical Manhood and Womanhood (CBMW), a coalition that "exists to equip the [Christian] church on the meaning of biblical sexuality," published a digital document on their website titled "The Nashville Statement." Within hours, the statement went viral, garnering responses on social media, news outlets, and in print media from thousands of individuals across the nation. The document resembles the United States Constitution in structure, containing a preamble and fourteen articles made up of both affirmations and denials of specific beliefs pertaining to human sexuality. The document lists 165 original signatories, comprised of varying public Christian figures: pastors, authors, seminary leaders, and individuals associated with evangelical based organizations. Since its original publishing,

the document has garnered more than 20,000 additional signatures. Since the initial publishing, a reference page has been added, including biblical scripture references and opinion articles written by CBMW members or affiliates.

The construction of the statement is of particular interest, as it invokes strong symbolism of a venerated American document. Moreover, the response from the Christian and non-Christian American public alike suggests that its symbolic exigence was not unnoticed. As Gorski offered in his analysis, popular phrases from the Constitution, such as "freedom of speech" and "cruel and unusual punishment" are used to invoke some black and white understanding of American political theory. These phrases become what McGee describes as the vocabulary of our political language, a vocabulary that he argues has the ability to determine a specific political reality for Americans. When Edwards and Winkler extend this power to images, they provide the necessary framework to understand the Nashville Statement as ideographic.

While the Nashville Statement does not carry the weight of political law ascribed to the U.S. Constitution, its air of authority for its evangelical, Christian audience is a result of its form. The Nashville Statement evokes for its readers notions of allegiance to the traditionally admonished symbol of the U.S. Constitution. Combining this effect with the statement's centrality in Christian theology provides the conditions of possibility for the Nashville Statement to be read as an artifact of American civil religion. The document contains the very essence of a venerated American political symbol but serves as a mediating tool for the crisis faced by "western culture" of a "post-Christian" era that "no longer discerns or delights in the beauty of God's design for human life." Whether or not the reader agrees with the content of, or communicated need for the statement, they

face the possibility of being interpolated into some modicum of allegiance due to the form. Therefore, the Nashville Statement provides an example of American civil religion being perpetuated, not by the up taking of theological symbolism by the political, but by the inverse.

Bellah himself, as described earlier, categorized the Constitution as a civil scripture, a divine hope for all generations of Americans set forth by the founding fathers. The considerable influence it holds over the people of the nation demands audiences to critically consider when its symbolism is harnessed for purposes other than its own. Bellah stipulates that "civil religion has been a point of articulation between the commitments of Western religious and philosophical tradition and the common beliefs of ordinary Americans." Americans."

In the moment when religious entities utilize the symbols of American politics, they blur the religious-political relationship lines and offer the possibility of introducing new theological narratives to the civil religion by which we constitute our national self-understanding. The implications for this are numerous. In the particular case of the Nashville Statement, the content communicates to its audience a precise opinion about a given nature of human sexuality. Previously mentioned scholars, such as Carol Stabile and Deepa Kumar, as well as Dana Cloud have demonstrated in their own research how the deployment of ideographic images and statements are used to support particular ideological assumptions in their audiences. Rae Lynn Schwartz-DuPre describes this particular connection, explaining that visual ideographs "rhetorically constitute public policy. Rather, widespread visual representation of venerated cultural values (ideographs) are both produced by, produce, and reproduce dominant narratives of public ideology." 139

The Nashville Statement, employing an ideographic form, provides the conditions of possibility to enter powerful theological narratives pertaining to sex* and gender performance into the collective consciousness of the nation.

CHAPTER THREE: A SEXULAR READING OF HB-2

In the introduction to this thesis project, I identified a gap in communication research in relation to feminist thought and American Civil Religion. I reasoned that the majority of rhetorical studies done in terms of religion and sex*/gender are centered around institutional religion's discursive power to influence identity formation. American civil religion, however, is not to be understood as an institutional religion as are those with sacred texts or sources of dogmatic instruction. Rather, civil religion, as a phenomenon and a topic of study, lives within the broader category of cultural influence. Civil religion, to my knowledge, has not been clearly defined as a discursive power in sex* and gender identity formation or regulation. I aim to close this gap by marrying Joan Wallach Scott's notion of "sexularism" with civil religious discourse.

Joan Scott's scholarship challenges the understanding that secularism is a natural source of gender emancipation and critically analyzes the genealogy of secularism in order to uncover its connection to ongoing gender subordination. ¹⁴⁰ During a lecture on "Gender and Europe" at the European University Institute in Florence, Italy, in 2009, Scott remarked that the term "sexularism" came to her in a somewhat unconscious manner. ¹⁴¹ She explained that her association with the word began with a repeated typographical error, remarking "each time I wrote secularism, I hit an x instead of a c. It happened so many times that I thought I should try to figure out what was going on." ¹⁴² After some minor personal psychoanalysis, Scott reasoned that the error, in a way, "did convey something of what [she] was thinking about this large and unwieldy topic: that in

recent invocations of the secular, the issues of sex and sexuality get entangled in the wrong way."¹⁴³ Scott explains:

The most frequent assumption is that secularism encourages the free expression of sexuality and that it thereby ends the oppression of women because it removes transcendence as the foundation for social norms and treats people as autonomous individuals, agents capable of crafting their own destiny. In substituting imperfect human initiative for the unquestioned truth of divine will, we are told, secularism broke the hold of traditionalism and ushered in the (democratic) modern age.¹⁴⁴

According to Scott, the emergence of secularism introduced a regulation of sexuality unlike that of traditionalism (re: religion). The term "sexularism" has come to connote the link between secular politics and the justification of gender inequality on "natural" grounds.

American Secularism

American secularism, though younger, is not unlike that of our European neighbors and ancestors. Even more, what I hope to have demonstrated in the prior chapter is the overt influence of Christian doctrine in American secularism. The constitutional establishment of a separation of church from state was integral to the founding of the United States, therefore the nation does not have the same genealogical history of religious reformation as that of France or its older European ancestors. However, the Protestant political influence served as a framework for the very founding. In turn, American politics have adopted similar, if not the same, gendered formations of the public and private sphere. In the current (or recent) political moment, this dichotomy has had a particular impact on transgender individuals as their very identities are contested and their bodies are subjected to legal regulation.

The ideological assumption that links the values of the secular (as a political and social framework) and the regulation of sex* and gender performance is the belief that there are "natural" grounds for both. Moving forward, I will briefly describe the similarities in secularist discourse related to sex* and gender performance between the United States and the European context analyzed by Joan Scott. Next, I will identify the linkages between these discourses and current public discourse pertaining to transgender identities. Finally, I will provide analysis of particular sex* and gender regulation, in North Carolina House Bill 2, to demonstrate the ways in which secular regulation of sex* and gender performance takes place at the level of public policy. Ultimately, I argue that the context of an American Civil Religion provides the ideological basis that informs the "natural grounds" argument for such regulation.

As referenced previously, both Scott and Asad, identify the dualistic split between the religious (in the private sphere) and the secular (in the public) as a strictly Western phenomenon. Therefore, Islamic nations that do not separate their political practice from their religious belief become the traditional, religious referent to the progressive, modern, Western politic. Furthermore, Scott argues that the West versus East dichotomy has come to characterize twentieth century secular discourse. She writes:

Our twenty-first-century discourse of secularism conceives of the realms of the political and the religious differently from its nineteenth-century antecedents. "Political" signifies liberal democracy; "religious" denotes Islam. Gender equality is portrayed in terms of the difference between uncovered and covered societies, the sexually liberated versus the sexually repressed.¹⁴⁶

Scott demonstrates the real-life impact of such framing in the political discourse of the West, particularly in the context of France, in analysis of a law banning veil coverings in public. Scott argues that the banning of veils in public is nominally justified by the desire to liberate women from religious oppression, but implicitly motivated by distinctly anti-Islamic ideology.¹⁴⁷

Dana Cloud demonstrates the ways in which the very notions of anti-Islamic ideologies have taken shape in the American political context. Cloud considers mediated images of veiled women in magazines and online newspapers framed in direct contrast to American women between 2001-2002 during the U.S. war with Afghanistan. ¹⁴⁸ Cloud argues that nationally circulated "images of Afghan women and men establish a binary opposition between a white, Western, modern subject and an abject foreign object of surveillance and military action." ¹⁴⁹ Furthermore, Cloud asserts that images of Afghan women, particularly images of veiled women, "construct the viewer as a paternalists savior of women and posit images of modern civilization against depictions of Afghanistan as backward and pre-modern." ¹⁵⁰ Ultimately, Cloud reasons that these images hold rhetorical significance for garnering public support of United States military action in Afghanistan as a defense of modernity with an impetus of necessitated liberation. ¹⁵¹

What Cloud demonstrates is that seemingly heroic notions of female liberation through modernization are actually rooted in anti-Islamic sentiments. As Scott similarly outlines in her analysis of European efforts in secular modernization, the impetus behind international conflict (with the Middle East in particular) is not rooted in a desire to give Islamic women different circumstances, but instead they are imperial aims to oppose

traditional, religious opposition to white, European forms of modernity and secularism. The result is not emancipation for oppressed women. Instead, women whose religious desires and practices do not align with European secular/modern practices become consigned to a private sphere and are deemed unwelcome in the public. In this case, their chosen ways of orienting themselves in the world, the covering of their bodies are not understood as spiritual practice but, instead, a negation of modern secularism.

Anti-transgender ideologies in the United States manifest in a thematically similar way. Transgender bodies are regulated in the public sphere on nominally "natural grounds" and systematically consigned to the private. In both cases, in the oppression of and violence against Islamic and transgender bodies, the nationalist ideals, rooted in Protestant ideologies, influence secular justifications that otherwise would not find "natural" or scientifically reasonable grounds for such. In the United States in particular, the civil religious dimension provides the necessary ideological structures for oppression in the name of modernization to take place. In order to demonstrate how this manifests in U.S. political discourse, I will consider the public communication supporting North Carolina House Bill 2, passed in March 2016.

Public Facilities Privacy and Security Act, N.C. House Bill 2

In February 2016, the city council of Charlotte, North Carolina, passed Ordinance 7056, prohibiting discrimination on the basis of sexual orientation or gender identity particularly in public accommodations, by passenger vehicles for hire, or by city contractors. Exactly one month later, the North Carolina General Assembly passed House Bill 2, the Public Facilities Privacy and Security Act. House Bill 2 (HB2) was, officially, "an act to provide for single-sex multiple occupancy bathroom and changing facilities in

schools and public agencies and to create statewide consistency in regulation of employment and public accommodations."¹⁵² Rather, the bill provided for two major resolutions: (1) all multi-occupancy bathrooms and changing rooms in the state of North Carolina would be assigned single-sex admittance based on the biological sex stated on a person's birth certificate, and (2) individual cities or counties in the state of North Carolina would not be permitted to enact ordinances, regulations, resolutions, or policies pertaining to employment and contracting that contradicted state law. Therefore, the Charlotte Ordinance 7056, set to take effect that April, would be superseded.

The responses to HB2 reached national and international scale and, ultimately, the debate that ensued resulted in multiple forms of partial repeal or modification. In April 2016, then-North Carolina Governor, Pat McCrory, signed Executive Order no. 93, "To Protect Privacy and Equality," which provided that "political subdivisions" of the state would be permitted to enact individual anti-discrimination ordinances, however the bathroom/changing facility regulation portion of HB2 was supported. Weeks later, both the N.C. House of Representative and the N.C. Senate proposed bills aimed to repeal HB2, without success. During this time, North Carolina faced criticism by international entities, including Britain, who's Foreign and Commonwealth Office issued a travel advisory to their LGBT citizens who may be visiting the United States, writing that LGBT individuals may be impacted by the laws passed in North Carolina and Mississippi. Ansarly a year later, in March 2017, the National Collegiate Athletic Association (NCAA) issued a warning, via Twitter, stating that NCAA championships scheduled in North Carolina would be relocated and no games would be scheduled

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³ At the time, Mississippi had passed a law allowing businesses to refuse services to gay couples based on religious objections.

through 2022 if the ban was not repealed.¹⁵⁵ The NCAA issued a formal warning, providing North Carolina 48-hours to repeal HB2, and in that time newly appointed North Carolina Governor Roy Cooper proposed a bill that would repeal the bathroom regulations of HB2 and enact a moratorium on local non-discrimination ordinances through the year 2020.¹⁵⁶

HB2 was supported by law makers, legislators, religious groups, and individual citizens with the justification that the regulations provided public protections based on "natural" difference. Even more, the bill was heavily framed by supporters as a protection particularly of women and young children from sexual predators. Former N.C. Governor, Pat McCrory, wrote on his personal Twitter account, that the original Charlotte city ordinance (7056), "defied common sense." Likewise, he stated that the bill would allow men to access women's bathrooms and locker rooms. Presidential nominee at the time and senator of Texas, Ted Cruz, showed his support and criticized his opponents for their opposition of the bill, stating "Donald Trump and Hillary Clinton both agree that grown men should be allowed to use the little girls' restroom." Likewise, Christian organizations such as Focus on the Family, the North Carolina Values Coalition, and the Keep North Carolina Safe Coalition have all declared public support of the original parameters of HB2. 160,161

For my analysis, I choose to focus on one distinct theme of HB2 support: the argument that the regulation is made on a "natural" (biological, common sense) basis. The governmental communication, in the form of the original bill and the public comments by Governor's Pat McCrory and Roy Cooper identify a "common sense" for public facility regulation based on biological sex. Moreover, similar comments by

governor McCrory, as well as former U.S. presidential candidates suggest there is a natural connection between transgender access to public restrooms and assault against women and children. Neither of these assumptions have reasonable supporting evidence and, by engaging in "depth hermeneutics," which supports "seeking underlying truths veiled by a misleading ideological common sense," I identify a civil religious influence.¹⁶²

Talal Asad engages in this practice when he considers the meaning making of the headscarf in France. Asad refers to "the veil affair," taken up by Joan Scott, and asserts that both those in opposition of a law banning headscarves in public places, as well as those in support of it, had to approach the headscarf as a *sign*. The sign is defined as a representation "of a desire to affirm an identity in the former case, and a will suppressed by religion in the latter." The root of both understandings is that of "desire." According to Asad, the distinction between desires made by the commission that recommended the ban lies between "those who didn't really want to want the headscarf and those who did." Asad also explains that there is no clear method for interpreting these desires, rather, there is no clear justification for how "the will of a self-governing agent" was deciphered. Instead, Asad argues that, "Desire...' ...is not definitively discovered but semiotically constructed." The headscarf was interpreted symbolically as a sign of inequality, not as someone's orientation or preferred way of living.

The public support for the regulation of public bathrooms and changing facilities on the basis of biological sex is, similarly, rhetorically constructed. Likewise, the ideological construction of such regulation as "natural" or "common sense" is linked to the discursive power of a public religious dimension. A civil religion uniquely links

Protestant values to American secular politics and culture. As discussed previously, the civil religious values of America identified by Robert Bellah and proceeding scholars, include the transcendent understanding of the American identity as particularly marked by a deity, the veneration of justice, civic duty, sacrifice, freedom, and so on. HB2 demonstrates a case in which the Protestant gendered values are similarly linked to an understanding of American-ness. Therefore, allowing one to identify American civil religion as a discursive power in sex* and gender identity formation and regulation.

Asad references political philosopher Larry Siedentop in arguing that the crux, or the central value, of secularism is a commitment to equal liberty. That is, both Christianity and secularism advocate that each human being should have equal opportunity to make his or her own decisions. Siedentop reasons that this is not to support "indifference or non-belief," but that "it rests on the firm belief that to be human means being a rational and moral agent, a free chooser with responsibility for one's actions." The value of equality, as well as freedom of choice, allows Asad to maintain the claim that secular ideas embody "the modern translation of Christianity." 167,1684 The importance of secularism claiming a Christian heritage, reasoned by Asad is in the effect of the claim in "the political exclusion of all those who cannot claim the heritage." According to Asad, supported by Scott, and detailed earlier in this chapter, the claim to a Christian heritage allows for a rendering of secular politics that excludes Muslims. In the United States, the linkage between Christian values and modern secular politics also provides for the oppression based on sex* and gender performance.

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⁴ Asad, 14: "Skidelsky and Siedentop are not the first to claim that Christianity and secularism are intimately related... Several major European writers have made that claim- including Max Weber, Carl Schmitt, Karl Löwith, Matthew Arnold, and Ernest Renan."

In the prior chapter, I reasoned that the existence of a civil religious dimension allows for religious rhetoric to enter American political discourse and offers the possibility of introducing new theological narratives to the national self-understanding. I took up the Nashville Statement in its symbolic form to demonstrate the power of religious rhetoric to inform our political culture. The content of the Nashville statement contains three distinct statements about sex/gender. The statement affirms, "divinely ordained differences between male and female reflect God's original creation design and are meant for human good and human flourishing," "it is sinful to approve of homosexual immorality or transgenderism," and it denies "that adopting a homosexual or transgender self-conception is consistent with God's holy purposes in creation and redemption." ¹⁷⁰ On the basis that the Nashville statement is signed in affirmation by more than 22,000 individuals, the organization with which it is associated⁵ is nomically Evangelical, and given that Evangelical Christians made up more than 70% of the voting population in 2018, I feel confident using the Nashville Statement as an example of Christian theology that impacts the political sphere.¹⁷¹

The theme of natural difference that characterized the support for HB2 in 2016 is present in the rhetoric of the Nashville Statement as it outlines Christian theological beliefs about sexual difference, gender identity, and sexual orientation. The terms "divinely ordained," "creation," and "design," articulate the differences between man and woman as natural with a transcendent basis. Likewise, the terminology of "self-conception" in relation to homosexuality and transgender identities suggests that there is no natural justification for LGBT identities. When Pat McCrory reasons that HB2 is a

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⁵ Coalition for Biblical Manhood and Womanhood, cbmw.org

matter of common sense, or when Ted Cruz suggests that men are being permitted to enter "the little girls' restroom," they echo the Evangelical sentiments of natural male and female difference that leaves out consideration for transgender identities as anything other than harmful or deceitful.

This case study demonstrates how ideological understandings of *natural* sex* and gender performance form in collective consciousness of the nation. Scott identifies Christian foundations as integral to the heritage of western secularism. The public sentiments of lawmakers in regard to HB2 suggest that the gendered ideologies of biblical Protestantism are ever-present in American politics and, likewise, must be protected. As Cynthia Toolin asserted, and as I outline in the previous chapter, the invocation of American civil religion legitimizes social and political culture in the United States because it roots behaviors of the society in the values and belief systems of its past. Therefore, the United States does not have to adopt a dogmatic national Protestant faith, because the civil religion of America provides the necessary justification for political regulation of sex* and gender performance. The secular can claim a modern liberalism void of traditional religious implications, while justifying the very acts gendered oppression that it purports to oppose. The effect is the invocation of "sexular" gender regulations.

CHAPTER FOUR: A SEXULAR READING OF THE TRANSGENDER MILITARY BAN

The former chapter discussed historian Joan Scott's discernment of *sexularism*, which critically approaches notions of secularism as an inherent source of gender emancipation. Scott's work provides a genealogy of secularism that uncovers the ways in which the secular and secularist endeavors connect to ongoing gender subordination.

Taking into considerations the social and political support for the North Carolina Public Facilities Privacy and Security Act (HB2), I provided a rhetorical analysis of the nominally secular public policy, identifying the roots of American Civil Religion as a legitimizing force in United States *sexularism*. In this chapter, I will consider a case of sex* and gender regulation at the national scale, in order to further demonstrate the rhetorical significance of civil religion in America as a legitimizing power in sex* and gender subordination.

On July 26, 2017, President Donald Trump expressed his plans to instill a ban on transgender involvement in the Armed Forces, writing on his personal Twitter account, "the United States government will not accept or allow transgender individuals to serve in any capacity in the U.S. military." Included in the series of tweets that followed was the claim that the U.S. military "cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail." Trump's statement served as an immediate reversal of policies enacted by the Obama Administration, including the June 2016 Pentagon decision to permit transgender Americans to serve in the military openly as well as the decision to provide medical coverage necessary for military personnel who wished to undergo gender transition.

The decision to reverse the Obama-era policies by the Trump Administration were justified (by President Trump and then-Secretary of Defense, Jim Mattis,) on the grounds of cost for medical coverage and the possibility of "disruption." I reason, however, that the underlying impetus for a reinstating a ban on open transgender military involvement is an attempt to place a conception of distrust, instability, and weakness onto transgender and gender-nonconforming individuals. The United States military upholds credibility, stability, and strength as core values. Identifying transgender individuals as deviant allows the U.S. government to disqualify their fitness for military service. In order to be eligible for service, transgender Americans must take part in a public denial of their very selves. The values of credibility, stability, and strength, as well as that of self-denial are all inherent to American civil religion.

Moving forward, I will outline a brief history of the United States Military as well as the government's relationship to gendered regulations and offer an analysis of the rhetorical significance of a ban on transgender individuals' ability to serve in the Armed Forces. Ultimately, I argue that the values of the American civil religion outlined by Robert Bellah, and taken up in this thesis project, are distinctly identifiable in the support for the ban by government and military leaders. More specifically, the expectations of self-sacrifice suggest that American civil religion is evident in the justification of the ban. The prioritizing of civil religious values allows for the U.S. government to engage in the sexular gender regulation described by Scott, perpetuating misconceptions of secular politics as gender emancipatory.

Sex* and Gender Regulation and The Military

The United States Military has a multi-faceted gendered history. Until 1948, military combat service positions were only open to heterosexual males. Women, however, maintained active involvement as field nurses and support personnel for clothing maintenance, cooking, and other care positions from the beginning of the Revolutionary War.¹⁷⁵ It was not until 1948 that the US Congress passed the Women's Armed Service Integration Act and women were given the ability to enlist in limited military service and receive veterans' benefits.¹⁷⁶ It was another 28 years until women were admitted to service academies, such as the U.S. Military Academy at West Point, U.S. Naval Academy at Annapolis, and the Air Force Academy to be trained in military science.¹⁷⁷ Still, it was not until 2016 that all military combat positions were opened to women.

The U.S. Military's relationship to lesbian, gay, and bisexual (LGB) individuals has not been nearly as 'progressive.' The first military prohibitions that explicitly mentioned homosexuality were administered in 1916. The restrictions reflected an understanding of homosexuality as deviant behavior. Major Darrel L. Choat of the United States Marine Corp writes, "prior to [1916], the notion of "homosexual" identity did not exist and the service of "homosexuals" was not at issue. Sex that was not reproductive was socially proscribed, and any exhibition of "perverted" or "unnatural" acts such as heterosexual or homosexual sodomy was prohibited by military law." Until 1949, same-sex sexual relations explicitly prohibited for US military personnel. During the World War II era, Choat explains that the US military screened for homosexuals, employing social stereotypes to men of "effeminacy and an interest in

interior decorating or dancing," and, in 1949, the Department of Defense issued new regulation that stated all gay men and lesbian women were unfit for military service, whether or not homosexual conduct was discovered. This was followed by the implementation of the Uniform Code of Military Justice by Congress in 1950, which "criminalized homosexual and heterosexual sodomy." 181

In 1994, President Bill Clinton introduced to the National Defense Authorization Act United States Code 10 G 654, otherwise known as the policy "Don't Ask, Don't Tell." Announced on July 19, 1993, by the Pentagon as "New Policy Guidelines on Homosexuals in the Military," the Don't Ask, Don't Tell guidelines allowed for LGB identified persons to enlist and serve in the US military, in all capacities, stipulating, however, that "members may be discharged if they (1) engage in or attempt to engage in a homosexual act or acts; (2) state they are homosexual or bisexual; or (3) marry or attempt to marry someone of the same sex." The restrictions fit their moniker: LGB individuals were free to serve, so long as their sexual orientation was not disclosed in any way. Judith Butler argues, the military drafted a policy that conflated "statements," with "conduct" and, therefore, the act of making a verbal statement about one's sexuality was linked to the "propensity or intent to engage in acts." The practice of regulating desire, Butler argues, is key to the practice of the US military.

Major Choat argues that the implementation of "Don't Ask, Don't Tell" was an "official embrace of homophobia" and "granted a harmful prejudice unchallenged legitimacy in military culture." The policy, communicated by military officials as a regulation for the protection of military readiness, order, and civility in unit cohesion, was challenged by many as unconstitutional. However, "accepting the argument that

military life is fundamentally different from civilian life, courts have granted the military broad latitude in matters relating to military service, organization, and personnel," congressional findings asserted that, if the military could demonstrate a rational base for their policies referent to sexuality, then their freedom to make decisions related to military practice would be protected. 185,186

During his first presidential campaign, Barack Obama offered a promise to lift the ban on LGB Americans serving openly in the military. Again, in 2010, then President Obama restated his support for a replacement of the "Don't Ask, Don't Tell," policy and Chairman of the Joint Chief of Staff, Admiral Mike Mullen, agreed with Obama's sentiments, stating that he could not avoid being troubled by the reality that military service members were forced to lie about their identity in order to serve and protect their country. This resulted in a nearly year-long investigation by the Department of Defense on possible repeal processes as well as expected outcomes of an official repeal of the "Don't Ask, Don't Tell" policy. The Don't Ask, Don't Tell Repeal Act took effect on September 22, 2011. The repeal did not mention transgender service members.

In 2016, five years after the repeal of "Don't Ask, Don't Tell," Ashton Carter, defense secretary under President Obama, announced that transgender Americans would also be allowed to serve openly, would not be barred from service in any capacity, and that the Pentagon would cover their medical costs for vital care (including gender transition and hormone therapy). Both prior to, and since Carter's announcement, the United States Military has had a tumultuous relationship with transgender individuals serving or wishing to serve. In May of 1963, Army Regulation 40-501, which dictates the military standards of medical fitness, declared a ban of transgender individuals from

military service, with the warrant of mental incapacity for service. Section 2-30 on Psychosexual Conditions stated, "causes for rejection for appointment, enlistment, and induction are transsexualism, exhibitionism, transvestitism, voyeurism, and other paraphilias." Here, transsexual, or transgender, is lumped into the category of paraphilia, a condition of abnormal and often dangerous sexual desires. Until the Obama era revisions on transgender bans in US military service, both transgender and intersex individuals could be turned away from enlistment, and service members who sought treatment for gender reassignment or hormone therapy whilst enlisted would be discharged based on breach of enlistment contracts.

The US Military's relationship to sex* and gender regulation has proved to be comparable in progression compared to federal/national regulations of the same category. From the founding of the nation, anti-sodomy laws have existed that explicitly regulated sexual intercourse that was non-procreative. 191 In 1952 the American Psychiatric Association diagnostic manual was revised to include homosexuality as a "sociopathic personality disturbance," which remained the case until 1973. 192 However, in that same year of its removal, Maryland began the trend of criminalizing same-sex marriage, a regulation federally secured by President Bill Clinton in 1995 through the Defense of Marriage Act, which defined marriage as "a legal union between one man and one woman as husband and wife." 193

According to the American Civil Liberties Union (ACLU), in the 1960's and early 1970's, as LGB rights activism began to make noise, the criminalization of homosexual relations also began to surge. Most specifically, anti-sodomy laws saw an increase of invocation for the "justification of discrimination." The ACLU states that,

from 1969 onward, nine US states re-wrote their anti-sodomy laws to move from secondary offenses of sexual conduct outside of procreative purposes, to explicitly apply to "private homosexual conduct." Likewise, states that did not rewrite their laws still incited them in a way that targeted LGB relationships directly, including denying gay and lesbian couples the right to adopt, foster, and even sometimes revoking custody of their own biological children. These laws were also used to support the refusal to hire and the decision to fire lesbian and gay individuals.

LGB anti-discrimination legislation was attempted in 1975, by Congresswoman Bella Azbug. 199 The measure, ENDA⁶, was drafted to prohibit employment discrimination based on sexual orientation, and it failed by one vote.²⁰⁰ The legislation, which evolved to include protections for gender-nonconforming identities was presented yearly to congress, but never passed.²⁰¹ Many states, however, have enacted their own non-discrimination laws, at varying degrees, that provide protections for prohibitions based on sexual orientation and gender identity. 202 Nationally, homosexual conduct laws were not lifted until 2003 by the Supreme Court, which gave states the ability to make their own regulations in regard to protections for marriage, health-care, the workplace, etc.²⁰³ It wasn't until 2015, in the case of Obergefell v. Hodges, that the Supreme Court ruled in support of same-sex marriage as a federally protected right and guaranteed samesex couples the legal rights awarded to couples of the opposite biological sex.²⁰⁴ It wasn't until the 2008 presidential election that transgender rights began to take similar legal roots as the previous LGB legislation.²⁰⁵ During his presidency, Barack Obama issued executive orders that provided new protections for transgender individuals in regards to

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⁶ Employment Non-Discrimination Act

employment, including allowing for transgender individuals to work for the federal government, and creating greater accessibility to acquire legal documents, such as identity cards and passports, that reflected one's gender identity.²⁰⁶

While the rights (in general) of transgender and gender-conforming Americans have been contested since the consecration of the nation, fitness for military service was not directly addressed by the U.S. government until the 1960's. As outlined previously, the Army Regulation on Standard of Medical Fitness, in 1963, explicitly banned transgender Americans from military service on the basis of mental incapacity. This code functioned in accordance with the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-V) which, until December 2012, included Gender Identity Disorder and Gender Dysphoria as mental health diagnoses for transgender individuals. In 2012, Gender Identity Disorder was removed from the DSM-V and Gender Dysphoria was redefined to describe individuals who exhibit "emotional distress over a marked incongruence between one's experienced/expressed gender and assigned gender."²⁰⁷ Gender Dysphoria has since been the psychological diagnosis invoked to bar transgender Americans from military service. The remainder of this chapter will consider the rhetorical significance of reinstating a ban on transgender military service.

The Presidential Memorandum on Military Service by Transgender Individuals declared by President Trump on August 25, 2017, affirmed by then-Secretary of Defense, Jim Mattis, and allowed by the Supreme Court in an unsigned ruling in January, 2019, reinstates policies referent to transgender fitness for military enlistment that existed prior to the 2016 changes.²⁰⁸ The regulations outlined by the memorandum stipulate that all

individuals wishing to serve in the Armed Forces must enlist and serve under the biological sex assigned to them at birth, that individuals diagnosed with gender dysphoria may not be permitted to enlist, and Department of Defense and Department of Homeland Security funds may not be allocated to fund sex reassignment procedures "except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex." The memorandum vaguely does not stipulate whether currently enlisted, openly transgender individuals are to be discharged. However, it has been reasoned that the directive which states military personnel who have already begun treatment for gender transition (and must continue) will be provided the necessary health care coverage leads me to assume that those service members, at this time, will not be discharged. For the purposes of analysis, I find the regulation on "openly transgender" individuals to be of particular interest. This terminology suggests that transgender individuals are free to serve in the Armed Forces, so long as they deny their gender identity and serve in recognition of their sex assigned at birth.

As previously mentioned, Judith Butler identifies significance in the regulation of speech acts (example: "I am homosexual," "I am transgender,") as intent to act in the physical sense. Judith Butler discusses distinctly the military regulation of the speech act of declaring one's homosexuality. Butler writes specifically of the Don't Ask, Don't Tell regulations, but I believe her analysis is significant to all cases of military regulation in relation to sex* and gender:

[Homosexuality] is to remain a term used to describe others, but the term is not to be used by those who might use it for the purposes of self-description; to describe oneself by the term is to be prohibited from its use, except in order to deny or qualify the description. The term "homosexual" thus comes to describe a class of persons who are to remain prohibited from defining themselves; the term is to be attributed always from elsewhere.²¹¹

Butler describes the process through which LGB individuals must accept an identity of self-denial as a condition for military service. According to Butler, under the Don't Ask, Don't Tell regulations, the words, "I am homosexual," no longer serve as just a description of desire, but instead the self-definition "is explicitly construed as contagious and offensive conduct." She moves even further to suggest that the regulation of identifying oneself as homosexual, as if the claim is indissociable from homosexual acts, communicates an assumption that the homosexual desire cannot be sustained without the act or display of such desire. If the latter is true, Butler then suggests that the military can assume, "if homosexuality has no referent, there can be no effective gay and lesbian politics." In this, the censorship of homosexual self-identification is extended beyond military personnel to the greater context of U.S. politics and citizenship. The underlying justification for the Don't Ask, Don't Tell regulation is thus identified as a broader act to regulate LGB rights at the national level. I argue that the regulation of transgender identification in the military carries bears the same significance.

The denial of self is at varying degrees integral to the mission of the U.S. Armed Forces, for all identities. Upon enlistment, recruits swear a vow:

I, (NAME), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me,

according to regulations and the Uniform Code of Military Justice. So help me God.²¹⁴

Recruits make a legally binding commitment to maintain an allegiance to the United States and the U.S. Constitution, defending them from all forms of harm. They vow to uphold hierarchical order of leadership and they invoke deistic providence. The vow is made in conjunction with a contract that stipulates how long they will be in service. For the duration of their contract, service men and women are required to follow the orders of their superiors and maintain those vows which they professed, including defending the nation under the international humanitarian laws and national codes of conduct of war. In doing so, their individual impulses and desires must be regulated. The vow connotes the assumption that members of the Armed Forces will put the needs of the country over the needs of themselves. These vows also enter military personnel into a state of partial citizenship, no insofar as they relinquish their rights to the protections provided under the U.S. Constitution, rather, to maintain their appointment within the military they must adhere to greater restrictions than one would as a civilian.

When the Clinton Administration enacted the Don't Ask, Don't Tell policy, they asked LGB Americans who wished to serve in the military to engage in a self-denial of their sexual orientation for the sake of the nation. As civilians, the freedoms of speech provided under federal law allowed them the ability to express verbally their orientation of sexual desire. As military personnel, they were required to relinquish that right, or otherwise face discharge. The justification was made outwardly on the assumption that openly LGB service men and women would break down unit cohesion and, thus, military readiness. When the Trump Administration reinstates a ban on openly transgender

Americans from military fitness, they suggest that transgender individuals who wish to enlist in the military must engage in self-denial of their gender identity. The justification is made based on monetary cost, the possible disruption of unit cohesion, and hindrance of "military effectiveness and lethality."²¹⁵

Through the heavy regulation of individual impulse and desire, the military can prioritize the values and vitality of the nation. This makes sense when you consider an individual impulse to choose flight instead of fight in the face of danger. If a military service member refuses the orders of their superiors in maintaining defense of the nation, the goals of the institution breakdown. As outlined in chapters one and two, the values of vitality of (or the endurance of) the nation as well as the veneration of self-denial for the preservation of the nation are identifiable in the core values of American civil religion. In the belief that America is marked with purpose for a life to come by a deistic presence and the continued veneration of martyred heroes, once can link the underlying presence of American civil religion to the values and regulations of the military discussed previously. Likewise, one can link the American civil religion to the regulation of sex* and gender performance within the military when it is justified under the values of national vitality and individual self-denial. The desire to express one's sex* or gender orientation has not been proven, however, to impact military readiness or impede the goals of protection. Therefore, following the analysis of Judith Butler, I reason that the justification for sex* and gender regulation is rooted in a larger desire to deny the rights of LGBT+ individuals at the national scale.

While I identify American civil religion in the justification for sex* and gender regulation, I reason that *sexularism* is the result. According the Joan Scott, the invocation

of secular politics is reasoned to remove transcendence as the foundation for social and political standards. Secular politics are to support citizens as "autonomous individuals, agents capable of crafting their own destiny." Therefore, one would assume that, under a political system that mandates a political separation of church and state, an individual American could freely express their gender orientation without the invocation of ideologies similar to a protestant framework of sex* and gender identity. In the previous chapter, I reasoned that the regulation of sex* and gender performance was justified with a reasoning that there are "natural" grounds. I linked this reasoning with distinctly Christian notions of natural human sexuality. The public argument of political leaders suggested there was natural reason for regulating transgender individuals access to public bathrooms and changing facilities and, thus, sufficed secular standards. The presence of American civil religion provided the underlying ideological basis informed by a protestant ethic. The same reasoning can be applied to the regulation of transgender Americans in relation to military service.

The prioritizing of acts of "self-sacrifice" is the distinction that leads me to identify the values of American civil religion in the banning of transgender Americans from military service. When President Trumps declares that openly transgender individuals will not be permitted to serve in the Armed Forces, he suggests that transgender individuals may serve, so long as they deny their gender orientation and serve under the sex designated by their birth certificate. In order to qualify for service, transgender individuals are required to engage in an act of self-denial. Judith Butler identifies self-denial as integral to the regulatory character of the military and Robert Bellah reckons that the very fundamental values of American civil religion require the

prioritizing of the national collective over individual desire. Therefore, the necessitation of self-denial or self-sacrifice calls forth the values of the American civil religion as justifiers for gendered oppression, and once again orients U.S. public policy pertaining to sex* and gender performance into the form of sexularism.

CHAPTER FIVE: CONCLUSION

This thesis was meant to serve two purposes: (1) I set out to close a gap in communication research that I had identified between the discourse of American civil Religion and feminist criticism, (2) in order to do so, I aimed to investigate the collective consciousness of "proper" sex* and gender performance in the United States through the lens of American civil religion. I began tackling these goals in my introduction by identifying American civil religion as a real religion and outlining the ways in which communication scholars have taken up its rhetorical significance. For example, I highlighted Philip Gorski's investigation of American civil religion as a founding narrative for the collective citizenry of the United States, an association made by the original American civil religion theorist himself, Robert Bellah. I highlighted Richard Crosby, Nathan Crick, Ann Strahle, and Thomas Lessl's work in analyzing the discourse of transcendence in American Civil Religion and its influence on collective meaning making. I also introduced Peter Gardella's analysis of "god terms," such as liberty, freedom, democracy, and peace, as central values in American civil religion bearing rhetorical significance in the construction of a collective American identity. Communication scholars have also given particular interest to the connection between public memory and American civil religion. Memorial sites, venerated heroes, and national celebrations, all serve as points of interest for identifying the role of American civil religion in American history and American culture. What I was unable to locate in all of my research was any attempt to link American civil religion and identity formation related to sex* and gender.

Civil religion scholarship highlights the identity formation of "American-ness" as strong and enduring, as an example for international neighbors, friends, and enemies. While ample work has been done to investigate implications of secularism for sex*/gender identity formation and regulation, American civil religion scholarship in particular does not, at this time, include an investigation of the influence on the collective understanding of proper sex* and gender performance. In order to close this gap and introduce a feminist criticism to the discourse of American civil religion, I began by identifying the characteristics of the American civil religion outlined first by Bellah and maintained by contemporary communication scholars. In my case studies, I linked these characteristics to justifications for sex* and gender regulation in the United States and considered French historian, Joan Wallach Scott's conception of *sexularism* as a result.

Through my investigation, I found the values of American civil religion to be identifiable as legitimation for public policies that regulate sex* and gender performance. Therefore, I fulfilled my first goal in closing the gap between feminist criticism and the study of American civil religion. Likewise, in my analysis I found the heritage of both secularism and American civil religion in Protestant foundations to have significant rhetorical impact on the collective consciousness of "proper" sex* and gender performance in the United States. Rather, Protestant renderings of human sexuality and gender orientation are identifiable in American political discourse. They are invoked for the justification of legal regulations on sex* and gender. Joan Scott's theorizing of a sexularism informs this research by providing the implication for a political sphere that prioritizes ideologically Christian notions of human sexuality with nominally secular justifications of modernism, reason, and human nature.

Implications

Feminist hermeneutics have been applied to the structure and the content of traditional religious texts to make ideological connections to identity formation in relation to sex* and gender. In my introduction, I reasoned that this type of rhetorical criticism has not yet been applied to American civil religion because it is not studied as an institutional/organized religion. The rhetorical agency of American civil religion in communication research, while considered to function like a real religion, is categorized within the strata of culture and cultural influence. Rather, rhetorical criticism of American civil religion largely focuses on its formation and sustainment by cultural values and activity. In this thesis, I flipped the methodology by considering American civil religion as having rhetorical significance for the formation and sustainment of cultural values, specifically analyzing civil religion's discursive power in sex* and gender identity formation. I chose to focus on American conceptions of transgender and gender-nonconforming identities because of the particular cultural moment which we are in-- in which transgender rights are taking center stage for many political debates across the nation. Beyond the narrow walls of academia, I believe rhetorical scholarship in this area can serve as a vital interjection into the deficient public understanding of how nominally secular politics do or do not fulfill the levels of gender emancipation which they purport to provide.

Joan Scott serves as a powerful example of the impact of feminist hermeneutics. Her work attends to very powerful assumptions about the ways in which *modern* society has been organized. Her work in uncovering the roots of secularism and secularist ideas reveals the ways in which a modern: secular / traditional: religious dichotomy has served

to preference dangerous and violent ideologies that victimize those whose orientation in the world cannot be split from their religious beliefs. She has demonstrated the significance of applying feminist hermeneutics in the cases of gender subordination where there is said to be gender emancipation. Her work exemplifies the impact of the scholarship that I seek to enter with this thesis project.

The United States Constitution stipulates in the first amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In contemporary politics, the first amendment, known as the "Freedom of Expression and Religion" amendment, has come to be understood as the separation of church and state. Rather, this amendment has formed a public understanding of the United States as a secular nation, wherein the government cannot regulate religious express that does not impose on another's right to or from expression, and religious institutions are not to harbor any regulatory power over the government. What Scott demonstrates in her genealogy of secularism and secularist ideals, is that the separation of church and state is a nominal relationship, with the roots of religion in secular values being ever present. I have identified American civil religion as an agent through which religious values are justified for the building, affirming, and legitimizing of American culture.

The identification of American civil religion having rhetorical significance in the construction of the collective consciousness of proper sex* and gender performance has a wide range of implications for further research in Communication Studies. This avenue of inquiry, applying feminist hermeneutics to civil religious discourse can serve to inform

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public controversy around women and LGBT+ individuals in positions of political leadership, including presidential campaigns, congressional appointments, etc. Likewise, there is potential for further insight on public controversy over the rights of sex workers in the United States, as well as American configurations of family: marriage equality and reproductive rights of single individuals and non-heterosexual couples. Analyzing the ways in which a deeply rooted American civil religion informs a collective understanding of sex* and gender provides the possibility of greater understanding of a multitude of public controversies as well as education for emancipatory efforts.

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