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# The Separation of the Church and State and the Different Interpretation of the First Amendment

The first amendment is a staple in the ideals of freedom in American society. It can be supposed that the first amendment supports the idea of separation of church and state because it protects people from any coerced religious activities or participation in religious practices in all aspects of public life. Court cases ranging from state appeals to Supreme Court hearings have ruled in favor of separation of church and state due to the constraints laid out by the first amendment. The first Amendment protects the right to support or believe in any religion or lack thereof while also preventing infringement on others freedom of ideology.

The judicial branch sets the boundaries of constitutionality behind the separation of church and state through different interpretations of the first amendment. The separation of church and state implies that government and federal institutions are not influenced by or providing influence to a certain belief or ideology. The origination of the ideas behind separation of church and state come from our founding fathers in their attempt to create a safe and tolerant environment for the general populous in our newly formed nation.

A common argument against the separation of church and state is that our nation was founded with the backing of Christian beliefs, which is shown with our national motto being "In God we trust" as well as with the pledge to our nation's flag including the phrase "One nation under God". Put into perspective, of course the natural prejudices of our founding fathers spiritual beliefs would show through the cracks of our countries foundation but freedoms were clearly stated and given to citizens in order to prevent America from becoming an oppressive federal force like the countries many immigrants were trying to escape in their era.

Even though the formation of our country was based off of providing freedoms to everyone the separation of church and state remains a large controversy in the education sphere. The line is drawn by funding at the federal level to determine when separation or non-separation is deemed unconstitutional or not. Since public schools are federally funded they are subject to the ideals separation of church and state and more often come under fire for being unconstitutional. Private schools however are privately funded and therefore have more liberty to include certain beliefs because a "grey area" is formed. The confusion behind the public versus private argument is seeded in the fact that separation of church and state is federally based and supported so private institutions have the right for their beliefs to be protected as well according to the constitution. Some court cases involving education were over whether religious content could or should be taught while others dealt with the slightly biased religious vernacular

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or practices used in some schools. One court case in particular, *Abington School District v. Schempp*, denied a state-sponsored school prayer while another case, *Wallace v. Jaffree*, ruled that moments of silence were constitutional in public schools. The freedoms of people are still protected in schools public or private, no matter the differences between the two.

Cases or arguments involving the separation of church and state in the public sphere are a less common occurrence but still remain just as influential. Some cases were tried on the civic level such as the Wal-Mart ban on the words “merry Christmas” due to the Christian affiliation while other cases reached the supreme court level like *Torasco v. Watkins*, the case where the court held that the state of Maryland could not require applicants for public office to swear they believed in the existence of God. Other instances would include the setting up of nativity scenes on public properties and whether or not government funding was used in order to determine constitutionality. These cases and many others represent the government’s use of the first amendment to support the separation of church and state on local and federal levels.

The first amendment offers a dual protection to the people of the United States. Religious toleration is protected and often mandated but also religious freedoms are protected. An example of this is that you are allowed to claim any religion you want or to practice a lack thereof while also being protected in your right to practice this religion while not being influenced or coerced into any other religious belief system. In the education sphere you are free to practice your religion wherever you are, public or private. Also in the education sphere religion is not tolerated to influence the content of the education taught or the values or morals of the school. Finally in the public sphere people are allowed to hold independent beliefs of the state while not being hindered in the public eye.

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