

Introduction the  
american government  
has no right to



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## **Introduction**

Civil liberties in the United States revolve around religious freedom and freedom of speech among other liberties that feature prominently in the Bill of Rights. Religious freedom for instance allows Americans to subscribe to a faith of their choice. The state has no right to impose any religion on its citizens (Bardes et al., 2010). This paper looks at the separation of the church from the state and at how the Establishment Clause has impacted on some highlighted controversial issues.

## **Separation of church and state as interpreted by the United States Supreme Court**

The United States constitution grants all Americans the freedom of religion in the first amendment where it allows its citizens to follow whatever religion without its interference.

The First Amendment contains two clauses to this effect that include the Establishment Clause and the Free Exercise Clause. The Establishment Clause ensures that the government does not set up a state religion and neither does it favor one religion over the other. The American government has no right to take a religious stand and can therefore not prefer non-religion over religion and vice versa. In addition, this clause emphasizes on the separation of the church from the state. The Free Exercise Clause ensures that the state does not interfere with its citizen's choice of religion (Robinson, 1995).

## **How the Establishment Clause impacts controversial issues**

The Establishment Clause when it comes to aiding church-based schools does not prohibit the 'blue laws' enforcement and neither does it prohibit the ferrying of parochial school students when it comes to transportation. The Supreme Court has in recent times supported government's support for private and public religious schools in terms of school vouchers. This kind of support includes funding in terms of textbooks, constructions, and transport. In addition, the court has supported school districts in their effort to formulate a curriculum that caters for their religious education needs. The Ten Commandments were initially included in the state laws that required them to be posted permanently on school buildings. This issue brought about controversy in that it was argued that posting them would promote some religious views. When it comes to religious holidays, teachers are allowed by the establishment clause to teach them. However, their teaching must be objective, sensitive, and general and should cover how these holidays came to be, how they are celebrated, their history as well as their origins.

Religious symbols may be used as teaching aids and they may be displayed temporarily during the lesson. Religious symbols artworks may be created by the students but the teachers must not influence their decisions. The Supreme Court in 1962 banned a prayer that had been sponsored by the state for use in schools (Engel v. Vitale). This happened as a result of the prayer being declared unconstitutional according to the U. S. Supreme Court.

The teaching of evolution in public schools was prohibited in 1928 by the Arkansas Education Association that saw it as a contravention of the

Establishment Clause. However, Epperson who was a biology lecturer  
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challenged this law in court and won as it was seen as a violation of the Establishment clause (Haynes et al., 2003). Intelligent design is against the evolution theory as it sees it as incomprehensive and argues that the gaps left unexplained by the evolution theory can only be explained by God.

Its proponents argue that it is a science and must therefore be taught in public schools regardless of the controversies surrounding it. They further argue that it would only conflict with the Establishment Clause if it was religious and in this case, according to them, it does not contravene the church's separation from the state laws. The intelligent design is therefore a worthy viewpoint that aids the teachings on the origin of life as presented in the scientific discussions.

Public schools must therefore keep an open mind while handling this issue and that is why intelligent design should be taught alongside the evolutionary theory. The reason is that the evolutionary theory encompasses modern biology and science continues to discredit the alleged gaps (Bardes et al., 2010).

## **Conclusion**

Civil liberties have played a great role in the rights of the American people who enjoy several freedoms as evidenced by this study. The Establishment Clause on religious freedom features prominently in this paper and highlights various views that are regarded as controversial.

The Supreme Court has printed its foot in the matter and it is clear how the state has been separated from the church especially in issues that concern public schools in America.

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