

The Semi-Permeable Membrane of Separation

A Word by Word Analysis of the First Amendment

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The first amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Contrary to popular belief, this amendment does not prohibit religious influence on the government of the United States. Let us examine the wording a little more closely than the general overview that it normally receives.

Let us first notice to whom this law applies. The amendment is very clear on this point. It states specifically that "Congress shall make no law..." This particular part of the Constitution applies to Congress and to Congress alone. There is no stipulation whatsoever placed on the interactions between religion and the other branches and offices of the government.

Let us now look at exactly what is restricted by this amendment. It states in no uncertain terms that the action thereby restricted is that of making a law. No other religious action taken by congress is in any way restricted by the first amendment.

We must now examine exactly what kind of laws fall under the restriction created by this amendment, and again we find that the wording is very precise. There are two types of laws that are restricted by this clause. First a law which respects an establishment of religion, and second, a law which prohibits the free exercise of religion. No other kind of law regarding religion is in any way restricted by the first amendment.

An examination should now be made of the wording of these two restrictions. We will begin with the first, a law respecting an establishment of religion.

The word "respecting" is used here in the same sense as it is used in Acts 10:34. It means to give preference to one above another.

The word "an" is a singular, indefinite article, and it is very likely the most significant word in the entire first amendment. This little article informs us that the first restriction of this amendment applies only to laws giving preference to a single establishment of religion over another.

The word "establishment" further limits the scope of this law, for it confines its application only to specific organizations rather than to any branch of religion as a whole.

The preposition "of" also indicates that this law does not apply to any branch of religion as a whole. It solidifies the relationship between the two words, "religion" and "establishment."

The word "religion" indicates which kind of establishment this amendment applies to.

After breaking it down, we can see that the first restriction of the first amendment makes it illegal for Congress to make a law which gives preference to one specific religious organization over another.

The second restriction can be similarly analyzed. The wording is again very exact, "prohibiting the free exercise thereof."

The word "prohibiting" means to refuse or to deny the right of. Thus this restriction is against the making of a restriction. Thus Congress is hereby forbidden from making a particular restriction.

The use of the definite article in this restriction indicates that this part of the first amendment applies to a particular kind of exercise that being a free exercise.

The word "free" means without any restriction.

The term "exercise" refers to the practicing of a particular system of instructions, beliefs or rights. This word is the recipient of the action of the verb "prohibiting." Thus it is the practice which Congress is not allowed to prohibit.

The final word of this clause is a pronoun reference back to the phrase "establishment of religion" in the first restriction.

We can now see that the second restriction of the first amendment makes it illegal for Congress to make a law which restricts the free exercise of an establishment of religion. We can now combine the two parts to understand that Congress is prohibited from making laws which prefer one religious organization over another or which restrict the practice of any particular religious organization. The first part prohibits the government from interfering in the struggles which naturally exist between the different religious sects thus creating a balance of power by which corruption is forced to a minimum. The second part establishes the right of religious organizations to attempt to influence all areas of life whether private or public, for their practice cannot lawfully be hindered.

Thus it can be demonstrated from the very words of the constitution itself that the first amendment does not in any way restrict the activities or the influence of religious organizations. It limits only the actions which Congress may make toward religious organizations and not the actions which those organizations may make toward Congress. The wall of separation is actually a semi-permeable membrane which holds back the encroachment of the government but through which religion may pass at will.