

The line between protecting citizens and infringement

May 15, 2014

by [Randy Bright](#)



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One of the biggest quandaries that I face when examining our built environment and how we as communities shape it, is where laws and codes stop protecting citizens and begins to infringe upon their rights.

In last week's article I discussed how Skousen (the author of the book *The 5000 Year Leap*) describes how the Founders created what they call the "People's Law" by finding a balance between anarchy and tyranny. The Constitution and the Bill of Rights were based on principles found in the Bible and it is clear to anyone who has read the Bible that God wants an orderly society through certain laws.

Not only that, when Israel disregarded God's principles and demanded that Samuel give them a King (I Samuel 8), what God described would happen to them could only be described as wealth confiscation and redistribution to an elite class, not too unlike what we see happening here now.

One of the principles that came from the scriptures (Exodus 18) was the importance of local government. Aside from the corruption that usually arises from any central power is inefficient and takes away the right of a people to self govern themselves.

Here is an example of how laws can be in balance between anarchy and tyranny or not.

I have long held that building codes are politically benign, that is to say, that there is nothing in building codes that would force someone to build something that does not come from their own imagination or to act against their beliefs or their own consciences. In particular, I am referring to the International Building Code.

Because of the word "International", this code has come under what I believe is undeserved criticism by some well-meaning people. It is not something born from a One World Order movement.

First of all, this code is designed around one major principle – keeping our buildings safe, and more recently, making them more accessible to those with physical disabilities.

The International Building Code is not a law in and of itself, but it can become law when it is adopted as an ordinance by a local jurisdiction. In addition, it can be modified by a local jurisdiction if they choose to do so.

Similarly, zoning codes are made law when they are adopted by a local jurisdiction, and in their infancy in the early 1900s they were intended to help protect property values and property rights of individual land owners, as well as help guide the orderly development of a community.

But at some point, probably in the 1970s as environmentalism and progressivism began to sink deep roots into American culture, zoning codes became attractive tools for controlling what people could or could not build. The practice of projection – accusing others of what you yourself are doing – was evidenced by those who claimed that our old zoning codes made certain building situations impossible, but were actually substituting their own version of prohibitions with their own zoning codes.

Early zoning codes separated the city into uses. For example, homes were only allowed in residential zones, businesses were only allowed in business zones, and industries were only allowed in industrial zones. Mixed uses were allowed by exceptions or through the use of Planned Use Developments (PUD's).

But detractors claimed that mixed uses were illegal and that they should be replaced with Form-Based Codes, which place even more restrictions on property owners regarding what they can do with their property (and can be highly discriminatory against churches). Furthermore, these codes are dependent upon the restriction of property rights, in particular to the abuse of eminent domain, in order to function as they are designed. (The taking of one person's property and giving to another is described exactly in I Samuel 8).

The question then becomes, how is one code at the appropriate place between tyranny and anarchy and the other is not?

One answer to that is the famous quote from Founder John Adams who said, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." A moral and religious conscience keeps laws at the centers of those extremes.

The other is what Skousen wrote: "The centralization of political power always destroys liberty by removing the decision-making function from the people on the local level and transferring it to the officers of the central government."

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