

Attacks on religious liberty continue in the United States

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By [Randy W. Bright](#)

I am reading two books now that I believe that Christians need to take notice of, not because they are correct, but because there is just enough truth in them to be instructional.

Both books are by Marci A. Hamilton, *God vs. the Gavel, Religion and the Rule of Law*, published in 2005, and *God vs. the Gavel, The Perils of Extreme Religious Liberty*, published in 2014.

Hamilton is an attorney that makes the argument that religion not only causes harm in America, but that our laws enable immunity from prosecution for crimes that are committed in the name of religion.

In the first book, Hamilton concedes that "religious entities bring important benefits to society" and that "religion can be a liberating force," citing examples of such. On the other hand, she cites transgressions by the religious - sexual abuse by clergy, refusal to provide medical care for children and churches that force their way into residential neighborhoods against the will of the neighbors.

In the second book, she takes on a more aggressive tone, stating in her introduction, "It has taken more than twenty years, but the American public is finally getting a true taste of the perils of extreme religious liberty. Finally, the Religious Freedom Restoration Act, or RFRA, and its progeny have emerged for what they are: a license for believers to assert rights to discriminate against homosexuals, abuse or neglect children, constrain a woman's right to choose and force huge projects on residential neighborhoods and families. But RFRA is only a part of the extreme religious liberty problem, because lawmakers too often grant religious lobbyists and claimants privileges that let them harm others."

The "progeny" she speaks of is RLUIPA (Religious Land Use and Institutionalized Persons Act) which I have written frequently about in my columns for years, which I believe has been critical in protecting the rights of churches. But, citing examples of churches and synagogues that she believes have abused its use, she is a vigorous opponent of RLUIPA.

However, she makes no mention (that I have found) of RLUIPA's importance in the Rocky Mountain Christian Church case, in which Boulder County (Colorado) made a determined attempt to prevent the church from expanding their facilities by forcing them to spend millions on needless studies and permits.

Hamilton misses the point about neighborhood churches altogether. While some of the examples she cites of churches harming their neighborhoods by expanding may have some merit, I have difficulty imagining that it is systemic, and she gives little deference to the fact that there are legitimate reasons why neighbors need to be tolerant of churches that need to expand on their own property.

In early American city history, churches were quite often in residential neighborhoods. New zoning codes forced them to move to the city perimeter where neighborhoods grew around them. The churches were there first, and the neighbors around them forget that they conceded to the possibility that these churches could expand their facilities when they chose to live there. So her rancor against neighborhood churches is not necessarily warranted, especially when cities are becoming more exclusionary to churches through their zoning laws and policies.

On the other hand, there probably are cases of "religion misbehaving" (as she puts it), in which legislators and local government have given unfair advantage to churches at their request. I do not doubt that it has happened, but the reason why is what Hamilton doesn't understand: many churches have become secular.

Scriptures tell us that Christians are to be above reproach. We are the ones who should be setting the example of the virtues that we are taught in scripture.

Yet there are church denominations that have embraced abortion ("a woman's right to choose") and homosexuality, both of which are clearly taught in scripture to be wrong, but two sins they have judged to be virtues. So why should anyone be surprised when secular churches play politics or break the law to get what they want as well? It is simply an extension of a pattern of rebellion that leads to the rationalization that committing wrong acts is somehow right if it leads to a desired outcome.

If these denominations were actually true to scripture, Hamilton would have no church to complain about, and if there were no one who wanted to discriminate against churches, there would be no need for RLUIPA to provide them with protection and relief.

The answer is not to attack religious liberty or the laws that protect those who need it, but to call those to account who actually deserve it.



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