

Supreme agreement

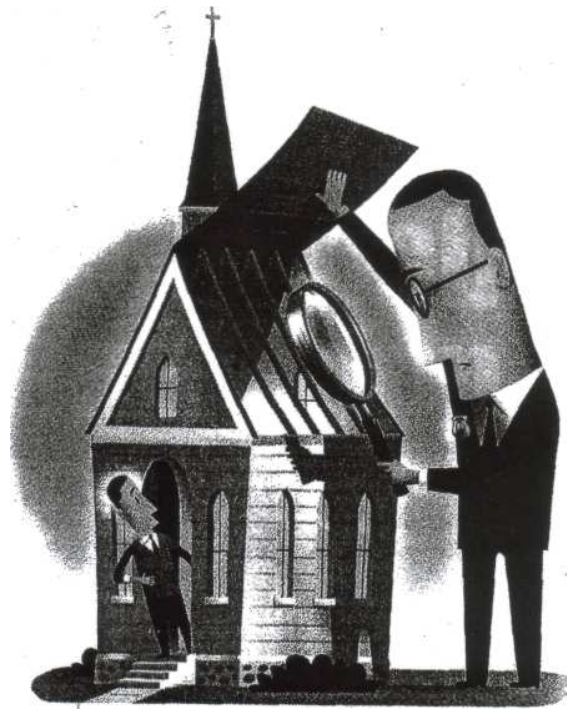
Christians can rejoice in the high court's unanimous wisdom in the *Hosanna-Tabor* case

IT'S ADMITTEDLY HARD TO KNOW where it may ultimately lead. But if you wanted a giant roadblock to slow down the scary intrusion of a nanny state into the lives of evangelical Christians, you had to holler "Hosanna!" when you learned about the Supreme Court's landmark religious liberty decision this past month.

Here's how I tried to describe it last week to a group of about 100 people at my church. "How many of you would object," I asked, "if a building official from the city showed up tomorrow, determined to check out the safety of the electrical and plumbing systems in our church building?" One diehard libertarian raised his hand, suggesting that even that was too great a concession of his American freedom. But the other 99 seemed to say that they could live with such a city inspector—and most of them suggested that's a small price to pay for safety.

OK, I said. But what if the same city inspectors remind us of a requirement they'd thrown at us a few years ago? We'd been wanting to enhance our church parking lot—but were told that if we moved so much as a shovelful of dirt, we'd also be required to construct expensive new sidewalks around the entire perimeter of the church property, and to plant dozens of costly trees exactly where the city said it wanted them. The know-it-all code showed no common *sense*, but ended up precluding improvements that would have beautified the neighborhood. The memory got folks' dander up a bit, and at least a couple of dozen people said they would object.

But those two cases were only warmer-uppers. What happens, I asked next, if our church secretary decides to resign, and in the process of hiring her replacement we discover we're subject to a whole sheaf of labor and anti-discrimination laws? What if we're now required to cast our net widely, welcoming applicants from every religious background, every lifestyle, and every sexual preference. The city's argument, of course, is that secretarial work is secular in nature. The freedom to preach and teach our religious distinctives is in no way jeopardized by a requirement that we be pluralistic when seeking out secretaries, janitors, bookkeepers, lawnkeepers, and maybe even nursery workers. My focus group's frustration was being aroused, though, and at least 90



percent of them raised their hands to say this was altogether objectionable.

So there was really no room at all left for discussion about Scenario No. 4, where I raised the possibility that government (at some level) might have the right to run candidates for our pastoral, teaching, and counseling staff through its own filter. No way—no way, at all, my focus group said with unanimity.

And, amazingly, so did the U.S. Supreme Court in its aptly titled Jan. 11 decision, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* (see p. 68). To work backwards a bit, the Court seemed to say, in effect: If you've been concerned about Scenario No. 4, quit worrying. Positions that obviously involve ministry functions are all but exempt from such discrimination laws.

The big surprise came in the Court's blunt caution to meddling government regulators in Scenario 3 circumstances. Efforts to sort out which functions are "religious" and which are "secular" will from now on find it much harder to get a hearing from the Supreme Court. The suggestion to churches, charitable organizations, and perhaps other bold souls is to get busy ensuring that the religious requirements they impose on employees are in good faith, have a religious purpose, and are made clear to everyone.

The fact that the high court's *Hosanna-Tabor* decision thundered with a 9-0 majority means that future challenges on the subject will likely be less frequent and more timid.

Scenarios 1 and 2, of course, have to do mostly with safety and environmental issues—and there's time enough to develop wise responses under those headings. For now, Christians in America should rejoice that nine Supreme Court justices displayed such a combination of wisdom and common sense.