

**SundayReview** | OP-ED COLUMNIST

Your God and My Dignity

Religious Liberty, Bigotry and Gays

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I'VE been called many unpleasant things in my life, and I've deserved no small number of them. But I chafe at this latest label:

A threat to your religious liberty.

I don't mean me alone. I mean me and my evidently menacing kind: men who have romantic relationships with other men and maybe want to marry them, and women in analogous situations. According to many of the Americans who still cast judgment on us, our "I do" somehow tramples you, not merely running counter to your creed but running roughshod over it.

That's absurd. And the deference that many politicians show to such thinking is an example not of religion getting the protection it must but of religious people getting a pass that isn't warranted. It's an illustration of religion's favored status in a country that's still working out this separation-of-church-and-state business and hasn't yet gotten it quite right.

We're at an interesting crossroads, brought about by the rapid advance of same-sex marriage. It's now legal in 36 states, including, as of last week, Florida. Equality is increasingly being enshrined into law, and one response from those opposed to it is that the law shouldn't apply to them.

Why? Because it contradicts their religious beliefs, which they use as a fig leaf for intolerance.

"This is the new wave, the new frame," James Esseks, a lawyer with the A.C.L.U., told me. He said that last year, more than 10 states considered legislation that, to varying degree, blessed discrimination based on sexual orientation by people claiming that it was a right, a matter of religious liberty. Only one of those

states, Mississippi, passed such a law, but efforts elsewhere persist. A Virginia lawmaker introduced this sort of legislation just a few weeks ago.

The issue is also playing out in courts. As Michael Paulson noted in a recent story in *The Times*, judges have been hearing complaints about a florist or baker or photographer refusing to serve customers having same-sex weddings. They've been siding so far with the gay couples.

But this is only the beginning, especially with the contest for the Republican presidential nomination gathering steam.

Several likely candidates — Ted Cruz, Rick Santorum, Mike Huckabee — get a special gleam in their eyes when they're denigrating gays, and Huckabee has perfected a stew of homophobia and puerility, on display in a new book of his that sounds like a collection of recipes by Paula Deen expressly for the N.R.A.: "God, Guns, Grits and Gravy." With three copies you get a free sandwich combo at Chick-fil-A.

Kidding.

In "God, Guns, Grits and Gravy" (it bears repeating), he bemoans the acquiescence of air travelers to invasive screenings with this dignified locution: "Bend over and take it like a prisoner." In fact that's the title of a whole chapter, with an exclamation point added. This, mind you, is from someone who once governed a state (Arkansas) and won the 2008 Republican caucus in Iowa.

Another probable contender, Jeb Bush, weighed in anew on same-sex marriage last week, and some of his words — that laws must be honored and same-sex couples respected — were encouraging. But he also said that America needed to take care to "safeguard religious liberty," and there are several problems with that formulation.

For starters, it perpetuates confusion, some of which is cynically engineered, about the consequences of marriage-equality laws. They do *not* pertain to religious services or what happens in a church, temple or mosque; no clergy member will be compelled to preside over gay nuptials. Civil weddings are covered. That's it.

But also, "religious liberty" sounds disturbingly like a dog whistle to the crowd that wants specified, codified exemption from anti-discrimination laws; it's one of the phrases they lean on. If Bush didn't know that, he should have. If he did, he just sided, for the moment, with religious extremists.

As these lamentations about religious liberty get tossed around, it's worth remembering that racists have used the same argument to try to perpetuate

segregation. Esseks noted that even after the Civil Rights Act, the owner of the Piggie Park restaurant chain in South Carolina maintained that he could refuse to serve black people because his religion forbade the mixing of races. The courts were unimpressed.

Christian fundamentalists in this country are practiced at claiming marginalization and oppression. “They’re always saying they’re kept out of the public square, and that’s baloney,” said Marci Hamilton, a constitutional law expert and the author of “God vs. the Gavel.” “They’re all over the public square.”

They and their churches inject themselves into political debates while enjoying tax-exempt status. They get public support in questionable circumstances. After a student Christian magazine insisted on its right to funds from the University of Virginia, the Supreme Court decided in 1995 that if a nonreligious publication got financial help from a public school, so must a religious publication, even if it’s proselytizing.

And churches have been allowed to adopt broad, questionable interpretations of a “ministerial exception” to anti-discrimination laws that allow them to hire and fire clergy as they wish.

What’s more, in a country that’s not supposed to promote any one religion over others, we do precisely that.

Would we be content to let a Muslim store owner who believes that a woman should always cover her hair refuse service to women who do not? Or a Mormon hairdresser who spurns coffee to turn away clients who saunter in with frappuccinos?

I doubt it. So why should a merchant whose version of Christianity condemns homosexuality get to exile gays and lesbians?

Baking a cake, arranging roses, running an inn: These aren’t religious acts, certainly not if the establishments aren’t religious enclaves and are doing business with (and even dependent on) the general public.

Their owners are routinely interacting with customers who behave in ways they deem sinful. They don’t get to single out one group of supposed sinners. If they’re allowed to, who’s to say they’ll stop at that group?

I respect people of faith. I salute the extraordinary works of compassion and social justice that many of them and many of their churches do. I acknowledge that we in the news media, because we tend to emphasize conflict and wrongdoing and hypocrisy, sometimes focus more on the shortcomings of religious institutions than

on their positive contributions.

And I support the right of people to believe what they do and say what they wish — in their pews, homes and hearts.

But outside of those places? You must put up with me, just as I put up with you.

I invite you to visit **my blog**, follow me on Twitter at twitter.com/frankbruni and join me on **Facebook**.

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