

## **Landlady's Religious Liberty Upheld: Dr. Bahnsen Had Testified in Her Behalf**

*By Dr. Greg Bahnsen*

According to the Law, God shows a special protection and concern for widows -- and His people should uphold them (and others who are socially disadvantaged) likewise. "Cursed is the man who withholds justice from ... the widow" (Deut. 27:19). To realize how serious this is to God, notice that this curse appears right alongside God's curse upon incest and bestiality (vv. 20-23).

God's protection of widows has particular application to their property rights. "Jehovah... keeps the widow's boundaries intact" (Prov. 15:25). Any attempt to restrict a person's freedom to use his or her own property -- or to dictate how and under what conditions he or she may choose to use it -- is to tamper with their "boundaries."

Thus in 1988 the case of Evelyn Smith, who lives in Chico, California, became a special concern of Dr. Bahnsen's. Mrs. Smith was a professing Christian and a recent widow who was hauled into court by the state of California, trying to control the terms under which she used the rental property left to her by her husband.

## A Politically Incorrect Stand for Chastity

In 1987 Mrs. Smith, a devout Presbyterian, was attempting to rent out four one-bedroom duplexes which provide a significant portion of her income. Because she believes (quite correctly) that the Bible teaches that sexual relations should be pursued only within marriage, Mrs. Smith took the position -- on religious grounds -- that she would not rent to couples living together out of wedlock.

A young gardener and his girlfriend at first lied to Mrs. Smith to get her to agree to rent a duplex to them. When she found out the truth, she returned their deposit money and refused to rent to them. In retaliation, the gardener complained against Mrs. Smith to the California Department of Fair Employment and Housing, which in turn filed charges against her for "marital status discrimination." The case came to trial in 1988.

By that time her lawyer (a legal counsel to the organization "Concerned Women for America") had contacted Dr. Bahnsen as a presbyterian and as an ethicist to present expert testimony in behalf of Mrs. Smith. (None of the local presbyterians was willing to do so.)

Often debating with a combative prosecutor over theology and exegesis, Dr. Bahnsen argued that the position taken by Mrs. Smith was both Biblical and established in presbyterian tradition. He testified both that sex before marriage is immoral and that facilitating the immoral acts of others is also sinful. He offered examples from Presbyterian history that consenting to, or complicity in, another's sin is condemned.

The administrative-law judge agreed with Dr. Bahnsen that Mrs. Smith was pursuing her sincere religious conviction in the matter, but cited "compelling state interests" in overriding her religious liberty. He required her to pay a fine to the couple and to post a sign in her rentals which confesses her offense and pledges not to do so again. She refused to pay or to post. "I don't answer to man, I answer to my God," she replied, saying she would be a "wimp Christian" if she gave in to fornicators on this issue.

A great deal was riding on this case for Christians (and indeed all citizens). Even nationally known commentator Pat Buchanan wrote in horror that, if this judgment were not overturned, "secularism has superseded Christianity as the faith of the United States." Whose values should define justice for the state? Here is a down-to-earth, nitty-gritty test case for the ongoing debate between pluralists and theonomists within the Christian community. Civil law will not, and cannot, be neutral. Discrimination is unavoidable. Now, Good News for Religious Liberty

Well, Mrs. Smith appealed the judgment against her, vowing to go all the way to the Supreme Court if it became necessary. Most believers in our "give-in-and-get-along" age would consider her stand futile and foolish. But Mrs. Smith chose to live by principle and to honor the word of God rather than the threats of men. We can all thank her for standing up to "compelling state interests" -- for in so doing, she has helped to preserve civil liberty for all believers (even her unkind detractors).

At the end of May of this year (six years after the initial trial!) the 3rd District Court of Appeal in Sacramento, California, ruled that the Fair Housing Commission's decision was itself a violation

of Mrs. Smith's right to follow her religious beliefs, which is guaranteed by both the state and federal constitutions.

At SCCCS we thank God for this appellate judgment. We are glad to have had some part in the case. Above all, we commend the determined and God-trusting stand of Evelyn Smith. We commend her love for the Savior, her testimony to the holiness of His word, and her perseverance for the faith. We pray that all our readers would take encouragement from her example. "A city set on a hill cannot be hid" (Matt. 5:14).