

“Trust Landlords”: Pro-Choice Candidate Supports Eviction Rights

*Richard Stith**

Reporter: I am so grateful for your willingness to answer a few questions about the eviction controversy. As I’m sure you know, in response to the “My Building, My Choice!” campaign, the U.S. Department of Housing and Urban Development has proposed rules to make it easier for landlords to evict tenants. What’s your position on eviction rights?

Candidate: I think you’ll like the consistently deferential approach I take on this sort of issue. As I said at a recent Town Hall, I’m for trusting decisionmakers to draw their own lines. So here I say, “Trust landlords.” I’m not personally pro-eviction or anti-eviction. But landlords’ eviction decisions are not going to improve just because the government dictates how they should be made.

Reporter: What do you tell people who believe that God wants them to protect tenants from unjust eviction?

Candidate: I respect and support those with pro-tenant religious beliefs, even though I don’t think that’s what the Bible says. But they may not use their private beliefs as a political weapon against a landlord’s freedom to choose what to do with his own building.

Reporter: Here’s a tough one for you: Suppose a particular landlord has

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already made a choice. He has invited a tenant in, clearly agreeing to shelter her for nine months, but later he changes his mind. Can he just kick the tenant out in the sixth month, even though she has no other place to go? Suppose it's winter, even.

Candidate: I would trust that landlord to make the right decision.

Reporter: OK, but what if that landlord has a discriminatory motive? What if he has discovered in the sixth month of occupancy that the tenant has Down Syndrome, for example? Can she just be put out on the street, where she's really not capable of surviving until the weather gets warmer in a few months?

Candidate: I'm against all discrimination, but we have to trust the landlord on this. The building is their private property. We can't interfere with total control of one's own building, even if the owner chooses to draw a line with which we may disagree.

Reporter: In late 2019, there was an article entitled "Reconsidering Tenant Pain" in the *Journal of Medical Ethics*. The article concluded that a tenant may have settled in and feel quite pained by an eviction after just 12 weeks of occupancy. The authors' research showed, in their own words, "Overall, the evidence, and a balanced reading of that evidence, points towards an immediate and unreflective pain experience...from as early as 12 weeks." Do you think that, after she's been living there 12 weeks, landlords should hire a doctor to give the tenant some sort of pain killer before evicting her? One of the two co-authors of the article is strongly pro-eviction, by the way, but he still supports their joint conclusion about tenant pain.

Candidate: The provision of a pre-eviction pain killer is something that a landlord might want to consider, if they wish. But it's up to them, not me, to draw that line. It's all a matter of trust, you see. I trust landlords to do what's right.

Reporter: It looks like you, like your party, are against tenants' rights at any stage of occupancy, but what if it's the second to last day of the ninth month of the occupancy, so the tenant is going to move out tomorrow. Can the landlord refuse to wait and just hire a tough guy to grab her and toss her out today? What if she holds on, and the tough guy has to pull her out piece by piece?

Life and Learning XXX: Proceedings of the Thirtieth Conference of the University Faculty for Life, ed. Joseph W. Koterski, S.J. (Bronx NY: UFL, 2020), pp. 181-84.

Candidate: Your questions are getting pretty outrageous. Let me ask you one. Do you own a building with a room available for occupancy? If not, I don't see how you even have a right to speak on this issue. It's a basic American legal principle that we only trust the testimony, and then the decision, of somebody with a personal interest in a case. That's why I say we should trust the landlord.

Reporter: Sorry. I'm not very up on our law. I thought I had heard that neither party should be the sole judge of a case -- and that when rights are in conflict, that's exactly when we need to find an outside perspective to mediate between them. Thanks for straightening me out on that.

Additional comment by author:

The point of using an analogy here is to clarify by distancing, to use unfamiliarity to get one's mind out of a rut. There need be no exact equivalence; relevant similarity is enough to make the arguments.

The satire uses the unfamiliar analogy of tenancy (one I have never run across before) to cover many points, some of which are likewise made rarely, if ever, by abortion opponents.

Abortion opponents generally focus only on the facts of life and on the idea that life trumps choice. But this little satire points out that religious motivation does not undercut the struggle for justice and that a choice has often been made to get pregnant, while also making the more frequent arguments that abortion is sometimes discriminatory and painful, and that abortion is violence.

Above all, it highlights the key but rarely stated points that abortion rights violate the basic legal principle of *nemo iudex in causa sua* ("no one should be judge in one's own case") and the fundamental social justice idea of community intervention to ensure fairness to the weaker and more vulnerable party.