

THE LAWS FROM THE TORAH THAT WERE ADOPTED INTO U.S. LAW

By
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I have an amazing story to tell you. It's a true story. It's the story of how the Torah influenced U.S. law and, hence, who and what we became as a people and as a society.

The story begins in the early 1600s when the Europeans, especially the Protestant reformers, first started settling this land in earnest. They believed that the only way this “experiment,” as they called it, could work was if the people had good morals and values. Obviously! If we were to start a colony on the Moon or on Mars we would need and expect people to have good morals and values.

So they picked a church that best reflected their morals and values, charged it with the awesome responsibility of teaching morals and values to its citizens, and supported it with tax dollars in order to see to it that it succeeded. They even paid the salaries of the ministers! And to make sure there was a steady supply of ministers to this new world, as there were no seminaries here, they founded some of the best known colleges in the United States – Harvard, Yale, and Dartmouth were founded by the Puritans (although Harvard later became Unitarian), Brown was founded by the Baptists, Princeton was founded by the Presbyterians, Georgetown was founded by the Catholics, Rutgers was founded by the Dutch Reformed, and the College of William and Mary, Penn, and Columbia were founded by the Anglicans or the Church of England.²

By the time many of our Founders got to college, Hebrew was being taught as the classic language of the day.³ In fact, Hebrew was required at Harvard, Dartmouth, Yale,

¹ For my biography, please see the “about me” page on my website (torahanduslaw.com). I would like to thank: (1) Rabbi Raymond Zwerin, the founding Rabbi of Temple Sinai in Denver, Colorado (an 850 family Reform Congregation), for reviewing and contributing to various drafts of this paper, answering *numerous* questions on Torah law, and being my teacher for more than 30 years; (2) Temple Sinai's Torah Study class (led by Rabbi Zwerin and Rabbi Kaye, a Reconstructionist rabbi) where a good portion of what is written here was learned, and which has been attended by brilliant rabbis and students through the 30 plus years I have attended the class; and (3) Rabbi Rafael Leban (an Orthodox Rabbi, Talmud Scholar, and head of the Jewish Experience in Denver, an outreach group that arose from Yeshiva Toras Chaim in Denver, Colorado) for reviewing and contributing to this paper and answering *numerous* questions over three years about Torah and Talmudic law. However, let it be known that all mistakes and misstatements are my own and are not to be attributed to anyone.

² See Homes, *Faiths of the Founding Fathers*, (Oxford University Press, 2006), pages 14, 15, 17, 20, 23.

³ See Robert St. John, *Jews, Justice, And Judaism*, (Doubleday and Company, 1969) pages 16 and 17. However, note that not all of our Founders went to college. The most notable exception being George Washington, who was out fighting the French and Indian wars as an officer of the British Army. He even had command responsibilities!

and other colleges.⁴ You couldn't even graduate Harvard for a while unless you could read the Torah in its original.⁵

The study of Hebrew and the Torah were so popular back then, that the official crests of Yale, Dartmouth and Columbia Universities contained Hebrew. They still do! The official crest of Yale looks like this:



To Yale, the Hebrew meant Truth and Light.⁶

The official crest of Dartmouth looks like this:



Notice that towards the top of the crest appear the Hebrew words “El Shaddai”, which most people translate as God Almighty.

The official seal of Columbia looks like this:

⁴ Id. at page 15.

⁵ Id. at page 16. According to the author:

“For years, all Harvard students were required to recite a verse from the Bible in Hebrew each day at morning prayers. In order to graduate, it was necessary to demonstrate proficiency in reading the entire Bible in Hebrew. Until 1817 Harvard commencement exercises included an oration in Hebrew.

⁶ Literally, the Hebrew reads “Urim and Thummim”, which were sacred devices used by the early Hebrew priests to acquire knowledge.



Notice that on the top of the crest appears the ineffable (or unpronounceable) name of God, and on the banner to the right of the chair appear the Hebrew words “Uri El”, which mean “God is my light.”

And when it came time to revolt against the crown, they turned to religion again. In the Declaration of Independence, arguably one of the most influential documents in human history, and certainly our own, they wrote two incredible things. You all know the first, that we (the people) are:

endowed by [the] Creator with certain unalienable Rights, that *among these* are Life, Liberty, and the pursuit of Happiness. (emphasis added)

Notice that the famous line says, “*among these.*” In other words, according to our Founders, our unalienable rights *go beyond* what was meant by “Life, Liberty, and the pursuit of Happiness.”⁷

⁷ Believe it or not, scholars do not agree on what our Founders meant by “the Pursuit of Happiness”. Some believe it came from Locke’s writings and meant the ability to own and exploit real property, which had been severely limited in Europe and was one the reasons this new world was so attractive to the Europeans. Others believe it had a much greater meaning. Interestingly, the Declaration of Independence was not the first document to employ that concept. Shortly before the Declaration was adopted, Virginia adopted the “Virginia Declaration of Rights”, which states that:

“all men are by nature equally free and independent, and have certain inherent rights of which ...they cannot deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

Note that there are two very important differences between the Declaration of Independence and the Virginia Declaration of Rights. The first is that the Declaration of Independence attributes our unalienable rights to the Creator--that they are God given rights that are superior to the dictates of kings. The Virginia Declaration does not. Nor, by the way, did Jefferson’s first draft of the Declaration of Independence. That sentence was added by the drafting committee to which Jefferson reported. Note also that the Declaration of Independence did not attempt to define our rights using the words the “enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety”. Instead, it used the words “*among these*” are “Life, Liberty, and the Pursuit of Happiness”, meaning that there were

The second incredible thing is what follows in the very next sentence. I wonder how many of you brilliant people remember what that sentence says? It says, and I quote:

That to secure these rights, governments are instituted...

In other words, according to our Founders, the very purpose of government is to secure our “unalienable rights” from the “Creator”.

What were those “unalienable rights” that our Founders thought were so compelling, and was their vision ever realized? Let’s take a fresh look using the Torah as a guide.

Before I begin, you should know that I am not the first or the only one to have undertaken this analysis. From the earliest law codes adopted in the colonies, which were in the 1630s, almost 400 years ago, our history has been to use the Torah as a guide. How do we know that? Because the earliest law codes actually contained Biblical references or citations, “virtually all” to the Hebrew Bible.⁸

Now, let’s begin.

THE RIGHT TO LIVE FREE FROM VIOLENCE (The Laws Prohibiting Violence)

other rights which were not encapsulated by the words Life, Liberty, and the Pursuit of Happiness. Where were those additional rights from the Creator to be found? I can only think of one place--the Bible!

⁸ In his book *World Perfect, The Jewish Impact on Civilization*, Ken Shapiro wrote on page 248:

...the New Haven legislators adopted a legal code---the Code of 1655---which contained some seventy-nine statutes, half of which contained Biblical references, virtually all from the Hebrew Bible. The Plymouth Colony had a similar law code, as did the Massachusetts assembly, which, in 1641---after an exhortation by Reverend John Cotton, who presented the legislators with a copy of *Moses, His Judicials*---adopted the so-called “Capital Lawes [sic] of New England” based almost entirely on Mosaic law.

Credit for Christianity’s adoption of Jewish laws (and the morals and values they encompass) lies, in meaningful part, with the Protestant reformers of the 16th through 18th centuries. Although it is beyond the scope of this paper to discourse on the Protestant Reformation and its impact on Judaism, according to Shapiro (page 228):

Protestant reformers wanted to return Christianity to its pure roots---that is, to before the Catholic Church corrupted Christianity as they saw it. In their minds, the roots of Christianity were not in Rome, but Israel. As a consequence, understanding of the Jewish roots of Christianity became a primary task of Reformation Bible study.

Protestant thinkers also realized that the spiritual and moral origins of Christianity and virtually all of the beautiful ideas of the New Testament had their source in the Old Testament. Study of the Hebrew Bible, therefore, was a fundamental component of Protestantism, and in many cases, was viewed as even more important than later Christian texts.

From the sixteenth century onward, the bible became the most influential book, not only in England, but in all of Europe, and especially in those areas affected by the Protestant Reformation. The idea, adopted by the Protestants, of using the Bible not only as a religious guidebook, but also as the blueprint for society and government, played a very significant role in the political and social evolution of Western society.

The first right to be adopted into U.S. law is the right to live free from violence. Murder was prohibited (one of the Ten Commandments)⁹, as was kidnapping¹⁰, rape¹¹ and other forms of violent crime.¹² After all, in a good society, people need to be able to live free from violence; and those rights, human rights if you will, were accorded.

Today, with threats of terrorism, mass shootings, and violent crime, we (especially we in the Jewish community) are reminded *almost daily now* that these rights are just as important to us today as they were to our ancestors.

THE RIGHT TO LIBERTY (The Law Granting Liberty)

The next right to be adopted into U.S. law is the right to liberty, or the right, subject to the limits of the law, to be who we want to be, to pursue our own goals and dreams, or, subject to the limits of the law, the concept of free will.¹³ Think about that for a moment! Some 3000 years before America was a glint in anyone's eye, the Torah records that God promised the ancient Israelites that they would be a liberated people living upright in their own land with, what I hope to prove to you, essentially the same rights that our Founders sought for us.¹⁴

No greater proof of our Founders' belief in the Biblical origins of our liberty exists than the very foundation documents of the Republic.

As we have already seen, that's exactly what they wrote in the Declaration of Independence! They attributed our right to "Liberty" to the "Creator", that it was a God given right.

Moreover, in the famous preamble to the Constitution, the one that begins with "We the people of the United States", it says that one of the purposes of the Constitution is to "secure the *Blessings of Liberty* to ourselves and to our Posterity". (emphasis added) Think about the pages of blessings set forth in Deuteronomy, including that Israel would be so prosperous that it would be a creditor to many nations and a debtor to none!¹⁵

Putting aside what the Constitution meant by "ourselves and our Posterity" (which, to a certain extent, is an *oy vey!* as it wasn't inclusive), note that nowhere in the Constitution (or, for that matter, the Torah) does it grant us or guarantee us absolute freedom, only liberty. As a matter of fact, until the Bill of Rights was ratified in 1791, the

⁹ Exod.20:13; Deut. 5:17.

¹⁰ Exod. 21:16; Deut. 24:7

¹¹ Gen. 34:6; see also Deut. 22:25 (engaged girl); D23:28 (must marry her if father permits and can never divorce her)

¹² Exod. 21:18 (in part); L24:19 (eye for eye for anyone that maims another); Deut. 25:1-3

¹³ Although we have the *power* to do as we please, we do not have the *right* to do so.

¹⁴ This is, of course, the Passover story, the seminal event in Jewish history.

¹⁵ Deut. 28:12.

only place the Constitution even used the word “free” was in an embarrassing place, to distinguish between free people and slaves for purposes of apportioning taxes and establishing representation—the so-called “3/5th Compromise” that treated each slave as 3/5ths of a person.¹⁶ It was not until the Bill of Rights was adopted (and, more specifically, the First Amendment) that the Constitution protected certain aspects of freedom, first and foremost, freedom of religion and from government interference in religion.¹⁷ You remember the opening line of the First Amendment:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I’m going to repeat that line and I want you to think to yourselves for a moment what the most important word in that sentence is for our purposes today:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

It’s Congress! It’s Congress because the First Amendment only prohibited the Federal Government from establishing a *national* religion or from interfering in the choices made by others.¹⁸ It did not prohibit the states from establishing churches and supporting them

¹⁶ The “3/5ths Compromise” was contained in Article 1, Section 2, Clause 3 of the Constitution. It was repealed by the 14th Amendment in 1868, and originally read as follows:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of *free* Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. (Italics added).

Among the more interesting things about this Clause is how our Founders thought the cost of the Federal Government should be paid by the country. It was to be apportioned among the states by population. It would then be up to the states to raise the money to pay its allocable share. The federal income tax did not come into effect until 1913, when Congress ratified the 16th Amendment. The Amendment became necessary because in 1895, the Supreme Court held that the Congress’ first attempt at a direct income tax was unconstitutional as it did not apportion the taxes among the states. See Pollock v. Farmers’ Loan & Trust Company, 157 U.S. 429 (Supreme Court, 1895), affirmed on rehearing, 158 U.S. 601 (1895). According to Investopedia, less than 1% of Americans had to pay income taxes under the original bill. See a *Brief History of Taxes in the United States*, www.investopedia.com/articles/tax/10/history-taxes.asp.

¹⁷ The First Amendment reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the *free* exercise thereof; or abridging the *freedom* of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Italics added).

Note that it is the First Amendment that established the concept of “separation of church and state”. Prior to the First Amendment, the only mention of this subject was contained in: (1) Article 5 of the Constitution, which prohibited a religious test for holding office: “...no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States”; and (2) Articles 1, 2, and 6 of the Constitution, which allowed individuals who, on religious grounds, objected to swearing an oath to God, to instead make an “affirmation”. The Articles of Confederation, which governed this country from 1776 to 1789, did not separate church and state. Article V of the Articles of Confederation did, however, insert term limits for members of Congress!

¹⁸ See Barron v. Baltimore 32 U.S. 243 (1833) (Supreme Court).

with tax dollars, which nine of the colonies did before the Revolutionary War and a number of states (especially in the North) continued to do after the War and after the Constitution and the Bill of Rights were adopted.¹⁹ States continued to have established churches until the 1830s, when the last of the states, Massachusetts, home of the Puritans and their Congregational Church, voluntarily disestablished its church.²⁰

I don't want to leave you with the impression that it was the secularists or the Deists that caused the change.²¹ It wasn't! It was the evangelical Protestant denominations, especially the Baptists, Quakers, Presbyterians, Lutherans, and others, who believed that state sponsorship and control hurt religion.²² They also didn't want to pay taxes to support a church they did not attend and then have to support their own churches.

¹⁹ According to Professor Holmes, at the time of the Revolutionary War:

Of the thirteen colonies, nine—almost 70% per cent—had established churches. Congregationalism (or the faith of the Puritans) was established in New Hampshire, Massachusetts, and Connecticut. Anglicanism was established in the lower counties of New York, as well as in Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Holmes, *Faiths of the Founding Fathers* (Oxford University Press, 2006), page 34. As you might expect, the Revolutionary War dramatically changed the relationship between church and state, especially in the South and the four metropolitan counties of New York where the Anglican Church (or the Church of England) had been established. As you may recall from the amazing story of King Henry the VIII, the King of England placed himself at the head of the church! According to McConnel (page 1436):

The Church of England was discredited during the Revolution by its connection to the Crown and the loyalist sympathies of most of its clergy. Accordingly, the Georgia Constitution of 1777, the South Carolina Constitution of 1778, the North Carolina Constitution of 1776, and the New York Constitution of 1777 (with reference to the four metropolitan counties that had an Anglican establishment) eliminated the special preferences and state support that had been given to the Church of England. South Carolina “established” the Protestant religion but gave it no governmental support, while Georgia authorized the imposition of a tax for the support of the taxpayer’s own profession.

In the North, a different result ensued. True to their Puritan roots, the northern colonies maintained the Congregational Church as their official church. As that Church was seen as supporting the Revolution, their stature increased during and after the War and it remained the established church in those states. According to McConnel, page 1437:

“In reference to the Massachusetts Congregationalists, John Adams observed that “[w]e might as soon expect a change in the solar system, as to expect that they would give up their establishment.”

For an excellent discussion of this subject, see McConnel, *The Origin and Historical Understanding of Free Exercise of Religion*, 103 Harvard Law Review 1209 (1989).

²⁰ See McConnel, page 1437; Witte and Latterell, “*The Last American Establishment: Massachusetts 1780-1833* (Columbia, Missouri: University of Missouri Press, 2019); and Vile, “*Established Churches in Early America*”, firstamendment.mtsu.edu/article/established-churches-om-early-america/.

²¹ Like Reform Judaism, Deism was a big tent, admitting secularists as well as the religious. According to Professor Holmes, the classic five points of Deism were: “(1) there is a God; (2) he ought to be worshipped; (3) virtue is the principal element in this worship; (4) humans should repent of their sins; and (5) there is life after death, where the evil will be punished, and the good rewarded.” Holmes, *Faiths of the Founding Fathers* (Oxford University Press, 2006), page 46. However, not all Deists believed that. Some believed that God created the heavens and earth and that if you want to study God’s laws, you must study the laws of nature, and not the bibles, which were viewed as fictional inventions of humans.

²² According to McConnel, pages 1438 and 1439:

Nor do I want to leave you with the impression that a state today could establish a church and support it with tax dollars. It can't, but the reason will surprise you. Beginning in the 1920s, the 1920s!, the Supreme Court began to rule that as a result of the 14th Amendment (which was adopted after the Civil War), various provisions of the Bill of Rights, but not all of them, were incorporated and made applicable to the states.²³ Among those that were incorporated was the First Amendment. Hence today and now for more than 100 years, it would be unconstitutional for a state to establish a religion and support it with tax dollars.²⁴ Nevertheless, as we all know, the federal and state governments do support religion by exempting houses of worship from most forms of taxes (including real property taxes) and by making contributions to them tax deductible.²⁵

But back to our right to liberty. The reason that both documents used the word "liberty" to describe our status was to make it clear that we, as a people, are and have been liberated from the tyranny of those that oppressed us, but we are not "free" in the sense that we can do whatever we want. No, no such right exists. Anywhere on this planet! Rather, just as the liberty granted to the ancient Israelites was subject to the laws contained in the Torah, the liberty granted to us here in the U.S. was and is subject to the laws that the governments can and have lawfully adopted.²⁶ However, subject to those

It is anachronistic to assume, based on modern patterns, that governmental aid to religion and suppression of heterodoxy were opposed by the more rationalistic and supported by the more intense religious believers of the that era. The most intense religious sects opposed establishment on the ground that it injured religion and subjected it to the control of civil authorities. Guaranteed state support was thought to stifle religious enthusiasm and initiative. As Madison noted, the use of compulsory state taxes to support ministers would produce "pride and indolence in the Clergy; ignorance and servility in the laity." Moreover, establishment served as an instrument for state control over religion. This was particularly true in the states of the Anglican establishment, including Virginia, where the governor, legislature, and gentry exercised direct authority over the established church and the power of licensing over preachers of dissenting denominations.

The newer, more enthusiastic sects had the most to gain from breaking the monopoly of the old established church... The greatest support for disestablishment and free exercise therefore came from evangelical Protestant denominations, especially Baptists, and Quakers, but also Presbyterians, Lutherans, and others.

²³ The 14th Amendment reads as follows:

No *State* shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any *State* deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Italics added)

²⁴ Everson v. Board of Education 330 U.S. 1 (Supreme Court, 1947). For a brief but excellent discussion of this subject, see www.Law.cornell.edu/wex/incorporation_doctrine.

²⁵ Despite the prohibition, at no time in our history has the Supreme Court ruled that we are not allowed to adopt laws from the Bible solely because they are contained in the Bible. That would make no sense as how could we prohibit murder if that wasn't allowed?! That issue was addressed by the Supreme Court in McGowan v. Maryland 366 U.S. 420 (1961), which upheld the Sunday Blue laws (or the laws that required that stores be closed on Sundays). The Court held that as long as the state had a reason for the law, such as the need for rest and relaxation, the law would be upheld. In other words, we have evolved to the point where there must be *some* reason for the law, other than "the Bible says so".

²⁶ Note that although the First Amendment says that Congress shall make "no law" regarding the freedoms addressed, the Supreme Court has permitted exceptions, such as United States v. Stevens, 559 U.S. 460

limitations, we were and are free (if I may use that word) to pursue our dreams and to be who we want to be.

THE RIGHT TO JUSTICE (The Laws Regarding Justice)

The next right to be adopted into U.S. law is the right to justice. Perhaps no subject was more important in the Torah as the society that God wanted our ancestors to establish and us to maintain was to be a just one.²⁷ Interestingly, in the famous preamble to the Constitution (the one that begins with “We the people of the United States”), it says that one of the purposes of the Constitution is to “establish justice”.

To ensure that their society was just, the Israelites were told right off the bat that justice had to be blind and equal for all (think of the depiction of a blind Lady Justice holding the scales of justice), the rich as well as the poor, the home born as well as the stranger.²⁸ This principle, equal justice under law, is a fundamental principle of U.S. law and found its way into the U.S. Constitution via the 14th Amendment. As a result, each of us has (or is supposed to have) the exact same rights.

Next, in order to make sure that nobody thought that they were somehow exempt from or above the law, the Torah mandated, as does U.S. law, that no one is above the law, including kings.²⁹ Think about how brilliant that was! Some 3,000 years before America was even a thought in anyone’s mind, the Israelites were told that God’s laws and the rights that flowed to the people under those laws were superior to the dictates of kings; that the people were to be governed by God’s laws and not the whims of kings.³⁰ That is exactly why the authors of the Declaration of Independence wrote what they did. They got it. Our rights are unalienable. They can’t be abrogated by a king or anyone else.

Next, the Israelites were told that to ensure that their society was just, they needed to establish a court system,³¹ appoint judges,³² have trials,³³ hear witnesses,³⁴ and allow witnesses to be confronted to determine if they were telling the truth,³⁵ which is the very foundation of our judicial system.

(2010) (criminal solicitation); Miller v. California, 413 U.S. 15 (1973) (obscenity); N.Y. Times Co. v. Sullivan, 376 U.S. 254, 279–80 (1964) (defamation); Chaplinsky v. New Hampshire, 315 U.S. 568 (1942) (fighting words); Brandenburg v. Ohio, 395 U.S. 444, 447 (1969) (incitement to illegal drug use).

²⁷ Deut. 16:20

²⁸ Deut. 16:19; Lev. 24:22; Lev. 19:15; Lev. 19:33.

²⁹ Deut. 17: 18-20; L 19:19; L 20:7.

³⁰ Deut. 17:18-20.

³¹ Deut. 16:18; Deut. 17:8; Article 3, Section 1 of the U.S. Constitution.

³² Exod. 18:26, Deut. 16:18. See also Lev. 19:15, which requires judges to judge matters fairly and not favor the poor or show deference to the rich.

³³ Num. 35:12.

³⁴ Num. 35:31; See also Deut. 19:15 requiring more than one witness; and Deut. 19:16-18.

³⁵ Deut. 19:17 which required a thorough investigation of witnesses by the magistrate before *both* parties to assess whether the testimony was truthful.

Next, in order to ensure that the truth was known, perjury was prohibited (another one of the Ten Commandments).³⁶ With every new political scandal in Washington D.C. and every news story involving the police and the criminal justice system that is sensationalized by the media, we learn the same lesson over and over again -- *that justice cannot be properly administered unless the truth is known*. Hence, it was (and remains) a great sin to perjure oneself and cause an unjust result to exist. So much so that the penalty for perjury was *Lex Talionis* – the law of the talon, better known as an “eye for an eye”. In other words, whatever the perjurer schemed to do to his or her neighbor would be done to the perjurer.³⁷

Next, the ancient Israelites were told to “stay far away from a false charge”.³⁸ In other words, they were told that they must conduct themselves in such a manner as to avoid even the appearance of doing wrong. That is the exact same ethical standard that is applicable to every judge (and, previously, every lawyer) in this country.³⁹ Under the rules of professional responsibility applicable to judges⁴⁰ (and, under the Torah, to the rest of us), neither judges nor we may engage in any activity that appears to be improper, for if they do, they bring into question the integrity of the judicial system, and if we do, we bring into question whether we are even capable of building the society around God’s beautiful laws, especially the Commandment to love your neighbor as yourself. *It’s about security and trust and faith in each other and the system*. Once you lose it, people become cynical and think that it’s every person for themselves; and, as I think we all instinctively know by now, that just doesn’t work. It also brings into question the ability of the Israelites to fulfill God and Moses’ vision for how they wanted the Israelites to be seen by other nations. They wanted the Israelites to be seen as a wise and discerning people with righteous laws.⁴¹ How could they accomplish that if they acted, or were perceived to be acting, otherwise?!⁴²

³⁶ Exod. 20:7; Deut. 19:16; 11 U.S.C Sections 1621 and 1623; Model Penal Code Section 241.1(1). Perjury is often defined as (1) a false statement under oath or equivalent affirmation during a judicial proceeding; (2) the statement must be material or relevant to the proceeding; and (3) the witness must have the specific intent to deceive. Perjury is considered a felony. See also the crime of subornation of perjury, which is when a defendant or other party to a case induces, persuades, instigates, or in some way procures a witness to commit perjury.

³⁷ Deut. 19:19. Query whether intentionally delaying a trial in order to prevent justice from being done would be just as offensive to God? In the famous story of Moses and his father-in-law Jethro (found at Exod. 18:13-24), Jethro questions whether it makes sense for Moses, and Moses alone, to sit and hear disputes that arise among the people. Jethro tells Moses that he will not only wear himself out, but cause the people to stand around all day (“from morning to evening”). In other words, Jethro was worried about the people having to wait all day to be heard, as in *one* day! Today, unless it’s a “small claim”, it could take years to bring a case to trial and cost an enormous amount of money. I wonder what God (or Moses or Jethro) would think of our system today (at least for cases that are not overly complicated)?

³⁸ Exod. 23:7.

³⁹ The Model Code applicable to lawyers used to have the same standard. However, it was revised in 1983 to use a different standard.

⁴⁰ See Canon 2 of the Code of Judicial Conduct for United States Judges. <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>. See also Canon 1 of the Colorado Code of Judicial Conduct and Canon 1 of the ABA Model Code of Judicial Conduct.

⁴¹ Deut. 4:6. See also Isaiah 42:6 and 49:6 on Israel being a light to the nations.

⁴² That is one of the reasons why knowledgeable Jews tend to cringe when another Jew does something wrong (think Bernie Madoff). Another reason is fear or persecution or retribution, something commonly

Finally, the Israelites were told what qualities to look for in appointing judges. According to the Torah, the Israelites were told to appoint people that are “wise, full of knowledge, and hate ill-gotten gain.”⁴³ Keep that word “*hate*” in mind as we will revisit it again in another context a little later. However, for our present purposes, just remember that God wanted us to appoint judges that, if any of us had received an ill-gotten gain, we would not want to appear in front of a judge!⁴⁴

THE RIGHT TO OWN PROPERTY

(The Laws Permitting and Protecting Private Ownership of Property)

The next right to be adopted into U.S. law is the right to private property, or the right of people like you and me--as opposed to a king or other elite -- to own real and personal property and to pass that property to our heirs upon our death,⁴⁵ and the right to own and possess property was *so important* in the Torah that it was protected from every type of taking, including by theft (another one of the Ten Commandments)⁴⁶ or by government taking (something liberally permitted under US law if accompanied by compensation).⁴⁷ After all, as the old expression goes, in a good society, people not only need to be secure in their persons, but in their possessions.

experienced by the Jewish community throughout history. There are far too many people who are willing to condemn all Jews for the evil deeds of a few, a treatment they fail to apply equally to their own groups.

⁴³ Exod. 18:21. In many parts of the country, judges are elected by the people. I doubt very many people have *any idea* whatsoever what their qualifications are to hold the office.

⁴⁴ There were many other laws in the Torah regarding justice. However, in the interest of time, please allow me to share some of those here. First, the Israelites were told that if they had information that was relevant to a trial, they *had* to come forward and offer it. Deut. 17:11. Today, the law is the same, except that testimony is compelled by subpoena. Next the Israelites were told that they had to honor and respect the decisions of the courts. Deut. 17:11. In other words, the Torah prohibited contempt of court, as does U.S. law. See 18 U.S.C. Section 4.01 (on the power of the Federal courts to punish for contempt). Next, the Israelites were told that ignorance of the law was no excuse, which was also adopted into U.S. law. See Lev. 5:17-18; see also Lev. 4:22-23; and Lev. 5:6. For US law, see Rosenzweig, *Ignorance of the Law Is No Excuse, But Is It Really?*, www.heritage.org/crime-and-justice/report/ignorance-the-law-no-excuse-in-reality. Next, the Israelites were told the age at which people were old enough to be held accountable for their actions. For many Jews today, that is the purpose of having children become a Bar Mitzvah (which means “son of the Commandments”) or Bat Mitzvah (which means “daughter of the Commandments”) at the age of 13. They are supposed to be old enough to know the law and abide by it. In the U.S. today, the age at which youth are treated as adults ranges from 15 on up. See 18 U.S.C. Section 5032. In addition, see the Department of Justice’s criminal procedure manual at www.justice.gov/archives/jm/criminal-resource-manuaal-117-federal-juvenile-delinquency-code. And there were more provisions on justice!

⁴⁵ Note that the Torah prohibited the sale of farmland, which was almost all of the land inside of Biblical Israel. Lev. 25:23-24. It could only be leased until the next Jubilee Year (which occurred every 50 years), *as every generation had a right to share in the grant from God*. In the U.S. today, that type of restriction on alienation would, in most states, be prohibited by the “Rule Against Perpetuities”, which only allows property to be tied up for “lives in being” (such as, in the case of grandparents wanting to ensure that their property stayed in the family, the lives of their then living grandchildren) plus 21 years. Note that a number of states have repealed the Rule Against Perpetuities, including Colorado and South Dakota.

⁴⁶ Exod. 20:13; Lev 19:11; Deut. 5:17; Deut. 19:14 (moving a landmark).

⁴⁷ In the U.S. today, the great battle over eminent domain is whether a government can condemn property for redevelopment purposes (i.e., turn a blighted neighborhood into a shopping center or other use). Surprisingly, the people most often opposed to the idea are the poor, as it often their homes that are

Moreover, under the Torah, if someone lost or misplaced property, that person was entitled to get it back.⁴⁸ In other words, there was no finders-keepers-losers-weepers. And guess what? Despite the fact that we all know that saying so well, that isn't the law here either! If you find something of value, you are required to notify a governmental authority (most often the police), and, if nobody claims it, then and only then are you entitled to keep it.⁴⁹

As an interesting little aside, when the children of Israel entered the Promised Land, the Torah records that God told them to divide the land amongst themselves, *all of them*.⁵⁰ Note that the Torah did not say to give the land to the state and that the Israelites should work for the state as in some form of collective. Nor did it say to give the land to a class of nobility or other elites and that the Israelites should be serfs or peasants or slaves to them, conditions that existed in most of the rest of the world for another 3,000 years. No, according to the Torah, God said to give the land to the people, people like you and me, *all of us, the greatest land distribution ever known to humanity*.⁵¹

The key of course to owning real property back then was security. I cannot emphasize that point enough. *It was all about security and self-sufficiency and self-determination*, all of the values that made America so great. The people could build and own their own homes, plant and harvest their own crops, raise their own livestock, plant and harvest their own vineyards and orchards, and sell the excess or whatever products they made (including wine) for money so they could buy whatever goods came down the road by caravan (their trucks of the day) or into the port by ship.

I wish I had time to discourse on the history of home ownership in the world. I think you would find that the Torah's prescription goes *far beyond* anything we have experienced. Even here in America, it is estimated that only about 64% of us own our own homes, which does provide some security and is the major source of wealth to most

condemned. As a result, NAACP has intervened in numerous lawsuits. In Kelo v. City of New London, 545 U.S. 469 (2005), the Supreme Court addressed the issue head on. In a 5-4 decision, the Court held that the general benefits a community enjoys from economic growth qualified private redevelopment plans as a permissible "public use" under the Takings Clause of the Fifth Amendment. In a dissent, Justice Thomas wrote (on page 521):

Allowing the government to take property solely for public purposes is bad enough, but extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful.

⁴⁸ Exod. 23:4; Deut. 22:1-3.

⁴⁹ See *Lost Property*, www.Law.cornell.edu/wex/lost_property. Actually, Torah law went further than that. If you knew who the lost property belonged to, you had an affirmative obligation to return it to the rightful owner. Deut. 21:1-3.

⁵⁰ Num. 26:52-62; Num. 1-27:1-11.

⁵¹ Every once and while, I get asked the question whether the ancient Israelites took the land from the Palestinians or their ancestors? The answer is no. The Arabs (to which the Palestinians trace their heritage) conquered the land approximately 2,000 years *after* the children of Israel entered the Promised Land.

Americans.⁵² However, that leaves over 120 million Americans that live in rented apartments or homes (including almost 60% of all Black American households), which provide little if any security. Lest you doubt that, get this--according to a 2020 U.S Census Bureau study, residential rents in the United States went up approximately 300% during the 23 year period ending in 2020 (or just before the onset of the Covid pandemic). In other words, that statistic does not even include the meteoric rise in rents since 2020!!! Great for landlords. Not so good for tenants. Can you imagine if your mortgage payment tripled by the 23rd year and then went up from there? It's unthinkable. Would never work.

And note this, according to the Federal Reserve Bank and various surveys, between 60 and 70% of all Americans live paycheck to paycheck⁵³, and almost one in four adults in the U.S. don't even have \$400 in the bank.⁵⁴ Think about that for a second! That is a far cry from the security contemplated in the Torah, and we need to work on that if we want to even come close to building the type of society contemplated in the Torah.⁵⁵

By the way, even though the Israelites all owned their own farms and ranches, that did not mean that they were all guaranteed to succeed. Guess what? They weren't, just like

⁵² See U.S Census Bureau report entitled Quarterly Residential Vacancies and Homeownership, Fourth Quarter, 2020, released Tuesday, February 2, 2021.

⁵³ Living paycheck to paycheck means a financial scenario in which an individual or family's income barely covers essential living expense, like housing, utilities, groceries, and transportation. See Forbes, *Living Paycheck to Paycheck*, 2024, www.forbes.com/advisor/banking/living-paycheck-to-paycheck-statistics; www.theharrispole.com/briefs/americanthisweekwave-190.

⁵⁴ See the Federal Reserve Bank's 2022 Economic Well-Being of U.S. *Household survey*.

⁵⁵ In *Malcolm Gladwell's New York Times best seller, "The Outliers"*, Gladwell wrote about exceptional people and groups of people (all dubbed "outliers"). In the book, he relayed a story about a village in the mountains of Pennsylvania. It was mainly populated by descendants of a town in Italy. The people of the village were just as heavy and out of shape as the rest of us. Moreover, their diet left a lot to be desired. Instead of olive oil, they used lard. Lard! And that was just the beginning. But remarkably, the death rate from all causes was way below that of the United States as a whole. According to Gladwell, the lead scientist noted that:

There was no suicide, no alcoholism, no drug addiction, and very little crime. They didn't have anyone on welfare. Then we looked at peptic ulcers. They didn't have any of those either. These people were dying of old age. That's it."

How could it be? The scientists descended on the village to find out. Was it the water, the air, the soil, genetics? They tested it. Nothing. Was it their diet? No, remarkably the study showed that 41 percent of their calories came from fat! Fat! According to Gladwell:

As [the lead scientists] walked around the town, they figured out why. They looked at how the Rosetans visited one another, stopping to chat in Italian on the street or cooking for one another in their backyards. ...They saw how many homes had three generations living under one roof, and how much respect grandparents commanded. They went to mass...and saw the unifying and calming effect of the church. They counted twenty-two separate civic organizations in a town of just under two thousand people. They picked up on the egalitarian ethos of the community, which discouraged the wealthy from flaunting their success and helped the unsuccessful obscure their failures. [In short] ...the Rosetans had created a powerful, protective social structure capable of insulating them from the pressures of the modern world. The Rosetans were healthy because of ...the world they had created for themselves in their tiny little town in the hills.

The scientists tried to convince the medical establishment to think differently. "They had to appreciate the idea that the values of the world we inhabit and the people we surround ourselves with have a profound effect on who we are."

here. And the Torah contemplates that some of them will fail and need help, a subject which we will get to shortly.

THE RIGHT TO ENGAGE IN COMMERCE (The Laws Regarding the Economy)

The next right that was adopted into U.S. law was the right of the people like you and me to engage in business or commerce for our own account (as opposed to the account of a king or other elite) and reap the benefits of our hard work and ingenuity. That's right, capitalism was permitted. Subject to certain God imposed limitations on the banking and real estate industries, individuals were free to build business, and, like today, business centered around agriculture (food and agriculture are still about 8% of GDP), the creation and marketing of various different products, and trade.⁵⁶ The only real difference is the nature of the products and their means of conveyance. Yesterday, we produced tangible property (like a pot or tool) and conveyed the whole of an item, including title to it. Today, we not only produce tangible property but "intangible" property, such as intellectual property; and we convey less than the whole, such as by licenses to use apps and programs which, more and more, have to be renewed and paid for each year—it's called "recurring income", and it's a favorite investing theme on Wall Street these days. Just ask anybody who has invested in Microsoft stock or any of a dozen or so other well-known companies!

Although there were various laws that impacted commerce, there was one overriding law which was expressed in various different ways, and that was honesty.⁵⁷ Every aspect of peoples' dealings had to be honest, for, according to the Torah, everyone who deals dishonestly was said to be abhorrent to God.⁵⁸

Under English Common Law, which was widely adopted in the West, including, for a time, here in the U.S, the concept of *caveat emptor* (or let the buyer beware) was the law. Under the Torah, the law is seller beware or, if the buyer speaks, the buyer as well, as everyone has an obligation to be honest.

Today, U.S. law is consistent with Biblical law. In the main body of law governing commercial transactions, the Uniform Commercial Code, the law provides that every contract or duty governed by the Code imposes "an obligation of *good faith* in its

⁵⁶ The limitation with respect to the banking business was that interest on loans *between* Israelites (at least personal loans) was prohibited under Ex. 22:24, Lev. 25:35-38, and Deut. 23:20. The limitation with respect to the real estate business was that, pursuant to Lev.25:10-17; 23; 28 and related provisions, land outside of walled cities *in Israel*, which was almost all of the land, could not be sold in perpetuity as every generation had the right to share in the grant from God. It could only be leased until the next Jubilee Year (which occurred every 50 years), and, notwithstanding the existence of the lease, the owner had the absolute right to cancel the lease at any time as long as the owner refunded a portion of the rent paid for the land--- conditions that prohibited subdivision and development.

⁵⁷ Deut. 25: 13-16; Lev. 19:11; Lev. 19:35 and 36.

⁵⁸ Deut. 24:16

performance and enforcement”.⁵⁹ (Italics added) The Code defines “*good faith*” to mean “honesty in fact”.⁶⁰ Moreover, in the main law in the United States governing consumer transactions, the Federal Trade Commission Act, the law prohibits “unfair or *deceptive* acts or practices in or affecting commerce”.⁶¹ (Italics added) An act is considered “*deceptive*” if, among other things, “a representation, omission, or practice misleads or is likely to mislead the consumer”. In addition, many states have consumer protection acts that broadly define deceptive acts or practices.⁶²

Before we leave this subject, it is worthwhile noting that under the Torah, the requirement not to deceive each other was not just applicable to commercial transactions. It was also applicable to our personal relationships as well—husbands and wives, parents and children, other family members, and friends.⁶³ For being deceitful in any of those relationships was just as abhorrent to God. We are supposed to love each other, not deceive each other, and deceit damages and eventually kills love. Just ask anyone with a deceitful spouse, relative, or friend.

THE INCOME TAX LAW

The next law to be adopted into U.S. law is the income tax law, which also found its way into the U.S. Constitution.⁶⁴ Yup, you can blame God for that one! Although it’s difficult to think of the obligation to pay taxes as a “right”, if you look deeper, a right appears---the right to live in a society where *everyone with means shares fairly in the cost of government and of taking care of the poor and needy among us*.

As with the tax law here in the U.S., the tax law under the Torah was complicated, especially if you factor in all of the *involuntary* contributions that a landowner or a relative had to make to the welfare of society at large and to family in particular.

To begin with, God opted for a flat tax. The rate was 10% and it applied against a farmer’s yield, which was the main wealth of the day.⁶⁵ However, that wasn’t the end of it. A farmer could not harvest crops in the corners of the farmer’s field, as those belonged to the poor and needy who had a right to go onto the land to get it.⁶⁶ Moreover, a farmer could not go over the harvest more than once. Anything left over after the first harvest also belonged to the poor and needy, who had the right to go onto the land and get that as well.⁶⁷ And there were more obligations,⁶⁸ but the point that was made perfectly clear to the

⁵⁹ UCC Section 1-304

⁶⁰ UCC Section 1-201(b)(20).

⁶¹ See Section 5 of the Act, which can be found at 15 U.S.C. Section 45.

⁶² In Colorado, for example, See C.R.S. Section 6-1-105

⁶³ Lev. 18:11

⁶⁴ Amendment XVI to the U.S. Constitution, which was ratified February 3, 1913.

⁶⁵ Deut.14:22. The Torah also provided for the use of the funds. Approximately one third was to be used for the poor and needy. Deut. 14:28.

⁶⁶ Lev. 19:9 and 10.

⁶⁷ Deut. 15:7-11; Deut. 24:19-22

⁶⁸ See for example Exod. 23:11.

ancient Israelites is that it was the responsibility of *everyone of means to take care of the poor and needy*.

Moreover, if a person was in trouble and needed help, that person's relatives had a *legal obligation* to help the relative in trouble if they had the means to do so--- almost as if they had the same liability as a general partner in a traditional partnership.⁶⁹ If a relative lost land to foreclosure, then the closest relative with means had to redeem the land for the relative who lost it.⁷⁰ If a relative had to go to work for someone else as an indentured servant to pay off debts, the closest relative with means had to pay off the debts for the indentured relative.⁷¹ In other words, the standard was *self-sufficiency*. It wasn't good enough just to give a relative some food (think of food stamps) or shelter (think of public housing). No, we had to return them to a level of self-sufficiency.

Today, in America, as a result of the disintegration of the family, the burden has shifted to the government, which has had to step up in ways that have gone way beyond anything contemplated in the Torah. Are we doing a good enough job promoting families and taking care of the poor and needy? I'll leave those questions to you.

Finally, and for what this is worth, note that the Torah did not tax wages although wages were contemplated in the Torah!⁷² I suspect that wage earners back then were the landless (or those who were not considered self-sufficient at the time). But it is interesting that the Torah exempted them from taxes. Moreover, it appears as if the Torah did not tax capital gains although those too were contemplated in the Torah.⁷³

THE RIGHT TO CHOOSE OUR OWN LEADERS (The Beginnings of Democracy)

The next right to be adopted into U.S. law was the right to choose our own leaders, or the very beginning of democracy. I realize that this subject is not well defined in the Torah, which is why I say the beginnings of democracy. However, in Deuteronomy Moses is recorded as having told the people two times to choose their own tribal leaders and magistrates and officials.⁷⁴ The people liked that idea and responded by saying: "What you propose to do is good".⁷⁵

⁶⁹ See Lev. 25:25. The word for charity in Hebrew is "tzedakah". It means "justice". In other words, the obligation to help was not something that was given only if you felt like it. It was a legal obligation.

⁷⁰ Lev. 25:25. One possible explanation for the rule is that family members farmed the same land (all handed down from the generation that entered the Promised Land) and were expected to maintain the family property in perpetuity, so everyone would have the right to share in the grant from God.

⁷¹ Lev. 25:47-49.

⁷² Deut. 24:15.

⁷³ For example, the Torah contemplates that a person could sell a home inside a walled city for whatever the market could bear. In addition, the Torah contemplates that farmland could be leased until the next Jubilee Year (which occurred every 50 years). No taxes, however, are imposed on the income from those transactions.

⁷⁴ See Deut. 1:13-14 and Deut. 16:18.

⁷⁵ Deut. 1:13-14.

Later in Deuteronomy, Moses tells the people that if they want a king like the other nations about them (think secular, federal, government as the original government contemplated by the Torah was more akin to a loose confederation of independent tribal states with a centralized religious authority⁷⁶), they could have a king, *but*:

(1) it was up to them---in other words, the consent of the governed was required.⁷⁷

(2) the king would be subject to the law and not above it (which, as already noted, was adopted into U.S. law and, to make that clear, we made that the heart of the official oath of office);⁷⁸

(3) the king had to be one of them (an Israelite) and not a foreigner (think Article II of the Constitution requiring the President to be a “natural born citizen”);⁷⁹

(4) the king could not use the position to amass wealth (think the Emoluments Clause contained in Article 1, Section 9 of the Constitution);⁸⁰ and

(4) the king was prohibited from acting haughtily towards the people. I am not exactly sure what “haughtily” meant. If it meant that the king (or, in our case, the federal government) had to respect the rights given to the people, well, then, we know that was adopted into U.S. law; and to make sure that was clear, we adopted the Bill of Rights. If it meant that the king or the federal government could not exceed the authority allocated to the king or to the federal government, then time and time again the Supreme Court has overturned executive action on the grounds that the President or the federal government lacked the authority to take the action.⁸¹

As the subject was not well developed in the Torah, I will not address it further other than to reiterate that it was a major beginning.

⁷⁶ Which is very similar to what was taking place here under the days when the Articles of Confederation governed this country (1776-1789), except that instead of having one centralized religious authority, each state was permitted to have its own or not have one.

⁷⁷ Deut. 17:14-20. It should be noted that certain translations of the Torah provide that God was to choose the king, but that is inconsistent with the next sentence in the Torah (which tells the people that the person selected should be one of their own and not a foreigner).

⁷⁸ Deut. 17: 18-20; Lev. 19:19; Lev. 20:7. Deut. 17: 18-20 reads as follows: “... When he is seated on his royal throne, he shall have a copy of this Teaching written for him... Let ...him read in it all his life, so that he may learn ... to observe faithfully every word of this Teaching as well as these laws”. See Article II, Section One, Clause 8 of the U.S. Constitution, which reads: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

⁷⁹ Deut. 17:15.

⁸⁰ Deut. 17:17.

⁸¹ See, for example, Biden v. Nebraska, 600 U.S. 477 (2023) (on student loan forgiveness); National Labor Relations Board vs. Noel Canning, 134 US 2550 (2014); Youngstown Sheet & Tube Co. v. Sawyer, 343 US 579 (1952); United States v Nixon, 418 US 683 (1974); and Hamdi v. Rumsfeld, 548 US 557 (2006).

OTHER RIGHTS AND LAWS

I could go on and on, but I fear if I continue to discourse on the laws like we have so far, I will begin to lose some of you. So, let me just list a few of my favorites of what is left and then conclude.

- First up is the tort or negligence laws in the United States, or the laws that require each of us to take personal responsibility for our actions, and if we hurt someone or damage their property, to make them whole.⁸² After all, in a good society, people need to take personal responsibility for their actions.⁸³
- Next is the law mandating honest government. Bribery of government officials, judges, and others was forbidden, because, according to the Torah, “bribes blind the eye of the discerning and upset the pleas of the just”, and that was not going to be tolerated in the just society that the Torah commanded us to create.⁸⁴
- Next is the draft. Yup, you can blame God for that one too.⁸⁵ In the Torah, the draft age was 20 and there were exemptions for personal reasons, including fear.⁸⁶ During the Viet Nam war days, the draft age was 18 and there were also personal exemptions. As you all know, today we have an all-volunteer army. But the government does retain the right to re-institute the draft.
- Next, is the beginning of the debtor/creditor laws, including the statute of limitations on debt⁸⁷, the law exempting certain property from the claims of creditors (something greatly expanded under U.S. law to allow a “fresh start” under the bankruptcy laws),⁸⁸ the law prohibiting creditors from entering our homes to collect a debt or seize collateral,⁸⁹ and the laws allowing real property to be redeemed if foreclosed upon.⁹⁰ We might add usury to this list. No interest was permitted on loans (at least personal loans) between Israelites.⁹¹
- Next, is the beginnings of the labor laws, including the right to be paid timely for wages earned⁹² and the right to time off every Sabbath (another one of the Ten

⁸² Exod. 21:33-34; Exod. 21:5; Num. 5:7. For an excellent discussion of U.S. tort or negligence law, see Cornell University’s Legal Information Institute article on torts: law.cornell.edu/wex/torts.

⁸³ In the U.S. today, a number of states have gone to “no-fault” systems, where, regardless of who is at fault, the person injured or whose car was damaged has to look to his or her own insurance for restitution. Is that system better? According to my research, there is no clear cut answer as there are many other factors that affect insurance rates, such as density and crime. However, it is my understanding that a number of states that used no-fault systems ended up repealing them and going back to the system contemplated in the Torah.

⁸⁴ Deut. 16:19; Exod. 23:8.

⁸⁵ Num. 1:3.

⁸⁶ Deut. 20:5-9; Deut. 24:5.

⁸⁷ Deut. 15:1.

⁸⁸ Deut. 24:6; Deut. 24:17; 11 U.S.C. 522 and applicable state provisions.

⁸⁹ Deut. 24:10-11.

⁹⁰ Lev. 25:26-29 and 31.

⁹¹ Deut.23:20; Lev. 25:36; E 22:24; Lev 25-35-37

⁹² Lev. 19:13; Deut. 24:14-15

Commandments), and on national holidays, all of which applied to workers.⁹³ People forget that the Ten Commandments forbid employers from having people work on the Sabbath. It was against the law! It was a day to stay home and be with family (or make family). Later, it became a day to remember God.

- Next, is the right to live in a society free from slander and, by extension, liable.⁹⁴ However, the U.S. has adopted a number of material exceptions to that law which are the subject of heavy debate in the U.S. right now.⁹⁵
- Next, are the basic criminal laws and the right to defend your home, or the “Make My Day law”.⁹⁶
- Next, are the health laws that, get this, required people with certain communicable diseases to be quarantined until they are better and no longer contagious.⁹⁷ Needless to say, by virtue of Covid-19, I think we all know by now that the law is the same here in the United States.
- Next, is the law protecting the handicapped from harassment.⁹⁸
- And finally, the beginnings of the environmental laws, which shouldn’t come as a surprise to anyone as, according to Genesis, the reason for human existence is to tend to God’s creation, our *raison d’être* if you will.⁹⁹

SUMMATION

⁹³ Exod. 20:10; Lev. 23:31; Lev. 23:8.

⁹⁴ Exod. 20:13 (“You shall not bear false witness against your neighbor); Lev. 19:16 (Do not deal basely with your fellows”, which has been interpreted to mean not to go about as a talebearer among your people). Exod.23:1 (“You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness”).

⁹⁵ Under U.S. law, slander and libel are actionable unless you are: (1) a member of Congress, in which case you have a special exemption from the law under Article 1, Section 6, Clause 1 of the U.S. Constitution “for any Speech or Debate in either House”; (2) social media company, in which case you can publish slanderous or libelous materials (and profit from it) without liability under Section 230 of the Communications Act (47 U.S.C. § 230); and (3) to a limited extent, a member of the press, in which case, by virtue of the Supreme Court’s decision in New York Times v. Sullivan 376 U.S. 254 (1964), a person defamed must, if he or she is a public figure or running for office, not only prove falsehood and injury, but that the report was made with actual malice, meaning that the press either knew the statement was false or recklessly disregarded the truth. So, on balance, do you believe the exemptions are proper? Do they place the people receiving the exemptions (those guilty of slander or libel or of repeating slander or liable) above the law or deny to the person defamed the equal protection of the laws? I’ll leave those questions to you. But at a minimum, it’s interesting to see what happens when we change God’s law!

⁹⁶ Exod. 21:1.

⁹⁷ Lev. Chapter 13.

⁹⁸ Lev. 19:14

⁹⁹ Gen. 2:15 (God places Adam in the Garden of Eden “to...tend it”); Exod. 23:11 (leave land fallow every 7 years);

I could go on and on, but let's just stop and ask the same questions that I asked at the beginning of this talk. Was the vision of our Founders ever realized? Have we succeeded in forming a government that has secured the unalienable rights granted to us by the "Creator"? In all material respects to us today, the answer is yes, we have.

We have the right to life and to otherwise live free from violence; the right, subject to the laws of the land, to liberty or to pursue our own dreams and goals and to be what we want to be; the right to justice with equal justice for all; the right to private property and to pass that property to our heirs; the right to engage in business or commerce for our own account and to reap the rewards of own innovation and hard work as long as honest; the right to live in a society where everyone with means shares fairly in the cost of taking care of the poor and needy and of government (we just disagree from time to time on what is "fair"); the right to select our own leaders; the right to live in a society where all of us are personally responsible for our own actions and obligated to make restitution if we hurt someone or damage their property; the right to honest government; and so much more.

All of these rights are so ingrained into who and what we are as a society that we don't even think about where they came from. So much for the popular concept of separation of church and state!¹⁰⁰

CONCLUSION

Now, please allow me to conclude with a few of the laws from the Torah that were not adopted into law, but nevertheless form the foundation of our culture:

- First up is love your neighbor as yourself, the famous pronouncement of the Golden Rule found in Leviticus.¹⁰¹ Note that "neighbor" includes "strangers".¹⁰²
- Next, is the obligation to rise up before the aged and show deference to the old.¹⁰³
- Next, do not hate another in your heart or bear a grudge or seek vengeance.¹⁰⁴ In fact, hate is a bad word. Get rid of it, unless, of course, you are choosing judges! Never forget what President Nixon said just before he left the White House in

¹⁰⁰ Every time I give this speech I am asked if we adopted *all* of the laws from the Torah? The answer is no. To begin with, there are hundreds of laws that relate to ritual and other things that you would not expect to be adopted into U.S. law. But beyond that, there were laws that we did not adopt, or, in some instances, we did adopt but later repealed. As there are those in our faith who find it offensive to question the wisdom of the Torah, I will not comment on whether, in any particular instance, that is or was good or not. However, I can say this--our Founders established a system where we could take the good (and overwhelmingly the laws were good, and they took them) and allow people to evolve their thinking on issues that, using modern eyes and in a different era, people thought needed evolving. And that is the challenge and the task given to each generation, to make our country a better place, a place that seeks to achieve the ideals of the Torah. Let us hope that each generation takes that challenge seriously and succeeds in that endeavor.

¹⁰¹ Lev. 19:18.

¹⁰² Lev. 19:34.

¹⁰³ Lev. 19:32.

¹⁰⁴ Lev. 19:17 and 18.

disgrace.¹⁰⁵ He was giving a farewell speech to his staff and attempting to explain where he went wrong. He talked about all of the opposition he faced, the damaging leaks that were happening (including the Pentagon Papers which weren't even written during his administration but were seen as proving that our government had been lying to us and our allies about the Vietnam War), and all of the hate shown his way because of the War and his attempts to escalate it. Then, in a moment of clarity, and I think with reference to these provisions in the Bible, he tried to explain to his staff where he went wrong. He said:

“People may hate you, but they cannot win unless you hate them back, because then you destroy yourself.”

If there is one thing that we can all learn from the disgraced president, it is that!

- And the last one that I will give you, which is perhaps the most important, is this---do not stand idly by. Every one of us is responsible for addressing the problems that we see in society, every one of us. And we cannot stand idly by and pretend that someone else will do *our* share.

Thank you.

¹⁰⁵ For those who do not know or remember what happened, members of Nixon's campaign broke into the Democratic party's headquarters in Washington D.C. and tried to install bugs or listening devices. They got caught. Congress commenced an investigation, and President Nixon tried to obstruct justice and cover it up. The House Judiciary Committee approved three articles of impeachment against Nixon, one for obstruction of justice, one for abuse of power, and one for contempt of Congress. To avoid being impeached and tried, Nixon resigned the Presidency---the first president ever to do so.