

## Table of Contents

- |   |              |
|---|--------------|
| <b>I. How Individual Rights and the Culture Wars Arose</b>  | <b>Tab 1</b> |
| <b>II. The First Amendment and Religious Liberty</b>        | <b>Tab 2</b> |
| <b>III. The Second Amendment and the Right to Bear Arms</b> | <b>Tab 3</b> |
| <b>IV. The Eighth Amendment and the Death Penalty</b>       | <b>Tab 4</b> |
| <b>V. The Fourteenth Amendment and Abortion</b>             | <b>Tab 5</b> |

## Session I

### How Individual Rights and the Culture Wars Arose

#### Readings:

- Bill of Rights (1791), selections.
- John Milbank, “The History of Natural Law,” *Church Life Journal: A Journal of the McGrath Institute for Church Life* (December 2018), selection.
- Brian Tierney, “The Idea of Natural Rights - Origins and Persistence,” *Northwest Journal of International Human Rights*, Vol. 2, No. 1. (Spring 2004).
- Robert P. George, “The Natural Law Foundations of International Human Rights and Religious Freedom” in Heritage Foundation (January 2019).

#### Guiding Questions:

- Why does John Milbank believe that the Jewish notion of a loving covenantal God is essential for the development of an understanding of natural law?
- How did we get to the point where we assume that individuals have inherent rights?
- What are the different ways in which we can justify the existence of those rights?
- Who benefits from robust debate about our rights, and why?

## Session II

# The First Amendment and Religious Liberty

### Readings:

- Emily London and Maggie Siddiqi, “Religious Liberty Should Do No Harm,” Center for American Progress (April 2019).
- Mitchell Rocklin and Howard Slugh, “Religious Freedom is Not an Indulgence Doled Out by the State,” *National Review Online* (August 2016).
- Howard Slugh and Mitchell Rocklin, “Why are Liberal Jewish Organizations Undermining Religious Liberty?” *The Forward* (May 2020).
- Joseph Berman, “ADL is an Ardent Advocate for the Religious Freedom of Jews and All Americans” *The Forward* (May 2020), letter to the editor.

### Guiding Questions:

- Is there a significant conflict between religious liberty and other considerations? If so, should it give way to those considerations? And if so, when?
- Why did religious liberty become a controversial issue in the past decade, considering that it enjoyed broad popular support not long ago?
- Are American Jews behaving wisely when it comes to religious liberty?

## Session III

# The Second Amendment and the Right to Bear Arms

### Readings:

- Nelson Lund and Adam Winkler, “The Second Amendment: Common Interpretation,” *National Constitution Center*.
- Phoebe Maltz Bovy, “It’s Time to Ban Guns. Yes, All of Them,” *The New Republic* (December 2015).
- Melissa Lane, “How the Greeks Viewed Weapons,” *The New Yorker* (February 2013).
- Priya Satia, “On Gun Laws, We Must Get the History Right,” *Slate* (October 2015).
- David A. Raney, “From Ancient Athens to Modern America: Thank the Right to 'bear arms' for Freedom,” *The Hill* (March 2018).
- Timothy Hsiao, “Natural Rights, Self-Defense, and the Right to Own Firearms,” *Public Discourse* (October 2018).
- Jacob Davidson, “A Criminologist’s Case Against Gun Control,” *Time* (December 2015).
- Eugene Volokh, “Orthodox Rabbis on Guns,” *The Washington Post* (September 2014).
- Eugene Volokh, “Response from Rabbi Elli Fischer, Chairman of the Committee that Drafted the Rabbinical Council of America Resolution on Gun Violence,” *The Volokh Conspiracy* (October 2014).

### Guiding Questions:

- Is gun control a good idea from the perspective of practical policy?
- Is gun control consistent with the American and broader western traditions of liberty?
- How should American Jews view firearms policies?

## Session IV

# The Eighth Amendment and the Death Penalty

### Readings:

- Jeffrey Toobin, “Cruel and Unusual,” *The New Yorker* (December 2013).
- Charles C. W. Cooke, “Against Capital Punishment,” *National Review Online* (May 2014).
- David French, “The Death Penalty Helps Preserve the Dignity of Life,” *National Review Online* (August 2018).
- Dennis Prager, “Oklahoma vs. the Death-Penalty Abolitionists,” *National Review Online* (May 2014).
- Immanuel Kant, *The Metaphysics of Morals*, ed. Jeremy Anderson, trans. W. Hastie, part II, second Part, E.1: The Right of Punishing.
- Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (1994), pp. 277-279.
- R. Gil Student, “The Other Jewish Death Penalty,” *Torah Musings* (October 2019).

### Guiding Questions:

- Why are so many people against the death penalty?
- Why do others insist that it is vitally important?
- How do Immanuel Kant’s and Hannah Arendt’s approaches differ?
- You have likely read well-known Jewish sources about the death penalty from the Torah and Talmud. Considering your readings and prior knowledge, what is the proper approach for a Jew to have towards the death penalty?

## Session V

# The Fourteenth Amendment and Abortion

### Readings:

- Peter Singer, “Killing Babies Isn’t Always Wrong,” *The Spectator* (September 1995).
- Naomi Wolf, “Our Bodies, Our Souls: Re-thinking Pro-Choice Rhetoric,” *The New Republic* (October 1995).
- Avraham Bronstein, “Why does Ben Shapiro Sound like a Christian Evangelical on Abortion?” *Haaretz.com* (July 2018).
- Ben Shapiro, “Yes, Judaism is Pro-Life,” *The Daily Wire* (July 2018).
- Yaakov Kamensky et al. “The Abortion Bill in Israel,” *The Jewish Observer*, ed. Nisson Wolpin (May 1976).
- Howard Slugh, “The Abortion Debate is Not About When Life Begins,” *Ricochet* (January 2015).
- Yehuda Shirpin, “Judaism and Abortion,” *Chabad.org*.

### Guiding Questions:

- Is it wrong to kill a born baby?
- Is it wrong to perform an abortion?
- Why is Judaism particularly important to the abortion debate if Jews make up only a tiny percentage of the population? Is an understanding of Judaism particularly important for understanding how to approach the issue?
- Is the discourse that you hear today from Jews, including religious Jews, similar to the discourse in some of the enclosed religious readings? If not, why do you think changes have occurred?
- Read the final document carefully. Are the arguments sound? Why/why not?