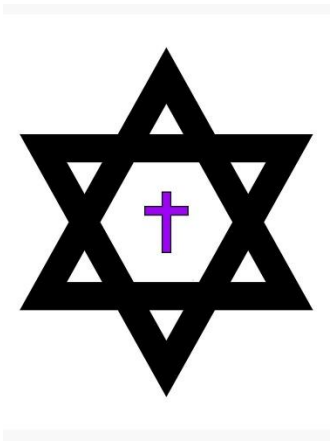

**MEMORANDUM**

To: Interested Persons

From: Elder Roderick Andrew Lee Ford ESQ.
Fellow of Whitefield College & Theological Seminary

Re: The Rights and Duties of the Firstborn Child (Being a Male)

Date: 19 July 2025 **Corrective Copy**

_____/

**Introduction**

The purpose of this letter is *not to persuade* or *to change anyone's* mind—it is simply meant *to explain or to state* what I have previously alluded to, when I used the words "*I am the eldest son*."

Notably, this letter is written out of respect for family and in response to very serious issues being now raised.

Here, through inference, ***every firstborn son*** reading this letter should take note.

In the first instance, I should emphasize that I am writing as a Christian and as a lawyer.

As such, I fully understand the importance of the Black church to the African American community,[1] and to the plight of the black family structure—particularly that of black husbands, black fathers, and black men within the family.[2]

Here, I write to discuss, in brief, "law" as an extension of "custom," namely, "Christian custom."

## I.

## "A Brief Note on the Historical Origins of the Law on the Eldest Son' (i.e., the Firstborn Son)"

In the Old Testament, the firstborn son—being symbolized especially in the first Passover Lamb (i.e., a male without blemish) and the setting aside for service in the tabernacle or the priesthood—has special significance.

Interestingly, these accounts within the Holy Bible, *as practical Law*, came into the American constitutional and legal system through England's court system.

---

[1] Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 ("The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent…."); W.E.B. Du Bois, "The Souls of Black Folk," *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 ("[T]he [Negro] Church often stands as a real conserver of morals, a strengthener of family life, and the final authority on what is Good and Right"); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 ("[T]he Black Church of the nineteenth century… thought of itself as God's judgment upon racism… converted thousands, stabilized the Black family… founded schools and colleges…. And provided the social, cultural, economic, and political base of the entire African American community in the United States.")

[2] See, e.g., "Head of the Family: Towards a Federal Common Law of the Black Family" https://nebula.wsimg.com/6a1bfd60caea5b5dbc6d9f86782dfbe0?AccessKeyId=CFD051C099636C9F5827&disposition=0&alloworigin=1

England's court system originated as a "unified system" where church officials and state officials shared power.

Under this arrangement, "priests" presided with local officials, such as sheriffs, on the "hundreds courts."

And "bishops" presided with local members of the aristocracy, such as earls and dukes, on the "shire courts."

Meanwhile, the senior-most bishops served as the Lord Chancellor (i.e., court of chancery) and as the Justiciar (i.e., attorney general) for the King.

THIS IS HOW THE CHRISTIAN RELIGION—i.e., the Law of Moses and the Holy Bible—became INTERMIXED with English LAW [and, subsequently, American common law].

After the year 1066, England established "ecclesiastical courts."

When this occurred, the priests and bishops were pulled out of the "hundreds courts" and the "shire courts," and they then presided over these "ecclesiastical courts." These "ecclesiastical courts" had jurisdiction over:

- Marriage
- Divorce
- Separation
- Wills
- Probate
- Estates
- Breach of Oaths (i.e., contracts)
- Equitable relief, etc.
- Church administration
- Clergy discipline, etc.

The Church of England's senior-most bishops governed these "ecclesiastical courts."

In colonial British North America, the court opinions from these "ecclesiastical courts" were received into American jurisprudence.

The cases of *Short v. Stotts*, 58 Ind. 29; *Wightman v. Wightman*, 4 Johns Ch. 343; and *Crump v. Morgan*, 3 Ired. Eq. 91, represent this historical and constitutional fact. For instance, the holding in *Crump v. Morgan*, states:

> It is said that these are **the adjudications of ecclesiastical courts** and are founded not in the common law, but in the canon and civil laws, and therefore not entitled to respect here. But **it is an entire mistake to say "that the canon and civil laws, as administered in the ecclesiastical courts of England, are not part of the common law**. Blackstone, following Lord HALE, classes them among the unwritten laws of England, and as parts of the common law which by custom are adopted and used in peculiar jurisdictions. They were brought herd by our ancestors as parts of the common law and have been adopted and used here in all cases to which they were applicable, and whenever there has been a tribunal exercising a jurisdiction to call for their use. They govern testamentary cases and matrimonial cases. Probate and re-probate of will stand upon the same grounds here as in England, unless so far as statutes may have altered it.[3]

For the most part, under English and American common law, the ***Husband was Head of the Family***. And that rule is still true today.

---

[3] Source: "The Adoption of the Common Law by the American Colonies," The American Register (September 1882), p. 564.

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3029&context=penn_law_review

**Christian Marriage and Family**

**1 Corinthians 11:3** ("But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.")

**Ephesians 5:25-27** ("Husbands, love your wives, even as Christ also loved the church, and gave himself for it….")

**1 Peter 3:1-7** ("…Likewise, ye wives, be in subjection to your own husbands…. Likewise, ye husbands, dwell with them according to knowledge, giving honour unto the wife, as unto the weaker vessel….")

**Am. Jur., Family Law, § 10 Head of Family**

**"Head of Family": American Jurisprudence (First Edition)**

§ 10 Head of Family The husband, unless incapacitated from executing the authority and performing the duty, is head of the family

In marriage, even today, the husband is the head of the wife, and of the family.

These ideals and principles were extracted from the Holy Bible—and, once upon a time, they were directly administered by the Church of England, through means of the "ecclesiastical courts."

Under this "unified system" of law and jurisprudence, the unique position of the "**eldest son**" in relation to the father or head of the family was not lost.

Now, under the English common law system, the **rule on the "eldest son,"** which had been extracted directly from the Old Testament [i.e., Law of Moses and (or) Jewish law],[4] was the operable law in both England and the United States up through the early part of the 20th century.

[4] "Primogeniture Law and Legal Definition," https://definitions.uslegal.com/p/primogeniture/

**"LAW OF MOSES -- Primogeniture"**

Genesis 25: 31-34 (Esau, as the first born son)
Numbers 1: 1-54 (patrilineal or patrifocal family structure)
Numbers 36: 1-13 (Laws of Female Inheritance, when there are no sons)
Deuteronomy 21: 15-17 (Firstborn son's inheritance)

**"JEWISH LAW -- Primogeniture"**

"Rabbinical law further specifies and qualifies the right of primogeniture. Only the first-born—not the eldest surviving son who has been preceded by another child that has died—and only such a one as, by a normal birth and not by a surgical operation, came into the world in the lifetime of his father is entitled to the double share (Bek. 46a, 47b; B. B. 142b)."[5]

But it seems that this unique status and position of the "eldest son" was part and parcel of many other world customs, traditions, and religions—not just Judaism or Christianity.

**"CUSTOM, OR COMMON LAW, OF ELDEST MALE CHILD- Primogeniture"**

"Primogeniture as a principle of seniority exists **in a wide range of societies** where it forms an important element of social organization and cosmology. The Maori people of New Zealand, like many Polynesians, believed that human beings were descended from the gods and partook in divine potency (mana). The eldest clans and lineages, being closer to the gods, bore a higher

---

Primogeniture is the English right of the eldest born to succeed to inherit the ancestor's estate, to the exclusion of younger children. It is the state of being the first born child among siblings. Primogeniture in Latin means first born.

The purpose of primogeniture was to keep the estate (real property), the ownership of which implied power, from being subdivided into smaller and smaller parcels of land. The **term implied male primogeniture, to the exclusion of females**. **If there is no male heir, the daughters would take (receive the property) in equal shares**.

[5] "Primogeniture" https://www.jewishencyclopedia.com/articles/12362-primogeniture

> degree of sacredness than junior lines. The chief of a group was always the most capable—and ideally the eldest—male of the eldest family line (Goldman 1970). Similar assumptions about the internal relationship between hierarchy and sacredness pervade Indian society, taking social expression in the caste system, the joint family, and marriage arrangements. The joint family of northern India, in its most mature and idealized form, consists of an elderly man and wife, their sons and daughters-in-law and grandchildren. The large family shares a single house, cooks at the same hearth, worships at a common altar, and works the same fields. Every male in the household holds an equal share in the estate until it is formally and legally dissolved. However, **the senior male is the ultimate authority, a role that passes upon his death to the eldest son** (Kolenda 1968)."[6]

"In colonial America, the practice of male primogeniture, where the eldest son inherited the entirety of a parent's estate, was adopted from English common law."[7]

But upon the successful conclusion of the American Revolution, the new United States began to abolish "primogeniture," *as the default law*. Georgia became the first to do so in 1777.[8]

"[In England] [f]or property not otherwise disposed of by a will, the Administration of Estates Act 1925 abolished primogeniture as the default rule of inheritance in England and Wales."

Here it must be noted that the official abolition of primogeniture as a default law does not abrogate (a) the rights of parties to make valid wills stating what their preferences are and (b) the ecclesiastical or religious rights of groups, organizations, or churches to establish protocols for the enforcement of its own moral and ethical standards.

---

[6] "Primogeniture" https://www.encyclopedia.com/social-sciences-and-law/law/law/primogeniture

[7] https://genfiles.com/articles/inheritance-laws-in-the-colonies/#

[8] https://www.facebook.com/groups/oldhistoricalphotos/posts/637411339118569/

This is what, in fact, the Jewish community does through its system of local courts called *Beit Dins*. That is to say, the Jewish community still enforces "primogeniture" through its customary practices and interpretations of the Old Testament ("Torah," etc.) and Jewish law.

In a similar fashion, this is what the Apostle Paul had counseled the Christian churches to also do, in 1 Corinthians 6: 1- 11, to establish Beit Dins (i.e., church courts or local councils, designed to apply the law of Moses or the Law of Christ, to practical questions), stating:

> 1 If any of you has a dispute with another, do you dare to take it before the ungodly for judgment instead of before the Lord's people?
> 2 Or do you not know that the Lord's people will judge the world? And if you are to judge the world, are you not competent to judge trivial cases?
> 3 Do you not know that we will judge angels? How much more the things of this life!
> 4 Therefore, if you have disputes about such matters, do you ask for a ruling from those whose way of life is scorned in the church?
> 5 I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers?
> 6. But instead, one brother takes another to court—and this in front of unbelievers!
> 7. The very fact that you have lawsuits among you means you have been completely defeated already. Why not rather be wronged? Why not rather be cheated?
> 8. Instead, you yourselves cheat and do wrong, and you do this to your brothers and sisters.
> 9. Or do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the

sexually immoral nor idolaters nor adulterers nor men who have sex with men[a]

10. nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God.
11. And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

Notably, in 1 Timothy 3: 16, where Paul says "[a]ll scripture is given for inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness," he was referring to the Old Testament of his day—the New Testament having not yet come into existence in its written form as we know it today.

An example of how Paul used this Old Testament in order to extrapolate sound doctrine for the Church is exemplified in 1 Timothy 2: 11-15, where Paul spoke on the rule that "Adam was first formed, then Eve," and concluded from this principle that, "I suffer not a woman to teach, nor to usurp authority over the man…."

From this we see that the "**law of the eldest son**" ought to be respected as a customary practice and law of Christ, for and by the Church or by the Christian faithful. This does not mean that "strict primogeniture" needs to be followed, but in general it acknowledges and respectsmale headship and male leadership, *as ordained by God*—and this, a woman ought not usurp.

Finally, I must briefly address the relationship of these religious laws and customs to the secular, civil courts—such as the Circuit Court of Suwannee County, or the U. S. District Court for the Northern District of Florida.

Under our system of government, the First Amendment safeguards the freedom of religion—that is to say, individual Christians and groups of Christians acting in concert as organized churches, have the right to make and apply their own ecclesiastical laws and customs, as I have just explained, within the context of current Jewish practice and the Apostle Paul's recommendations in 1 Corinthians 6. See, e.g., *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 709 (1976), stating:

> [W]here resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decision as binding on them….

Notably, the U.S. Supreme Court has expressly ruled that decisions of church tribunals—which interpret the bible, religious doctrine, etc.—are to be respected as "binding" upon the religious faithful of those organizations.

The secular civil courts only will prohibit the churches from enacting internal rules that violate criminal laws or other public policy. For example, no church can authorize murder or rape, under the disguise of religion.[9]

And so, where there are long-standing traditions and practices governing husband and wives, family relations, the law on the eldest son, etc., where Judea-Christian religion and customs have long played a valid role in shaping and defining practices, the secular civil courts have been known to uphold such practices as valid, to the extent a Church or other organized groups do not violate the criminal laws of a particular state or other public policy.

---

[9] Leslie C. Griffin, *Law and Religion: Cases and Materials* (New York, N.Y.: Foundation Press, 2007), pp.237 – 313.

## II.

## CONCLUSION

To say that "**the eldest son**" has no superior rights vis-à-vis his fellow siblings in the administration of estates or the inheritance of property; or to say that the **husband is not the head of the family**; or to say **that "God is *not* the head of Christ**, who is ***not* the head of man**, who is ***not* the head of woman"**—i.e., the divine order as set forth in Scripture, under the Law of Moses [and the Gospel]—is to contradict the law of God, to say nothing of long-held, Judea-Christian religious customs, religious laws, and religious standards, which most ecclesiastical bodies, or a bishop, or a senior pastor (i.e. elder), would uphold as valid and binding *amongst fellow Christians*.

For these religious reasons, I generally object to the present methods being proposed.

As a resolution, I have proposed that we have two services:

First, there may be a "funeral service" held at Bethlehem during the morning hours of Sunday, July 27, 2025.

Second, I intend to move forward with a "memorial service" at African Baptist Church on the afternoon of Sunday, July 27, 2025, for additional reasons which I have not set forth in this letter.

It very well may be that this is ultimately the best resolution to what I perceive to be a crisis within the spirit.

Faithfully Yours

Elder Roderick Andrew Lee Ford

**[DUE TO THE URGENCY OF THIS LETTER, IT MAY CONTAIN SOME GRAMMATICAL ERRORS WHICH I ASK THAT YOU PLEASE EXCUSE]**