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Conscience: A Jewish Perspective

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The Hebrew term for "conscience", *matzpun*, is a relative newcomer in Jewish literature. There is no expression for "conscience" in the Biblical or Rabbinic texts. *Matzpun* occurs in the medieval philosophical literature, but with a vague meaning. Serious discussions of conscience, together with related concepts like autonomy, natural law, absolute and relative moral values, ethical empowerment and the like, have really come into their own only in the post-Enlightenment period.

This does not mean, however, that moral mechanisms similar to "conscience" cannot be identified in Torah. One writer has referred in this context to a morally challenging episode in the story of Joseph. When Potiphar's wife invites Joseph to lie with her, Torah tells us he refused. He said to his master's wife, "Look, with me here, my master gives no thought to anything in this house; he has withheld nothing from me except yourself, since you are his wife. How then could I do this wicked thing and sin before God (*ve-chata"ti le"lohim*)?"

The Torah published by the Conservative Movement, *Eitz Chayim*, notes that Joseph puts forward three arguments to counter Potiphar's wife's advances. The first regards Joseph's position of responsibility in the house; it is prudent for him to act uprightly. The second refers to the legal culture of Egyptian aristocracy; wives are property of their husbands, and Potiphar's wife has been reserved for her husband. It is the third argument that approaches our notion of conscience: Joseph seems to have an inner sense that this would be a "sin before God". Nowhere prior to Joseph's tale is this designated a sin; the Torah itself had not yet been revealed to the world, and we have no evidence that Joseph had learned it as an ethical norm from any other source. Where has Joseph's recognition that his act would be a "sin before God" come from? Presumably it is the result of an inner ethical realisation.

This reading is reinforced by a curious feature of Torah cantillation. The trope mark over the Hebrew word for "he refused" is a long wavering sound, like a hesitant wailing, that occurs only four times in all of the Torah. The interpretation, then, is that Joseph's "refusal" is bought at the expense of considerable desire, signified by the drawn-out wailing of the trope. We may say that this is Joseph's conscience at work.

Conscience and sexual ethics also come together in the narrative of Abraham. Avimelekh challenges Abraham as to why he presented his wife Sarah as his sister, thus endangering Avimelekh's kingdom. Abraham responds, "I thought, surely there is no fear of God (*yir"at Elohim*) in this place, and they will kill me for the sake of my wife."

Many commentators understand "fear of God" (*yir"at Elohim*) as expressed in this and other contexts (for example, the midwives who resist Pharaoh's order, Exodus 1:17, 21; the Amalekites who attacked the rearguard of Israel's marching column, *ve-lo" yare" Elohim*, "because they did not fear God", Deuteronomy 25:18) as referring to an inner drive to right ethical action, akin to conscience.

Such texts – and there are many more examples – suggest that, even for the Biblical writers, the ethical impulse we call "conscience" (and that they sometimes referred to as "fear of God", *yir"at Elohim*) was conceived to work independently of Torah; even more, that it could – indeed, should

-exist in non-Jews as well as Jews; that it is a universal impulse; but that it could be missing from certain individuals, in given situations, and so needs to be cultivated.

From a Jewish point of view, then, some of the crucial questions relating to conscience are these:

1. How are the norms of Torah and the impulses of conscience (or, "fear of God") related?
2. Is conscience strictly a matter of inner impulse, a "still, small voice" from within, or is it a thunderous command with objective status and power?
3. Is conscience tantamount to a personal ethical or behavioural preference, or is it based on culturally shared normative standards, for example, the *mitzvot* of Jewish tradition?
4. Is there is a common source for both conscience and Torah, and if so, what distinct ethical roles do they fulfill?
5. In cases where there are ethical conflicts or divergences between conscience and Torah, which takes precedence?

There are no simple answers to these questions, but many possible solutions have been offered over the centuries. The rest of this article will put forward and discuss several ways in which to see conscience in relation to Jewish tradition. It is significant to note at this point that my discussion is based in large part on the results of a study session on the theme of conscience and duty that took place on *Shabbat Shelach-lecha* in my synagogue. I wish to thank all those in the congregation that morning for their contributions and insights.

The most pressing issues about conscience in relation to Torah have been caused by the post-Enlightenment emphasis on autonomy and the moral independence of the individual. Following much post-Enlightenment thought, there is a dichotomy or absolute distinction between conscience and Torah. Conscience is the human ability to make moral decisions based on reason. As a result, it is available to all persons, a function of our individual autonomy. It is part of our nature as human beings, hard-wired into our personalities, so to speak. It is universal, not restricted to any particular group within society. By contrast, Torah is a book of laws and norms revealed specifically to the Jewish people as a whole. It does not take into account individual preferences, impulses or will. In Immanuel Kant's terminology, it is an expression of heteronomy, not autonomy; it represents for the Jewish people our reliance not on our own practical reasoning but on an external, revealed set of rules to govern our behaviour.

Accepting this dichotomy, some Jewish views play up conscience at the expense of Torah; others elevate Torah at the expense of conscience. An example of the latter is the view that presents conscience starkly as a general urge to "do good, not evil". Without an objective, external measure of what is right and wrong, however, the conscience is at the whim of any humanly constructed ideology that might manipulate our definition of right and wrong. The example given is the ability of Nazis to murder Jews and others whom their ideology defined as subhuman, and then to sleep soundly at night, without a peep from their conscience to condemn them. According to this view, Torah is necessary to define right and wrong according to absolute standards.

This is an extreme representation of the gap between conscience and Torah. In reality, there are other less provocative ways to understand the relationship between them. For example, one might argue that conscience, though it seems to speak from within a person, is not really innate or instinctive. Rather, it is the product of subtle education through childhood, the internalisation of cultural values received from other people like parents and teachers. If those values are themselves derived from Jewish tradition, it is possible to understand conscience as "Torah-trained", that is, as a conscience that is informed by Torah values through education and upbringing.

The conscience of a Jew may also be informed by the history of the Jewish people. For some, conscience may represent the voice of countless generations of Jewish ancestors, many of whom died for their faith; as Jewish tradition itself puts it, "*al Kiddush hashem*" for the sanctification of the

divine name. When faced with a moral dilemma, such a person will take into account the effects of their actions on the continuity and reputation of the Jewish people as a whole. In such a situation, conscience is socially determined as well as Torah-driven. If "conscience" is our way of speaking about internalised Torah values or historical experience, it is quite possible for a Jew to draw on conscience to criticise the laws laid down through the Torah. That is, conscience may operate to bring Torah values to bear on the Torah text itself. This has happened many times in the past, when areas of law laid down in Torah have been mitigated by later tradition(s), for example, laws regarding bastardy (*mamzerut*), the rebellious son, capital punishment, loans over the sabbatical year, and many more.

The case of bastardy (>*mamzerut*) is a particularly good example. According to Torah the offspring of a bastard (the product of a prohibited union) is prohibited from marrying anyone other than another bastard to the tenth generation. This implies that the sins of the parents are visited down through the children, virtually without end. The prophet Ezekiel already criticises the principle behind this rule by proclaiming in God's voice that no-one shall be held accountable for the sins of their parents. In our terminology, this is a situation in which conscience, imbued with Torah values of justice and individual responsibility, criticises Torah itself; the timeless values of Torah are brought to bear on the time-bound legislation of the text.

While conscience is generally taken to represent the inner voice, Torah represents the external voice. To use the powerful image associated with the story of the prophet Elijah: the conscience is "the still, small voice" within us, while Torah is the thunderous voice outside of us.

We may favour the "still, small voice" because we prefer thinking of ourselves as autonomous and free rather than "servants", even servants to the divine. The idea that conscience emerges from within us gives us a sense of empowerment and reinforces our feeling that we act freely and without compulsion.

But it is possible, taking a more mystical approach, to assume that both voices are manifestations of the same thing, ultimately synchronised in the soul that is whole and at one with itself. That is to say, when my inner, or self, will comes to be one with the transcendent, or divine, will - when conscience and Torah are one - then true moral justice may ultimately be achieved.

Perhaps this is the sense of Zechariah's cry: "On that day God shall be one and God's name shall be one!" The French commentator of the 11th century, Rabbi Shlomo ben Yitzchak (Rashi), notes that this verse seems to contradict the famous opening verse of the *Shema*: "Hear, O Israel, the Lord is our God, the Lord is one", which is in the present tense, by claiming that God's name is not yet one. We may resolve the apparent contradiction by suggesting that the *Shema* is expressed from God's perspective, while the verse from Zechariah is expressed from the human perspective. From our human perspective the unity of God will be achieved only when the inner and outer worlds - the worlds of conscience and of Torah - become fully synchronised, as one, in the way we live our lives.

Editorial remarks

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