

## Jewish Contemporary Ethics Part 21: Judaism, Democratic Law and Autonomous Morality III

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The previous article proposed that God's ethical standards, which He crystallised into the Written and Oral Torah, do not necessarily preclude the existence of an ethical system outside the scope of

Jewish law. Mankind's inherent moral conscience to do what is right is known as Natural Morality. It is therefore possible to act in a moral and proper way without having been commanded to do so. Furthermore, despite human bias and moral subjectivity, it is possible for every individual to sharpen their own moral conscience so that it resonates with God's Divine will, by studying both the legal and non-legal sections of the Torah and learning from the actions of our ancestors.

However, modern Torah scholars have grappled with the implications of the existence of an ethical system outside of Divine law. In *Leaves of Faith II*, Rabbi Dr. Aharon Lichtenstein (d. 2015) notes that the idea that every moral dilemma can be looked up or "resolved by reference to code or canon ... is both palpably naïve and patently false" (p. 38-39). Yet if human conscience is inherently subjective, what system of ethics outside of Divine law could fill the gap? This is why other scholars, such as Rabbi Professor J. David Bleich, reject the premise of Rabbi Lichtenstein's question and assert that Jewish law constitutes the entire range of meaningful ethical values. Anything else may be permitted, but is not considered a moral imperative (see *The Philosophical Quest*, p. 137-138).

The problem with this position is, as we have demonstrated, that both the Written and Oral Torah themselves refer to an ethic which exists outside of Sinaitic law. Avraham challenged God shortly before the destruction of Sedom and Amorah, saying: "Shall, then, the Judge of the whole earth not do justice?" (Bereishit 18:25).

Rabbi Lichtenstein notes that Avraham could not have asked this unless one assumes the existence of an unlegislated justice to which, as it were, God Himself is bound (*Leaves of Faith II*, p. 34). The Talmud also contains several debates which include the concept of acting *lifnim mishurat hadin* – beyond the letter of the law – implying moral standards expected which exceed the prescribed halachic requirements (see for example Bava Metzia 30b).

On the other hand, Rabbi Lichtenstein's position may imply that Divine law is incomplete, despite King David's proclamation that "the Law of God is perfect" (Tehilim/Psalms 19:8). However, former Israeli cabinet minister and Rosh Yeshiva, Rabbi Yehudah Amital (d. 2010) negates this implication. In his work *Jewish Values in a Changing World* (p. 23), he warns against the view that "allowing room for Natural Morality diminishes the importance of Torah, in that it recognises an additional source of obligation alongside the Torah. According to this view [i.e. that negates Natural Morality], there is no connection between God [as the] Creator of Man and God [as the] Giver of the Torah. [It is] as if that which God implanted in Man's heart does not belong to God". In other words, it makes little sense that God would create Man without an innate moral conscience.

According to Rabbi Amital, our moral conscience and natural sense of justice should not be seen as a threat to the integrity of the Torah, but in fact form an essential component of our moral and spiritual essence.

