

Jewish Contemporary Ethics Part 22: Judaism, Democratic Law and Autonomous Morality IV

by Rabbi Dr. Moshe Freedman, New West End Synagogue



The previous article in this series indicated that there is significant reason to acknowledge the existence of ethical behaviour which is not mandated within the Written and Oral Torah and is therefore outside of the

strictly prescribed halacha. Many contemporary Jewish scholars have associated this ethic with the concept of Natural Morality, a description of the inherent common value system within the human conscience. For example, whilst murder, theft and violence are prohibited by the Torah, most people would anyway intuit the immorality of such actions.

Former Israeli cabinet minister and Rosh Yeshiva, Rabbi Yehudah Amital (d. 2010) understands mankind being made “in the image of God” (Bereshit 1:27) as God “endowing him with moral sensitivity and a conscience”. Thus far we have highlighted the subjectivity of mankind’s moral conscience, but based on a variety of classic and contemporary rabbinic sources, Rabbi Amital argues persuasively that our naturally inherent and autonomous value system is an essential part of who we are and what we can – and must – become.

This requires significant consideration, for the Rambam (Maimonides d. 1204) makes it clear that following God’s revelation at Sinai and the giving of the Torah, whatever we do or refrain from doing is only because of God’s command through Moshe. One might legitimately ask therefore what purpose Natural Morality serves following the Sinai revelation. Yet while some might see Natural Morality as an unnecessary threat to the integrity of the Torah, Rabbi Amital points out that such a view seemingly detaches the “connection between God [as the] Creator of man, and God [as the] Giver of the Torah, as if that which God implanted in man’s heart does not belong to God” (*Jewish Values in a Changing World*, p. 23).

The Rambam himself cautions against those who seek to stifle their own intellect in the service of God. He writes that some would prefer that Divine law should have no rational explanation, lest it imply the existence of a human component in Divine wisdom. In fact, Rabbi Amital cites Rabbi Avraham Yitzchak HaKohen Kook (d. 1935), the first Ashkenazi Chief Rabbi of Mandatory Palestine, who maintains that there is a critical relationship between autonomous morality and *yirat Shamayim* – awe of Heaven. He goes on to say that the self-suppression of one’s own natural morality not only fails to strengthen a personal connection to God, it actively defiles it (*Orot HaKodesh* 3:11). As mentioned earlier in this series, a variety of Jewish philosophers identify the *neshamah* (soul) as the basis for human intellect, emotional intelligence and moral sensitivities. Our soul in turn is rooted in God’s essence and so our awe of God is incomplete without the engagement of our own moral faculties.

What are we then to do, when we sense a dissonance between our natural sense of right and wrong, and that which God has explicitly commanded? Having laid the groundwork, we are now ready to shift focus and begin to discuss how our sages and commentators have grappled with questions such as capital punishment, slavery, and the command to wipe out the nation of Amalek, as detailed in today’s maftir reading.

