

Heeding the Call of Conscience

Seeing it was unavoidable. As our family flew home from our summer's sabbatical adventures I switched on the seatback television in front of me to catch up on the events of the world. One story was dominating the coverage on every single news outlet that day because the previous evening, Senator Ted Cruz had stunned the crowd at the Republican National Convention when he failed to offer his endorsement to his party's nominee.

"If you love our country," Senator Cruz admonished, "and love your children as much as I know that you do, stand and speak and vote your conscience..."¹

"Vote your conscience...vote your conscience..." These words echoed again and again through my mind, and I couldn't help but wonder, "What does he mean by that?" "How are my fellow Americans understanding his charge?" Most importantly, perhaps, "What does it mean to have a conscience at all...to recognize it, to listen to it, and to allow it to inform our decisions and behavior?"

Interestingly, there is no word for "conscience" in ancient Hebrew, and therefore, no explicit mention is made of such a phenomenon in biblical and rabbinic texts. Yet, there is ample evidence of such a concept throughout our earliest Jewish tradition. One such understanding can be found in the story of the Prophet Elijah. Fleeing for his life, Elijah comes to Mount Horeb – also known to us as Mount Sinai. There he finds rest in a cave until God calls him out to appear on the mountain before the Holy One. "And God passed by. There was a great and mighty wind, splitting mountains and shattering rocks by the power of the Holy One; but God was not in the wind. After the wind—an earthquake; but God was not in the earthquake. After the earthquake — fire; but God was not in the fire. And after the fire—a *kol d'mamah dakah* – a still small voice."² This is the theology of God as Jiminy Cricket...quietly whispering into our ears about what is wrong and what is right and counseling us to choose wisely.

It is, perhaps, this understanding that prompted a wonderful member of our community to thoughtfully write to me following last week's reading of the Binding of Isaac and ask, "Do you think that the angel who stopped Abraham from sacrificing his son was actually his own conscience?" I love this interpretation because it suggests that God rewarded Abraham not for blind obedience to an unconscionable demand but rather for allowing his own conscience to inform him as to when to rightly disobey authority...even the authority of God.

Biblical scholar Nechamah Leibowitz suggests that the Biblical phrase most closely associated with the concept of a conscience is not the "still small voice" but rather the precise quality attributed to Abraham...*yirat Elohim* – fear of God. She writes that "whenever the phrase 'Thou shalt fear thy God,' is used, it refers to the conscience of

¹ Senator Ted Cruz's speech to the Republican National Convention, July 20, 2016

² I Kings 19:11-12

the individual.” For example, in the Holiness Code found in the book of Leviticus we read, “You shall not insult the deaf, or place a stumbling block before the blind. You shall fear your God...”³ Considering all the commandments in Torah that lack such warnings to fear God, why might such a charge appear here? Because, as Leibowitz has noted, the deaf are unable to hear the curses hurled at them, and the blind are not able to see who it is that placed the stumbling blocks in their paths. They, therefore, have no way to testify to these crimes against them in court leaving them with little, if any, legal recourse. If no law enforcement officer witnesses the crime first hand, the perpetrator – whose nefarious plans are undetectable – has only one deterrent to his crime...*yirat Elohim*. As Leibowitz observes, “only the individual conscience can know whether the action was committed in good or bad faith.”⁴

Perhaps an even more telling example is found in the Egyptian midwives named Shifra and Puah whom we meet at the outset of the Book of Exodus. Pharaoh had ordered the extermination of every male-born Israelite child, and yet these brave women secretly enabled the children to be born and to be saved. Their civil disobedience is attributed by Torah to the women’s *yirat Elohim*... because they feared God they were moved to recognize an unjust and discriminatory law in their land, forced to consider the consequences of their actions, and inspired to choose the wellbeing of the weak and disenfranchised over the violent whims of a tyrannical ruler. This is what having conscience and acting on it is all about, and this is no simple task.

Throughout the early 20th century, Switzerland prided itself on its hospitality to new immigrants and rightfully so as they had often offered sanctuary for the victims of war in neighboring nations. Yet, following Germany’s annexation of Austria in March of 1938, when terrorized displaced Jews began pouring across the Swiss border, the atmosphere shifted. A conference was held in Bern, Switzerland in August of that year to address the question of how to manage these refugees. The conference’s convener, Heinrich Rothmund, knew and appreciated the nation’s history of being a safe haven for the persecuted, saying, “The asylum tradition of our country is so firmly anchored that not only the Swiss citizen but every office that must deal with an individual refugee case is inclined to accept the person without reservations.”⁵ Yet, realities of the day overshadowed his initially magnanimous stance.

The Great Depression had stirred concerns among the Swiss citizenry of “foreign overpopulation” – code for “the new immigrants will take our jobs.” Following the conference, refugees with legitimate working papers but who looked Jewish were sent back to their countries of origin. “Can’t we close our borders better?”⁶ Zurich’s Chief of Police inquired at the Bern conference, and every attempt was made to do so. In order to make it simpler to pick out “non-Aryan” refugees, the Swiss government asked Germany to place a special mark on the border documents of Jews, and the Nazis happily agreed, stamping a large red “J” on their passports. As of August...any person

³ Leviticus 19:14

⁴ Leibowitz, Nechama. *Studies in Vayikra*, World Zionist Organization, New York, 1980, pp. 173-174

⁵ Independent Commission of Experts, *Switzerland and Refugees in the Nazi Era* (Bern, 1999), p. 45

⁶ Independent Commission of Experts, *Switzerland and Refugees in the Nazi Era* (Bern, 1999), p. 66

who traversed the Swiss border without proper papers was to be sent back to their country of origin – no matter how their lives may be threatened – without exception.

It was amid this atmosphere of intolerance and fear that Paul Grüninger, the commander of the state police in a town in northeast Switzerland along the Austrian border, arrived at work one day to find that he was under investigation and was not allowed into his office. He knew, immediately, the reason for his impending inglorious dismissal. See, Paul Grüninger had taken it upon himself to falsify documents for hundreds of Jews who had been caught sneaking over the border from Austria, providing them with “special permission” to stay in Switzerland.

Why? Why had Grüninger put himself and his family at risk by flagrantly disobeying the laws established at the conference in Bern which he, himself, had attended? He was not Jewish, nor were any of his immediate family or friends, and he had failed to speak out against other anti-Semitic acts of the state in the past. He was not a particularly learned man, nor was he excessively pious. It seems that what distinguished Paul Grüninger from hundreds of other bureaucrats like himself was that he allowed refugees to appear before him in his office. He saw them firsthand, witnessed their suffering, and could not send them back to a place that would surely greet them with destruction. In a letter to the Swiss government defending his actions, Grüninger wrote, “Whoever had the opportunity, as I had, to repeatedly witness the heartbreaking scenes of the people concerned, the screaming and crying of mothers and children, the threats [of] suicide and attempts to do it, could...ultimately not bear it anymore.”⁷ His fellow officers typically did not have such firsthand experience of those whose freedom they were denying. Unconfronted by the realities of their action – or inaction – their consciences did not need to be disturbed.⁸

This ought to give us pause. In what ways do we shield our own view of present day circumstances so that we can rest easier at night, unsullied by the harsh realities of those around us? How does living at a safe distance from the gun violence plaguing so many American communities blind us to the need to address that epidemic in thoughtful and serious ways? How does drone warfare – vastly expanded over the last several years - beneficial as it is for keeping our service men and women safe from harm – also desensitize members of our military to the lives of those on the screen before them...lives they never have to encounter firsthand? Can we really engage in thoughtful and productive conversation about the disparate ways our justice and law enforcement systems in this country are experienced by whites versus the ways they are experienced by Latino and African American populations if our communities never engage in direct dialogue with one another and we never share in one another’s experiences first hand? It is easy to silence our meddlesome conscience when we blind and deafen ourselves to those whose stories would rightfully evoke our empathy, concern, and action.

⁷ Richard Dindo, dir., *Grüninger’s Fall* (film), 1:05

⁸ The story of Paul Grüninger told here can be found in [Beautiful Souls: The Courage and Conscience of Ordinary People in Extraordinary Times](#), by Eyal Press, Farrar, Straus and Giroux, New York, 2012, Chapter 1.

According to the Pew Research Center, the civil war in Syria has now displaced 6 out of every 10 citizens from their homes.⁹ While most remain within Syria, millions have fled that nation for many of the very same reasons that Jews were streaming across the Swiss border in 1938. “Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!” reads our beloved Statue of Liberty, reflecting the great values of this noble nation.

Why then is our country 26th on the list of nations offering safe shelter to these refugees? Because of security risks? These individuals are already vetted with extraordinary care. The Cato Institute – far from a bleeding heart progressive think tank – has determined that “The chance of being murdered in a terrorist attack committed by a refugee is one in 3.4 *billion* a year.”¹⁰ That makes it far more likely that any one of us will be killed in an auto accident, in a swimming accident, being mauled by an animal, struck by lightning, or even killed by our televisions...not from watching them...from having them fall on us, than it is that we will be caused harm by one of these displaced refugees.¹¹

We are compelled, then, to confront our other misgivings about these homeless, nationless, people. Are we guilty of Islamophobia? Xenophobia? Or, are these souls simply invisible to us, and some part of us wants to keep it that way, for to see them and their humanity would render us responsible for their wellbeing? It turns out that an additional reason for Grüninger’s subversive saving of Jewish lives in 1938 was not because of his distaste for Switzerland, but because he believed so wholeheartedly in his nation’s greatness as a safe destination for those fleeing war-torn nations. For him, commitment to the values that made his country great in the first place outweighed his responsibility to what he viewed as present-day unjust policy. Can we say the same of our commitment to the core values emblazoned on our Statue of Liberty and encoded into the fabric of our great nation’s history?

To be sure, there are plenty of reasons to avoid engaging our conscience. Doing so is not only often uncomfortable, it can come at great personal risk. Just as Paul Grüninger learned firsthand. Author, Eyal Press notes, “Grüninger’s fall from grace was indeed swift and dramatic, a steep downward slide that took him from the company of foreign dignitaries to the cusp of poverty virtually overnight...[H]e applied for a license to open a pawnshop. The application was turned down. He was denied some of his retirement benefits. He was too proud to ask for handouts, but a disgraced police captain dogged

⁹ <http://www.pewresearch.org/fact-tank/2016/06/13/about-six-in-ten-syrians-are-now-displaced-from-their-homes/>

¹⁰ The Terrorism Risk of Asylum-Seekers and Refugees: The Minnesota, New York, and New Jersey Terrorist Attacks, by ALEX NOWRASTEH: <http://www.cato.org/blog/terrorism-risk-asylum-seekers-refugees-minnesota-new-york-new-jersey-terrorist-attacks>

¹¹ Statistics found at: <http://www.livescience.com/3780-odds-dying.html#topkillers> and <https://www.techjuice.pk/a-data-scientist-explains-odds-of-dying-in-a-terrorist-attack/> and <http://theantimedia.org/10-things-more-likely-to-kill-you-than-islamic-terror/>

by [false] rumors of corruption had predictably few employment prospects.” He and his family lost their home. He lived out the rest of his days in poverty.

Fortunately, Yad Vashem – the Holocaust memorial museum in Jerusalem – honored Grüniger by counting him as one of the Righteous Among the Nations one year before his death. His own nation failed to recognize his heroism until many years after his passing. It is always easier to recognize someone’s courage when their actions were in support of our victimhood and in protest of someone else’s wrongdoing. It is harder to see the nobility in the souls who are reminding us of the ways in which we have betrayed our own core principles and ethical values as we stand by in silence.

Allowing our conscience to be awakened, permitting ourselves to stand up against forces of tyranny and injustice, leaves us vulnerable. We may find ourselves alienated from others who do not share our courage or our views. To question our nation – or even our party of political affiliation – is to distance ourselves from the group that provides our sense of belonging and connection, leaving us existentially lonely. In other cases the dangers are even more dire...risking our comforts, our livelihood, or sometimes, even our lives.

Because the stakes are so very high, we want to see those who let conscience move them to action as extraordinary...almost superhuman. Yet, this is rarely the case, and doing so lets us off the hook far too easily. “Those people are exemplary human beings in every way,” we tell ourselves, “and I, I am but an average human being, so I can’t be held responsible for living up to their moral courage.” Arguing to the contrary, Rabbi Harold Schulweis concludes his book on conscience thusly: “The heroes of conscience do not wish to be idealized, nor should they be. To idealize the rescuers of the Holocaust, for example, sets them beyond the reach of ordinary men and women. To idealize them as superhuman agents places them beyond the reach of emulation. When altruists are lionized, ordinary people see themselves as hapless sheep. The perfect becomes the enemy of the good. Altruistic behavior of conscience is incremental, built step by step, precept by precept, line by line, act by act.”¹²

We are not hardwired from birth to be an upstander against evil or a bystander who passively acquiesces to the injustices of the day. We learn these behaviors from one another. We teach them to our children through our own behaviors. And we are more likely to heed our consciences and act on them when we do so in the company of others...the same reason that on this day of Yom Kippur we stand together to confess our sins. It helps to know that we are not alone in our pursuit of what is right and just.

Rabbi Schulweis calls our attention to the fact that, while there was no word for “conscience” in ancient Hebrew, modern Hebrew has created one...*matzpun*, “a term derived from the Hebrew *tzafun*, which connotes hiddenness. At the Passover seder, there is a concluding rite called *tzafun*...It signals the search for the larger part of the previously broken *matzah*. The breaking of the matzah, the search for the hidden matzah, and the eating of that matzah at the end of the meal have no benedictions.

¹² Schulweis, Rabbi Harold M., Conscience: The Duty to Obey and the Duty to Disobey, Jewish Lights Publishing, Woodstock, VT, 2008, p. 122

They are all acts done in silence. Modern Hebrew has similarly coined the word *matzpen*, meaning compass, a term derived from the same root as hiddenness. Homiletically [then], conscience may be understood as the hidden inner compass that guides our lives and must be searched for and recovered repeatedly. At no time more than our own is this need to retrieve the shards of broken conscience more urgent.”¹³

This year, we experienced the profound loss of Elie Wiesel. President Obama rightly described him as the “conscience of the world.” And so, I conclude with Wiesel’s own words. “Our obligation is to give meaning to life and in doing so to overcome the passive, indifferent life.”¹⁴ We will do honor to his memory if we let the shofar’s blast that has ushered in this new year of 5777 awaken conscience anew within each of us.

May we have the strength to open our eyes, ears, and hearts to those whose plight makes demands upon our souls, and may we find the courage to speak our conscience, to act our conscience, to live our conscience in this year ahead. Amen.

¹³ Ibid., p. 5

¹⁴ Life Magazine, THE MEANING OF LIFE - THE BIG PICTURE, December 1988