

Conscience and Law in the Good Society

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by

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I want to thank Arman Ariane and the California Zoroastrian Center for their kind invitation to speak today. It is indeed a great honour to be here, and I am happy to share my thoughts on conscience and law in the good society, especially with this Zoroastrian community, because it is first in Zarathushtra's ideas that this topic becomes meaningful.

As I listen to the day's news, I hear what we have all been hearing for the past several months. The news is not particularly good; these are deeply troubled times for our world. The truth is, in fact, we have not yet managed to build the good society, nor have we instilled conscience into the minds and hearts of humanity. We do have laws, lots of them, and yet often it seems the fabric of civilization is being held together by just a thread. We have made great advances over the centuries, with astonishing progress in science, engineering, technology, medicine, public health, agriculture, manufacturing, services, and transportation. Literature and the arts are flourishing; entertainment is incredibly abundant.

Yet, there are wars and threats of wars, famines, suffering and hardship, poverty and disease, arrogance and ignorance, outrage and damage to our environment, and not just in one or two places, but throughout much of the world. What is wrong?

Thankfully, there are some who try to do the right, who try to help through charity and advocacy. Their intentions are good and we commend their every effort. They must continue, and grow in numbers and strength, yet if we listen carefully to Zarathushtra's counsel, the virtuous few will not be enough.

Our time is not the only time civilization has been in trouble. Indeed, it has happened many times before. About 3,800 years ago, something that may have been like what we are experiencing now also happened. Settlements in Egypt, Mesopotamia, and the Indus Valley had grown and were flourishing, with commerce and trade interlinked. Quite suddenly, it turned into catastrophe. We

are not sure just what it was that first triggered it, but whatever it was ultimately brought out the worst in people.

The Indus Valley civilization collapsed entirely, never to recover. The great city of Ur fell, and never regained its prominence. In fact, the archaeologist who excavated Ur noted that every single building of that period was ravaged with the marks of war.¹ In peripheral areas less well-known to archaeology, we can only guess that the decline may have had even more devastating effects.

Following this, a period of lamentation poured out over the whole region. Above all else, it seems people had their first experience of the full wrath of their fellow human beings. For its day, it was perhaps something akin to an economic depression followed by a war the likes of which they had never seen before. The Soul of the Living World cried out to God, to Ahura Mazda, for help,² and in the East, in the land of Bactria, came Zarathushtra.

As we know from the *Gâthâs*, Zarathushtra was intensely troubled about the world around him, and had a great many questions for Ahura Mazda. After a period of deep meditation, Zarathushtra bursts forth with those answers that have been revealed to him. He says:

“I hope that through truth and righteousness I would enjoy the light of wisdom and a clear conscience, thus bringing comfort to the Soul of Creation”³

“Listen with your ears the highest truth, consider it with an open mind carefully and decide each man and woman personally between the two paths, good and evil.”⁴

“The wise will rightly choose good thoughts, but the unwise shall not do so and shall be misled in their life.”⁵

¹ cf. Frye, R. N., *The Heritage of Central Asia*, pp. 53-54; see also Woolley, C. W., *The Sumerians* (New York: Norton Library, 1965), pp. 168-169.

² cf. *The Ahunavaiti Gatha* (Council of Iranian Mobeds, 1995); *Yasna* 29:1. Though still a subject of some debate, the situation of a sudden, drastic decline described above and in note 1, the linguistic placement of the Gâthic Avestan language with the Vedic Sanskrit of the *Rg Veda*, the lamentation of this Gâthâ, and the settled lifestyle generally surmised in the Ahunavaiti Gâthâs, taken together are sufficient to logically place the historical Zarathushtra in this place and time in history.

³ *Yasna* 28:1.

⁴ *Yasna* 30:2.

⁵ *Yasna* 30:3.

Now, these phrases are not new to the Zoroastrian. To be sure, the language of the *Gâthâs*, Gâthic Avestan, is very difficult to translate. To those of us who are not even close to being linguists, the differences among translations can, at times, be most bewildering. Words like *vohu manu* and *shyaothnâ* have broad meanings that are not readily translated to English. But, we do have a word in English that fits rather well today with what Zarathushtra is saying. The sense of right or wrong in an individual or, put another way, that faculty, power, or principle in an individual, group, or nation that guides toward the right and away from the wrong, is called “conscience.”⁶ This is a modern dictionary definition of the word, and I will use it today in this sense.

Zarathushtra put individual freedom driven by conscience at the center of his doctrine. So have the foundational scriptures of every religion since. For some religions, the concept is subtle, often embedded within other ideas, while for others it is clear, but it can always be found if one looks hard enough.

Once the doctrine is accepted, then what? For most communities trying to pull together something worthwhile, many of the most obvious issues to be addressed usually boil down to ones involving social justice. Now, the Professor of Philosophy very well-known to this community, Dr. K. D. Irani, describes social justice in what I have come to regard as one of the most brilliant single sentences ever put in print. He says the “ideal condition is one in which no one’s happiness depends on the suffering of another.”⁷ Social justice is not another utopian dream; the quest for happiness stirs the human spirit like none other. Today, as a society, we are still very, very far from approaching that ideal. Some of the most obviously egregious offenses have been largely eliminated, such as slavery and caste, but there is still much to do. Many woeful attributes adversely affect our pursuit of happiness and social justice today. I think among the worst of offenders are greed and indifference, but there are many others. To sum up on the point, civilization needs to achieve the next level of social justice if it is to progress. Further, civilization must advance social justice on its current level to keep from devolving and regressing. We have no other choices if we want to keep a civil society.

So, now we have these two concepts: one, a fundamental principle that individuals are to make their own choices conscientiously preferring right over wrong; and, two, a goal for society that no one’s happiness shall depend on the suffering of another. What’s next? How do we put these into practice? Throughout history, we have usually looked to law to carry these ideas into action to build a just and good society.

⁶ Miriam-Webster Unabridged Dictionary (online at unabridged.merriam-webster.com)

⁷ Irani, K. D., *The Idea of Social Justice in the Ancient World* (Wesport, Connecticut: Greenwood Press, 1995), p. 5.

Especially in ancient times, but still in many societies today, law was generally believed to originate directly from the divine source. In early Zoroastrian civilization, for example, law was the expression of Ahura Mazda's divine will for the guidance of humankind.⁸ As priests were usually the most learned among ancient communities, they administered justice on a very wide array of topics. Later, lay persons were admitted to the practice, and soon there were lawyers. For a judge, knowledge of the law was absolutely essential, and because of righteous thinking, a high priest was typically declared the supreme arbiter of law. We know that then, as now, the outcome of legal transgressions usually involved some kind of punishment.

While the substance of many laws may be different today, the basic elements present in the Avestan Zoroastrian period, as well as other systems of ancient law, are largely the same basic elements in legal systems today. Progress has been made in many areas, most recently in the gradual development of restorative justice rather than retributive justice for certain crimes but, still, we recognize law as law.

Today, not only here in the United States, but worldwide, we have a lot of laws, mountains of laws, We have courts and judges and lawyers, the vast majority of whom are learned people. Indeed, some of the most intelligent and knowledgeable people in our communities practice law. I'm sure some are here with us today. Yet, civilization is not realizing its goal of social justice, that no one's happiness should depend on the suffering of another, we are not even close, nor is it reaching most other healthy goals necessary for humanity or our planet.

I contend that we have had thousands of years now for practice, and after thousands of years, it's not because we don't have law. It's not because we don't have enough law. It's not because the quality of law is inadequate. It's because law in the form familiar to us throughout history has taken us about as far as it will go. For civilization to progress further, we need to move to the next level. The eminent Dastur, Maneckji Nusservanji Dhalla, wrote in his wonderful book, "Our Perfecting World," a sentence in the last paragraph of his chapter on law and justice that reads: "A law-abiding people [...] cannot be raised up by the multiplication of statutes or by increasing severity of punishment, but by the development in each individual of an instinct for right thinking, and by rousing his conscience to promote right living."⁹

Dastur Dhalla is correct. It's not that law is somehow "bad." It isn't and, of course, we want law. Worse than our mountain of law, even if a mountain of

⁸ Dhalla, M. N., *Zoroastrian Civilization* (New York, Oxford University Press, 1922), p. 95 ff. [reprinted by the K. R. Cama Institute (Mumbai, 2000) through the beneficence of the Zartoshty Bros. (Faridoon & Mehraban) Fund.

⁹ Dhalla, M. N., *Our Perfecting World* (New York: Oxford University Press, 1930), p. 159.

imperfect law, is no law at all. Anarchy has no place whatsoever in this discussion. But what has happened to Zarathushtra's fundamental doctrine? What happened to conscience? Let's explore this further.

As we have said, Zarathushtra put individual freedom to act with good conscience at the center of his doctrine. The world around him was falling apart, so perhaps this was not the obvious answer, but it was the answer.

When ordinary people are able to apply this doctrine, they acquire wisdom. When wise people apply this doctrine, they acquire wisdom of a higher order. For everyone, there are many conscientious decisions of this kind to be made in the course of a single day. It can be a most taxing enterprise. So, wise people put their heads together and consider the most obvious of these decisions and agree on the outcome. With the conscience of wise people in agreement, seedlings for law are planted. It's a process well-intentioned to provide protection and order in the good society. It keeps members of society from having to contemplate every single decision.

But as the volume of law becomes large and its details more complex, people gradually stop using their conscience in making most everyday decisions. Someone has already told them how to think, how to speak, and how to act. In time, wise people are no longer making the laws; wisdom is replaced by the cleverness. Many people begin to merely follow the law without ever exercising their conscience. In the worst case, people follow the law just because the law says to follow it. People lose their self-reliance, and come to depend on law to ensure their safety, security, and happiness. Law alone cannot do that.

Law without conscience is empty. Law without conscience gives fruit to nothing. We are here today in the United States, a nation founded on the best principles of law, and yet it has become one of the most violent of nations. Without conscience, people do not understand the law, do not follow the law, and do not fulfill the purpose of law which is to build the good society. Zarathushtra knew that, which is why he arrived at the conclusion he did.

It matters little whether the law is religious or secular. Most religions believe their law is God's law. Now, there are some significant differences among the laws of different religions. It can only mean they worship different gods, or that God's mind changes frequently, or that perhaps somebody's transmission of the laws came out wrong, but we cannot get into that discussion today.

Following religious law blindly, without the slightest hint of conscience, is the absolute lowest level of religious observance. It may lead to suicide bombings and other atrocities filled with hatred, ignorance and fear. Yet any virtuous body of religious law, exercised at an individual level with conscience and with good mind among its followers, can lead to happiness and peace.

People blindly following the law leads to a civilization that cannot see where it is going. Rather, conscience must be developed within the hearts and minds of every individual to create the good society. How do we do that? Well, we have almost forgotten how. Let's analyze conscience one step at a time.

First, conscience is not inherited. We are born with the ability to develop conscience, but DNA, the universal genetic material of all life, codes only for proteins, not for conscience. Moreover, development of conscience is indifferent to gender, race, religion, economic class, and so on.

Second, conscience may be shaped by one's environment – by family, school, and cultural influences. Its development is likely to begin at a very early age, and we can expect that conscience will be positively encouraged in an atmosphere that values its development.

Third, conscience is a higher faculty of mind, not an emotion. Like many other faculties of mind, conscience is something that must be developed. For example, people are born with the ability to learn language, but none of us knows a language on the day we are born. Each of us must develop that ability. Even with a first language, it may take a lifetime to truly master it and, even then, we may find that our vocabulary remains quite limited, or that we are sometimes lacking in our grammar. It takes time and practice and discipline. So it is with conscience.

Fourth, conscience is not the prerogative of those with high intellect, or of those with access to vast libraries of conventional knowledge. We have the highest level of knowledge the world has ever seen. We live in the Information Age, where enormous volumes of information are just a few keystrokes away on the computer. Yet, conscience has never required a computer, or the latest software, a library of data, or an encyclopaedic knowledge of anything.

If development of conscience seems a bit perplexing, you are correct. When was the last time we set aside some time with the express purpose to further develop our conscience? Did we try for an hour today? Five minutes today? Five minutes this week? Maybe we've never set aside any time to do this? It is not something that is a point of focus in most people's lives. Most people tend to approach it haphazardly, and with the results we might expect.

Do we know how to do it? Do we really know how to develop conscience? We have bits and pieces, but there is no established program. Do we need a program? With our busy lives today, yes, we could probably benefit from some kind of time set aside for this rather than none at all, especially given that the advance of civilization depends on it. I don't have all the answers today, not even close, but I will let you know how I see it, and perhaps that will serve as a starting point.

Certainly a clear mind is helpful, and we know that meditation can help with that. Deep meditation is something Zarathushtra¹⁰ and other prophets and teachers engaged in and, today, meditation is highly recommended anyway to relieve stress. Although meditating is not the same as developing our conscience, we should start there.

Once we can function with a clear mind, then we can proceed to develop our conscience further. I like to think of the development of conscience somewhat metaphorically. In Japan, the samurai developed a very disciplined, systematic way of learning swordmanship called *shinkendo*.¹¹ A novice began the practice with a *bokuto*, a wooden sword. Once the motions became instinctive, which could take a great deal of time, the wooden sword was then used to cut pieces of bamboo. After perhaps many years, the student then moved on to a steel sword (the long version was called *katana*). It needed to be honed to great precision and, then, the sharpened instrument also needed to be practiced further, called *tameshigiri*. Only after considerable practice with the sharpened steel sword was the graduate ready for *kenjutsu*, the use of the sword in actual combat.

When we develop our conscience, we are also training our minds to fight – not to kill a human enemy, but to deflect evil ideas from our midst. In this way, the best solution, the good solution to our problem, becomes clear. It is what Zarathushtra did so long ago, followed by Buddha, Jesus of Nazareth, and many others. And we won't need to worry about the law, because when conscience is developed, the law will take care of itself.

In his book, “The Light of Ancient Persia,” published in 1923, Manecki Pithawalla recounts that Zarathushtra's experience is “not a heaven-sent Book of Revelation from the skies directly like rain. His inherent powers are remarkably developed by himself, and he lifts his spirit so high and to such an extent that he is able to hear the voice of God. For God does speak to such sensitive souls as are able to hear him.”¹²

In Yasna 31, vv. 8-9, Zarathushtra says:

“O, God of Life and Wisdom, when I realized you in my mind as the First and the Last of Creation, then I found with my inner sight – conscience – that you are the father of Vohuman – the good mind, the Creator of Truth and the Supreme Judge who justifies the actions of all living beings.

¹⁰ Pithwalla, Maneck. The Light of Ancient Persia (Madras: Theosophical Publishing House, 1923), p.30. (Reprinted in the United States by Kessinger Publishing)

¹¹ cf. Obata, Toshishiro “Shinkendo: Japanese Swordsmanship” (San Gabriel, California: International Shinkendo Foundation, 1999), for a considerably more detailed description of history and discipline of *shinkendo*.

¹² *op cit.*, p. 31.

You gave us Armaiti – serenity, and faith; You had the wisdom of creating the world. O, Ahura Mazda, you have granted to living beings the power to choose the path of good or evil. Let me be the person who leads and makes mankind follow that True Path.”

My friends, it has been nearly 3,800 years since Zarathushtra shared his experience with the world. Now, we can begin to look optimistically toward the vision of Zarathushtra’s good society. In 1991, Dr. Farhang Mehr first published “The Zoroastrian Tradition,” and its last chapter is devoted to *Frash-Kreti*, or Refreshment of our world – the final triumph of goodness as seen in the *Gâthâs* and later works.¹³ The book is essential reading, especially this chapter, because the Refreshment of the world is coming. And because the Refreshment is coming, first, we must plant the seeds of conscience in every human being, especially among our children. They must have the opportunity to begin to share a world different than the one we have now. What passes as conscience now comes too cheaply, too easily, without effort. We must have the courage to allow them to develop their conscience far beyond what we ourselves might possess.

These lessons all begin with Zarathushtra. Today, the Zoroastrian community is still the keeper of the flame, so it is in a unique position to help the rest of society. It does little good to keep its knowledge locked away in here, but it can help from here – radiant and bright. Find what works to develop conscience, and encourage other faiths and institutions to do the same. Give children time to practice, developing and using their conscience. Then, when they need it most, they will be fully prepared. It will not come overnight, it will take many generations, but it cannot come too soon. It will come because it is inevitable.

As I said at the beginning of this talk, civilization seems to be on edge right now, but the real fight is very, very close to home. It is where it has always been. It is in our minds, and we must all work together now for the final triumph of goodness. Thank you.

¹³ Mehr, F., “The Zoroastrian Tradition: An Introduction to the Ancient Wisdom of Zarathushtra (Rockport, Massachusetts: Element Inc, 1991), p. 113 *ff.*

Acknowledgments

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