

Plan of the Lecture:

1. Intro—personal recollections
2. Short biographical
3. Philo-Judaeus
4. Philosophy of Purpose
5. In His Image
6. Conclusion

5. From My Review of In His Image, in Tradition Spring 1962

Dr. B's major premises:

- 1) "It is in the Halakhah, therefore, that the philosophy of Judaism is to be sought." (Limits himself to the philosophy of man.)
- 2) Sanctity of the human personality derives from God's creation of man "in His image."
- 3) Judaism is a "democratic theocracy." "In Judaism," tells us, "the recognition of the *demos*, the individual and the infinite worth of his personality, are but the necessary outgrowth of the acceptance of God's *theos* (rulership), a relationship succinctly summed up in the phrase 'democratic theocracy.' By "theocracy," Dr. Belkin, like Josephus, does not intend a hierarchy ruled by a High Priest. On the contrary, it implies that only God is infallible and that, therefore, for instance even the High Priest must publicly confess his sins on Yom Kippur.

God as sole Possessor implies that no human being can claim complete and unequivocal ownership of another human. Thus Pharisees, as opposed to the Saducees, did not hold the master responsible for damages caused by his slave:

אומרים צדוקין קובלין אנו עליכם פרושים, שאתם אומרים שורי וחמורי שהזיקו חייבין, ועבדי ואמתי שהזיקו פטורין; מה אם שורי וחמורי שאיני חייב בהם מצות הרי אני חייב בנזקן, עבדי ואמתי שאני חייב בהן מצות אינו דין שאהא חייב בנזקן אמרו להם לא, אם אמדתם בשורי וחמורי שאין בהם דעת, תאמרו בעבדי ובאמתי שיש בהם דעת-- שאם אקניטם ילך וידליק גדישו של אחד ואהא חייב לשלם (-משנה ידים פ"ד מ"ז)

Thus, Pharisees denied that any one man can be so completely owned by another as to be totally subject to him and bereft of his own will and responsibility. This is a major principle of the sacredness of the human personality. Here, importantly, Dr. B. reminds us that the Rabbis discussed issues on their own merits and did not articulate halakhic opinions merely to disguise their vested interests or advance pet economic theories. Dr. B. opposes the socio-economic approach of the contemporary practitioners of *Wissenschaft des Judentums*, with its implied rigorous determinism. The Rabbis, he avers, really meant what they said, and that they took ideas *qua* ideas quite seriously. Thus, Dr. B. writes:

Whatever may be said of the Pharisees, they certainly did not constitute the wealthier portion of the community, nor were their views and decisions shaped by a desire to protect "vested interests." Their refusal to hold a master responsible for his slaves' actions, therefore, was not directed by economic considerations. The opinion of the Pharisees can be understood only in the light of their concept of the sacredness of the human personality

Same theory governs the relationships of parents and children and employers and employees. More interestingly, also denies to a man any claim to exclusive possession of his self.

Similarly, he points out that anyone who kills an *חייב מיתה* עבד כנעני. Because the *קנין הגוף* refers only to right of service.

That is why Maimonides rules that just as one must submit to martyrdom rather than transgress any of the three cardinal sins, so is one forbidden to yield his life in order to avoid violating any of the other commandments. (I would add the explanation of RaDBAZ why self-incriminating testimony is

unacceptable in a Jewish court.) Man, is not the ultimate master of his own body and hence cannot, by his own testimony, yield it to death, or to corporal punishment.

In sum, Dr. B. "is a master of halakhic learning. He knows his material thoroughly, intuitively its hidden philosophic resources, and has the capacity to charm them out of their legal idiom." I wrote that in 1962 and still believe it today with equal conviction.