

Jewish Political Thought #1

Power - The King

Introductory Notes:

- Course Structure. Parshat Shoftim And The Division Of Powers
- The Nature Of Politics? Aristotle Vs. Thomas Hobbes

Today's Class.

Our first class focuses on the Torah and Judaism's basic relationship to politics and institutions of power. In the Bible, the most basic manifestation of political power is the monarchy. We will examine the idea of monarchy in a number of stages. Firstly at the Biblical level in its presentation both in theory (Devarim ch.17) and in practice (Shmuel I, Ch.8 and 9). Secondly, we will examine how medieval thinkers during the golden age of Jewish philosophy understood monarchy specifically and politics more broadly. We will see that a number of models were proposed all of which understand the relationship between religion and politics differently from one another.

The Commandment to appoint a king Devarim Ch.17:14-20

How is the commandment to appoint a king presented (verses 14 and 15)? Do we get the sense that this is the ultimate achievement and aspiration of the Torah, or one of the range of mitzvot that God commands Israel, or perhaps just an accommodation to human need? Which phrases in the text appear to capture best capture its nature? See the excerpt from **Talmud Bavli, Sanhedrin 20b** below.

Leaving aside the above questions, what are we to make of the restrictions placed on the Israelite king (vs.16-20)? How do they contribute to our overall understanding of the institution of kingship in Israel?

Consider the following questions both with your own thoughts and with the aid of the sources quoted below.

- What purpose does the king serve? What are his minimal and his maximal roles?
- What particular problem is posed by the concept of a *Jewish* king as opposed to the idea of kings per se? In considering this last idea it is worth noting that from the book of Bereishit onwards the *Tanakh* is aware of gentile kings, but it is not until a relatively late stage in Biblical history - the book of Shmuel - that kingship in Israel becomes a reality. In this regard it is worth considering the Bible's relationship to the Egyptian monarchy of the Pharaoh's. See Yehezkel (Ezekiel) 29:9 below.

Two episodes in the book of Shoftim (Judges) capture both the attractions and dangers of kingship:

- In response to his successful leadership, the people propose to Gidon a sort of monarchical system with him and his descendants at the helm. His rejections - and his reasons for it - are forceful. See **Shoftim 8:23**
- The final chapters of Shoftim describe the political and moral anarchy of Israel at that time, with the three final stories of the book each having at their heart one of the cardinal sins. Ch.17 focuses on Micha's idol, ch.18 on the rape of an innocent woman, and ch.19-21 on the bloodshed of civil war. Throughout these stories, we are given the impression that *it is the absence of a King* which has led to this situation. See **17:6, 21:25**; and see also **18:1, 19:1**

Did the Talmud think there was a mitzvah to appoint a King?

Tamud Bavli, Sanhedrin 20b כ עמוד ב

רבי יוסי אומר: כל האמור בפרשת מלך - מלך מותר בו, רבי יהודה אומר: לא נאמרה פרשה זו אלא כדי לאיים עליהם, שנאמר שום תשים עליך מלך - שתהא אימתו עליך. וכן היה רבי יהודה אומר: שלש מצות נצטוו ישראל בכניסתן לארץ: להעמיד להם מלך, ולהכרית זרעו של עמלק, ולבנות להם בית הבחירה. רבי נהוראי אומר: לא נאמרה פרשה זו אלא כנגד תרעומתן, שנאמר ואמרת אשימה עלי מלך וגו'.

תניא, רבי אליעזר אומר: זקנים שבדור - כהוגן שאלו, שנאמר תנה לנו מלך לשפטנו, אבל עמי הארץ שבהן קלקלו, שנאמר והיינו גם אנחנו ככל הגוים ושפטנו מלכנו ויצא לפנינו.

R' Yossi said: all that is said in the chapter of the king - is permitted to him. R' Yehuda said: this chapter was said in order to instill fear in the people... that the fear of the king should be upon them

And thus Rabbi Yehuda said: Three commandments were given to Israel when they entered the land: to appoint a king, to cut off the seed of Amalek, and to build themselves the chosen house.

Rabbi Nehorai said: This section was spoken only in anticipation of their future murmurings, as it is written: "And you shall say, I will set a king over me etc."

It was taught in a *beraita*: Rabbi Eliezer said, the elders of that generation asked properly when they said, 'give us a king to judge us', but the people corrupted the proposition by saying, 'and we shall be like all the nations, and our king shall judge us and go out before us'.

Ezekiel 29:9 כט

(ט) וְהִיְתָה אֶרֶץ־מִצְרַיִם לְשִׁמְמָה וְחֲרָבָה וַיֵּדְעוּ כִּי־אֲנִי יְקֹוֹק יְעֹן אָמַר יְהוָה לִי וְאֲנִי עָשִׂיתִי:

And the land of Egypt shall be desolate and waste, and they shall know that I am Hashem, because he (Pharoah) has said: the river is mine and I have made it.

The Request To Appoint A King in Sefer Shmuel - Chapters 8 and 9

The most important book in the Bible for addressing our question is undoubtedly the book of Shmuel (Samuel). Hundreds of years after entering the land in the time of Yehoshua, the people turn to the prophet Shmuel and request a king. Although Shmuel is firmly opposed to it - and indeed Hashem appears to be as well - the request is eventually granted.

Questions to consider as you read carefully through ch.8 of Shmuel I.

- How do we understand the nature of the people's request? Look at verses 5 and 20 to pick up on a particular phrase.
- If Hashem is opposed to the appointment of a king why does he finally grant it (vs.7-9)?
- Verses 11-18 - one of the greatest republican speeches of all time. How does Shmuel appear to be reading Devarim ch.17 and in what way does he appear to highlight the specific danger of monarchy?

In ch.9 we meet Shaul, the man who - much to his surprise - will become the first king of Israel.

Focus primarily on verses 1-17.

- What do we notice about Shaul's personality?
- In contrast to the previous chapter, we get a far more positive sense of the potential of kingship. What appear to be Shaul's inherent qualities?
- The above point notwithstanding, can you detect any misgivings or drawbacks about Shaul's leadership qualities?

Additional Sources for Shaul's Search For The Donkeys - Shmuel I, Ch.9

Of Horses and Donkeys

Horses: Shemot 14:19, 23, and 15:1, Yishayahu 31:1, Yehoshua 11:6,

Donkeys: Bereishit 22:5, Shemot 4:20, Zekharya 9:9-10

Pirkei D'Rebbi Eliezer, Ch.31

"And Moshe took his wife and his sons, and set them upon a donkey": "Avraham rose up early in the morning, and he took with him Yishmael, and Eliezer, and Yitzchak his son, and he saddled the donkey. Upon this donkey did Avraham ride. This was the donkey, the offspring of that donkey which was created during the twilight, as it is said: 'And Avraham rose early in the morning, and saddled his donkey.' The same donkey was also ridden upon by Moshe when he came to Egypt, as it is said: 'And Moshe took his wife and his sons, and set them upon the donkey' (*Shemot* 4:20). This same donkey will be ridden upon in the future by the son of David, as it is said: 'Rejoice greatly, O daughter of Zion; shout, o daughter of Jerusalem; behold, your king comes unto you: he is just, and saved; lowly, and riding upon a donkey' (*Zekharya* 9:9)

תלמוד בבלי מסכת ברכות דף מח עמוד ב Shaul and Women – Berakhot 48b

וכל כך למה? לפי שהנשים דברניות הן. ושמואל אמר: כדי להסתכל ביפיו של שאול, דכתיב: משכמו ומעלה גבה מכל העם

Why did they make such a long story of it? Because women are fond of talking. Shmuel said: It was so that they might feast their eyes on Shaul's good looks, since it is written: 'From his shoulders and upward he was higher than any of the people' (I *Shmuel* 9:2).

Classical Sources on the Appointment of a King

Three models for religion and politics: To Reject, To Sanctify, To Relativize

Questions to guide your reading:

The first model - politics as basic necessity: Is this simply a restatement (actually an earlier version) of the Hobbesian approach we first described where politics is necessary in order to guarantee human survival? Or is there a particularly Jewish twist?

The second model -rejection: This model was most famously and forcefully articulated by Don Yitzchak Abrabanel - a man who knew the realities of worldly politics. Is it simply kingship that he, and others such as Rabbi Ovadia Seforno, are rejecting or is there a wholesale rejection of politics? On what basis does Abrabanel justify his preference for the Republican and quasi-democratic politics of medieval Italy, and how does this tally with the idea that all politics is a rejection of God?

I. Politics As A Relative Good

Mishneh Pirkei Avot 2:3 ב משנה ג

רבי חנינא סגן הכהנים אומר הוי מתפלל בשלומה של מלכות שאלמלא מוראה איש את רעהו חיים בלעו
Rabbi Hanina the deputy of the priests would say, 'one should pray for the welfare of the state, for were it not for the fear of it **each man would swallow his fellow alive**'.

תהלים פרק קכד Psalm 124

(א) שִׁיר הַמַּעֲלוֹת לְדָוִד לְלוֹי יִקְוֶה שְׁהִיָּה לָנוּ יְיָ אֱלֹהֵינוּ אֲדָם:
(ב) לֹלֵי יִקְוֶה שְׁהִיָּה לָנוּ יְיָ אֱלֹהֵינוּ אֲדָם:
(ג) אֲזִי חַיִּים בְּלַעֲנוּ בְּחַרֹּת אֶפֶס בָּנוּ: (ד) אֲזִי הַיָּמִים שִׁטְפוּנוּ זָחֵלָה עֲבַר עַל-נַפְשֵׁנוּ:

A song of ascents by David. If the Lord had not been with us, let Israel say: If the LORD had not been on our side when people attacked us, **they would have swallowed us alive**, when their anger flared against us; the flood would have engulfed us, the torrent would have swept over us

Commentary of Rabbi Menachem HaMeiri (1249–1315, Provence) to Avot 2:3

רבי חנינא סגן הכהנים אומר כו' אחר שהזהירו הנה בכבוד החכמים ומוראם הודיע זה החכם דצריך לצרף כבוד השלטונים ומוראם ולהוסיף בה עד שיתפלל בשלומם שהנהגת בני אדם אמנם היא חלוקה לשני חלקין הנהגה

תורת והיא המסורה לחכמים והנהגה מדינית והיא המסורה לשלטונים ולשופטים וכשתחסר הנהגת החכמים אמנם לא תחסר הנהגת המדינית בכך אבל כשיחסר המדינית יחסרו שתיהן דכל שאין שם מוראת מלכות כל אחד מתיירא מחברו להנכל ולהתגולל עליו וכל זמנו יבהלוהו טרדותיו בהשתדלות הצלתו והוא שהפליג בו להתפלל עליה ולא סוף דבר במלכות ישראל אלא אפילו בשל אומות העולם שהרי אפילו התורה רמזה לנו בהקרבת ע' פרים של חג ודרשו בו כנגד ע' אומות

After the Mishna has informed us of the necessary respect for the sages, this sage teaches us that we must also respect and fear the ruling authority to the extent that we pray for their welfare. For the necessary leadership of society is twofold: the religious (*Toranit*) leadership which is given to the sages, and the political leadership which is given to the political authority. And although the latter can exist without the former, the former cannot exist without the latter.

For in any place where there is not the fear of the authority, each man is fearful of his fellow that he will take advantage of him and overpower him. And all of one's effort is taken up with fear and the effort of self-preservation... And this was said not only regarding a Jewish polity yet also about those of other nations. And at this does the Torah hint regarding the seventy sacrifices of the festival which is explain to mean, in correspondence with the seventy nations of the world.

II. The Rejection of the Political

Maharal of Prague, 1526–1609, *The Well of the Exile*

Every religion on earth, by the very fact that it involves accepting the edict of the King of Kings, is inherently at odds with a flesh and blood monarch for if a flesh and blood king decrees something against the religion, his command is not honoured, in deference to that of the King of kings. The result is the nullification of the human king's royal decree... the observance of religion, which is the decree of the Supreme King, removes human beings from the jurisdiction of flesh and blood kings.

Rabbi Ovadiah Sforno, Italy 1480–1550, Commentary on Devarim 17:14

אשימה עלי מלך ככל הגוים. שתהיה המלכות לו ולזרעו לא כענין השופטים שהיה השופט מולך הוא בלבד אבל לא זרעו אחריו. ועל מנוי שופט למלך בזה האופן נצטוו בביאתם לארץ כאמרו ולא תהיה עדת ה' כצאן אשר אין להם רועה (במדבר כז, יז). אמנם שיהיה כמלכי הגוים מחזיק במלכות הוא וזרעו נמאס אצל האל יתברך. אבל צוה שכאשר יקשו ערפם להעמיד להם מלך בזה האופן, לא יבחרו אלא אדם כשר שיבחר בו ה' (פסוק טו), ולא יעביר ישראל על דת, ושלא יהיה איש נכרי (שם), אף על פי שיהיה אדם כשר, ואף על פי שיהיה גבור ואיש מלחמה. וכאשר חטאו בשאלת המלך שימלוך הוא וזרעו ככל הגוים (שמואל - א ח, ה), היה העונש עליהם בתקלות הקורות להמון בשביל המלך כאמרו וצעקתם ביום ההוא מפני מלככם אשר בחרתם לכם, ולא יענה ה' אתכם ביום ההוא (שם שם פסוק יח), וכאמרו אתן לך מלך באפי, ואקח בעברתי (הושע יג, יא). והיה הרשות במנוי המלך כמו שהיה הרשות ביפת תואר, אשר רמז שסופו לשנאתה ולהוליד ממנה בן סורר ומורה, כמו שקרא לדוד בדבר אבשלום:

I will set a king over me, like all the nations around me (Devarim 17:14). With the intent that the monarchy should be his descendants prerogative as well as his own, unlike the case of the judges who ruled on an individual basis only, without passing their sovereignty on to their descendants. The

people of Israel were commanded to appoint themselves a judge as king in this fashion upon their entry into the land, as it is written, *That the congregation of the Lord be not as sheep without a shepherd* (Bamidbar 27:17). Yet for the king to be a hereditary monarch after the manner of the gentile nations was abhorrent to the Lord; nevertheless he decreed that when the time came and they stiffened their necks to establish this type of king, they should choose only that individual designated by God, one who would not lead the people of Israel to sin against their religion, and who was not a gentile, however honourable or great a warrior.

Once Israel had transgressed by seeking such a monarch like all the gentile nations, they incurred all of the hazards accruing to a people from a king in punishment, as it is written, *You shall cry out in that day because of your king who you have chosen, and the Lord will not answer you on that day* (Shmuel 8:18)...

Permission was extended to appoint a king in the same way that it was extended to take capture a beautiful woman in wartime, who is implicitly destined to be despised by her husband and to bear him a rebellious son as happened to David in the case of Avshalom.

Don Yitzhak Abrabanel (Spain/Portugal 15th C), Commentary to Shmuel I, Ch.8

Look around and observe the countries ruled by kings, notice their idolatry and abominations. Each king does exactly as he sees fit, and the earth is full of violence on their account. And who can tell him what to do? While at present we see the cities of Venice, Florence, Genoa, Siena and Bologna, along with other cities, that are not ruled by kings, but rather by a leadership of people who are chosen for a fixed term. In those honest countries there is nothing crooked or perverse.

Why shouldn't any government be temporary, from year to year, more or less? When the turn of other officers came, they would take their place and examine whether their predecessors had betrayed their trust... And why shouldn't their prerogatives be limited and ordered according to law? It is more likely that an individual ruler will sin and transgress, whether through stupidity, desire or anger, than that many people will transgress when they are jointly appointed rulers. For if one of these should transgress, the others will protest. Since they are destined to give an account of their behaviour, they will be fearful of other people... Even if the king were wholly righteous, a government of many wholly righteous people would be preferable.

III. The Sanctification of the Political

רמב"ם הלכות מלכים פרק א 1, Ch.1, Laws of Kings, Maimonides (1138–1204 Spain, Egypt)

הלכה א: שלש מצות נצטוו ישראל בשעת כניסתן לארץ, למנות להם מלך שנאמר שום תשים עליך מלך, ולהכרית זרעו של עמלק שנאמר תמחה את זכר עמלק, ולבנות בית הבחירה שנאמר לשכנו תדרשו ובאת שמה.

Israel were commanded three *mitzvot* upon entry into the land: to appoint a king, as is said 'you shall place a king upon yourselves', to wipe out the descendants of Amalek... and to build the Temple

הלכה ג: אין מעמידין מלך בתחילה אלא על פי בית דין של שבעים זקנים ועל פי נביא, כיהושע שמינהו משה רבינו ובית דינו, וכשאלו ודוד שמינם שמואל הרמתי ובית דינו.

A king is initially appointed only by a court of seventy elders and by a prophet, as we see with Yehoshua that he was appointed by Mosheh and his court, and as Shaul and David were appointed by Shmuel and his court.

רמב"ם הלכות מלכים פרק ד הלכה י 10:4, Laws of Kings, Maimonides

כל הארץ שכובש הרי היא שלו ונותן לעבדיו ולאנשי המלחמה כפי מה שירצה, ומניח לעצמו כפי מה שירצה, ובכל אלו הדברים דינו דין, ובכל יהיו מעשיו לשם שמים, ותהיה מגמתו ומחשבתו להרים דת האמת, ולמלאות העולם צדק, ולשבור זרוע הרשעים ולהלחם מלחמות ה', שאין ממליכין מלך תחלה אלא לעשות משפט ומלחמות, שנאמר ושפטנו מלכנו ויצא לפנינו ונלחם את מלחמותינו.

... And in all of these matters his word is law. But in whatever he does, his intentions shall only be for the sake of heaven, and his sole aim and thought shall be to uplift the true religion, and to fill the world with justice, to break the arm of the wicked and to fight the battles of the Lord. The prime reason for appointing a king was that he execute judgement and wage war, as it is written: *And that our king may judge us, and go out before us, and fight our battles*

רמב"ם הלכות מלכים פרק יא 1,3,4 (The Messianic Era), Ch.11: 1,3,4, Laws of Kings, Maimonides

המלך המשיח עתיד לעמוד ולהחזיר מלכות דוד ליושנה לממשלה הראשונה, ובונה המקדש ומקבץ נדחי ישראל, וחוזרין כל המשפטים בימיו כשהיו מקודם, מקריבין קרבנות, ועושין שמטין ויובלות ככל מצותה האמורה בתורה. The King Messiah will arise and restore the Kingdom of David to its former state and original sovereignty. He will rebuild the sanctuary and gather the dispersed of Israel. All the ancient laws will be reinstated in his days; sacrifices will again be offered; the Sabbatical and Jubilee years will again be observed in accordance with the commandments set forth in the Law...

ואל יעלה על דעתך שהמלך המשיח צריך לעשות אותות ומופתים ומחדש דברים בעולם או מחיה מתים וכיוצא בדברים אלו, אין הדבר כך

Do not think that the King Messiah will have to perform signs and wonders, bring anything new into being, revive the dead, or do similar things (as the fools claim) it is not so...

ואם יעמוד מלך מבית דוד הוגה בתורה ועוסק במצוות כדוד אביו, כפי תורה שבכתב ושבעל פה, ויכוף כל ישראל לילך בה ולחזק בדקה, וילחם מלחמות ה', הרי זה בחזקת שהוא משיח, אם עשה והצליח ונצח כל האומות שסביבו ובנה מקדש במקומו וקבץ נדחי ישראל הרי זה משיח בודאי. ואם לא הצליח עד כה או נהרג בידוע שאינו זה שהבטיחה עליו תורה והרי הוא ככל מלכי בית דוד השלמים הכשרים שמתו.

If there arise a king from the House of David who meditates on the Torah, occupies himself with the commandments, as did his ancestor David, observes the precepts prescribed in the Written and Oral Law, prevails upon Israel to walk in the way of the Torah, and to repair its breaches, and fights the battles of the Lord, it may be assumed that he is the Messiah. If he does these things and succeeds, rebuilds the sanctuary on its site, and gathers the dispersed of Israel, he is beyond all doubt the Messiah. Yet so long as he has not succeeded, or in the event that he is killed, he is manifestly not the one concerning whom the Torah has prophesied. Rather he is considered to be as any other of the perfect and legitimate kings of the House of David who are deceased...

He will prepare the whole world to serve the Lord with one accord, as is written: *For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord to serve Him with one consent* (Tzeephania 3:9)