

Parashat Shoftim: The King's Powers - Or Lack Thereof
Rabbi Eliot Malomet August 19, 2023 2 Elul 5783

<p>כִּי־תָבֹא אֶל־הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ וּרְשָׁתָהּ וַיִּשְׁכַּתָּהּ בָּהּ וְאָמַרְתָּ אֲשֵׁמָה עָלַי מֶלֶךְ כָּכָל־הַגּוֹיִם אֲשֶׁר סְבִיבֹתַי:</p>	<p>When you enter the land <i>that the Lord your God is giving you,</i> <i>and you possess it and settle in it,</i> <i>should you say: I will set over me a</i> <i>king like all the nations that are</i> <i>around me—</i></p>
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The rules relating to the monarchy are some of most fascinating quasi-constitutional rules in the biblical tradition. Who gets to be the king? What role does the king play? What power does the king have? How does the Israelite king differ (in theory) from kings of other nations? Israeli philosopher Micah Goodman discusses many of these questions in his newly published book, *The Last Words of Moses* (translated from the Hebrew original, *הַנְּאֻמִּים הָאַחֲרוֹן שֶׁל מֹשֶׁה*). These comments are largely based on his work. § **When you enter the land.** The first thing we should note is that the establishment of a monarchy is supposed to occur after the entry, conquest, and settlement of the land. Why is this important? Because it means that the king is **not** the founder of the nation. And here are some other distinctions that flow from this chronology:

OTHER NATIONS	ISRAEL
The king is the founder of the nation.	The king is not the founder of the nation.
A mythology develops around the king.	No mythology develops around the king.
Example: Romulus is the founder of Rome is its first legendary king. Raised with his brother Remus by a she-wolf. (Talk about mythology!)	Example: Saul is Israel's first king. Chosen centuries after the origin stories of the people. A simple farmer and member of Benjamin. (Normal)
The king is the center of power.	The king is not the center of power.
The king establishes subordinate systems and designated officials to execute power.	Non-royal systems of power, such as Elders, pre-exist the king, and operate even after the monarchy is established.
No checks on royal power. All power is centered in the monarchy.	Legitimate checks on royal power are essential pre-requisites to a monarchy.
A strong central dictatorial regime where the king has power over the people.	A weak monarchy, in which the people are able to exert power over the king.

The ancient monarch anticipates the modern dictatorship. Kim Il Sung (Korea), Muamar Gaddafi (Libya), Saddam Hussein (Iraq), Hafez Assad (Syria) established themselves as "founders" of their nations. They created cults of personality and developed almost total unchecked power. Their peoples erected colossal monuments in their honor, and situated their biographies as central to their nations.

<p>שׁוּם תִּשֶׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ מִקְרֵב אֶחָיִךְ תִּשֶׂים עָלֶיךָ מֶלֶךְ לֹא תוֹכִל לָתֵת עָלֶיךָ אִישׁ נָכְרִי אֲשֶׁר לֹא־אֶחָיִךְ הוּא:</p>	<p>You may set, yes, set over you a king <i>that the Lord your God chooses;</i> <i>from among your brothers</i> <i>you may set over you a king,</i> <i>you may not place over you</i> <i>a foreign man</i> <i>who is not a brother-person to you.</i></p>
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You may set, yes, set over you a king: Is it a mitzvah to establish a monarchy? Is a king a mitzvah or a concession to the ways in which other nations are lead? The tradition is divided on this question. Maimonides answers that this is indeed a mitzvah:

<p>שְׁלֹשׁ מִצְוֹת נִצְטְווּ יִשְׂרָאֵל בְּשַׁעַת כְּנוּסָתָן לְאָרֶץ. לְמִנּוּת לָהֶם מֶלֶךְ שְׁנֹאמַר "שׁוּם תִּשֶׂים עָלֶיךָ מֶלֶךְ." מִ"ת ה' מַלְכִּים אָ:</p>	<p><i>Israel was commanded to fulfill three mitzvot upon entering the Promised Land: To choose a king, as it states: 'Appoint a king over yourselves...'</i> <i>Mishneh Torah: Kings and Wars 1:1</i></p>
<p><i>[the other two mitzvot: destroy Amalek, and build a Temple.]</i></p>	

However, others such as Ibn Ezra and Abarbanel disagreed. Ibn Ezra says that **appointing a king is optional**.

<p>אֲבָרְבָנֶל: בְּעֵינֵי הַמִּצְוָה הַזֹּאת לֹא־הָיָה שׂוֹמֵם אֶם הָיְתָה שְׂאֵלַת הַמֶּלֶךְ מִצְוַת עֲשֵׂה. אִיךָ תִּרְה אֶף שְׂמוּאֵל הַנָּבִיא עַל יִשְׂרָאֵל בְּשֹׂאֲלָם הַמֶּלֶךְ וּבְעֵינֵי הַשָּׁם יִתְבָּרַךְ רַע?</p>	<p><i>Abarbanel: Regarding this mitzvah, and the reasoning as to whether (or not) this is a positive commandment. Why would the Prophet Samuel become so angry towards Israel when they asked to have a king, and why would that be so unfavored by God?</i></p>
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For both of them, the appointment of a king is the Torah's grudging concession to the forms of government that exist among other nations. If it were a positive commandment, wouldn't God be pleased when the Israelites petitioned Samuel for a king? The fact that God was distressed by this, only supports the idea that the monarchy was a concession and not a commandment.

From among your brothers: Why the stipulation that the king be a kinsman? An obvious reason is that a kinsman will have a common background and narrative with the people he serves, and, more importantly as far as Deuteronomy is concerned, would not bring any foreign gods into the life of the people. But if it's so obvious, why the prohibition? Can we think of any advantages to having a king from a different ethnicity? Undoubtedly, yes. A foreign king would be differentiated from everyone else - an important asset- and would also not have any natural allegiance to a particular group or tribe. But Israel's national ethos places the idea of family and tribal identity at its core. That ethos outweighs any advantage an outsider would wield. The king's tribal identity is secondary to the demands of the entire nation, similar to the way the state-identity of an American president becomes less relevant over the course of a presidency.

<p>רַק לֹא־יִרְבֶּה־לּוֹ סוּסִים וְלֹא־יָשִׁיב אֶת־הָעָם מִצִּיפְיָהּ לְמַעַן תִּרְבּוּת סוּס וְה' אָמַר לָכֶם לֹא תִסְפְּנוּ לָשׁוּב בְּדֶרֶךְ הַזֶּה עוֹד:</p>	<p>Only: he is not to multiply horses for himself, <i>and he is not to return the people to Egypt</i> <i>in order to multiply horses,</i> <i>since the Lord has said to you:</i> <i>You are not to return that way again!</i></p>
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Horses: Let's understand that the king is not interested in horses as an equestrian the same way Queen Elizabeth (a'h) was. She had hundreds of horses in her lifetime and was quite knowledgeable about each one of them. In the Torah, however, the horse is a symbol of military prowess. Unique

to the biblical view of the world, the Hebrew monarch is not to engage in military adventurism or empire building, or the building up of an army beyond what is absolutely necessary for the purposes of defense and security. This is another check on power. Thus, he is allowed to keep enough horses for a cavalry. But, according to Maimonides, אָפְלוּ סוּס אֶחָד פְּנוּי לַהֲיוֹת רֵץ לְפָנָיו כְּדָרָךְ שְׁעוֹשִׁין שְׂאֵר הַמְּלָכִים אִפְלוּ סוּס אֶחָד פְּנוּי לַהֲיוֹת רֵץ לְפָנָיו כְּדָרָךְ שְׁעוֹשִׁין שְׂאֵר הַמְּלָכִים It is even forbidden for him to have one additional horse (!) to run before him as is customarily done by other kings. If he adds an additional horse, he is to be lashed. (!)

וְלֹא יִרְבֶּה-לוֹ נָשִׁים וְלֹא יָסוּר לִבּוֹ וְכֶסֶף וְזָהָב לֹא יִרְבֶּה- לוֹ מְאֹד:	<i>And he is not to multiply wives for himself, that his heart not be turned aside, and silver or gold he is not to multiply for himself to excess.</i>
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Wives. The prohibition on a large harem may seem obvious because *a large harem would distract the king from God's teachings and from performing his responsibilities.* (Tigay: JPS Commentary) But as usual, there is more here. Goodman: *In the ancient world, nations would forge alliances by means of diplomatic marriages between kingdoms. The network of relationships between countries was forged and solidified by means of family ties. And so a king who was commanded not to have too many wives was limited in his ability to forge alliances with other nations.* § **Silver and Gold.** The acquisition of wealth is on the one hand, a distraction, and on the other hand, a means of accumulating more power. Maimonides adds the element of self-aggrandizement: *He should not amass silver and gold for the sake of depositing in his treasuries and boasting of them or of adorning himself with them.* The king then is not to focus on a military, on foreign relations, or on the pursuit of wealth for the sake of grandeur. The king is definitely honored, and deserving of certain privileges, but the king is to serve as a model of humility. The framework of limits placed upon the king is unique to Israel. This reflects a deep skepticism of human power, and places greater degrees of responsibility upon the people in terms of managing their own affairs and not having to rely on a king for everything. And there is one more set of obligations placed on the king. This is unique to Israel. The king must write a copy of the Torah for himself.

וְהָיָה כִּשְׁבָתוֹ עַל כִּסֵּא מַמְלָכְתּוֹ וְכָתַב לוֹ אֶת-מִשְׁנֵה הַתּוֹרָה הַזֹּאת עַל-סֵפֶר מִלְפָּנֵי הַכֹּהֲנִים הַלְוִיִּם:	<i>But it shall be: when he sits on the throne of his kingdom, he is to write himself a copy of this Instruction in a record, before the presence of Levitical priests.</i>
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Exactly how much of the Torah he has to write, is subject to debate. And the meaning of סֵפֶר can be anything from a document to an entire book. Regardless, he has to have a personal, scribal relationship with its contents. As anyone knows, it is one thing to read, another thing to memorize, and yet a third thing to copy out a text word for word. At

the very least, he is a copyist. At the most, he is to be something of a scholar.

וְהָיָה עִמּוֹ וְקָרָא בּוֹ כָּל-יְמֵי חַיָּיו לְמַעַן יִלְמַד לִירְאָה אֶת-יְיָ אֱלֹהָיו לְשֹׂמֵר אֶת-כָּל-דְּבָרֵי הַתּוֹרָה הַזֹּאת וְאֶת-הַחֻקִּים הָאֵלֶּה לַעֲשֹׂתָם:	<i>It is to remain beside him, and he is to read out of it all the days of his life, in order that he may learn to have-awe- for the Lord his God, to be careful concerning all the words of this Instruction and these laws, to observe them,</i>
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Imagine: A leader subject to the curtailed powers. Subject to the rule of law. Mindful of the law at all times. Careful not to break any of them. A model to others in the recognition that he is subject to God's laws.

לִבְלִתִּי רוּם-לִבּוֹ מֵאַחֵיו וְלִבְלִתִּי סוּר מִן-הַמִּצְוָה יְמִין וּשְׂמָאוֹל לְמַעַן יִאָּרֶיךָ יָמִים עַל- מַמְלָכְתּוֹ הוּא וּבָנָיו בְּקֶרֶב יִשְׂרָאֵל:	<i>that his heart not be raised above his brothers, that he not turn aside from what-is- commanded, to the right or to the left, in order that he may prolong [his] days over his kingdom, he and his sons, in the midst of Israel.</i>
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Micah Goodman: *For as long as the king reigns, his power is circumscribed...The king thus will remember that he does not rule but is ruled over, and that he is not above the nation but a part of it. If he bears this in mind, he will remain the true king of the people. This is the paradox of kingship: if the king thinks that he is an absolute ruler, he and his successors will lose their power. The book of Deuteronomy asserts that only someone who is prepared to accept his limited rule will remain ruler of the people. The notion of a limited monarchy has tremendous historical significance. The ideal of a king who obeys the Torah and rules according to the Torah - without any political, diplomatic, or military power, and without being regarded as the founder of his nation - is Deuteronomy's great contribution to political discourse and Western culture...In the great kingdoms of Mesopotamia and Egypt, there was a wide gulf between rulers and subjects. In the Bible's ideal nation, the rulers are less powerful and the subjects are less obedient.*

To summarize:

OTHER NATIONS	ISRAEL
The king is the center of the world.	The king is marginal.
The king is the Law Giver.	God is the Law Giver.
The king presides over the execution of the laws.	The courts, magistrates, and elders check the king's power.
A key figure in the military life of the people.	Not a key figure in the military life of the people.
Many activities.	One legislated activity: to write a Torah.
A commander.	A servant.
The king rules.	The king is ruled.

This week's Parasha Sheet is sponsored by Sharon Frant Brooks and Kenneth Brooks to commemorate the Yahrzeits of her mother, Frieda Frant z"l and other family members.	Shabbat Shalom! שַׁבָּת שְׁלוֹמִים!
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