RABBINIC VIEWS ON KINGSHIP — A STUDY IN JEWISH SOVEREIGNTY

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The debate over the nature and authority of Jewish governance did not first emerge with the creation of the State of Israel. It has its earliest roots in the Book of Deuteronomy and continues through the centuries in Rabbinic literature. The basis for the debate was the issue of whether kingship was divinely ordained (a mitzvah), and whether the people could have a king and still remain different from "all the nations."

Biblical Origins

From the beginning, Jewish thought has been locked in conflict over the legitimacy of kingship in Israel. It has its juridical origin in Deuteronomy 17:14-15. "If, after you have entered the land...you say, 'I will set a king over me as do all the nations about me,' You shall be free to (or shall) set a king over yourself." The issue is not the claim to the land. The issue is polity, in this case, kingship.

The purpose of this study is to examine attitudes in Jewish religious literature toward the idea of Jewish kingship. This issue has its origins in two biblical sources: I Samuel 8 and 12, concerning the dispute over kingship; and *Perashat Shoftim* (the Torah portion "Judges"), in Deuteronomy, specifically 17:14. These segments are selected to the exclusion of other references because these alone present the legal biblical basis for our problem. There are frequent references, laudatory and condemnatory, of kings, and there are some prophetic, historical and moralistic references to kingship, but we will not deal with these because they make no pretensions at establishing juridical foundations for kingship in Israel. I Samuel 8 contains *mishpat ha-melech* (*ius regium*: the law of kingship) which, however controversial as to its intent it may be, is the basis for the Maimonidean definition of the king's authority. Deuteronomy 17 contains the operative passage which has been construed as requiring or consenting to the selection of a king. We should note in passing that in 1647, a Christian scholar, Wilhelm Schickardi from Tubingen, wrote *Mishpat Ha-Melech, Ius Regium*, in which he tracked down, quite exhaustively, rabbinic sources dealing with this issue as derived from Samuel and Deuteronomy. Central to our problem is the difficult meaning of Deuteronomy 17:14-15.

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It may contended that this passage is in large measure the legalized rendition of I Samuel 8, where Samuel is appalled by the people's request for a king and where God tells him, "It is not you they reject, but they reject Me from ruling over them." Nevertheless God requests Samuel to give the people a king and Samuel then delivers his tirade which is an obvious litany on the heavy price the people will have to pay for kingship. If we examine Deuteronomy 17:14-17, we will see the legalization of the Samuel event.

I Samuel 8	Deuteronomy 17:14-17
"Give us a king."	"I will set a king over me."
"Like all the nations."	"Like all the nations."
"Heed their demand."	"You shall be free to set a king over yourself."
"God said...appoint a king."	"Whom the Lord your God will choose."
"Practices of the king." (*Mishpat ha-melech*)	Restrictions on the king not mentioned, although the role is implicit in *ke'chol ha-goyim* (like all the nations).

If the law derives from an anti-monarchical incident, why does it command the designation of a king? Why is it a *mitzvah* for the people to request a ruler? Yet the very inversion of the incident from an essentially anti-kingship event to a positive commandment has occasioned much controversy in Jewish thought. The very difference in the two JPS translations gives evidence of a serious debate. Despite these basic differences, the Jewish legal tradition has been predicated on the principle, "The Israelites were given three commandments upon entering the land — to designate a king for themselves, to wipe out the memory of Amalek, and to build the Temple."

This essay will trace, all too briefly, the course of rabbinic thought in this issue. But first, let us apply critical analysis to the Deuteronomic passage. In the Torah, there are numerous verses, mostly in Deuteronomy, which begin with *Ki tavo* (When you enter the land), or strongly similar language. In each case, the meaning is clear and unambiguous. The phrasing is direct, the instruction is crisp. Here alone there is ambiguity as to whether we are commanded, "You shall say" or whether the passage says, "*If* you say you may then have a king." Further, if kingship is commanded "to wipe out Amalek's memory" as well as to build the Temple, why, unlike all the institutions mentioned by the Torah, is the passage so unclear that subsequent rabbis will debate its meaning? Moreover, since the obliteration of Amalek is decreed very precisely, and since (as we shall see) this is contingent on

the institution of kingship, why was the establishment of kingship not stated with precision instead of with ambiguity. This author's thesis is that the verse is weighted down with the same conflict and ambiguity with which the Samuel incident is burdened. Where else in biblical jurisprudence is Israel commanded to request God to establish a sacred institution for them? Where else is Israel commanded to request anything as contradictory to biblical sensitivity as to be like all the nations? To perform a transgression?

It does not matter if, as Yehezkel Kaufman argues, the Samuel event is an isolated relic of the last vestiges of anti-monarchy in Israel. Yet, the very retention of that event in the Bible when it could easily have been expurgated and totally replaced by the more supportive incident in I Samuel 9, 10, indicates that if not the people, then the redactors of Samuel, continued to be troubled. The retention of the account and even more, the writing of Deuteronomy 17:14-15 in a way that reflects a theological compromise, seems evident. The compromise is clear. "If you must have a king, God alone will select him, and he shall be limited in order to prevent his engaging in excesses (like Solomon, to whom the passage critically alludes)."

This ambivalence continues throughout rabbinic literature and it becomes radicalized in some midrashim and in medieval thought, as well as in Josephus. The fragmentation, according to Welhausen, has its origins in the return from Babylonia when religious autonomy is granted to the returnees with the understanding that they could resume their cultic life but at the permanent expense of their political existence. No more kings.[1] Gershom Weiler contends that it was Ezra who convinced the Persian king that the people would once and for all relinquish its national character and confine itself to its sacred cult. Moreover, he persuaded the people to accept this obligation.[2] When Josephus stood before the besieged walls of Jerusalem and tried to persuade the people to surrender, he offered the prospect of a priestly rule of the people under the benevolent protection of Rome.[3] Years later, in his "Against Apion," he developed this theme for which he invented the term "theocracy," by which Israel could pursue its essentially priestly calling while the base work of maintaining public order would be relegated to Rome. The principle of theocracy meant for Josephus the government by God under foreign rule and the agency of the priests. This term has been used loosely to cover various systems. It has been applied to rule by judges, rule by Torah scholars, by kings, independent government, as well as autonomy under foreign rule. Of greatest significance is the conclusion by Yehezkel Kaufman that its essence inheres in God's intimate involvement in all aspects of the people's polity.

For Kaufman, one of the basic constants in Judaism is that from the beginning, in the wilderness, God dispatched a *navi-shaliach* (a

prophet-messenger), to bring redemption to the people and to enshrine His presence in their midst. This *navi-shaliach*, Moses, became the paradigm for future such prophetic personalities who came, first in the form of judges, and then eventually in the form of the earliest kings — Saul, David, Solomon, each of whom was endowed with prophetic gifts or divine wisdom which were joined with their redemptive powers. Thus, indigenous to Judaism, says Kaufman, was a special kind of theocracy which contained the projection of God's message in the form of prophetic messengers who both spoke for God and brought deliverance to the people. Theocracy is indigenous to Judaism.[4] The ambivalence, we might add, is brought into balance when the *navi-shaliach* and his redemptive task are in harmony.

Sifre and Talmud

We continue now with tracing the course of the riddle which begins in Deuteronomy 17:14-15. The problem next manifests itself in a debate in Sifre which is to make the issue more explicit and carry it on through the ages. By way of introduction, and by way of reflecting the complexity of the issue, we should note the divergence of views in current and recent literature on this theme. Gershom Weiler contends that all of rabbinic literature was, without exception, anti-political and strongly theocratic (although he does not define theocracy). Leo Strauss argues that rabbinic literature (as well as biblical literature) almost never opposed kingship. Kaufman applies the same argument to biblical literature. And Spinoza, who is most probably the authority for Welhausen and Weiler, claims that the trouble with Judaism is that it was primarily a political and not a religious system.[5] Against this confusion of opinion, let us see what the sources say:

The basis for the debate in rabbinic literature over kingship is found in Sifre to Deuteronomy 17, Piska 156. The passage opens with the declaration, "Perform the *mitzvah* (of setting up a king) by whose *sechara* (anticipation) you will enter the land." There is no attribution of this *mitzvah* to anyone. Then follows, "Rabbi Nehorai says (concerning "you will say, I will set a king over myself"), this is shameful (*gnay*) for Israel, since (I Samuel 8:7) says, 'They have not rejected you but Me from ruling over them.'" "Rabbi Judah says, 'But is this not a *mitzvah* from the Torah to request a king, since it says, 'You shall *surely* set a king over you'? Then why were they punished in the days of Samuel? Because they were premature" (in their request, because the time for a king was not yet ripe). Rabbi Nehorai says, "They requested a king only so they could be subjected to idolatry, as it says (I Samuel 8:20) 'So that we can be like all the nations, so that our king

might judge us and go forth before us and wage our wars." The inclusion of this verse seems to suggest not only that by being like all the nations but by subjecting themselves to the judgment and military leadership of the king, the people become susceptible to idolatry.

There follow limitations on the king, including the interpretation of "Whom the Lord your God shall choose" to mean "by a Prophet."

The phrase *som tasim alecha melech* is designated as *mitzvat aseh* (a positive commandment). It is also explained, "so that the fear of him shall be upon you."[6] Judah sums it up by declaring, "The people of Israel were given three commandments upon entering the land: to select a king, to wipe out the memory of Amalek, and to build the Temple."

Other restrictions on the king exclude women and foreigners as monarchs; the proliferation of horses by which the people could be returned to Egypt; the increase of wives who could divert the king; the amassing of wealth for personal purposes. The king must also have a scroll of the Torah at hand at all times even during battle, so that he might be always observant of the law.

Significant for our study is the emphasis and reiteration that kingship is a *mitzvah*, pronounced by Rabbi Judah against Nehorai. In addition, the tradition that as a rule the opinion of R. Judah supersedes that of R. Nehorai reinforces the dictum. Equally significant, however, are the extensive expressions of support for the Nehorai position in rabbinic literature. As with the retention of the anti-monarchical Samuel event, the position of Nehorai does not go away. His arguments cannot be ignored by us, as they could not be ignored by the tradition. We see this in Midrash Tannaim on Deuteronomy 17:14 where an unnamed Tanna declares that *Ki Tavo* reflects not a *mitzvah* but a prediction of things to come; and the editor, Tzvi Hoffman, sides with Nehorai. As we shall continue to see, the debate takes the form of outright rejection of kingship or else reducing its role so that the *mitzvah* becomes virtually inoperative. As has previously been noted, no other biblically ordained institution — the Temple, the cult, judges, biblical prophecy — is subject to such intensive debate and reduction through attenuation of their roles.

Using both biblical texts, the tractate Sanhedrin (20b) becomes a central and primary source for rabbinic discussion about kingship. While attempting to clear up the biblical ambiguity, it contributes to it. Thus, first, a dispute emerges whether the powers of which Samuel warns are really operative. R. Samuel and R. Jose contend that the *mishpat ha-melech* — the list of royal powers in I Samuel 8 — represent the permissible prerogatives (*reshut*) of the king. Rav and R. Judah argue that *mishpat ha-melech* was proclaimed as a warning to the people, "so that the fear of him might be over you." Rashi comments, "but it is not permissible to do this" (to exercise that power).

Thus, R. Samuel interprets *mishpat ha-melech* as a function of kingship, while Rav sees it as an intimidating deterrent. Rashi treats it as inoperative.

Second, the discussion around the people's intervention for a king places kingship under a cloud because of the manner of intervention of the people. R. Nehorai declares that Deuteronomy 17:14 was a response only to the "querulousness of the people," in other words, it would not have been granted had the people not become obstreperous. R. Eliezer qualifies this by stating that the elders (in I Samuel 8) had made a proper request, because they wanted a king to judge them, but the *amai ha-aretz* (rabble) spoiled things by requesting a king in order to be like all the nations, and to lead them into battle. Third, while kingship is pronounced by R. Judah and R. Jose to be a *mitzvah*, together with the destruction of Amalek and the building of the Temple, the comment by Rashi, "it was that they might be like all the nations," raises the vexing question as to whether the *mitzvah* or the querulousness by the people was primarily responsible for the selection of a king. Although Judah and Jose agree that kingship is a *mitzvah*, they differ markedly as to the nature of his power. It is noteworthy that Rashi ascribes the querulousness to the people's desire for a military leader. He also comments, "*Som Tasim* was said not because it is a *mitzvah*, but in regard to their querulousness it was apparent to Him that they would complain because of this and say, 'so that we too can be like all the nations.'" That is not to say, you are commanded, but rather, in the future you will say this.

The merging of kingship, Temple and destruction of Amalek raises special questions. The only place in the Torah where kingship is even putatively required is in Deuteronomy. But the destruction of Amalek and the building of the Temple are demanded unambiguously elsewhere, the first in Deuteronomy 25:19, the second in Deuteronomy 12:5. The establishment of the king is questionable as a *mitzvah*, and attains authenticity by linking it with the other two. In fact, the *mitzvot* about Amalek and the Temple become subject to the establishment of the king upon whom the other two actions come to depend. "These three are dependent on one another in their order — king, then Amalek, then the Temple (Bet Ha-Bechirah)."

An analysis of the text reveals theological confrontation. First, Judah, then Samuel, argue that *mishpat ha-melech* in I Samuel is *mutar*, that is, the king is permitted to carry out those functions about which the Judge, Samuel, had warned. They are acceptable roles of his office. In contrast, Rav argues that these functions are cited only to intimidate the people, thus preventing them from incurring *mishpat ha-melech* as a punishment. Second, Judah and then Jose declare kingship as mandatory. Eliezer concurs by declaring that the elders made a proper request, and that only the rabble spoiled the matter by requesting

quarrelsomely. In response, Nehorai declares that kingship was established only because the people demanded something which (by inference) was undesirable. We have here ambivalence, not consensus.[7]

Precisely because of the unsavory motives of the people in selecting a king, restraints upon the king's authority were imposed, beginning both with Samuel's speech (an attempt at moral intimidation) and the laws of Deuteronomy 17. Sanhedrin adds restrictions to Deuteronomy by stressing the requirement for the Bet Din's (court) consent for waging an optional war. It expands the restriction against multiplying wives and horses, in order to curb his impulses drawing him from his national duties, in one instance, and distinguishing between personal restraint and military need, in the other. Or Chayim adds the following reasons for restraining the king. First, he may not wage war for personal aggrandizement and thus turn the people's heart from God. Second, he may fight only for Israel's honor so that God, indeed, can save Israel through its king whose designation by the Bet Din is unlike that of the nations. The return to Egypt (presumably under the leadership of the king) is proscribed so that "Israel might not learn from their ways since the Egyptians are renowned and notorious for every abomination."[8]

A *halakhic* midrash reflects a paradoxical attitude toward kingship. Yes, kings are beyond the judgment of the law but it would be better if Israel had no kings. Nowhere else in rabbinic literature (except later in Abravanel) is Jewish kingship denounced as bitterly as in this and accompanying passages. Deriving from the fact that kings could not be judged nor testified against, the text concludes that kings are an affliction for Israel. God is described as saying, "I had thought that you would be free of kingship....Just as the wild ass grows up in the wilderness without the fear of man, I thought that the fear of kingship would not be upon you." God had warned Moses that the people would go seeking for a king of flesh and blood, and the text cites Deuteronomy 17:14 as proof. Thus, the *mitzvah* of kingship is interpreted rather to be a warning that the people would go astray and request a king in place of the divine ruler. The passage continues with a pronouncement by Rabbi Jochanan, "If you see a hypocritical tyrant ruling a generation, it would be better for that generation to float in the air than to use him." The midrash stresses that kingship represents a displacement of God. "Did you not desert Me and seek kings for yourselves, as it says, 'I will set a king over me'? And Scripture (Psalm 146) says, 'Put not your trust in (Jewish) princes.'" R. Simon in the name of Rabbi Joshua then contrasts trust in God with trust in idolatry. In the context of the discussion which is concerned with the evil of kingship, the inference is justifiable that for R. Simon, kingship is tantamount to idolatry. This inference is further suggested when the ensuing text states, "They abandon My glory and say, 'Give us a king.' Why do you seek a king since you are destined to feel what will befall you under your king." In

a subsequent proem the text continues the attack. "I will set a king over me. God says, 'In this world you sought kings and the kings rose up and felled you by the sword.' Saul felled them at Mt. Gilboa. *David* brought on a plague. Ahab caused the rains to cease. Zedekiah destroyed the Temple. When they (the people) saw what happened to them at the hands of their kings, they all began to scream, 'We do not want a king, we want our First King....' The Holy One praised be He said, 'By your lives, so I will do,' as it says (Zechariah 14) 'God will be king over all the earth.'"[9]

It is to be especially noted that even King David is listed among the destroyers of the people. We also note the ambivalence even in this radical midrash where the one-sided discussion about kingship as idolatry concludes, "Judah ben Rabbi Ilai says, 'Israel was commanded concerning three matters when they would enter the land — to select a king, to wipe out the memory of Amalek, and to build the Temple.'" After all is said and done, kingship is a requirement. Even if this last passage could be an interpellation, it clearly reflects a continuing polarity on the issue of kingship in rabbinic thought. Nor does it detract from the angry polemic against kingship which precedes and follows.

The dating of the proems in question eludes us. It is therefore beyond our ability to accurately specify to which post-biblical and post-destruction events the passages may refer. We cannot even be certain whether the scholars who are named are authentically cited or whether later rabbis are quoted in their name. Since the last of Israel's political rulers was Bar Kochba (though not a king), it is possibly against him and the consequences of his uprising that the polemic is aimed. It is also conceivable that the text refers to the last Jewish rulers before the destruction of the Second Commonwealth. Yet none of this explains the immediate context of the anti-regal outburst which may have been evoked late in the seventh century C.E. We may approach the issue from another direction, not that of human kingship but rather from the direction of messianic speculation with which rabbinic literature is fraught. It is also a ground for debate over who the messiah is to be — a political redeemer (as Maimonides was to definitely conclude) or a harbinger of the Kingdom of God who alone would govern Israel. The polemic against the flesh and blood king may therefore have been not only an attack on the past but a foreclosure of a future political messianic eruption by posing the kingship of the only claimant to the role, the God of Israel. This foreclosure challenges the right to govern of *all* Jewish kings, even David himself.

The Commentators

The opinions of the commentators are broken down into certain broad categories.

I. Kingship as mitzvah, unqualified and otherwise.

Among those who take this position are Nachmanides, Or Chayim, Malbim, Alshech, Samuel Raphael Hirsch. Nachmanides states, "This is a positive Commandment, for He has obligated us to say so after conquering and settling in the Land." This expression is similar to (Deuteronomy 22:8), "When you build a new house, you shall make a parapet for your roof." Malbim states categorically, "(Israel) must perform this deed by all means....The words *Som Tasim* (you shall certainly designate) were duplicated to teach that it is not optional but commanded."[10]

Nevertheless, Nachmanides projects the passage in Deuteronomy into a futuristic event in Samuel's time. The question naturally arises, how can he categorically identify the Deuteronomy passage as a command and then as a future event, especially when that future event disproves the mandatory character of Deuteronomy? As for Samuel Raphael Hirsch, he is able to retain the commanding character of Deuteronomy 17 by totally transforming the king into what he calls a "Head of State" who "will oppose with all the might of his word...everything which is in opposition of the spirit of your calling as Jews and...the internal protection of your national calling." In other words, the king will not be a king. Of the five, only two categorically endorse kingship as a *mitzvah*. A classic example of misleading attribution of kingship as mandatory is Alshech's tortured explanation: "God anticipated a cure for the affliction by issuing the command to request a king, so that Israel would be spared from sinning when they would make the venal demand for a king."[11]

II. Reservations and Limitations.

Ibn Ezra puts the stress not only on the desirability or undesirability of kingship but, rather, on the method of selection — not by the people but by a prophet or by the divination of the Urim. Thus, kingship is a given, but the choice is in God's province. God, not the people nor any unauthorized individual, will choose. By a pun on *Som Tasim*, he adds, that whoever is ordained from *shamayim* (from heaven) shall rule. Thus, if the people are commanded to request a king, this becomes a ritualistic formality which is predetermined by God's

choice. In fact, Nachmanides adds, "Though you place a king over you, like all the nations, nevertheless (*rok*) he must be unlike their kings by not increasing horses as they do because their sole desire is to increase horses and horsemen....Because the Eyptians and the Canaanites are wicked and sinful against God...he did not want them (the Israelites) to learn from their deeds."

III. Deprecation of Kingship.

Clear deprecation of kingship is found astonishingly in Nachmanides' comment on Jacob's approaching encounter with Esau "in the fields of Edom." Referring to Edom, which comes eventually to be applied to Rome, he writes, "This indicates that we began our fall into the hands of Edom when the kings, during the Second Temple, entered into covenant with the Romans...and this is mentioned in the words of our rabbis and is recounted in books."

Kimchi, Ralbag, Sforno and Metzudat David, while not explicitly denying kingship as a *mitzvah*, leave no doubt that they reject it in Israel. Commenting on I Samuel 12:20, "You have done this evil," Kimchi explains, "By asking for a king for yourselves." Ralbag writes, "the God of Israel is their king and He will save them when they return to Him just as He did in the days of the judges, and if they turn aside from the paths of the Torah, a king will not avail them." Metzudat David states, "When our ancestors in (Egypt) cried out to God...he sent Moses, and they did not have a king." Very significantly, Kimchi, in commenting on I Samuel 8, takes note of Rabbi Judah's statement in Sanhedrin that the functions of the king are intended only to warn the people, not that they are his legitimate prerogatives. Sforno says that kingship is *reshut*, that it is permissible, not mandatory.

In summary, even where there appears to be unequivocal support of kingship as commanded, the following observations emerge: First, by his stringent attitude toward kingship, Nachmanides virtually invalidates his assertion of kingship's divine requirement. In his commentary on I Samuel 8, he refers to the judgment of "the commentators," referring most probably to "my judgment" which considerably and even radically modifies his prior position. Second, kingship is not an ideal or a desideratum but an unfortunate necessity. Before Samuel's death, it was not required. In addition, it must be restrained in order to curb royal rapacity. Also, the naturally rapacious kings are needed to keep the people intimidated. Thus, at best, kingship is not to be equated with priesthood or judgeship as a morally justified or divinely ratified office. In fact, according to Nachmanides, it is the judges and priests before whom the people must come to request a king. Third, the issue of kingship as mandated becomes subordinated to the question of

restraints upon the king. Ibn Ezra illustrates this in concentrating on the method of selection which by its very nature is intended to place restraints on the king. Stress is placed on the king's limits, not on his prerogatives as in *mishpat ha-melech*. Virtually the only role assigned to him is to be the nation's leader in war, and the restriction is designed to prevent him from both exceeding and abusing this role. Fourth, some of the very commentators who do not deny the *mitzvah* of kingship, virtually invalidate it by their recriminations against it. They are not inconsistent. They are instead caught up in the dilemma of a law which they cannot repudiate and an institution which some of them abominate at worst, hedge in at best. They clearly distinguished between undesired kings and the yearned for messiah. It is obvious that they did not identify the king with the messiah, else they would not have been so harsh toward the king. An attempt at synthesizing both is made when they are merged into "King Messiah," especially by Maimonides.

This might validate the argument offered by Gershom Weiler that the king, as perceived by rabbinic Judaism, was, despite being mandated, a marginal figure, limited by the Torah, and conceived vaguely during a long period of statelessness when restoration was seen in unreal terms. This argument will in due course be addressed, but let it now suffice to indicate that the very affirmation of Jewish kingship in a condition of political deprivation, especially by Maimonides, would refute this argument. The assertion of kingship as divinely controlled is consistently asserted, even by the iconoclastic Abravanel, and this is a statement of surpassing importance for the development of Jewish political thought, including that of Kaufman.

In the fourteenth chapter of Moses Maimonides' *Millot Ha-Higayon* (Tractate on Logic), Maimonides "implies that the function of the Torah is emphatically political." This interpretation is confirmed by the *Guide of the Perplexed*, where "regarding the governance of the city, everything has been done to make it precise in all its details."[12] Maimonides "suggests that the function of revealed religion is emphatically political." He adds that the Torah's laws for governance of a city are sufficient "for these times."[13]

This is explicated thus: "The true Law...of Moses our Master has come to bring us both perfections, I mean the welfare of people in their relations with one another through the abolition of reciprocal wrong doing and through the acquisition of a noble and excellent character. In this way the preservation of the population of the country and their permanent existence in the same order became possible....The letter of the Torah speaks of both perfections and informs us that the end of the Law in its entirety is the achievement of these two perfections."[14]

Maimonides formulates the pro-kingship position into a system. Opening his *Hilchot Melachim* (Rules concerning Kings) with the

passage from Sifre mandating kings, he creates for the first time a philosophy by which Jewish kingship becomes a way through which Judaism is made ready to reenter the world of political sovereignty and to resume its place in history.

Maimonides converts kingship into a dogma by invoking Sifre and Sanhedrin, and his own authority, no less. But, in addition, he begins the building of a superstructure in which kingship assumes a task and a destiny. He also performs the remarkable feat of joining the king and the messiah into a single being. Eschatology is banished and is replaced by human government. Maimonides' political bent follows:

1) His intellectual system requires politics as a critical factor.
2) When required, he establishes a legal precedent and takes a radical philosophic position in order to adapt kingship to his political thesis.
3) He expands the prerogatives of the king so that he does in fact become the supreme human leader of the people.
4) He appears to be looking toward a future political Jewish state.
5) He has considerable reservations about ascribing supernatural meaning to certain prophetic descriptions of future events, thus placing a greater burden on historical forces than does Abravanel, as we shall see.
6) He molds his concepts of the messiah to fit into these themes which are not only political but also based upon a rational, historical and naturalistic approach.

Maimonides performs a daring feat when in *Sefer Ha-Mitzvot* he identifies his role of the king "who will gather together our entire nation and act as its leader," with the injunction "to appoint a king over ourselves." This is far more inclusive than waging the people's wars alone. It represents a comprehensive reign which embraces the military and the civil life of the people. The laws which follow in *Hilchot Melachim* appear to substantiate this. He justifies both the role of the king and the commandment with the verse from Deuteronomy, "You shall certainly set him king over you." The description of the king as a gatherer of the people is not mentioned in Deuteronomy, and Maimonides' ascription of this role to him vastly broadens the range of his kingly function. In defining the role of the king as one who "brings together our entire nation and acts as our leader," Maimonides places the king at the very pinnacle of political authority and power. Although he cites Deuteronomy 17:14 ("You shall certainly set a king over you"), this citation is really a basis for his own vastly expanded definition of kingship in Israel. This is not uncharacteristic of Maimonides.

Midrash Tannaim includes a number of principles which are expanded by Maimonides. They are the biblical restriction to kingship to

"your brethren" as expanded by Maimonides to apply to "all positions that you establish."[15] The limitation of kingship to a male is expanded by him to include "all positions in Israel."[16] This would indicate that the basis for significant portions of *Hilchot Melachim* is not only rooted in Sifre and Sanhedrin particularly, but also in the autonomous judgment of Maimonides through whom subsequent tradition concerning the king becomes validated.

Prior attributions to the king as a warrior on behalf of the people are now expanded to identify him as a worldwide figure who gathers in the exiles of our "nation" (*umatenu*). It is first noteworthy that this messianic performance is to be carried out by a human figure within history who acts without dependence upon miracles. Second, the messianic deed is enacted by a king who becomes the "King Messiah," thereby, in effect, transferring the messianic role to the king who in a sense absorbs the messianic task. Third, all this transforms the king into a political figure of greatest proportions since his role is nothing less than the restoration through political methods of "our nation."

In a discreet fashion, Maimonides fashions the intellectual climate on which the concept of political statehood can emerge. At the same time, and in the following passage, Maimonides indicates quite precisely that in the realm of religious law, the authority of the Beit Din is paramount. "We are commanded to obey the Great Beit Din and to do everything that they command. There is no difference between what they explicate and what they derive from analogies by which the Torah is interpreted. We are required to obey everything and to do everything according to their edict."[17]

The Talmud says explicitly: "The king takes precedence over the prophet (*Horayot* 13a); and when this king gives an order which is not in conflict with a commandment of the Torah, we must obey his behest, and he has the right to put to death by the sword anyone who disobeys him. The life of anyone who rebels against the kingly authority, be he who he may, is forfeit to the king duly appointed in accordance with the Torah."[18]

While it is the tendency generally to restrict the role of the king, this passage appears to expand it. Placing the king on a higher level than the prophet is a departure from one line of thought which makes the king subordinate. Here the prophet who is responsible for selecting the king concludes his task and steps aside, thus leaving the king a greater degree of latitude. Of course, he is still under God's and the Torah's control, but the direct surveillance of the prophet has been set aside. Second, provision is made for the king to act and to be obeyed on such matters as are not under the Torah's jurisdiction, and disobedience may be punished by execution. Maimonides justifies this by citing Joshua 1:18, "Whoever shall rebel against your command and shall not

hearken to your words in all that you command him, shall be put to death." This would appear to open a vast area of non-sacred legislation in which the authority of the king is paramount.

Finally, the extensive power of the king to suppress rebellion by *anyone* manifests a vast dimension of authority, even if Maimonides adds the qualifier that the king must be "appointed in accordance with the Torah."

Against this background we can address ourselves to *Hilchot Melachim* with a perception of Maimonidean thought as recognizing the king in civil terms, even though he is still confined to a theocratic system. It appears that according to Maimonides there is a central requirement for a king, as prescribed by the Torah, but that he plays a central *role* as well. Knowing the ambivalence concerning the selection of a king, he issues the verdict in favor of apparently prevailing rabbinic opinion. He is mindful of the dissatisfaction with the people's request in I Samuel, but judges that the people's invidious motive did not invalidate the commandment itself. The commandment has particular application for the Davidic dynasty which is never to terminate, and its kings are to be held in greatest awe. Yet, there is not to be merely a symbolic but a highly substantive regime. The king is to be designated before Amalek is destroyed and the Temple is built. This is a royal task: "Thus we did until their destruction was completed by David."[19] But the responsibility is not completed and must be continued in the future. "It applies to those on whom it is imposed, and they must fulfill it as long as (any of those against whom it is directed) exists." While this is a Torah commandment, and the king's responsibility for fulfilling it derives from a proof-text (Deuteronomy 25:19), it is plain that such a task cannot be defined in religious terms only and must take on political form.

Traditional concern for limiting the king's power is expressed in the requirement that he must be appointed by a prophet, but this applies only to kings not from the tribe of Judah. Other limitations, applying to all kings, whether Davidic or non-Davidic, include, in addition to those from the Torah, the requirement that even a slight biblical precept takes precedence over a royal edict.[20] Yet, immediately following that requirement comes another to the effect that "if the exigency of the hour demands it," the king may set aside basic law (proper evidence, warning a culprit, two witnesses) "in order to preserve the stability of the social order (*letaken ha-olam*)." This concession provides latitude to the king both to set aside religious law and to expand his prerogative to encompass a vast area of the political sector. If he is ordained to wage Israel's wars and to make his own law in the interest of the social order, the limitations on his power become more symbolic than substantive. The extent and intensity of his punitive powers during "the exigency of the hour" (the perennially elastic recourse of rulers

in all times) includes the right to wholesale and lingering hangings in order to "put fear in the hearts of others."[21] Since war is no isolated event in the history of nations and ancient Israel, and thus represents a state of almost continuous "exigency," the rather detailed wartime prerogatives of the king establish his extensive political and civil powers. He may impose taxes "for his own needs or for war purposes." In peace as well as war, he establishes customs duties. Maimonides then adds the sweeping observation for which there is no source in rabbinic literature, "From these verses (I Samuel 8:17, Deuteronomy 20:11), we infer (sic) that the king imposes taxes and fixes custom duties and that all the laws enacted by him with regard to these and like matters (sic) are valid, for it is his prerogative to exercise all the authority set forth in the section relating to the king."[22] In peace as in war, the king may draft men into military service, press into his service "all the craftsmen he requires," take women to be his concubines and cooks. He may confiscate private property in anticipation of war.

Rather than make a case for a king heavily subordinate to theocratic rule, as Weiler insists, Maimonides, by the power of his own dictum, envisions a "King Messiah" who is a military regent with far-ranging powers. He may be under the aegis of the Torah, but as we have observed, the surveillance of the prophet has been lifted from him. Together with the pursuit of the ways of Torah, he "fights the battles of the Lord," "restores the Kingdom of David, rebuilds the sanctuary, gathers the dispersed of Israel."[23]

In *Sefer Ha-Mitzvot* which preceded the Mishneh Torah by about two years, Maimonides defines the selection of a king as a positive commandment.[24] "We are commanded to appoint a king over ourselves...who will bring together our whole nation and act as our leader." By this statement, in the context of his definition of "King Messiah" as a human figure functioning within the natural limits of history, Maimonides delineates a major, one might say revolutionary, political event. Explaining his dictum, Maimonides says: (The Sifre states that) "He must be held in awe and that our unique respect for him and estimation of his greatness and preeminence must be such as to place him on a higher level of honor than any of the prophets of his generation."[25] None of this can be achieved without recourse to political and martial skills.

Maimonides does not present precise specifications for kingly government, but he goes far beyond limiting himself, as did prior Jewish law, to reiterating the Torah's requirement of a king. It is, in fact, noteworthy that in a time of Jewry's deprivation of sovereignty, Maimonides enunciated as extensively as he did the political role of the king. It is particularly noteworthy that he both built on rabbinic sources and made independent judgments which expanded rather than reduced the kingly role. Even more, he transferred vital tasks to the

king and recognized the need for the king to be primarily responsible for the people's security. "The prime reason for appointing a king was that he execute judgment and wage war (*laasot mishpat umilchamot*)."[26] Maimonides did not share the misgivings of some of the earlier scholars who accused even David of bringing ruin on the people because of abuse of power.

Maimonides goes beyond the king's military role and advances the case for virtually unlimited confiscatory kingly power.

> If a king becomes angry with one of his servants or ministers among his subjects and confiscates his field or his courtyard, this is not deemed robbery and one is permitted to benefit from it. If one buys it from the king, he becomes its owner and the original owner cannot take it away from him. For the law permits them to confiscate all the property of those ministers with whom they are displeased, and the king has therefore cancelled the owner's original right to it, so that the courtyard or field in question is regarded as ownerless, and if one buys it from the king, he becomes its lawful owner. But if a king takes the courtyard or field of one of the citizens contrary to the laws he has promulgated, he is deemed a robber, and the original owner may recover it from anyone who buys it from the king.[27]

In addition, as Maimonides brings the Mishneh Torah to a close with *Hilchot Melachim U'Milchamot*, his ultimate conclusion deals with the nature of the *Melech Ha-Mashiach* (the "King Messiah"). One of Maimonides' purposes is to portray the messiah as a flesh and blood being, a historical, non-miraculous and non-wonder-working king altogether different from any eschatological being, both in Jewish and non-Jewish thought, like Jesus of whom he speaks disparagingly. The basis for such a messiah can be established only in a political system at the center of which is the king. For the king to be also the messiah, both the biblical and the talmudic credentials for him need to be established. The king with whom *Hilchot Melachim* opens turns into the messiah at the close. He has been the messiah from the beginning, waiting to be so proclaimed at the end. But this comes about by Maimonides' daring, unilateral declaration about the messiah's naturalistic being. This is of a piece with his opening declaration about kingship. In the face of contrasting rabbinic positions, he takes the one that validates his political system and codifies it. While he has rabbinic precedent for making kingship mandatory, his authority concerning the messiah is more meager, essentially because *that* issue is theological, not *halakhic*. But Maimonides, linking it to kingship, gives it a measure of *halakhic* authenticity, since the role of the king as defined by Jewish law is strikingly related to that of the messiah.

Isaac Abravanel

Maimonides is frontally challenged by his great admirer, Abravanel. Unlike Maimonides, Abravanel was a mystic, a believer that it was divine miracles, not historical events, that shaped the Jewish people's destiny, that the messiah was divinely endowed, and that Israel did not need kings because, first, they were corrupt, but most important, because God alone was Israel's king and leader in battle. He denied that kingship was a *mitzvah*, only a concession extracted from a long-suffering God because of the people's *yetzer hara* (evil inclination).

Because of this, Abravanel has been accused of being a deviant from authentic Jewish thought, a borrower from Christian sources. But just as he endorsed the anti-political thought of the Bishop of Burgos, he took a different position from that of Aquinas who heartily favored monarchy. His detractors may possibly have been unaware of the strong anti-kingly current in rabbinic thought. He was not a mere idealist; his exposure to the political world was considerable, and he rejected kingship for both philosophical and political reasons. There must be something preferable to monarchy. If the Venetians could reject such a "cursed leprosy," how much more the Jews?

Just as Maimonides' philosophy is based to a great extent on the belief in man as a political-social creature, so that of Abravanel is predicated on his belief in the messiah as supernaturally endowed, and in the supernatural character of prophetic events. The certainty of belief in the unnatural power of the messiah and in the transforming capacity of miracles precludes the dependence upon historical forces and political structures. He presents in part the following confrontation with Maimonides:

> We have seen in many places in the Talmud the statement by Samuel that the only difference between this world and the days of the messiah is (liberation) from servitude to other kingdoms....The great scholar Maimonides, referring to this passage at the end of his Mishneh Torah and in other places, interprets this to mean that in the days of the messiah nothing in the natural order will change, only that the servitude of Israel to other nations will pass, and the words of prophecy that contradict this are (only) figurative....In order to raise the stature of the scholar in this matter, he did not mention (Samuel) by name lest it be said that this is the word (only) of an individual, and it was cited in the name of scholars as though all of Israel's scholars agreed to this. This is very astounding because the prophets testified as one that in the days of the messiah, God would perform for His people great wonders

beyond the natural order together with the perfection of the King Messiah.[28]

It is also instructive to observe how Abravanel and Maimonides interpret prophetic passages. A compelling contrast between the supernaturalist bent of Abravanel and the naturalistic-historical approach of Maimonides can be found in their interpretations of Joel 3:3-5. Concerning Joel 3:3-5, Maimonides writes:

> As for the passage in Joel: "And I will show wonders in the heavens and in the earth, blood, and fire, and pillars of smoke. The sun shall be turned into darkness, and the moon into blood, before the great and terrible day of the Lord come. And it shall come to pass, that whosoever shall call on the name of the Lord shall be delivered; for in Mount Zion and in Jerusalem shall be deliverance," and so on. According to me the most probable interpretation is that he describes the destruction of Sennacherib before Jerusalem.[29]

Concerning Joel, Abravanel writes:

> Since prophecy in our nation (*umatenu*) was in the nature of (wondrous) signs and not by way of nature, as the Rav (Maimonides) thought, therefore "I shall place signs in the heavens and on earth" tells that their prophecies will be in the class of (wondrous signs)....God will perform in the midst of Israel as (he did) in ancient times. There will be on heaven and on earth blood, fire and smoke. There is no doubt that this is what Ezekiel explained concerning the war of Gog and Magog...that God will rain down from heaven fire and brimstone....The sun will turn to darkness....The Rav (Maimonides) interpreted this entirely allegorically concerning (future) troubles and vengeance...."[30]

For Abravanel, the greatest human affliction is the political system. The generation of the Tower of Babel sinned for the same reason that Adam and Eve sinned, and also Cain and his descendants: God had provided all the natural resources by which humanity could sustain itself. But they were not content with this but lusted after superfluous matters, resulting in the spoiling of the earth and the necessity for hard labor "as the Moreh (Guide) wrote."[31] "Cain chose to engage in mechanical (*malachutiim*) matters and thus became a farmer...despoiling his land, and his intellect became subservient to his bestial portion." On the contrary, Abel was content with "natural matters." This accounts for the Patriarchs, Moses and David being shepherds. Because of his anti-natural and his animalistic bent, Cain built a city and taught his sons crafts connected with city building, "mixing mechanical matters with the work of God." The sin of the

generation of the Tower was similar. They were not content with what God had bounteously provided but were bent on applying their craftsmanship to building a city

> so that they could unite there and make themselves things governmental (*mediniim*)...believing that their ultimate good was the unification of the governments (*kibutz ha-medinot*), so that there might prevail among them cooperation and social relationship (*shituf v'chevrah*) (which they considered) the ultimate goal of humanity...(but) resulting in violence, theft and bloodshed, which did not obtain when they lived in the field....Ham and his sons...incited the people of their generation to pursue superfluous crafts in the building of the city and the Tower so that they might attain rule and authority over other people.[32]

If all this was evil in God's eyes, why did He not forbid it to Israel? He foresaw that they too would become steeped in the same kind of lust. Therefore He decreed rules by which they could justly and decently pursue their unnatural life, "as in the case of the king, which was contemptible to God. But when He saw that they would nevertheless choose (a king) He decreed that his selection must be by His prophets and from among his brethren....All the days that the Israelites went in the wilderness under Divine Providence, God sustained their needs with natural things — manna and quail, the well, their garments and sandals and the clouds of glory, not crafted things."[33]

Abravanel contends that if having a king was indeed a *mitzvah*, it should not have been postponed to the time of Samuel but should have been obeyed upon entering the land. "How could they (for so long) have transgressed this commandment?" Not one of the commentators answers this. Abravanel therefore concludes that the true sin of the people was not in the rationalizations of the commentators but in the very request for a king.

Is kingship mandatory for the nations? Aristotle and his colleagues think so, and believe that the relationship of the king to the body politic is like that of the heart to the body. According to this concept, kingship requires three attributes — unshared authority, continuity and non-transference of office, and absolute power. But this definition is wrong, maintains Abravanel, because (a) it is demonstrably possible to have collective rule; (b) there is no reason why rulership cannot change periodically, even annually, more frequently or less frequently; (c) power can and should be curtailed by law through majority rule. It is more difficult for a single person sharing power with a group of rulers to transgress than for a single, unlimited ruler. Likewise, the tendency toward political folly is greater in a single authority than collectively. "Behold the lands governed by kings and observe their

abominations. Each does what is right in his own eyes, and the earth is full of violence because of them, and who dares say to them, 'What are you doing?'"

As for Israel, Abravanel contends that it is so radically different from the nations that even if kings were necessary for them, they would be superfluous for Israel. If as Abravanel had attempted to demonstrate, they were not required among the nations, how much less were they required for Israel. Among the nations, kings are required to fight a nation's enemies and defend its land; to establish norms for the body politic as Aristotle indicates; and to punish offenders by extra-legal measures as situations require. Other nations need these criteria because they lack divine laws and are not protected by divine providence. But "the Israelite nation (*umah*)" does not require these criteria for kings because God fights its battles, and no king need make its laws, since it has the Torah. As for extra-legal punishment, this is assigned by God to the judges and to the Sanhedrin. "The Beit Din punishes legally and extra-legally according to the needs of the time."[34] (This is contrary to Rambam's judgment.) Abravanel was arguing that Israel's uniqueness and kingship are contradictory.

He buttresses his thesis by the dogmatic assertion,

> Kings...were not required in *Am Yisrael*. From what we have observed...they rebelled against the light in Israel...as in the case of Jeroboam who caused the people's exile, and also the kings of Judah who at the end imitated (the kings of Israel) until Judah was exiled....Not so do we see among the judges of Israel and their prophets, all valiant, God-fearing, truthful, not one veering from God. All this proves that the kings in Israel were harmful, not beneficial. When you know this you will understand the meaning of the Prophet Hosea (13:11), "I will give you a king in my wrath."[35]

It does not apply, as Maimonides states, only to the kings of Israel and not to those of Judah. The Hosea passage is construed to mean "You corrupted yourselves by seeking a king whom God gave you out of anger, since your help comes from Him, not from the king."

The passage in Deuteronomy 17:14, says Abravanel, really means that since the people did not ask for a king as soon as they settled in the land (*ki tavo el ha-aretz*), and since this was a foolish request when it was finally made, they were commanded *not* to make their own selection but to depend on God's decision. This is the essence of the command, to leave the selection to God if they are unwise enough to want a king. The passage in question is to be construed exactly like Deuteronomy 21:10, "When you take the field against your enemies...and you see among the captives a beautiful woman and you desire her...you shall bring her into your house...." This clearly does not say, you are commanded to capture a beautiful woman — and lust for

her, but rather if you do, there are certain limiting responsibilities incumbent upon you. Similarly, Deuteronomy 4:25, "Should you, when you have begotten children...act wickedly and make for yourself a sculptured image...." This is certainly not a command to act wickedly. Thus, the issue is not that the request is a *mitzvah* but...an act of the evil inclination; the *mitzvah* is not the demand for a king but that if the demand is made, the selection is by God, from the midst of their brethren, in no other manner. That is, if there must be a king, he is to be limited and under God's control. "There are five proofs for this."

a) If indeed God had commanded that they ask for a king while his selection was not in their hands, what was the point of their asking?
b) If it was a *mitzvah* to say, "I will set a king over me," how could the people have been told to say "like all the nations," especially when God wanted them *not* to be like all the nations?
c) The opening phrase in the verse is not a *mitzvah* but a declaration of what could happen in the future, a prescription of what to do when that occurs.
d) If the people had made the request in order to fulfill a *mitzvah* they would have phrased it differently, as "Give us a king, as God has commanded Moses." Instead, they phrased it quite contrarily and defiantly, "So that he might judge us, like all the nations." Therefore, this was an act of the evil inclination.

Abravanel adds that while the king was not required for conducting Israel's affairs, since God fought for the people, their leaders conducted their affairs according to the Torah, and they were under the guidance of the prophets. Their sin was in rejecting divine kingship and preferring human kingship. It was to the credit of Joshua and the God-fearing judges that they did not raise up kings. Abravanel cites Sanhedrin 20b to prove his point and to refute Maimonides, who in *Hilchot Melachim* approves the observation of R. Yose that the litany in I Samuel 8 indicates all the permissible acts of the king. Abravanel states, "The text does not indicate this and shows that the truth is according to R. Judah," (who says that the law of kingship is intended to intimidate the people).

Abravanel declares that in the wilderness Moses, at the urging of Jethro, created the ideal Jewish government which became the prototype for the most desirable kind of Jewish polity, which the Republic of Venice was to emulate centuries later. "He led them like a king and a righteous judge."[36] As perceived by Abravanel, a vast judicial system was instituted, involving great numbers of specialists dealing with a wide range of litigations — civil, criminal, fiscal and their sub-categories. This refers to the network of judges who sometimes sit in huge

numbers and sometimes in few, a practice observed in Venice. The cases were heard promptly and adjudicated with dispatch. As a result, people had confidence in the judicial system because the courts were not clogged with deferred cases. This was due to certain procedures instituted by Moses in contrast to Jethro's advice. Instead of appointing the judges, he allowed the people to select them. Also, despite Jethro's advice, he did not insist on "god-fearing, truthful men and haters of unjust gain," but only "men of valor," because "all of them were holy, with God in their midst." Finally, while Jethro advised him to select men only for judication, Moses selected military officers as well. For Abravanel, while Moses' rule was tantamount to kingship, he did not assume that prerogative. He was a believer in a system in which the entire people participated and in which all the people were qualified for the highest national service. Abravanel conceived of an idyllic system under which the people did not require centralized authority as invested in the king and whereby the judicial process alone preserved internal tranquility. His was also a conception of an inherently godly community which did not require the onerous restraints of kingship and whose egalitarian members could both provide the necessary qualified judges as well as be content with their jurisdiction.

Yet, in Abravanel's world, belief in messianism and the miraculous were no deterrents to rigorous political thought. In an era where the idea of kingship was both resisted and espoused by theologians, from Augustine on one side to Aquinas on the other, additional factors prompted Abravanel's politics. His theology did not cause him to abandon the political order but to structure it on lines radically different from the system of Maimonides. This rejection of kingship did not involve the rejection of government, only the reordering of the hierarchies of rulership.

Conclusion

We must conclude that rabbinic thought is entangled in a serious quandary over the requirements of kingship. There are many variations on the scale, running from affirmation to rejection, with a preponderance of acceptance of kingship with reservations. Gershom Weiler and Leo Strauss not withstanding, Maimonides is the only scholar whom we might consider to be both strongly political and strongly assertive of kingship. Abravanel is his counterpart, strongly rejecting kingship. In doing so, some of them took the daring step of invalidating a *mitzvah* by rendering it either a dead letter or reducing the dimensions of kingship. Yet all of them are bound together by the common denominator of theocracy, but in the inclusive sense propounded by Kaufman, namely

that God is the integrating power who gives meaning to Jewish nationhood.

Can we therefore call the rabbis champions of theocracy in the sense in which we conventionally understand it? On the basis of our evidence, this conclusion should not be jumped at. The rabbis had no conception of a modern state and the only experience they had was with foreign domination in states which represented a wide variety of political structures, as Abravanel well understood. What can be objectively stated is that, with the exception of Maimonides, there was a great disaffection on the part of rabbinic Judaism with Jewish kingship as it was remembered. They had convictions about kingship, but had not developed a systematic view of Jewish political government. They aspired to something preferable to kingship as the ultimate form of Jewish polity. That should be understood as their principal expression which of course broke through in the messianic hope which is also an ideal, not a system. If a contemporary analogy can be made, there are thoughtful people today who find the nation-state, wherever it may exist, to be inadequate for our age, and there are many categories of varying intensity by which that dissatisfaction is expressed. But because we cannot foretell the unfolding of human history, we excel at discrediting the nation-state but are far from finding an adequate replacement for it. So we, too, speak in messianic terms — the brotherhood of man, the world state, and other such poetic visions.

Yet there was Maimonides, the man of history who required that we think in naturalistic terms, and was therefore the forerunner of modern Jewish nationalism. And there was Abravanel, the mystical rebel who was ready to shatter the vessels which have broken out into infinite sparks and continue to penetrate the historical world of contemporary Judaism, allowing us no rest.

Notes

1. Welhausen, *Prolegomenon to the History of Israel* (Edinburgh, 1885), p. 411.
2. Gershom Weiler, *Teokratiya Yehudit* (Tel Aviv; 1976), pp. 113-116 (Hebrew).
3. Josephus, *Wars*, Book V, 9:2; *Life and Work*, Whiston translations, pp. 891-895.
4. Yehezkel Kaufman, *Toldot Ha-Emunah Ha-Yisraelit* (Tel Aviv; 1952), I-III (Hebrew).
5. Spinoza, *Tractatus Theologico Politicus*, tr. A.G. Wernham (Oxford Press, 1965), pp. 62, 63, 190-195.

6. Sifre, Deuteronomy 17, Piska 156, 157.
7. B. Sanhedrin 20b.
8. Wilhelm Schickardi, *Ius Regium* (Leipzig, 1647), pp. 196-197.
9. Deuteronomy Rabbah, Shoftim, Parasha 5.
10. Malbim, *Sefer Torat Elohim.*
11. Alshech, *Mar'ot Ha'tzvaot.*
12. Leo Strauss, "Maimonides' Statement on Political Science," *American Academy for Jewish Research,* 1952-1959, Vol. 21-23, p. 117.
13. *Ibid.*, p. 119.
14. Maimonides, *Guide of the Perplexed,* (Chicago: University of Chicago, 1963), III:28.
15. *Hilchot Melachim* I:4.
16. *Ibid.*, V:5.
17. *Sefer Ha-Mitzvot,* No. 174.
18. *Ibid.*, No. 183.
19. *Ibid.*, No. 187.
20. *Hilchot Melachim,* III:9.
21. *Ibid.*, III:18.
22. *Ibid.*, IV:1.
23. *Ibid.*, XI:4.
24. Number 173, citing Sifre to Deuteronomy 17:15.
25. *Hilchot Melachim,* XI:1.
26. *Ibid.*, IV:10.
27. *Hilchot Gezelah V'avedah,* V:12, 14.
28. *Sefer Yeshuot Meshicho* (Tarnopol, 1812).
29. *Guide of the Perplexed,* II:29.
30. Abravanel, *Commentary on Joel* 3:3-5.
31. Abravanel, *Commentary on Genesis* II:1-9.
32. *Ibid.*
33. *Ibid.*
34. Sanhedrin 46a.
35. Abravanel, *Commentary on 1 Samuel* 8.
36. Commentary to Exodus 18.