**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

**Parashat SHOFTIM**

**Kings, the Fear of Heaven, and the Fear of Man**

**I. The Appointment of a King – An ideal mitzva, or a response to the request of the people?**

When you come to the land which the Lord your God gives you, and shall possess it, and shall dwell therein; and shall say: I will set a king over me, like all the nations that are round about me; you shall surely set over you a king in whom the Lord your God shall choose; you shall set a king over you, from among your brothers; you may not put a foreigner over you, who is not your brother. (*Devarim* 17:14-15)

The passage containing the laws pertaining to a king is shrouded in mystery. The vague wording of the commandment leaves us uncertain: Is it God's will that the people of Israel have a king, as the ideal and desired situation? Or does the Torah relate to the appointment of a king only as a response to the people’s request, a request that might even be seen as reflecting a flaw in their faith? In yeshiva jargon, the question can be formulated as follows: Are we dealing here with an obligatory mitzva, whose fulfillment demanded by God, or is it an optional mitzva, which need not necessarily be fulfilled, but which – *if* the people of Israel choose to fulfill it – must be performed in accordance with certain laws?

This question is subject to an Amoraic dispute in the Gemara in *Sanhedrin*:

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 [= the Temple].

While Rabbi Nehorai said: This section was spoken only in anticipation of their [anticipated] murmurings, as it is written: "And you shall say: I will set a king over me." (*Sanhedrin* 20b)

The *Or Ha-Chaim* notes that this apparent contradiction can be seen in the plain sense of the verses in our *parasha.* On the one hand, in verse 14, the Torah writes that it is the people of Israel who will seek to appoint a king over themselves. On the other hand, in verse 15, the Torah speaks in an imperative tone: "You shall surely set a king over you," which implies that this is an explicit command. As the *Or Ha-Chaim* writes:

The wording "when you come… and shall say" implies that God did not decree that the people have to appoint a king for themselves. If they want to, however, the Torah gives them the right to do so. However, the words "you shall surely set" indicate that there is indeed a positive commandment to appoint a king. (*Or Ha-Chaim*, *Devarim* 17:14)

The same ambiguity found expression later in the history of the people of Israel. On the one hand, when the time described in our *parasha* finally arrived, in the days of Shmuel, the people turned to Shmuel with a request that a king be appointed over them:

Then all the elders of Israel gathered themselves together, and came to Shmuel to Rama. And they said to him: Behold, you are old, and your sons walk not in your ways; and now, set for us a king to judge us like all the nations. (I *Shmuel* 8:4-5)

Shmuel sees this request in a negative light and turns to God in prayer:

But the thing displeased Shmuel, when they said: Give us a king to judge us. And Shmuel prayed to the Lord. (Ibid.8:6)

God's response is not encouraging, and it delves to the deep root of the people's request:

And the Lord said to Shmuel: Hearken to the voice of the people in all that they say to you; for they have not rejected you, but they have rejected Me, from ruling over them. Like all the deeds which they have done since the day that I brought them up from Egypt until this day, and they abandoned Me and served other gods – thus do they also to you. (Ibid. 8:7-8)

According to God's response, the people's request for a king was an act of rebellion, betrayal, and abandonment of God, and not an argument against Shmuel (as it seems to have been presented in the people's appeal). On the other hand, one generation later, the initiative to appoint a king comes from God Himself. In I *Shmuel* 16, God turns to Shmuel and chooses the king who will replace Shaul:

And the Lord said to Shmuel: How long will you mourn for Shaul, seeing I have rejected him from being king over Israel? Fill your horn with oil, and go; I will send you to Yishai of Beit-Lechem, for I have provided Me a king among his sons. (I *Shmuel* 16:1)

In addition, God later promises David, via Natan the prophet, that the monarchy will never be removed from his descendants:

When your days are fulfilled, and you shall sleep with your fathers, I will set up your seed after you, that shall proceed out of your body, and I will establish his kingdom… but My mercy shall not depart from him, as I took it from Shaul, whom I removed before you. And your house and your kingdom shall be assured forever before you; your throne shall be established forever. (II *Shmuel* 7:12-17)

To this very day, we pray for the return of the kingdom of the house of David to the people of Israel: "Speedily cause the scion of David Your servant to flourish."

What changed from the time of Shaul to the time of David? Why in the period of Shaul is the monarchy considered negative, an actual betrayal of God, while a generation later, the kingdom of the house of David is presented as an eternal promise, apparently a very good thing?

**II. Two Roles of Monarchy**

The *Or Ha-Chaim's* commentary to these verses points to a principle that may serve as an opening to explain this duality. He distinguishes between two types of kingdom:

It appears that the intent of the verse is as follows – for there are two parts in the appointment of a king: 1) That they can have confidence in him to conduct wars with his excellent wisdom and to go out mightily to battle like the kings of the nations. (*Or Ha-Chaim*, ibid.)

The first type is a king like the kings of the nations, who is the supreme authority in whom the people trust. Such a king has the ability to make decisions, enact laws, and determine the social order in his country. The *Or Ha-Chaim* explains that this type of monarchy is not desirable in the eyes of God for two reasons:

This is something God mightily disapproves of. For in the order of the kings of the nations, they don’t follow them based on the excellence of their actions, but merely on perceived benefits – even if there is nothing good to be found from the perspective of the intellect. What is more, the people put their trust and hope in him, and remove their hearts from God. (*Or Ha-Chaim*, ibid.)

The first reason is technical: there is no certainty that the right person will be chosen. The second reason is more fundamental: such a king becomes the people's support and guarantor. They abandon the trust in God that is supposed to guide every Jew, and begin to trust in flesh and blood. This is precisely God's analysis of the request for a king in the days of Shmuel, as seen in a careful read of the people's further expression of their request to Shmuel:

But the people refused to hearken to the voice of Shmuel; and they said: No; but there shall be a king over us, that we may also be like all the nations, and that our king may judge us, and go out before us, and fight our battles. (I *Shmuel* 8:19-20)

On the other hand – there is another aspect to the role of kingship:

The second reason is for the honor and glory of Israel, and so [the king will be the kind of person that] God will act in accordance with his merit, the way God saved Israel by the hands of the Judges and [later, indeed,] by the hands of the upstanding kings of Israel. Learn from King David, etc. [He was successful for the people because he merited God's personal assistance.] This matter [of the role of a king] is one of which God and man approve.[[1]](#footnote-1) (*Or Ha-Chaim*, ibid.)

In this perspective, the monarchy is also an expression of honor and glory, with success granted in response to merit.

These two roles of the kingship are evident in the distinction between the kings in ancient times, who were the sole source of power and authority in the country, and the kings of today who serve more as an expression of honor and glory, but wield little political or military authority.

The words of the *Or Ha-Chaim* here require clarification: How does the difference between these two types of king find expression? After all, the king under discussion in our *parasha* also has authority (see Rambam, *Hilkhot Melakhim*, chapter 4). Thus, one must ask: What is the difference between a "good" king and a "bad" one?

**III. The Monarchy in Israel**

In order to sharpen the differences, we will delve a little deeper into the nature of the role of the monarchy in Israel. The very question of whether or not the mitzva of appointing a king is an ideal mitzva, which we should aspire to fulfill, assumes that the role of the king is not essential. After all, if it were essential, it would clearly be obligatory to appoint a king. And indeed, for many years, the people of Israel got along without a monarchy. Moreover, there are others who can fulfill all the functions of the monarchy: the judges judge the people, the Sanhedrin decides whether to go out to war, and the court is authorized to declare money ownerless or to impose fines and punishments that are not explicitly stated in the Torah. What necessary role, then, does a king play?

It seems that the difference between having a king in Israel and not having one is the element of centralization. When there is a king, the king must coordinate all the leadership systems in Israel. This centralized status, when the people are led by a human figure and the eyes of all are focused on him, is in fact quite problematic from a religious point of view, since this is the role of God.

Now that we understand the depth of the problematic nature of a king, we can better understand the difference between the two types of kingship. What differentiates a desirable king from an undesirable one is the question of how well the king understands his place.

The Torah in our *parasha* commands the king to write a Torah scroll for himself, "so that his heart is not lifted up above his brothers" (*Devarim* 17:20). The Torah is aware of the risk that a king will think that he himself, God forbid, substitutes for God and leads the world. That is why the Torah offered a remedy before the plague, commanding the king to keep his Torah scroll with him at all times, precisely to remind him of his place in relation to God.

If the danger is so great, one might ask, then what is the advantage of having a king? The *Or Ha-Chaim* teaches us that a king can be beneficial – a positive institution – when he serves for "the honor and glory of Israel" as a representative king. The role of the king in Israel is to represent God in the world. It was said about King Shlomo:

And Shlomo sat on the throne of the Lord as king in place of David his father, and he was successful, and all Israel hearkened to him. (I *Divrei ha-Yamim* 29:23)

If it were not explicitly written in Scripture, it would be impossible to say such a thing: Shlomo sat on the throne of the Lord?! Indeed, this seems to be the role and essence of the king. God is the only King of the people of Israel, but His seat is in the heavens above. It is not easy in our physical world, where God cannot be seen nor felt, to accept His lordship, to truly feel the necessary fear and awe towards Him, and in general, to understand that He controls our lives. A human king is a means by which it is possible in a small way to see, feel, and sense the kingdom of God in the world.

We can see this idea in various roles of the king. For example, the Mishna in tractate *Sota* (7:8) describes the reading of the Torah at the *Hakhel* assembly, when the people of Israel gather in the Temple at the end of the *shemitta* year, as a reading that belongs to the king. The Rambam codifies this law and explains the basis and purpose of the *Hakhel* assembly and the role of the king in it:

For Scripture established it solely to strengthen the true faith. He should see himself as if he were just now commanded regarding the Torah and heard it from the Almighty. (*Hilkhot Chagiga* 3:6)

The Rambam's words are stirring. The *Hakhel* assembly is a reenactment of the revelation at Mount Sinai, in which the role of "the giver of the Torah" is assigned, as it were, to none other than the king himself.

This fascinating role of the king, to serve as God's representative on earth, is complex and sensitive, for the distance between representing God and replacing Him, God forbid, is but a hair's breadth.

Returning to Shaul and David, it seems that this is the fundamental difference between the two kings. The reigns of Shaul and David were quite similar in terms of their control over the people and the authority granted to them; the difference between them relates to the way they rose to the throne. Shaul was sought by the people, who felt a deficiency in their connection to God and in their fear of heaven. But the people presented the wrong request: they wanted a king "like all the nations," a king who judges, who goes out to war, etc. Until that time, there may not have been such a great need for a king, but once the people reached a situation in which they felt distanced from God, the appointment of a king became something that God Himself desired.[[2]](#footnote-2)

It is worth noting that even in our *parasha*,the mitzvato appoint a king appears as one of the *mitzvot* that applies upon Israel's entry into the land. The entire book of *Devarim* deals with Moshe's concerns before Israel's entry into the land. The transition from miraculous governance to earthly governance is not at all easy, and there is a real concern that our relationship with God and the feeling that He rules the world will gradually erode. It is possible that the mitzvato appoint a king comes to prevent this erosion, by serving as a model of the kingdom of heaven.

**IV. Fearing Heaven “Like the Fear of Flesh and Blood”**

This principle is embodied in the amazing blessing Rabbi Yochanan ben Zakkai gave his disciples before his death:

They said to him: Master, bless us! He said to them: May it be [God's] will that the fear of heaven shall be upon you like the fear of flesh and blood. His disciples said to him: Is that all? He said to them: If only [you can attain this]! You can see [how important this is], for when a man commits a transgression, he says, I hope no person will see me. (*Berakhot* 28b)

Fear of heaven is hard to feel. Even if we believe "for His anger is but a moment; His will is for a lifetime" (*Tehillim* 30:6), is very difficult to experience a sense of dependence on something that is neither visible nor tangible. It is much easier for us to fear and feel awe towards flesh and blood. This human shortcoming gives rise to the need for a flesh-and-blood king who can represent God in the sense of "the earthly kingdom is like the heavenly kingdom" (*Berakhot* 58a).

It was not for nothing that Rabbi Yochanan ben Zakkai mentioned fear (or awe) of God. Consider this in light of the in Gemara in *Sanhedrin* with which we opened our discussion, which brings the same statement in the name of two different sages:

Rav said: That chapter [Rashi: the passage in I *Shmuel* 8 in which Shmuel tries to scare the people away from their request for a king by describing the absolute powers of a monarch] was intended only to inspire them with awe, for it is written: "You shall surely set a king over you" – that his awe should be over you… Rabbi Yehuda said: That section was stated only to inspire them with awe, for it is stated: "You shall surely set a king over you" – that his awe should be over you. (*Sanhedrin* 20b)

Although they seem to say the same thing, Rashi (ad loc.) explains that there are in fact two different interpretations of this statement. Shmuel’s “threat” can be understood as an attempt to talk the people out of appointing a king. But this cannot be how Rabbi Yehuda understands it, since he maintains (later in that same passage) that appointing a king is an ideal mitzvawhich we should strive to fulfill. Therefore, his words must be understood differently – that the purpose of the entire passage is to paint a picture of a flesh and blood entity that can be feared and dreaded! It seems that this is also the principle behind an explicit law in the Gemara in *Kiddushin*:

Rav Ashi said: Even on the view that if a Nasi renounces his honor it is valid, if a king renounces his honor it is not, for it is stated: "You shall surely set a king over you," teaching that his awe shall be over you. (*Kiddushin* 32b)

This rule is puzzling. If there is concern that royal arrogance might bring a king to feel like a kind of god on earth, we might have expected that a king *would* be allowed to renounce his honor, and thus serve the people without our having to be afraid that “his heart will be lifted up above his brothers.” But following the path suggested thus far, the entire foundation of the king's role is to create fear of heaven in the world via the people’s fear and honor of the king. Thus, he cannot renounce his honor (even though such a renunciation would certainly help counter arrogance), for it is for this that he was appointed!

According to what we have written, there was room for God to be angered by Israel's request of Shmuel, for He had commanded them not to ask for a king like all the nations, as we have explained, and they asked for a king, saying: " to judge us like all the nations" (I *Shmuel* 8:5). Therefore God was angry. But had they asked for a king as God desired, not for power and strength in the manner of the nations, they would have been fulfilling a positive command. (*Or Ha-Chaim*, ibid.)

**V. King of All Israel**

This idea appears in the words of the *Or Ha-Chaim* in another place as well. In *Parashat Vezot Ha-Berakha*, on the verse: "And there was a king in Yeshurun, when the heads of the people were gathered, all the tribes of Israel together" (*Devarim* 33:5), he writes:

It can also be explained, because he said nearby that it is the Torah that rules over us[[3]](#footnote-3) – as it is said [regarding Torah]: "I speak matters of nobles" (*Mishlei* 8:6) – therefore, he concluded with "And there was a king in Yeshurun," meaning that the institution of a king in Israel will come about if the leaders gather and ask for a king; it is then that there will be a king, and that is why it says “when the heads of the people were gathered,” for it is then that there will be a king in Yeshurun in addition to the Torah. And thus we find that the appointment of a king came about in this manner, as it is written: "Then all the elders of Israel gathered themselves together, and came to Shmuel… Set for us a king to judge us like all the nations" (I *Shmuel* 8:4-5). This is precisely what is said, “when the heads of the people were gathered.” But without this, this Torah alone shall be king over Israel. This is what the prophet said to them: "The Lord your God was your king" (I *Shmuel* 12:12); this is the Torah, which is entirely the name of the Holy One, blessed be He…

Our verse also hints that the kingdom of Israel will endure only if the heads of the people assemble together – not if the leaders of the people are split. If the leaders are split, the tribes themselves will not be able to maintain their unity. As long as the people are united [such as under David and Shlomo], they are extremely successful, and their kingship is an entity that brings flourishing – but go and learn, for as soon as a split developed in their hearts and the kingdoms split, what came upon them! This is the reason for the calves of Yarovam and those who came after him, for the beginning of the destruction was the division, and the utensil that holds blessing is peace and unity of hearts. (*Or Ha-Chaim*, *Devarim* 33:5)

Aside from the fact that here the king "substitutes" for the Torah, the *Or Ha-Chaim* adds that such a kingdom can only rise with the consent of the people of Israel. Only the people of Israel, who together form the chariot of the *Shekhina*, can choose who will serve as God's representative to them.

(Translated by David Strauss)

1. Editor’s note: see *Mishlei* 3:4. [↑](#footnote-ref-1)
2. This can be compared to the building of the *Mishkan*, according to Rashi’s opinion (*Shemot* 31:8) that the command to build the *Mishkan* came as a response to the sin of the golden calf. The people of Israel should have believed in God even without any possibility of feeling or sensing His service, but when Israel sinned and expressed the need for some physical service, this was given to them in the form of the service of the *Mishkan.* [↑](#footnote-ref-2)
3. Editor’s note: Perhaps a reference to the previous verse in *Devarim* 33, “Moshe commanded us Torah…” [↑](#footnote-ref-3)