

Israel - Theocracy or Democracy?

1. Genesis Chapter 14

בראשית פרק יד

כא ויאמר מלך-סדם, אל-אברם: תן-לי הנפש, והרכש קח-לך. כב ויאמר אברם, אל-מלך סדם: הרמתי ידי אל-יהוה אל עליון, קנה שמים וארץ. כגאם-מחוט ועד שרוף-נעל, ואם-אקח מפל-אשר-לך; ולא תאמר, אני העשיתי את-אברם. כד בלעדי, רק אשר אכלו הנערים, וחלק האנשים, אשר הלכו אתי: ענר אשכול וממרא, הם יקחו חלקם. {ס}

17 And the king of Sodom went out to meet him, after his return from the slaughter of Chedorlaomer and the kings that were with him, at the vale of Shaveh--the same is the King's Vale. 18 And Melchizedek king of Salem brought forth bread and wine; and he was priest of God the Most High. 19 And he blessed him, and said: 'Blessed be Abram of God Most High, Maker of heaven and earth; 20 and blessed be God the Most High, who hath delivered thine enemies into thy hand.' And he gave him a tenth of all. 21 And the king of Sodom said unto Abram: 'Give me the persons, and take the goods to thyself.' 22 And Abram said to the king of Sodom: 'I have lifted up my hand unto the LORD, God Most High, Maker of heaven and earth, 23 that I will not take a thread nor a shoe-latchet nor aught that is thine, lest thou shouldest say: I have made Abram rich; 24 save only that which the young men have eaten, and the portion of the men which went with me, Aner, Eshcol, and Mamre, let them take their portion.' {S}

2. Genesis Chapter 28

בראשית פרק כח

א ויקרא יצחק אל-יעקב, ויברך אותו; ויצוהו ויאמר לו, לא-תקח אשה מבנות כנען. ב קום לך פדנה ארם, ביתה בתואל אבי אמה; וקח-לך משם אשה, מבנות לבן אחי אמה. ג ואל שדי יברך אתה, ויפרך וירבך; והיית, לקהל עמים. ד ויתן-לך את-ברכת אברהם, לך ולזרעך אתה--לרשתך את-ארץ מגרד, אשר-נתן אלהים לאברהם. הוישלו יצחק את-יעקב, וילך פדנה ארם--אל-לבן בן-בתואל, הארמי, אחי רבקה, אם יעקב ועשו.

1 And Isaac called Jacob, and blessed him, and charged him, and said unto him: 'Thou shalt not take a wife of the daughters of Canaan. 2 Arise, go to Paddan-aram, to the house of Bethuel thy mother's father; and take thee a wife from thence of the daughters of Laban thy mother's brother. 3 And God Almighty bless thee, and make thee fruitful, and multiply thee, that thou mayest be a congregation of peoples; 4 and give thee the blessing of Abraham, to thee, and to thy seed with thee; that thou mayest inherit the land of thy sojournings, which God gave unto Abraham.' 5 And Isaac sent away Jacob; and he went to Paddan-aram unto Laban, son of Bethuel the Aramean, the brother of Rebekah, Jacob's and Esau's mother. 6 Now Esau saw that Isaac had blessed Jacob and sent him away to Paddan-aram, to take him a wife from thence; and that as he blessed him he gave him a charge, saying: 'Thou shalt not take a wife of the daughters of Canaan... 8 and Esau saw that the daughters of Canaan pleased not Isaac his father;

3. 1 Samuel Chapter 8

שמואל א פרק ח

ד וַיִּתְקַבְּצוּ, כָּל זִקְנֵי יִשְׂרָאֵל; וַיָּבֹאוּ אֶל-שְׁמוּאֵל, הַרְמָתָה. ה וַיֹּאמְרוּ אֵלָיו, הִנֵּה אַתָּה זָקֵן, וּבְנֶיךָ, לֹא הִלְכוּ בְּדֶרֶךְ יְיָ; עַתָּה, שִׁימָה-לָנוּ מֶלֶךְ לְשִׁפְטֵנוּ--כָּכָל-הַגּוֹיִם. וַיִּרַע הַדָּבָר, בְּעֵינֵי שְׁמוּאֵל, כְּאִשֶּׁר אָמְרוּ, תִּנֶּה-לָנוּ מֶלֶךְ לְשִׁפְטֵנוּ; וַיִּתְפַּלֵּל שְׁמוּאֵל, אֶל-יְהוָה. {פ} ז וַיֹּאמֶר יְהוָה, אֶל-שְׁמוּאֵל, שִׁמְעָה בְּקוֹל הָעָם, לְכָל אֲשֶׁר-יֹאמְרוּ אֵלֶיךָ: כִּי לֹא אֶתָּה מֵאֲסוּ, כִּי-אֲנִי מֵאֲסוּ מֶלֶךְ עָלֵיהֶם. ח כָּכָל-הַמַּעֲשִׂים אֲשֶׁר-עָשׂוּ, מִיּוֹם הָעֲלִיתִי אוֹתָם מִמִּצְרָיִם וְעַד-הַיּוֹם הַזֶּה, וַיַּעֲזֹבֵנִי, וַיַּעֲבֹדוּ אֱלֹהִים אֲחֵרִים--כִּן הָמָּה עֹשִׂים, גַּם-לָךְ. ט וְעַתָּה, שִׁמְעָה בְּקוֹלִי: אֵךְ, כִּי-הָעֵד תַּעֲיִד בָּהֶם, וְהִגַּדְתָּ לָהֶם, מִשְׁפַּט הַמֶּלֶךְ אֲשֶׁר יִמְלֹךְ עָלֵיהֶם. {ס}

4 Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah. 5 And they said unto him: 'Behold, thou art old, and thy sons walk not in thy ways; now make us a king to judge us like all the nations.' 6 But the thing displeased Samuel, when they said: 'Give us a king to judge us.' And Samuel prayed unto the LORD. {P}

7 And the LORD said unto Samuel: 'Hearken unto the voice of the people in all that they say unto thee; for they have not rejected thee, but they have rejected Me, that I should not be king over them. 8 According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, in that they have forsaken Me, and served other gods, so do they also unto thee. 9 Now therefore hearken unto their voice; howbeit thou shalt earnestly forewarn them, and shalt declare unto them the manner of the king that shall reign over them.' {S} 10 And Samuel told all the words of the LORD unto the people that asked of him a king. {S}

4. Babylonian Talmud: Sanhedrin 20b

Rabbi Yehuda says: Three commandments were commanded [to the people of] Israel upon their entry into the land: *To appoint for themselves a king*, to destroy the seed of Amalek, and to build for themselves a Temple. Rabbi Nehorai says: This passage [to appoint a king] was only stated in response to their complaint, for it is stated: "And you shall say, I will set a king over me."

5. Abravanel, Commentary to Devarim 17:24

There is no mitzva here whatsoever, for the Blessed One did not command that they should say this and ask for a king. Rather, it is a foretelling of the future. That is to say, once you are in the chosen land, and after the conquest and all the wars, and after the division [of the land] – this being what it says: "And you shall possess it, and shall dwell in it" – I know that you will be ungrateful, that you will say of your own, "I will set a king over me." [You will ask for a king,] not because of the need to fight the nations and conquer the land, for you will have already conquered it. Rather, [you will want a king] in order to be like the nations who set kings over themselves... And He states that when this happens, they should not appoint a king of their choice, but rather him whom God will choose from among their brothers. This is the true essence of the mitzva, namely: "Then shall you appoint a king over you from among your brethren." [God] is not commanding them to ask [for a king], but rather that when they ask of their own accord, they should not choose [a king] on their own, but rather him whom God will choose from among their brethren. According to this, the matter of [appointing] a king is a positive precept that is contingent upon optional behavior. It is as if the verse said: When you want to do this, even though it is unbefitting, you should do it only in this manner...

It is not impossible for a nation to have many leaders who gather together, unite, and agree upon a single policy, and for authority and judgment to be exercised in accordance with what they say... Why

shouldn't their leadership extend for a year or for three years like the years of a hired worker or less than that? And when the turn of other justices or officers comes, they should rise up in their place and faithfully investigate the offenses of their predecessors, and whoever is found guilty should pay in accordance with their guilt... And why shouldn't their powers be limited and regulated by laws and customs ... Why should we have to adduce rational arguments? Surely experience overrides reasoning: Look and see those countries governed by kings, and today we see countries governed by judges and temporary rulers elected from among them... Now under the elected governments there is nothing crooked or perverse, no man raises his hand or foot to commit a crime, and they conquer countries with wisdom, understanding and knowledge.

6. Netziv, Ha'amek Davar, Devarim 17:14

Indeed, this formulation implies that appointing a king is not an absolute obligation, but rather a permitted option, just like, "And you shall say, I will eat meat" (Devarim 12:20). Surely, however, we know from the words of Chazal that there is a mitzva to appoint a king! Why, then, does it say, "And you shall say"? The reason seems to be that states are governed in different ways, either by a king, or by the people and their representatives. Some states cannot tolerate a monarchy, while others, without a king, would be like a ship without a captain. This matter cannot be mandated by a positive commandment, for issues of government involve danger to human life that would set aside any positive commandment. *For this reason it is impossible to issue an absolute imperative to appoint a king, as long as the people have not agreed to bear the yoke of a king, after seeing that the countries around them are governed with greater order.* Then there is a positive commandment upon the Sanhedrin to appoint a king. Therefore, the verse says, "And you shall say," that the people should ask for it, and then "You shall appoint."

7. Rav Kook: HaRabbanut, Ma'amarei HaRe'iyah, pp. 52-54

The rabbinate is that great spiritual force, that crucial force which always shaped public opinion in the Jewish world... In our era, however, it has been greatly damaged, and its influence has waned. This development has had a detrimental affect on every aspect of our collective lives...

Now that we desire to re-establish and thoroughly repair our national lives, we must also implement deep and penetrating reforms into the rabbinate of Eretz Yisrael, to breathe new life into this essential, spiritual force... [into] a significant force that will influence every aspect of our national revival...

Rabbis must play a prominent role in Israel's revival. They must work with the people in every facet of the building and the national restoration... A continuous, mutual connection must exist between the rabbinate and every productive force in the land.

[Rabbis must] constantly strive to bring people closer to each other and introduce a spirit of peace between all factions and parties, by way of the holy sentiments that are equally shared in every Jewish soul.

Rabbis must stay far away from all factional disputes and differences, they must view everything in a

positive light, focusing only on this side of every faction and every event. This way, they will be able to infuse a spirit of sanctity, faith and pure Jewish awareness into the nation's entire collective existence, materially and spiritually.

8. Rav Soloveitchik: Community Covenant and Commitment, pg. 209-211

Interview in Boston Jewish Advocate, April 2, 1964:

The whole idea of separation is against our philosophy and our faith in the fulfillment of the prophetic promise leading to complete redemption... [Regarding legislation] more might have been accomplished had there been total separation... It is not for the sake of religious liberty but for pragmatic reasons... The secularists would not have been able to blame us for interfering in Israel's way of life... If there are no buses on shabbat, the Orthodox and Judaism as such are blamed...

These venomous and vitriolic attacks are disturbing to me. When I suffer from insomnia at night and lie awake in bed, I frequently think of this and ask myself: Was it necessary to have this?... It would have been the State, not religion that would have suffered by separation... its own image would have been tarnished... [I have in the past advised the leaders of the Mizrachi not to press for religious legislation for practical utilitarian reasons.

In cultural, educational and spiritual projects we could manifest to the secular community that Judaism consists both of halachic disciplines and an all-embracing Judaism, giving self fulfillment and meaningfulness to their lives. People would have looked to us religious leaders and would not have accused us of acting like politicians...

I frequently debate with myself whether, indeed, we were obligated to make the great sacrifice of exposing ourselves to vilification and slander in order to save some secularists from contracting halachically illegitimate marriages. Ninety five percent of the population would comply with the halachic code of marriage and divorce even if it were not sanctioned by the authority of the State...