The Tikvah Center for Law & Jewish Civilization

The NYU Institutes on the Park

THE TIKVAH CENTER FOR LAW & JEWISH CIVILIZATION

Professor Moshe Halbertal
Professor J.H.H. Weiler
Directors of The Tikvah Center

Tikvah Working Paper 04/11

Michael Walzer

The Rule of Kings

NYU School of Law • New York, NY 10011
The Tikvah Center Working Paper Series can be found at
http://www.nyutikvah.org/publications.html

All rights reserved.
No part of this paper may be reproduced in any form
without permission of the author.

ISSN 2160-8229 (print)
ISSN 2160-8253 (online)
Copy Editor: Danielle Leeds Kim
© Michael Walzer 2011
New York University School of Law
New York, NY 10011
USA

Publications in the Series should be cited as:
AUTHOR, TITLE, TIKVAH CENTER WORKING PAPER NO./YEAR [URL]

I.

The biblical account of the history of Israel is marked by two radical disjunctions. It begins as family history, with Abraham, Isaac, and Jacob, their wives and concubines, their sons and daughters. Familial conflict is its first theme: Abraham's break with his father, Sarah's quarrel with Hagar, the struggle of Jacob and Esau, the rivalry and then the reconciliation of Joseph and his brothers, and much else that might be counted as domestic politics. What is at issue is birthright and inheritance, divine and patriarchal favor, the local and immediate forms of power. Then, as a result of Egyptian oppression, the focus shifts to the history of a people. Its leaders, Moses, Aaron, Joshua, and the successive judges, have families, no doubt, but we are told very little about them. Moses' children are never considered as possible heirs; the Aaronite priesthood passes to Eleazar and Phinehas without any interesting familial intrigues (the killing of Nadab and Abihu in Leviticus 10 is extra-familial). Joshua's children are never mentioned; none of the judges makes any effort to pass on his or her power. Does Deborah have sons or daughters? We know only the name of her husband. Now political struggle within Israel takes place between rival leaders or would-be leaders like Moses and Korah, who are not related to one another except as Israelites, and among recalcitrant tribes, whose members are joined by covenant and only distantly by blood. A mostly undifferentiated but powerfully present people "murmur" against their leaders, turn again and again to idol worship, reaffirm their faith on solemn occasions.

And then the focus shifts again, back to family history. This time the families are dynasties or would-be dynasties, but the conflicts are the same as before: sibling rivalries, the intrigues of wives and concubines, the struggle for an inheritance that is now also a royal succession. Kingship recapitulates patriarchalism (except for the usurper Athaliah [2 Kings 11], Israel had no queens).[1] The people fade into the distance; they are courted sometimes by ambitious princes (like Absalom), but mostly they appear only after the succession has been decided, to hail the victor. The king is accompanied by military commanders and political advisors who figure significantly, but always

[1] Delbert R. Hillers, Covenant: The History of a Biblical Idea (Baltimore: Johns Hopkins University Press, 1969), esp. ch. 5, stresses the similarity of partriarchs and kings, whose covenants with God are familial in character—unlike the Sinai covenant between God and the people of Israel.

secondarily, in his story; they are the rough equivalents of the patriarch's family servants and retainers. Our attention is focused in both cases on the household.

This focus makes for a certain practical and tough-minded realism. Gideon, Samson, and Deborah are epic figures, legendary heroes. But David, who slew the giant Goliath and became the greatest of Israel's kings, is human, all-too-human. We see him castigated by his wife Michal, seducing or seduced by Bathsheba, conniving at the death of Uriah, unable to respond to the rape of his daughter Tamar, desolated by the death of Absalom. In David's story as it is told in Second Samuel, there is no hint of the conventional magnifications of monarchy: no mysteries of state, no divine descent, no royal magic, no healing touch. His unhappy family is like a thousand others, except that its unhappiness is publicly acted out--without a script but on a stage, and with a historian standing in the wings to record the action. The action has wide-reaching effects, but its focus is always familial. In royal as in patriarchal households, birthright and succession are at stake. Gideon, Samson, and Deborah have no heirs. But it is David's whole purpose, as it was Saul's, to establish a throne upon which his son can sit. Families aim at continuity; parents labor for their children's sake (though some of the children, like Absalom, are impatient for the labor’s end). Here too David is ordinary enough, and Moses and Joshua, who labored for the nation, are decidedly unusual. Why then should this family rule over all Israel?

The transition from judges to kings, charismatic individuals to royal fathers of families, is historically contested. The origins of the contest, or of the arguments used in the contest, extend far back in time, to the very beginning of Israel's national history, to the Egyptian oppression: for wasn't Pharaoh a king and the escape from Egypt a liberation from royal servitude? But the arguments also have a more immediate origin in the centuries between the Exodus or, better, the Conquest, and the establishment of the monarchy, centuries when "there was no king in Israel [and] every man did that which was right in his own eyes" (Judges 21:25). Why should these Israelite men, free to choose what was right, who never served Moses or Joshua or any of the judges, become the subjects and servants of Saul's or David's household?

II.

Israel before its kings is often described as a tribal confederation, on the model of a Greek amphictyony. In a style characteristic of much biblical scholarship, Martin Noth writes that "Undoubtedly, a fixed constitution existed...the Israelite twelve-tribe confederacy...conducted its affairs according to regular rites and according to prescribed forms of conduct."[2] Maybe so, but we know from the accounts in the book of Judges how rarely the various tribes acknowledged their connection and fought together against a common enemy; the last war described in the book, and the bloodiest, is a civil war. There is painfully little evidence of regular rites or prescribed forms. The only thing that is undoubtedly true about the "constitution" of the confederacy is its doubtfulness.

Israel is also a covenantal community or, following the book of Joshua, an association of heads of families, bound by a kind of treaty to God and one another. "Choose this day which gods you are going to serve," Joshua tells the "elders and commanders, magistrates and officers" assembled at Shechem, "but I and my household will serve the Lord" (Joshua 24:15). The other households are immediately pledged to the same service, and it seems to be this covenant that provides the underlying--now broken, now renewed--unity of the confederation. Political rule is radically decentralized and intermittent even in its local manifestations. God is the only center. When there were no kings in Israel, God was king.

This period of Israel's history--when no family was singled out, chosen by God or men to be dominant over all the others--is remembered in the bible as an age of heroes but also as a dangerous time. The successive chiefs/judges/ commanders don't seem to have occupied anything that could be called an institutionalized office; titles change, individuals come and go; there are no authorized successions; even the priesthood, supposedly hereditary, was subject, as the example of Eli and his sons indicates, to divine disposition. "During the confederacy," Weber writes, "there was only the intermittent, varying sway of the charismatic war heroes..."—each one "raised up," as

[2] Martin Noth, The Laws in the Pentateuch and other studies, trans. D.R. Ap-Thomas (London: SCM Press, 1984), pp. 28-29.

the bible tells us by God.[3] That the tribal confederation and the covenant of family heads survived for 200 years with leadership of this sort is testimony to divine favor or rare good luck. In fact, the kingship of God over Israel coincided with the eclipse of empire in Egypt and Assyria. According to the biblical histories, a politically decentered Israel faced only local enemies. But one of these, the Philistines, themselves organized as a confederation of cities (not tribes), finally succeeded in dominating most of the hill country that the Israelites had conquered, or into which they had infiltrated, two centuries earlier. Philistine triumph and Israelite disunity brought on the crisis out of which monarchy emerged.

The story is told in the first book of Samuel, chapter 8, and it is a famous story the beginning, we might say, of the age-long debate over the virtues of kingly rule. There is no written evidence of any similar debate in Egypt or Mesopotamia or in the cities of the Canaanites or Philistines. Even the Greek discussions about the best regime lie far in the future. In all the countries of the ancient Near East, monarchy is regarded as the divine and natural form of government; the king is a god or a deputy or "servant" of the gods, connecting politics to nature, the state to the cosmos, insuring the fertility of the fields and the reproduction of humankind. Now, sometime around the year 1000 BCE, the elders of Israel come to Samuel, the currently established judge and seer, and ask him to "make us a king to judge us like all the nations"(8:5). The request is impossible in this important sense: the fact that the people imagine a king being made at their instance means that he can't be a king like the kings of all the other nations. And Samuel demonstrates how different the making of this king will be by disputing the request.

Both the request and the dispute have a precedent. In Judges 8:22-23, "the men of Israel" come to Gideon, who has just led them in a successful war against the Midianites, and say, "Rule thou over us, both thou and thy son, and thy son's son also." Kingship is not mentioned here, but the emphasis on the succession makes the point. As it is understood in Israel, kingship is the successive rule of fathers and sons; the contrasting regime is the intermittent rule of leaders unrelated by blood, representatives of an eternal God. Gideon's response affirms the contrast: "I will not rule over you,

[3] Max Weber, Ancient Judaism, trans. Hans H. Gerth and Don Martindale (Gelcoe, Illinois: The Free Press, 1952), p. 90.

neither shall my son rule over you: The Lord shall rule over you." This is to remind the "men of Israel" of the commitment that makes them Israelites; Gideon addresses them as men of the covenant.

Samuel might have responded in the same way had he himself been asked to become king. Faced with the more impersonal request for a new political regime, he attempts what is perhaps a more politic, certainty a more secular, response. He addresses the elders as fathers of families and describes to them the consequences of submitting themselves to the father of a particular family. He will take your sons and daughters into his service, Samuel says, "and appoint them for himself...to be his horsemen... [to] run before his chariots...to reap his harvest...to make his instruments of war...to be his cooks and...bakers." And he will tax you for his own benefit, seizing "your fields, and your vineyards, and your oliveyards, even the best of them." "And ye shall be his servants"--as you were the servants of Pharaoh, before you became servants of God, free among your fellow men (8:10-18). But the elders are not persuaded; freedom is too dangerous; they want a ruler in their own image, and they are willing to pay the price and allow one household, initially like all the others, to become a royal court.

It isn't that they think, naively, that the king won't behave as Samuel suggests. Saul and David are, after all, men like themselves, and the extraordinarily realistic account of the successive royal courts was written, presumably, with Israel's elders in mind. In a sense, the rabbis were right, centuries later, when they declared (in the name of a later Samuel, one of the leaders of Babylonian Jewry), "All that is set out in the chapter of a king, he is permitted to do..." (BT Sanhedrin 20b). The people have been warned, and they or their representatives have agreed; therefore the behavior predicted by Samuel is "permissible," even though neither Samuel nor the God with whom he speaks believe that it is necessary. "The Holy One said to Israel: My children, I endeavored that you be free of the monarchy."[4] The elders had a different plan, but that doesn't mean that they intended to enslave themselves to the kings into whose service they had voluntarily entered. They did not accept Samuel's arguments, but they were as

[4] Midrash Rabbah: Deuteronomy, Shoftim 5:8, in The Jewish Political Tradition, ed. Michael Walzer, Menachem Lorberbaum, Noam J. Zohar, Volume I, Authority (New Haven: Yale University Press, 2000), p. 148. See also Allan Silver's commentary on I Samuel 8, pp. 122-126.

protective of their households as he thought them to be. When Solomon conscripted too many of their children, turning the royal corvee into something like a levee en mass, he put his succession at risk. Representatives of the Northern tribes now bargained with his heir Rehoboam, demanding that he promise to "make the grievous service of thy father, and his heavy yoke which he put upon us, lighter." And when Rehoboam refused to do that, the many households of Israel deserted the royal household, repeating the battle cry of an earlier rebellion: "What portion have we in David? Neither have we inheritance in the son of Jesse: to your tents, O Israel: now see to thy own house, David" (I Kings 12:16). The Northerners turned to Jeroboam, who had been one of Solomon's officials, "and called him into the congregation and made him king over all Israel." They made him king, as if to say that they would serve him only so long as he served them.

We may take the Deuteronomic law of kings (which derives, some scholars think, from the Northern kingdom) as a kind of fallout from the debate that Samuel began and from the rebellion that was its practical expression. The text (Deuteronomy 17:14-20) is in no sense a theoretical statement, but it is nonetheless a reflection upon Samuel's warnings and Solomon's enactments. It recounts the initial request of the elders, permits (some say commands) the setting up of a monarchic regime, and then establishes a set of limits on kingly rule designed to rule out "grievous service" and "heavy yokes": "But he shall not multiply horses to himself...neither shall he multiply wives to himself...neither shall he greatly multiply to himself silver and gold... That his heart be not lifted above his brethren." In other words, the king is not to expand his household or increase his power or wealth--this is the reading of the rabbis of the talmudic period--beyond what is absolutely necessary for the performance of his duties.[5] The reiterated phrase "to himself" suggests that what is at issue here is personal and dynastic aggrandizement. The authors of Deuteronomy want a king who will lead Israel (when necessary) into battle--and do nothing more. Perhaps they mean to repudiate imperial warfare ("horses" stand in here for chariots), though that is by no means certain from the Deuteronomic text as a whole. More likely, they mean to deny the king anything like a Praetorian Guard. They are not all that different from the elders who

---

[5] Mishnah Sanhedrin, ch. 2, in The Jewish Political Tradition, I:136-137, and see my commentary, pp. 139-141.

came to Samuel, but they write after the experience of actual kings and their mercenaries. The medieval commentator Nahmanides probably captures their meaning: "You will set a king over you like all the nations that surround you--only he should not be like their kings…for the main desire of kings is to increase horses and horsemen for themselves."[6]

Chapters 17 and 18 of Deuteronomy read something like a constitutional text, and it is notable that they treat the judicial function separately from the monarchy.[7] The elders had asked for a king to "judge us" as well as to fight "our battles," but nothing is said in Deuteronomy about the king sitting in judgment (as Solomon, for example, famously did) or appointing judges. Adjudication is centralized in Jerusalem. According to 17:8-9, when the elders "within thy gates" are unable to decide a case, because the "matter [is] too hard," they are to go to

> the place which the Lord thy God shall choose;
> And thou shalt come unto the priests the Levites;
> And unto the judge that shall be in those days, and
> inquire; And they shall shew thee the sentence
> of judgment.

The king is unmentioned here, but no one else is given the task of choosing "the judge that shall be in those days." So this is an incomplete constitution, to say the least, and exactly how constrained the king is remains unclear.

Nor is it clear, as I have already suggested, that the Deuteronomic historians regarded Deuteronomy 17-18 as a constitutional text. The sole biblical reference back to this text comes in the account of Solomon's reign (but the reference may work the other way), which deals explicitly but not always critically with horses, wives, and silver and gold. Though Solomon "had forty thousand stalls of horses for his chariots, and twelve thousand horsemen" (I Kings 5:6; 4:26 in King James), he is actually praised for that,

[6] Ramban (Nachmanides), Commentary on the Torah: Deuteronomy, trans. Charles B. Chavel (New York: Shilo, 1976), p. 210.
[7] Bernard M. Levinson, Deuteronomy and the Hermeneutics of Legal Innovation (New York: Oxford University Press, 1997). Chapter 4 provides a full discussion of "Deuteronomic judicial procedures."

since his military prowess made for peace: “And Judah and Israel dwelt safely, every man under his vine and under his fig tree…all the days of Solomon” (I Kings 5:5; 4:25 in King James). Solomon also acquired great wealth, but not only “to himself”: “The king made silver to be in Jerusalem as stones…” (I Kings 10:27). These two are clearly not critical passages. Solomon is condemned because he “loved many strange [foreign] women” and took many wives, who “turned away [his] heart after their gods” (I Kings 11:1-4). He is also criticized, though only after his death, for the “grievous service” and the “heavy yoke” that he laid upon the people (I Kings 12:4)—which might be taken as a violation of the closing injunction in Deuteronomy that the king should not lift his heart above his brethren (which NJPS translates “act haughtily toward his fellows”).

But in the rest of the Deuteronomic histories, covering some three hundred years of monarchic rule, kings are criticized only for religious failings—never because they built too large an army (acquiring too many horses and chariots) or amassed too much wealth or lifted their hearts (or acted haughtily). Perhaps the Deuteronomic text was meant to be authoritative, but in practice, even in the practice of historical judgment, it seems to have had no authority. The writers of the historical books are monarchists but not in any obvious way constitutional monarchists. Nonetheless, the passages in I Samuel and Deuteronomy provide a distinctive view of kingship—and, over the long history of monarchic government, an unusual view.

The king's household is raised above the other households, but his heart is not. He is in his person no different from any other Israelite; his elevation, such as it is, is purely practical and instrumental. "The relation between the Hebrew monarch and his people," writes Henri Frankfort, "was as nearly secular as is possible in a society wherein religion is a living force."[8] Indeed, the argument that I have just rehearsed is entirely secular, but it is shadowed by two religious arguments, one rejecting and the other exalting monarchic rule. I have set these two aside for the moment in order to stress the most remarkable feature of Israelite kingship, which is a negative feature: the absence of cosmological significance. The king is a human artifact, "made" by the people for their own purposes: that's why awe and reverence are absent from First Samuel.

[8] Henri Frankfort, Kingship and the Gods: A Study of Near Eastern Religion as the Integration of Society and Nature (Chicago: University of Chicago Press, 1948), pp. 341-342.

"The Hebrews knew that they had introduced kingship on their own initiative... and under the strain of emergency"--a political solution to political problems.[9] I will come back to this point later on. Despite the desire for likeness, this is a regime unlike that of all the surrounding nations.

III.

But there were many Israelites, beginning with Samuel himself, who aspired to a regime even more different. Resistance to kingship did not come only from people like the Northern tribal representatives, worrying about their sons and daughters; nor was it only secular in its reasons. The more radical resistance came from Israelites who felt that only God should rule in Israel. Their central claim is put by God himself: "They have not rejected thee," he tells Samuel, "but they have rejected me, that I should not reign over them" (I Samuel 8:7). In fact, the two rejections are simultaneous and identical; God's rule can only be overthrown by overthrowing his designated agents; and whenever his agents are overthrown, so is he. Israel had been and, so Samuel thought, should have remained a kingdom of God, ruled by men and women who were God's servants and nothing more, solitary figures, without significant family ties, "raised up" only for a time. This is apparently a minority position among Samuel's contemporaries and for the next four or five centuries; it is only revived when a wholly new understanding of divine service is worked out, first among the priests after the Babylonian exile and then among the sages after the destruction of the temple. In the monarchic period, we find the theocratic view directly expressed only occasionally, by one or another of the prophets. "They have set up kings," says Hosea in God's name, "but not by me" (8:4).

It is not easy to capture the meaning of the kingship of God. This is a regime without archives; we have stories, like the Samson stories, which read very much like folktales, but we have no official records, no court chronicles. In practice, God's rule made for decentralized government; according to the kings and their scribes, later on, it

[9] Frankfort, Kingship, p. 339.

made for anarchy: "every man did what was right in his own eyes." I quoted that line earlier as a description of the pre-monarchic regime; it was no doubt intended as an indictment. And yet the picture presented in the book of Judges is not, until the end at least, wholly unattractive.[10] A community of covenanted men, heads of families, peers, responsible for their own conduct, subject to divine intervention at critical moments, otherwise left to their own devices--this could as easily be a utopian as a dystopian picture. But the collected stories are too brutal, the civil war at the end too bloody, to serve the purposes of idealization. As it is, when the prophets want to contrast their own (monarchic) moment with an earlier time, they choose the rule of God through Moses, the wilderness period rather than the period of the judges. Then also, "there was no king in Israel" (Moses is called a prophet in Deuteronomy), but divine rule was more steady, divine intervention less sporadic; and though Moses was often opposed, anarchy was not his or Israel's problem.

Nonetheless, the transition from judges to kings is remembered as a rejection of God. Despite the work of royal scribes, there survives in the biblical text an account not only of the elders' request for a king but also of Samuel's condemnation of the request -- and even of the elders' later acknowledgement that they had added to all their previous sins "this evil, to ask us a king" (I Samuel 12:19). The idea that God's rule is better than the rule of kings survives the highly problematic experience of divine governance and reappears, again and again, in Israel's history. This survival probably accounts for the failure of monarchy to achieve cosmological status. Kings may serve human purposes--perhaps even human necessities--but they are only dubiously servants of God. At least, this is one of Israel's political traditions. There is, of course, another tradition, assiduously cultivated by the kings themselves, immensely popular, with a long post-monarchic afterlife, according to which kings are indeed God's servants and even something more.

---

[10] See Martin Buber, Kingship of God, trans.Richard Scheimann (New Jersey: Humanities Press, 1990).

IV.

The high theory of monarchy is probably the work of scribes/priests/prophets (we know neither the names nor the social roles) attached to Solomon's (or some later king's) court. The theory is read back to the time of David, but the biblical historians suggest that, whatever David's own ideas, his presentation of himself as king was cautious and, relative to his son's, unpretentious. Though picked out by God and anointed by Samuel, he was also confirmed and anointed again by the elders: "So all the elders of Israel came again to…Hebron; and king David [he was already king over Judah, his own tribe] made a covenant with them in Hebron before the Lord: and they anointed David king over Israel" (II Samuel 5:30). Covenanted with the elders, he was bound by their traditions; hence, probably, his inability to build a temple in Jerusalem, his new capital city. The God of the old covenant had never dwelt in a "house"--so the prophet Nathan tells David--nor had he ever asked the judges of Israel to build him a house, but had "walked in a tent and in a tabernacle" (II Samuel 7:5-7). The portable ark was the most important religious symbol of the decentralized kingship of God, and it is hard not to believe, as Frank Cross has written, that "the insistence on this old symbolism…was directed against the Canaanite ideology of kingship…which developed immediately… with the building of the Temple."[11]

The opposition isn't only symbolic. The wilderness tabernacle had been built with gifts from the people—from "whosoever is of a willing heart" (Exodus 35:5). So many people were willing that Moses had to call a halt to the gift-giving: "the people bring much more than enough for the service of the work" (36:5). The twice-repeated account of the construction emphasizes its popular character. Though Bezalel is "singled out" by God to lead the work, he is accompanied by "everyone who excelled in ability" (36:2). By contrast, when it came to building the Temple, "Solomon raised a levy out of all Israel (NJPS: imposed forced labor on all Israel)" (I Kings, 5:27; 5:13 in King James). This is the corvee that Samuel warned the people against— which led eventually to the Northern secession. We see here, very concretely, what it meant to have a king like all

[11] Frank Moore Cross, Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel (Cambridge, Mass.: Harvard University Press, 1973), p, 243.

the other kings. This kind of kingship might be justified in practical terms, but it probably also needed a more ideological justification, which was taken over, Cross suggests, from Israel's Canaanite neighbors.

But "Canaanite ideology" had to be mediated by a new version of Israelite ideology; the high theory of monarchy had to be naturalized into the covenantal tradition, a process that set limits on the full development of a Canaanite royalism. The crucial mediating idea was the covenant itself, which was now transformed from a conditional pact between God and the people of Israel to an unconditional pact between God and the house of David. This transformation is the subject of lively scholarly debate and I shall offer only a simplified account, more controversial than I shall acknowledge as I go along.[12] The debate is sustained by disputed readings of obscure passages in a much-edited text; it has no foreseeable conclusion. I shall follow the scholars who argue that conditionality is the earlier idea. The Sinai covenant has the form of an "if-then" mutualism; if you keep my commandments, God tells Israel, then you will live in peace and prosperity in the land to which I will bring you; and if not, not. This conditionality is then acted out: the people fail to keep the commandments, and God punishes them, sometimes directly with fire and plague, more often indirectly, with military defeat. But he does not abandon them; after every episode of transgression and punishment, the old relationship is restored. So, at least, goes the account in the history books (Judges, Samuel, Kings), and it suggests that, early on, some notion of a permanent tie, eternal divine love for Israel, must have come to figure in the covenantal tradition. But the emphasis (still in Deuteronomy, for example, with its blessings and curses) was on conditionality.

Solomon's (or some later king's) servants discover or invent an alternative tradition. Appropriately, they trace this tradition back to Abraham rather than to Moses, for they mean to describe a covenant in which the people or nation has only a secondary part, first place being assigned to patriarchs and kings. What God promises now is less importantly peace and prosperity for Israel than an endless succession for Abraham and David. There is still a shadow of the old conditionality, but the emphasis has clearly

[12] My account follows Hillers, Covenant, chs. 4 and 5.

changed. This is the promise to David as set forth in one of the "royal psalms," number 89, written, probably, to be sung or chanted in Solomon's (or some later king's) temple:[13]

> I will set his hand upon the sea
> his right hand upon the rivers,
> I will appoint him first-born,
> highest of the kings of the earth,
> I will maintain my steadfast love for him always;
> My covenant with him shall endure.
> I will establish his line forever,
> his throne, as long as the heavens last.
> If his sons forsake my teaching
> and do not live by my rules;
>
> if they violate my laws,
> and do not observe my commands,
> I will punish their transgression with the rod,
> their iniquity with plagues.
> But I will not take away my steadfast
> love from him,
> I will not betray my faithfulness.
> I will not violate my covenant
> or change what I have uttered…
> His throne shall continue forever
> his throne, as the sun before me,
> as the moon, established forever,
> an enduring witness in the sky.

[13] See Hillers' reading of this psalm, Covenant, pp. 113-118; for a very different, christological reading, see Aubrey R. Johnson, Sacral Kingship in Ancient Israel (Cardiff: University of Wales Press, 1967), pp. 25-28, 110-113.

This is a very strong claim indeed, and it is further strengthened by the witness of sun and moon, deities to Israel's neighbors, though the psalmist is careful to avoid implications of divinity here. His treatment of other "Canaanite" themes is similar, cautiously trespassing on alien and forbidden ground. "I will set his hand upon the sea/his right hand upon the rivers" suggests without quite saying that the gods of sea and river have been defeated by the Lord's anointed. "I will appoint him first-born" makes David and then Solomon divine sons--but only by adoption. Another psalm is more forthright:

> The Lord said to me,
> You are my son,
> I have fathered you this day (2:7).

Even these lines claim only a post hoc fathering, divine sonship without direct divine descent, but the meaning is clear enough: all the other men of Israel are merely the fathers of their own sons; the king is the son of a heavenly father. These figures embellish the covenantal relationship without entirely replacing it. Embellished in this way, however, the covenant and the monarchy it establishes take on a radically new character.

The king's family is still central (though Solomon succeeds in escaping or repressing any realistic history: despite his many wives, we have no account of domestic intrigue in his household). But this is no longer one family among many. It now replaces the others at least in this sense: that Israel's history is mediated through it alone. Insofar as the high theory is successful, the king stands in for the people, who suffer for his sins and are, more rarely, rewarded for his righteousness. When the prophets castigate the people as a whole, they are abandoning the high theory; when the author or final editor of Kings focuses narrowly on the sins of Manasseh, he is writing it into the historical record. He writes, of course, with the assurance that even a very bad king, if he is David's heir, will have heirs of his own to whom God will remain committed.

We can best grasp the full meaning of the new doctrine if we look again at the Deuteronomic law of kings. Deuteronomy presumably is later than the psalms I have

quoted, but it probably represents, as I have argued, the view of the Israelites who first asked for a king and also of those other elders who deposed Rehoboam and set Jeroboam on Solomon's throne (and insisted that David was only the "son of Jesse"). The account of the law ends with a statement of its purpose: "That he turn not aside from the commandment to the right hand, or to the left: to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel" (Deuteronomy 17:20). This is no promise of prolonged days, only a hope and a program. The medieval commentator Rashi is certainly right to see here the old if-then argument: "From the positive statement," he writes, "you may derive the negative, and so indeed do we find in the case of Saul." On this view, there can't be a guaranteed succession, for each king will be judged by his own performance--and royal heirs will be judged, presumably, by their promise (or, like Rehoboam, by their promises). The high theory of monarchy also holds that David's heirs will be judged, and even chastised with plagues and wars. Indeed, psalm 89, quoted above, ends with the plea of a king who has been “cast down and abhorred” that God remember “thy former lovingkindness, which thou swarest unto David.” But the succession is still said to be eternal. Each individual king partakes in the mystery of permanence, divine favor, adoptive sonship, mythic triumph.

What happens, then, when the succession fails? The seizure of king Jehoiachin by the Babylonians in 597 and then the deposing, blinding, and exile of Zedekiah, whom they had set in his place, brings the Davidic dynasty to an end. After that, "God's steadfast love" for the house of David is nowhere in evidence. Zerubbabel may have harbored hopes for a restoration after the return from Babylonia; if he did, his hopes were vain; he seems to have had a hand in the rebuilding of the temple, and then, abruptly and without explanation, he disappears from the historical record. The next kings of Israel were from another family and ruled without the support of a divine covenant. They were kings in the Hellenistic rather than the Canaanite style, but did not dare attempt the Hellenistic version of mythic embellishment.

But David's line lived on in Israel's imagination, and eventually the high theory of monarchy found expression in one of the versions of prophetic messianism. How this came about I cannot try to explain here. It is enough to say that messianism is the heir of mythic kingship, just as the messiah himself will be the heir of the house of David, the

adopted son (or, among Christians, the actual son) of God. For many centuries, Israel's political hopes were focused on this figure, who would come in God's time, the fulfillment of his promise. There were occasional attempts to "force the end," to impose a messianic regime (perhaps a failed attempt of this sort accounts for Zerubbabel's disappearance). But messianism is, most of the time, a politics of passivity and postponement, as Gershom Scholem has argued--an apolitical politics (see chapter 10 below). With the advent of the monarchy, the royal household replaced the people as the carrier of Israel's history; in the afterlife of monarchy, the people wait for the miraculous return of the heir of David's house.

V.

But this apolitical ending is not the whole story of Israelite kingship. For it can also be said that the critical moment when the elders come to Samuel and demand a king is the dawn of politics or of political understanding in Israel. The doctrine of God’s earthly kingdom, like later messianism, is in an important way an apolitical doctrine: it denies autonomy to political actors. If we think of politics as a form of human coping with the problems of individual and group coexistence, then Israel's politics had been pre-empted, as it were, by God himself, who supplied judges to the people and fought directly on their behalf. If "the Lord is a man of war," what need is there for more ordinary men of war? The reduction of Gideon's army to a tiny band is designed to make this point--"lest Israel vaunt themselves against me, saying, mine own hand hath saved me" (Judges 7:2).

To be saved by God's hand is undoubtedly a sign of favor. But it also represents a loss of political control. And how can Israel depend on divine assistance when it stands so often in violation of divine law? In any case, God's interventions are intermittent and long delayed; he waits until the last possible minute. What the elders ask of Samuel is a different kind of government, visibly embodied in a king, institutionalized in a royal court and army, stabilized through hereditary succession. The vesting of authority in one family is at the same time a collective seizure of power--from God himself!--a replacement of charisma by politics or, since kings are ritually anointed, a political

routinization of charismatic rule. The result is a special kind of "normality," man-made rather than natural or divine, subject therefore to an ongoing critique, but normal nonetheless: Israel's kings face the same realities as other kings, and unlike God they must attempt some reasonable accommodation.

Henceforth, God's interests are represented by his prophets, while the full and often contradictory set of human interests--personal, dynastic, and national--are represented by the king. Prophecy is born together with monarchy, lest divine law have no voice in the world. This double birth sets up the central conflict of the new regime, usually construed, following the argument of the Deuteronomic historians, as a conflict between royal immorality and prophetic admonition. The conflict takes exactly this form in the famous cases of David and Uriah, Ahab and Naboth. The prophet facing down the king, the king obviously in the wrong, penitent (like David) or irrevocably condemned (like Ahab): this is what we have been taught to expect from prophets and kings. Prophecy is at war with personal, later on with social, wrongdoing. But prophecy is also at war with politics itself--not only when politics is a form of self-aggrandizement but also when it is a form of self-reliance and self-help.

The clearest examples of this latter opposition come from the experience of war. The elders wanted a king "to go out before us, and fight our battles." But it is also the responsibility of kings to avoid battles when that is possible and to make peace when battles end. The earliest conflict of king and prophet is brought on by Saul's refusal to kill the Amalekite ruler Agag, after a successful war (I Samuel 15:8-30). Here Samuel, in the role of prophet, upholds the laws of holy war--which, since they require the extermination of the enemy, will not seem to us the proper subject of prophetic advocacy. Saul opposes the holy war for reasons that remain obscure until the opposition is repeated by Ahab in a war against the Syrians. Ahab's position is clear: he spares the Syrian king (and his people) for the sake of peace. King Ben-hadad is called "brother" by Ahab and as soon as the battle is over, they enter into negotiations (I Kings 20:34).

> And Ben-haded said unto him,
> The cities, which my father took

> from thy father, I will restore;
> and thou shalt make streets [markets] for
> thee in Damascus, as my father
> made in Samaria. Then said Ahab, I
> will send thee away with this
> covenant. So he made a covenant
> with him, and sent him away.

An unnamed prophet condemns this sensible behavior, claiming that God had "appointed" the Syrians "to utter destruction." Ahab has a better idea. Acknowledging that Israel had not been destroyed by Ben-hadad's father, he seeks only a limited victory over the son. This is the politics of accommodation, and it represents the triumph of the elders: Israel is indeed a nation "like other nations" when its kings call other kings "brother."[14]

So monarchy is a form of normal politics, while the prophets defend abnormality, which is sometimes admirable and sometimes not. The opposition is re-enacted again and again. When Solomon marries "strange women," that is, the daughters of foreign princes, builds them temples and shrines, and permits them to "burn incense and sacrifice unto their gods" (I Kings 11:8), he is neither defending religious toleration nor advocating idol worship. He has no ideological intentions at all; he is simply pursuing what must, again, have seemed a sensible and was certainly a conventional foreign policy, aiming at peace with his neighbors. But he is condemned by the prophets and, as we have seen, by the Deuteronomic historians. Similarly, when the last kings of Israel, a motley crew of usurpers and murderers, seek alliances with Egypt or Assyria, they are acting as the weak must act in the company of the strong. Every actual alliance entailed risks, no doubt, but it was hardly foolish to think that the risks of relying on divine intervention, as several of the prophets demanded (see my discussion

[14] For another view of this passage, see J.P.M. Walsh, The Mighty from Their Thrones: Power in the Biblical Tradition (Philadelphia: Fortress Press, 1987), pp. 104-105. Walsh argues that Ahab was trying "to make Israel an expansionist, imperialistic nation-state, and so he incurred the judgment of Yahweh, pronounced by the prophet." This is a liberationist reading, though I hope not a characteristic one, preferring genocide to international trade.

of prophetic “foreign policy” in chapter 7), were even greater--and not only because of the moral character of these particular kings. Necessity must be served, and kings are appointed for just that service.

That), who will not resist but enact the law. In Deuteronomy 17, the king is commanded to kings defend politics against divine law is likely to seem to us a Machiavellian idea, the product of religious (perhaps also of moral) skepticism. It is in fact a biblical idea, and if it is reported in negative terms, from the side of the law and not of the king, there is nonetheless some grudging recognition of its realism. That is the upshot, surely, of the argument in Samuel as it has come down to us: that kings have their purpose and value even though they are likely to behave badly. The biblical authors and editors hope at the same time, of course, for a perfect king (David the model, despite his imperfectionswrite out for himself a copy of the law and "to read therein all the days of his life." The covenant between king and God is meant to sustain this commitment: the king promises to keep the divine statutes, "to do them." But the king is also covenanted with the people, at least on one of the Israelite understandings of kingship, and the implicit law of this covenant is salus populi suprema lex.

That last formula has no biblical equivalent that I know of, though there is among the biblical authors and editors some sense of possible tensions between popular well-being and divine command. Within the Jewish tradition, an explicit argument along these lines comes only much later, from medieval rabbis and commentators. One of the most astute and politically sophisticated of these is Nissim Gerondi, who lived and wrote in fourteenth century Spain. I want to look very briefly at his account of biblical kingship, which reflects, no doubt, a very different political experience but is not, it seems to me, wholly anachronistic. In Gerondi's view, God's laws, as delivered to Moses at Sinai, constitute a "perfect" legal system; they make for "absolute justice." But this kind of perfection is often at odds with the requirements of normal human life, that is, with "social and political order." Judges (like Samuel) are required to act in accordance with the law, to further, so to speak, God's cause "whether or not the ordering of…society has been accomplished." Strangely (or perhaps not), gentile laws often prove "more pertinent" to social order "than some of the laws found in the Torah." Kingship was instituted, by God as by the elders, to remedy this deficiency. The sin of the elders,

according to Gerondi, was to want to be like other nations in all respects rather than only minimally, with respect to social order alone. But the elders were entirely justified in seeking a political antidote to divine perfection.[15]

The king is in charge of politics, and therefore he is freed from the law: he is "not subject to the laws of the Torah, as the judges are." The only example Gerondi supplies is taken from criminal law. The king is permitted to punish his subjects with death "in accordance with the needs of the moment rather than absolute justice." He can ignore the biblical requirement of two witnesses and the many additions to this requirement made by the talmudic sages (and designed, it seems, to abolish capital punishment altogether). Gerondi has nothing to say about the biblical accounts of kingly behavior, and I don't mean to take him as justifying what is there condemned--Solomon's marriages, say, or Ahab's disregard of the holy war. But were these kings to speak on their own behalf, what better justification could they offer than this: that they were bound to meet the requirements of domestic law and order and of international peace--and therefore they were exempt from the commands of God?

Gerondi recognizes the dangers of this position, and so he stresses the Deuteronomic command that kings copy and study the law. Kings must be learned and pious so that their violations of the law will be limited. But this is nonetheless a radically secular conception of kingship. In some respects, at least, Israel is exactly like the other nations; and it is for the sake of this necessary likeness, and the political necessities it reflects, that kingship is instituted. Gerondi has simply elaborated in rabbinic style what the elders (but not Samuel) already understood. And the king that he defends, like the king that they accepted, will probably conscript and tax (and kill!) his subjects for his own benefit as well as for theirs. Personal piety is no adequate barrier to royal excess; nor are the various prohibitions of the Deuteronomic account effective barriers—for the king will surely need horses and chariots, and gold and silver, to fulfill his secular purposes. The bible does not provide, nor can Gerondi imagine, any effective constitutional or political check on the power of kings. Still, it will be easier to find a constitutional check if it is clearly understood that the king is not God's adopted son but

[15] The Gerondi text is reprinted in The Jewish Political Tradition, I: 156-161; see also the commentary by Menachem Lorberbaum, pp. 161-165.

rather the people's choice, not the servant of divine law but of social order. Society can always find other servants.

VI.

A brief summary: kingship arises in Israel as an entirely practical response to the dangers of theocratic (charismatic) rule. The high theory of kingship, with its myths of divine sonship and unconditional covenant, comes later. It represents a royal effort to escape the practicalities, and the escape is so successful that the house of David survives the death of its last son and lives on in impractical, apolitical, messianic fantasy. The kingship that the elders asked of Samuel thus stands precariously between theocracy and messianism. The charismatic "judge" comes at the last minute; the messiah comes at the end of time. But the king and his sons are there continuously, year after year. They exist in what we might call the space of secular time, which is the space of normal politics. Insofar as there is any recognition of an autonomous political realm in biblical thought, it has its beginning and perhaps its only location here.