



ICJW Bea Zucker Online Bible Study Program

“The Five Books of Moses: Contemporary Issues and Classic Perspectives”

By Dr. Bonna Devora Haberman

48 Shoftim - Earthly Sovereignty

Text

דברים יז

יד כי-תבֹּא אל-הארץ אשר יהוה אֱלֹהֶיךָ נָתַן לְךָ וירשֶׁתָּה וישְׁבַתָּה בָּהּ וְאָמַרְתָּ אֲשִׁימָה עָלַי מֶלֶךְ כְּכָל-הַגּוֹיִם אֲשֶׁר סָבִיב תִּי. טו שׁוּם תִּשִׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר יְהוָה אֱלֹהֶיךָ בּוֹ מִקִּרְבֵּי אַחֶיךָ תִּשִׂים עָלֶיךָ מֶלֶךְ לֹא תוּכַל לַתֵּת עָלֶיךָ אִישׁ נָכְרִי אֲשֶׁר לֹא-אַחֶיךָ הוּא. טז רַק לֹא-יִרְבֶּה-לוֹ סוּסִים וְלֹא-יִשִּׁיב-אֶת-הָעַם מִצְרַיִמָּה לְמַעַן הַרְבוֹת סוּס וַיְהוֶה אָמַר לָכֵם לֹא תִסְפוּן לְשׁוֹב בַּדֶּרֶךְ הַזֶּה עוֹד. יז וְלֹא יִרְבֶּה-לוֹ נָשִׁים וְלֹא יִסוֹר לְבָבוֹ וְכִסְף וְזָהָב לֹא יִרְבֶּה-לוֹ מֵאֹד. יח וְהָיָה כְּשִׁבַּתוֹ עַל כִּסֵּא מַמְלַכְתּוֹ וְכָתַב לוֹ אֶת-מִשְׁנֵה הַתּוֹרָה הַזֹּאת עַל-סֵפֶר מַלְפָּנָי הַכֹּהֲנִים הַלְוִיִּם. יט וְהָיְתָה עִמּוֹ וְקָרָא בּוֹ כָּל-יְמֵי חַיָּיו לְמַעַן יִלְמַד לִירְאָה אֶת-יְהוָה אֱלֹהָיִם הַזֵּה לְשִׁמּוֹר אֶת-כָּל-דְּבָרֵי הַתּוֹרָה הַזֹּאת וְאֶת-הַחֻקִּים הָאֵלֶּה לַעֲשׂוֹתָם. כ לְבַלְתִּי רוּם-לְבָבוֹ מֵאַחֵיו וְלְבַלְתִּי סוֹר מִן-הַמִּצְוָה יְמִין וּשְׂמֹאל לְמַעַן יֵאָרֶיךָ יָמִים עַל-מַמְלַכְתּוֹ הוּא וּבְנָיו בְּקִרְבֵּי יִשְׂרָאֵל.

Devarim 17

14 If, after you have entered the land that the Lord your God has assigned to you, and taken possession of it and settled in it, you decide, "I will set a sovereign over me, as do all the nations about me," 15 you shall be free to set a sovereign over yourself, one chosen by the Lord your God. Be sure to set as sovereign over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsperson. 16 Moreover, s/he shall not keep many horses or send people back to Egypt to add to his/her horses, since the Lord has warned you, "You must not go back that way again." 17 And s/he shall not have many spouses, lest his/her heart go astray; nor shall s/he amass silver and gold to excess. 18 When s/he is seated on his/her royal throne, s/he shall have a copy of this Teaching written for him/her on a scroll by the levitical priests. 19 Let it remain with him/her and let him/her read in it all his/her life, so that s/he may learn to revere the Lord his/her God, to observe faithfully every word of this Teaching as well as these laws. 20 Thus s/he will not act haughtily toward his/her fellows or deviate from the Instruction to the right or to the left, to the end that s/he and his/her descendants may reign long in the midst of Israel.

Context

Obligations to select worthy officials and bring unblemished offerings occur in the opening chapters of Shoftim. The priests are to convey divine judgements in difficult cases. If the people desire, they may appoint a sovereign, but that person must exercise restraint in respect to possessions, and sex, and study the Torah. The nation must sustain the Levite tribe with offerings and tithes, for those who perform the sacred service are not to have a portion of land. There are to be cities of refuge to protect unwitting personslayers from those who would avenge the death of their kin. A person is entitled to dedicate his/her house, harvest her/his vineyard, and consummate his/her marriage before risking life in war. In laying siege, no fruit trees may be felled. When the murderer of an innocent person found between towns cannot be identified, the rite of breaking the neck of a heifer purges the communities of their guilt.



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Explorations

In parashat Shoftim, conducting public affairs with uprightness, justice and fairness blends with rules about unwavering monotheistic practice. As we move toward the end of Moshe's life and the end of the Torah, the Book of Devarim instructs about and encourages faithful and ethical behavior. Shoftim particularly concerns itself with leaders – justices and officials, priests and levites, a sovereign, and prophets.

In relation to the system of rule, our parasha sets guidelines for the appointment and function of a sovereign – in order to limit potential corruptions of power, and to direct the ruler toward some measure of modesty and conformity to biblical norms. The person is to be limited from material excesses, and instructed thoroughly and regularly in the Torah and its laws. The rules aim to cultivate a fitting character who will bequeath sovereignty to worthy descendants, and ensure stable rule.

While most practices of *other* nations are unacceptable to the Torah, and must even be uprooted, the appointment of a sovereign is permitted; some think it is obligatory.

You shall be free to set a sovereign over yourself, one chosen by the Lord your God. Be sure to set as sovereign over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsperson. (Devarim 17:15)

In this *pasuk*-verse, the Torah states outright that the desire for a sovereign arises among the people, inspired by other nations. The statement in the Torah that follows appears to command the appointment of a sovereign - “Be sure to set as sovereign over yourself.”

Whether or not the Torah requires the appointment of a sovereign is a topic debated in the talmud.

R. Jose said: All that is set out in the chapter [relating to the sovereign] [1 Shmuel 8] the sovereign is permitted to do. R. Judah said: That section was stated only to inspire them with awe, for it is written, *you shall be free to set a sovereign over yourself*, [meaning], that his/her awe should be over you. And R. Judah said: Three commandments were given to Israel when they entered the land: [i] to appoint a sovereign, [ii] to cut off the seed of Amalek [Devarim 25:19], and [iii] to build themselves the chosen house [i.e. the Temple] [Devarim 12:10]. While R. Nehorai said: This section [Devarim 17:4] was spoken only in anticipation of their future murmurings [a foresight that Israel would ask for a sovereign], as it is written, And you shall say, I will set a sovereign over me etc. It has been taught: R. Eliezer said: The elders of the generation made a fitting request, as it is written, Give us a sovereign to judge us [1 Shmuel 8:6]. But the people of the land acted unworthily, as it is written, That we also may be like all the nations and that our sovereign may judge us and go before us [1 Shmuel 8:20]. (Sanhedrin 20b)



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R. Judah suggests that the rules intend to instill respect for the position of the leader. In R. Judah's view, the first commandment the people are bound to fulfill when they enter the land is to appoint a sovereign. By contrast, R. Nehorai says that there is no *obligation* to appoint a sovereign – it is one possible *option* that the people may choose. A 17th century Moroccan commentator, Chaim ben Moses ibn Attar, known by the name of his book *Ohr haChaim*, interprets similarly,

The phrase means that God is not commanding them to appoint a sovereign; but, if they so desire, they have permission to do so.

By referring to the eighth chapter in the first Book of Shmuel many times, this talmudic passage negotiates between the ethical guidelines set out in our parsha and the vulnerabilities of the office of sovereign. The chapter deals with a concrete case of corrupt leadership and political developments surrounding the prophet, statesperson, and warrior, Shmuel.

It came to pass, when Shmuel was old, that he made his children judges over Israel. Now the name of his first-born was Joel; and the name of his second, Abijah; they were judges in Beer Sheva. And his children did not walk in his ways, but turned aside after profit, and took bribes, and perverted justice. Then all the elders of Israel gathered themselves together, and came to Shmuel at Ramah. They said to him: 'Behold, you are old, and your children do not walk in your ways; now make us a sovereign to judge us like all the nations.' But the thing displeased Shmuel, when they said: 'Give us a sovereign to judge us.' And Shmuel prayed to God. God 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, that I should not be sovereign over them. According to all the works which they have done since the day that I brought them up out of Egypt even to this day, in that they have forsaken Me, and served other gods, so do they also to you. Now therefore hearken to their voice; howbeit you shall earnestly forewarn them, and shall declare to them the manner of the sovereign that shall reign over them.' (1 Shmuel 8:1-9)

This text points to a problem with the institution of inherited sovereign power. No matter how qualified and ethical a leader might be, her/his descendants are not necessarily fit to inherit power and wield it responsibly. When elders come forward and criticize the prophet's children, God intervenes to soothe Shmuel's aversion to the initiative. Instructing Shmuel to embrace their request for a sovereign, God instructs about the parallel between divine rule and human rule. Divine sovereignty is a model for human sovereignty; the sovereign is meant to represent divine interests in the world. According to the perspective in the text, the people tend to forsake both.



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Rambam, Moses Maimonides writes in the *Mishneh Torah* Laws of Sovereigns (Chapter One) about the impertinence of the people,

If the appointment of a sovereign is required, why was God displeased when the people demanded one of Shmuel? - Because they demanded a sovereign contentiously and not in order to fulfill the commandment...

Later in the same chapter, Rambam adds another requirement not stated outright in the text with which the Rambam concurs in his commentary on the verse, [You shall be free to set a sovereign over yourself](#) - a king, and not a queen.

No woman may be appointed to the royal power.

During the biblical period, and for centuries among most nations, inherited sovereignty has mainly concentrated power in the hands of authoritarian males who claim entitlement to various degrees of power on the basis of divine or other (“natural”, for example) privileges. Among the biblical Israelites, the judge and leader Devorah, Queen Ataliah, and in the second Temple period, Queen Shlomzion are noteworthy exceptions.

Isaac Abarbanel (1437–1508), a distinguished statesperson, philosopher, benefactor, and commentator critiques kingly sovereignty severely. Based on his own extensive and tumultuous experience serving and countering sovereigns in Portugal, Spain, and in Italy, he elaborates the view that installing a sovereign is optional. He claims that the Torah does not advocate for sovereignty as an ideal system but as a concession to human weakness. Following the opinion of R. Nehorai in the talmud passage cited above, the Israelites are to appoint a sovereign only if they wish, and his/her powers must be curtailed by the rules stated in the passage. Among the drawbacks to sovereignty, he enumerates its three main attributes: unity, continuity, and absolute power. [Rabbi Louis Jacobs explains](#) Isaac Abravanel's anti-authoritarian view about the children of Jacob, Moses, and David who were at first were simple shepherds, an occupation that gave them the opportunity to earn an honest living and develop their character away from the distractions of urban life.

With these explorations in mind, let us turn to Rambam's incisive statement about the purpose of sovereignty. Though Rambam is theoretically at odds with Abravanel, in his *Guide of the Perplexed*, he reflects more openly about the laws of sovereigns,

The Law as a whole aims at two things: the welfare of the soul and the welfare of the body ... Of these two objects, the one, the well-being of the soul, or the communication of correct opinions, comes undoubtedly first in rank, while the other, the well-being of the body, the government of the state, and the establishment of the best possible relations among men, is anterior in nature and time. . . .[A]n individual can only attain [the things needed for the governance of his body] through a political association, it being already known that human is political by nature." (Rambam, *Guide of the Perplexed* III:27; also II:40)



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Here, Rambam speaks about the aim of political arrangements to serve human welfare, soul and body. Considering the corruptibility of concentrated sovereign power acknowledged in the Tanakh as well as by later sages, we can legitimately interpret our text in Shoftim as not necessarily advocating sovereignty as the only or even preferred form of rule. The text acknowledges its interest in ethical governance and suggests that we institute and respect our system of social order. Furthermore, it accepts that we model our government on the practices of other nations.



For thousands of years, this passage in parashat Shoftim was not relevant to the Jewish people, since we were living without political autonomy - until the founding of the modern State of Israel. Rather than biblical monarchy, the Zionists chose to institute democracy as the system of rule in our contemporary Jewish State. The religious Zionist movement developed to interpret traditional texts *and* endorses Israeli democratic institutions. To the nineteenth Knesset, Israelis elected more women than ever, including the first Jewish-Ethiopian woman ever to serve in the legislature, Pnina Tamano-Shata (pictured on the left).

Questions for Discussion

Isaac Abravanel's formidable effort to change the mind of King Ferdinand and Queen Isabella of Spain about expelling the Jews from Spain in 1492 – offering large sums of money to the state coffers, failed to convince them. Modern author David Raphael composed a fictional response from Abravanel to the expulsion edict in his historical novel, *The Alhambra Decree*. The beginning of the text of this response follows. Read the text with the issues we have raised about parshat Shoftim in mind. Discuss and evaluate the strategy, attitudes about sovereignty, about the values and teachings expressed in the Torah and how they intersect with the affairs of people. With which aspects of the ideas attributed by the author to Abravanel do you agree or disagree, accept or reject? Explain.

Fictional text of Isaac Abravanel's response to the Alhambra Decree by David Raphael

Your Majesties, Don Abraham Senior and I thank you for this opportunity to make one last statement on the behalf of the Jewish communities that we represent. Counts, dukes, and marquises of the court, cavaliers and ladies . . . it is no great honor when a Jew is asked to plead for the safety of his people.

But it is a greater disgrace when the King and Queen of Castile and Aragon, indeed of all Spain, have to seek their glory in the expulsion of a harmless people.

I find it very difficult to understand how every Jewish man, woman, and child can be a threat to the Catholic faith. *Very, very* strong charges.



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We destroy you?

It is indeed the opposite. Did you not admit in this edict to having confined all Jews to restricted quarters and to having limited our legal and social privileges, not to mention forcing us to wear shameful badges? Did you not tax us oppressively? Did you not terrorize us day and night with your diabolical Inquisition? Let me make this matter perfectly clear to all present: I will not allow the voice of Israel to be stilled on this day.

Hear, O heavens, and give ear, King and Queen of Spain, for I, Don Isaac Abravanel, speak unto you. I and my family are descended directly from King David. *True* royal blood, the blood of the Messiah, runs in my veins. It is my inheritance, and I proclaim it now in the name of the God of Israel.

On behalf of my people, the people of Israel, the chosen of God, I declare them blameless and innocent of all crimes declared in this edict of abomination. The crime, the transgression, is for *you*, not us, to bear. The unrighteous decree you proclaim today will be your downfall. And this year, which you imagine to be the year of Spain's greatest glory, will become of Spain's greatest shame.

As honor is the reward of individual virtue, so too worldly renown of kings and queens is their proper due for noble deeds. So, too, when unseemly acts are committed by an individual, that person's reputation suffers. And when kings and queens commit shameful deeds, they do themselves great harm. As it is said, the greater the person who errs, the greater the error.

Errors, if recognized early, can be corrected. The loosened brick that supports the structure can be reinserted into position. So, too, a mistaken edict if caught in time can be undone. But religious zeal has undermined reason, and misguided counsel has perverted sound judgment. The error of the edict will soon become irreversible as the very deed which it proclaims. Yes, my king and queen, hear me well: *error*, your error, profound and uncorrectable, the likes of which Spain has never seen before. You and you alone are responsible.

As arms measure the might of a nation, so arts and letters measure its finer sensibilities. Yes, you have humbled the Moslem infidel with the force of your army, proving yourselves able in the art of war. But what of your inner state of mind? By what right do your Inquisitors go about the countryside burning books by the thousands in public bonfires? By what authority do churchmen now want to burn the immense Arabic library of this great Moorish palace and destroy its priceless manuscripts? By whose rights? By whose authority? Why, it is by your authority, my king and queen.

In your heart of hearts, you distrust the power of knowledge, and you respect only power. With us Jews it is different. We Jews cherish knowledge immensely. In our homes and in our prayer houses, learning is a lifelong pursuit. Learning is our lifelong passion; it is at the core of our being; it is the reason, according to our sages, for which we were created. Our fierce love of learning could have counterbalanced your excessive love of might. We could have benefited from the protection offered by your royal arms, and you could have profited the more from our community's advancement and exchange of knowledge. I say to you we could have helped each other.

While in the West, the only remnant of monarchy is symbolic (such as the Queen of England formally opening and dissolving parliament), many states perpetuate versions of absolute, coercive hereditary governance. [Here](#) is a listing and classification of contemporary monarchies. Religious and cultural traditions undergird these systems and



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other authoritarian forms of rule; in general they tend to align with societies that repress and exclude women from public participation and leadership. Mainstream Jewish tradition came to embrace democratic principles and values, though in contemporary Israel, there is still work to do to overcome theocratic tendencies in some public arenas. How do you envision the unfolding of authoritarian sovereign power in contemporary states? – what strategies do you recommend and how do you propose to contribute?

Study Links

See Moshe Hellinger's analysis of two influential religious Zionist leaders and thinkers in the formative first half of the 20th century, “[Individual and society, nationalism and universalism in the religious-Zionist thought of Rabbi Moshe Avigdor Amiel and Rabbi Ben-Zion Meir Hai Uziel.](#)” The discussion of “Judaism and Democracy” is particularly relevant to our brief treatment of the Abravanel.

[Here is a concise statement](#) of the downfall of the absolute divine right monarchy in England under Charles I.

See this extended and entertaining blog, “[Divine-right monarchy for the modern secular intellectual](#)”.

Summary of Issues

Parshat Shoftim is interpreted variously as obligating the appointment of a sovereign to rule and as allowing the people to choose their preferred form of government – according to the influences of other nations.

Methods & Observations

Note that throughout the passages cited, I have translated with female as well as male forms. I have used the word “sovereign” rather than “king” in order to arouse our intention toward better fulfillment of women's public leadership and governing power.

Contact

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