



JEWISH POLITICAL THEORY: HILKHOT MELAKHIM

SHIUR - Lecture #2:

The Special Status of the Davidic Dynasty

By:

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In the last shiur, we explored whether there is a mitzva to appoint a king, and, if so, why. It now seems proper to suggest a distinction between two forms of Jewish monarchy: the Davidic monarchy (malkhut Beit David) and other Jewish/Israelite kings (malkhei Yisrael).

The background for this distinction is the discussion in the last shiur. On the one hand, the claim for a monarchical system based upon the utilitarian calculus is highly problematic, as seen previously. However, rejection of the concept of monarchy as intrinsically valuable is also a difficult solution. Anyone who has ever opened a siddur or has any inkling of Jewish tradition is well aware of the central role that the restoration of the Jewish monarchy fulfills in our hopes and aspirations for the future. Two entire berakhot (blessings) of Shemoneh Esrei are devoted to the future restoration of Jewish sovereignty, as are many other liturgical expressions. Thus, Abarbanel's opinion that there is no positive value at all in kingship, is quite problematic. This led us to the Ramban's opinion that the king is a representative of God and, therefore, our tradition is so interested in the restoration of Jewish monarchy.

However, as is clear from our prayers etc., it is malkhut Beit David (the Davidic monarchy/dynasty) to which we aspire. Actually, Tanakh itself describes David HaMelekh as A) having a special covenant with the Kadosh Barukh Hu (the Holy One, blessed be He), and B) possessing an element of kedusha (sanctity) due to God's choice of him. (See Shemot 23:1-7; Tehillim 132; and especially Tehillim 89.) The following quote will suffice to make this point: "Matzati David avdi, be-shemen kodshi meshaktiv" (Tehillim 89:21). David is anointed with the sacral oil - "shemen kodshi." The comparison to the Kohen Gadol (High Priest) is unmistakable. As seems evident from all of the above sources in Tanakh, in which



David praises the Kadosh Barukh Hu for the unique status and commitment which he has been granted, this status is unique to David alone, and to his descendants.

This point is clearly formulated by the Rambam, who writes:

Three crowns were conferred upon Israel: the crown of Torah, the crown of priesthood, and the crown of royalty. Aaron merited the crown of priesthood, as [Numbers 25:13] states: "And it will be an eternal covenant of priesthood for him and his descendants after him." David merited the crown of royalty, as [Psalms 89:37] states: "His seed will continue forever, and his throne will be as the sun before Me." (Hilkhot Talmud Torah 3:1)

In this halakha, kingship is not treated as a utilitarian function but as a keter (crown) which the people of Israel received as a gift from the Kadosh Barukh Hu, comparable to kehuna (priesthood). The common element of all three gifts is that they are manifestations of God's presence in our world, and what is common to kehuna and malkhut (in contrast to Torah, as the Rambam himself elaborates in the conclusion of the halakha) is that they are restricted to specific people. The same point is made by the Rambam in Sefer HaMitzvot as well. There (Mitzvat Lo Ta'aseh 362), the issur (prohibition) of appointing a stranger (ish nokhri) as a king is applied to all non-Davidic descendants and is explicitly compared by the Rambam to a non-kohen functioning as a priest.

Two halakhot express the difference between Davidic and non-Davidic kings, and the status of the Davidic monarchs as sacral figures:

a) Halakhot concerning anointment. Davidic kings are anointed with the shemen ha-mishcha (anointing oil) used to anoint kohanim while other rulers are appointed by means of shemen afarsimon (persimmon oil), which serves to designate them as kings without granting them the personal status of kedusha, which can only be conferred by the shemen ha-mishcha. In other words, meshicha (anointing) performs a dual function: 1) appointment of the ruler and establishing his authority; 2) endowing him with personal kedusha. A non-Davidic king can achieve only the STATUS of a functional sovereign, appointed for the utilitarian benefits which he can provide. For these purposes, shemen afarsimon suffices. However, the Davidic king is anointed with kedusha and, therefore, he receives the shemen ha-mishcha of the



kohanim. The gemara (Keritot 6b) makes it clear that the use of shemen ha-mishcha for a Davidic king is related to its similar use by the Kohanim and is not mere coincidence. The gemara states that the prohibition of using the shemen ha-mishcha for other purposes, a prohibition which is punishable by karet (excision), is inapplicable, according to R. Yehuda, to a king and a kohen, since they are not total strangers to the shemen ha-mishcha ("ve-melekh ve-kohen mei-ikara lo zarim"). Since the prohibition of using the sacral oil is associated with its usage in the Beit HaMikdash, determining that the melekh is not considered a stranger to the sacral oil is a significant statement.

b) A second halakha supports this same conclusion. The gemara states that it is prohibited to sit in the Mikdash; the respect and awe due to the Kadosh Barukh Hu dictate to lowly man proper decorum in the house of God. However, Davidic kings are excluded from this regulation - "ein yeshiva be-azara ela le-malkhei David bilvad" (see the Mishneh La-melekh Hilkhhot Beit Ha-bechira 7:6, for a discussion of this halakha); they may sit in the sanctuary. Why? Because they are not considered representative of Man alone but are functioning also as the Kadosh Barukh Hu's delegates. Therefore, they are not strangers or guests but rather belong in the Mikdash (as do the Kohanim). Thus, though this is not a central halakha regarding the laws of kingship, it is symptomatic of a basic point regarding malkhei Beit David.

Returning to the Rambam, we can see this dual principle in action in his ruling in Hilkhhot Melakhim (1:7). The Rambam states there as follows:

When a king is appointed, he must be anointed with the shemen ha-mishcha... Once he has been anointed, he has acquired kingship both for himself and for his descendants forever, for monarchy is dynastic... Anyone who takes precedence regarding inheritance takes precedence regarding monarchy, and an older son precedes a younger son. Any position of authority or appointment in Israel, and not just monarchy, is passed on as an inheritance to one's son and then on to his son forever; but this is true only if the son is as wise and Godfearing as his father. If he is as Godfearing but not as wise, he may take his father's place and then must be taught. But if he is not Godfearing, then even if he is extremely wise, he may not be appointed to any position in Israel.



Once David was anointed, he acquired the crown of kingship, and the kingship is his and sons' forever... However, he acquired the kingship only for his worthy sons... Even though he acquired kingship only for his worthy sons, the monarchy will never be abrogated from the seed of David, for God promised him this...

At a first glance, the Rambam seems to repeat himself unnecessarily. The halakha begins by stating that once a king is anointed, his descendants are included in the appointment and should succeed him upon his death. After concluding this point and expanding it, he includes other appointments. The Rambam then starts afresh, telling us that David received the privilege of kingdom for his entire dynasty, etc. This, though, is seemingly redundant - since we have already been told that any king transfers his sovereignty to his sons, why does the Rambam have to devote a separate passage to establishing this for the Davidic monarchy?

The answer to this problem is the principle established above. The first half of the halakha deals with the procedure of choosing a king as an officeholder serving human needs, and the method of selection is inheritance. The appointment of the king's son as his successor, be the reason for it as it may be, is not unique to monarchy and is not due to the need to transfer the personal status of a sacral figure. Therefore, the Rambam can apply the halakhot which were formulated regarding kings to other positions as well. The entire process of selection is a mechanism to appoint officeholders fulfilling the functions of human society. However, the Rambam felt a need to address the issue of transmission in the Davidic monarchy separately, since there is an additional element involved in it. Here, the inheritance mechanism must be able to transfer the personal status of the king, as well as the functions of the sovereign. The analogous model to the succession mechanism in the Davidic monarchy is succession by kohanim. It should be noticed that the Rambam's phrase regarding David is "zacha be-keter malkhut," which of course, is the same phrase which was used in Hilkhhot Talmud Torah when he described kingship as analogous to kehuna (priesthood) and Torah. Thus, the transmission of the royal position to one of David's descendants involves a double element, and must be addressed independently.

In conclusion, let us now summarize the main points of the previous two shiurim.

a) There is a dispute whether the appointment of a king is a mitzva or not.



- b) Those who hold that it is a mitzva are divided as to whether the need for a monarchy is rooted in utility or whether it is supposed to serve a higher function: the king acts as the representative of the Kadosh Barukh Hu in the earthly political sphere.
- c) It was suggested that there is a difference regarding this point between Davidic and non-Davidic kings.
- d) The utilitarian claim is problematic; had this been the only yardstick, it would be more reasonable to agree with the Abarbanel who rules that there is no requirement to appoint a king.

What is the significance of all this for our current situation of a democratic Jewish state headed by a Prime Minister rather than a monarch? To answer this question, we must examine the perspectives of both the Chinukh and the Rambam.

According to the Chinukh, the need for a king is utilitarian. Therefore, there is no basic qualitative difference between monarchy and democracy, and there is no spiritual loss if there is no king. For the Rambam, though, the replacement of the Davidic monarchy by a democratic head of state entails the loss of the opportunity for a human to reign in God's name and for him to sit on "the throne of God" and act as the Kadosh Barukh Hu's earthly representative. Therefore, the current situation is much more problematic according to the Rambam.

However, a second point must be made. The above judgment holds true only when contrasting the past with the present or the present with an ideal future. Regarding the present historical situation as such, it is the Rambam who paradoxically can more readily accept it. For according to the Rambam, currently malkhut Beit David has become an eschatological hope, part of our grand vision for the future. Though passionately committed to this vision and intensely hoping and praying for its speedy implementation, we are not engaged in an attempt to realize it. As we pray for the rebuilding of the Temple, the ingathering of the exiles etc., so too do we pray for the restoration of Davidic monarchy, yet we currently accept our present historical situation as is. Therefore, if we assess our possibilities in the present without the realization of the vision of the End of Days, there is no preference for a monarchy over other forms of government. The Davidic monarchy is desired due to its unique character. If that is unavailable, there should be no mitzva to choose one system over another.



According to the Chinukh, though, the Torah gave us a practical guideline that a monarchical system is more efficient. So although there is no qualitative spiritual difference between democracy and monarchy and the current situation need not be perceived as a regression, the imperative to prefer a monarchy over a democracy should still be binding. For if the wisdom of the Torah determined that from a purely functional point of view a king should be appointed, who are we to argue?

Thus, though Rambam views the current situation as much worse than the hoped-for ideal, he can more readily accept the present system as being halakhically valid for our times, until historical circumstances will change. The Chinukh will dispute this, claiming that a mitzva to appoint a king is still binding upon us, yet he will not view the current democratic situation as fundamentally at odds with the Torah, but rather the non-fulfillment of a specific mitzva.

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