



## Daniel Jeremy Silver Collection Digitization Project

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### **MS-4850: Daniel Jeremy Silver Papers, 1972-1993.**

Series III: The Temple Tifereth-Israel, 1946-1993, undated.

Sub-series A: Events and Activities, 1946-1993, undated.

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Women's Association, lecture series, Bible Study Course,  
"Government Institutions, speech, 1966.



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and so forth  
cut, etc. The king enjoys certain claims over the spoils of battle. He is enjoined to lead the troops in war. He has broad rights of eminent domain for his armies, but he may not declare war. This authority is vested with the High Court of Seventy-One. There is no indication of any legislative authority.

In the Talmud we find individuals who questioned whether Deuteronomy 17:15 did in fact sanctify the throne. Basing themselves on I Samuel 8, both R. Nehorai and R. Judah read this text as a statute of limitations set down against the establishment by the people (sic) of sovereign authority not as a divine ordering of the monarchist position (San. 20b). Stray anti-monarchist theories can also be found in the literature: "God hath given unto all as heritage <sup>the</sup> the kingdom, the priesthood, and the sanctuary" (II Macc. 2:17), and also the formula: "All Israel are the sons of kings" (Sab. 67a). The king of rabbinic theory emerges largely as an idyllic figure who personifies in his character the attitude of the Torah Law and who thus performs a necessary role of social reordering in the eschatological drama.

The rabbinic treatment of monarchy was an ambivalent one, largely because <sup>Actually the Biblical view is ambivalent</sup> the Biblical source was itself inconsistent. The anointing of Saul as the first king was seen by Biblical historians as a political change of critical significance. Two versions of the event, both historically suspect, were retained, one which sees the king as divinely chosen (I Sam. 9-10:24<sup>17</sup>) while the other views the popular outcry for a king as evidence of a lack of faith in God. "They have rejected Me, that I should not be king over them" (I Sam. 8:1-22, 10:17-24). Similarly, though Deuteronomy 17:14 ff. states unequivocally, "One from among <sup>they</sup> ~~my~~

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brethren shalt thou set king over thee" (v. 15), the context is one of resigned acceptance to circumstance. "When thou art come into the land which the Lord thy God giveth thee, and shalt possess it, and dwell therein; and shalt say: 'I will set a king over me, like all the nations that are round about me'" (v. 14). The text dilates not on royal prerogatives but on what the king may not do: conflate his army, exaggerate his harem, overtax the populace, etc. (v. 16 ff.). The most generous interpretation which can be made sees this document as a mishpat hamelucha, a Biblical Magna Carta of national rights vis à vis the king, sealed and effected by an act of royal submission to the entirety of Torah Law. "And it shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law in a book, out of that which is before the priests, the Levites. And it shall be with him, and he shall read therein all the days of his life; that he may learn to fear the Lord his God, to keep all the words of this law and these statutes, to do them; that his heart be not lifted up above his brethren, and 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" (vv. 18-20).

A case can be made <sup>and so on</sup> and many have done so for a pre-exilic theology which not only authorizes monarchy but makes the royal person sacrosanct. Nathan's prophecy seems on this point quite explicit: "Now therefore thus shalt thou say unto My servant David: Thus saith the Lord of hosts: I took thee from the shepcote, from following the sheep, that thou shouldest be prince over My people, over Israel. And I have been with thee whithersoever thou didst go, and have cut off all thine

Part 17

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enemies from before thee; and I will make thee a great name, like unto the name of the great ones that are in the earth. And I will appoint a place for My people Israel, and will plant them, that they may dwell in their own place and be disquieted no more; neither shall the children of wickedness afflict them any more, as at the first, even from the day that I commanded judges to be over My people Israel; and I will cause thee to rest from all thine enemies. Moreover the Lord telleth thee that the Lord will make thee a house. When thy days are fulfilled, and thou shalt sleep with thy fathers, I will set up thy seed after thee, that shall proceed out of thy body, and I will establish his kingdom. He shall build a house for My name, and I will establish the throne of his kingdom for ever. I will be to him for a father, and he shall be to Me for a son; if he commit iniquity, I will chasten him with the rod of men, and with the stripes of the children of men; but My mercy shall not depart from him, as I took it from Saul, whom I put away before thee. And thy house and thy kingdom shall be made sure for ever before thee; thy throne shall be established for ever" (II Sam<sup>uel</sup> 7:8-16). ~~Psalm 72~~ clearly echoes this spirit. The impression gained from these sources is that God willed into being, supported, and will perpetuate the monarchy. Supporters of this evaluation add that the prophets who complained against so many other fallings away from earlier, more pristine practices (with but one exception, Hosea) do not hold the institution of monarchy suspect per se however much they delight to chronicle the sins of the present incumbent. Furthermore, the dream of return and rebuilding is heavily drenched with the hope for a re-established royal authority (Amos 9:1 ff., Jer<sup>miah</sup> 23:5, Isa<sup>iah</sup> 11:1 ff., Ezek<sup>iel</sup> 45:1 ff.); and the stuff

Found to have been written by Judah support

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of this dream of re<sup>3</sup>establishment became the substance of the later vision of the royal messiah.

Some modern scholars go further and find in various crannies of the Bible allusions to a theology involving the sacred character of the king's person, his divine adoption upon coronation, his crucial role in cultic practice, and even a glimpse of the king as the god incarnate. Such a view has no support in the historical or legal material, but relies heavily on a literal interpretation of some scattered and not always pertinent phrases such as that in Psalm 2, "The Lord said unto me: 'Thou art My son. This day I have begotten thee'" (v. 7) and in Psalm 110, "Thou art a priest forever after the manner of Melchizedek" (v. 4) or again, from I Samuel 10, "And the spirit of the Lord will come mightily upon thee, and thou shalt prophesy with them, and shalt be turned into another man" (v. 6). Such exegesis is sophisticated, but neglects the metaphoric force of language. Further, it insists on the one fact which cannot be granted in reviewing Hebrew history; that it is best studied as an ordinary phenomenon of Near Eastern cultural history and not with a view to its own uniqueness. One has only to recall the prophetic finger-pointing at royal guilt and the character of the historical material which amply chronicled the private sins and foibles of the greatest of the kings to recognize that in Israel the king was at most a personage, never a personification.

Historically, what is certain is that after several centuries of loose tribal confederation monarchy became established, that this monarchy lasted until the Assyrian and Babylonian exiles respectively, and that there was little popular and no religious enthusiasm for its re<sup>3</sup>establish-



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ment after the exile. While monarchy was in effect there were no built-in institutional checks save the occasional rebelliousness of "all Israel" and a continuing tradition of communal self-government. The want of an effective institutional check and balance system such as we enjoy today must not be taken to imply a religious justification of any conceit of royal power. The historical books do not contain a single instance wherein the king established fundamental law by fiat, nor do they contain a single commendation of unfettered power. Royal authority implies always a covenant between God and the king, a covenant whose moral terms the king must abide to be assured of God's continuing favor. Samuel quickly pulled the rug from under Saul when he overstepped these bounds. Prophet after prophet hammered the theme of royal submission to the Torah. There is even some indication of a written constitution of stipulated power: "Then Samuel told to the people the terms of authority (mishpat hamelucha) and wrote it in a book and placed it before the Lord" (I Sam. 10:25 [author's translation]).

The kings held effective power in the fields of military activity, foreign relations, and taxation. They were ceremoniously enthroned. All had dynastic expectations. They had appointive control of the chapel clergy, hired a personal bodyguard, managed royal monopolies and royal lands, controlled a household including senior state advisors, the harem, and servants. Some may indeed have pretended to other glories more common among neighboring despots. Yet it is clear that even those most friendly to the monarchic principle insisted the king was under the Law and not a law unto himself. The Judean editors of the Book of Kings did not whitewash the Davidic heirs. Nathan was a royalist, yet he pointedly

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levels charges against David (II Sam. <sup>mel</sup> 12). From Nathan's day at the beginning of the monarchic period to Jeremiah's at the end the spokesmen of God made it unmistakably clear that the king's powers were in no way absolute.

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Jan 22 13-19

"Woe unto him that buildeth his house by unrighteousness,

And his chambers by injustice;

That useth his neighbour's service without wages,

And giveth him not his hire;

That saith: 'I will build me a wide house

And spacious chambers,'

And cutteth him out windows,

And it is ceiled with cedar, and painted with vermilion.

Shalt thou reign, because thou strivest to excel in cedar?

Did not thy father eat and drink, and do justice and righteousness?

Then it was well with him.

He judged the cause of the poor and needy;

Then it was well.

Is not this to know Me? saith the Lord.

But thine eyes and thy heart

Are not but for thy covetousness,

And for shedding innocent blood,

And for oppression, and for violence, to do it.

Therefore thus saith the Lord concerning Jehoiakim the son of Josiah, son of Judah:

They shall not lament for him:

'Ah my brother!' or: 'Ah sister!'

(people. mother)

KING FATHER & mother  
OF HIS people

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RAMAT

See instruction  
(which is not written  
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MARKS with a KING



They shall not lament for him:

'Ah lord!' or: 'Ah his glory!'

He shall be buried with the burial of an ass,

Drawn and cast forth beyond the gates of Jerusalem." (Jer. 22:13-19). *Jeremiah*

If one must broaden this into a theology, the theory seems to have been that God's support of the throne <sup>1</sup>/<sub>m</sub> His covenant with the king <sup>1</sup>/<sub>m</sub> was a contingent one, dependent upon the quality of that worthy's person.

*JUDGEMENT OF DEUT* "And Samuel said unto Saul: 'I will not return with thee; for thou hast rejected the word of the Lord, and the Lord hath rejected thee from being king over Israel.'" (I Sam. 15:26). David is made to repeat this divine admonition to Solomon: "If thy children take heed to their way, to walk before Me in truth with all their heart and with all their soul, there shall not fail thee... a man on the throne of Israel" (I Kings 2:4). The spirit of these admonitions never changed, thus Jeremiah: "Hear the word of the Lord, O king of Judah, that sittest upon the throne of David, thou, and thy servants, and thy people that enter in by these gates. Thus saith the Lord: Execute ye justice and righteousness, and deliver the spoiled out of the hand of the oppressor; and do no wrong, do no violence, to the stranger, the fatherless, nor the widow, neither shed innocent blood in this place. For if ye do this thing indeed, then shall there enter in by the gates of this house kings sitting upon the throne of David, riding in chariots and on horses, he, and his servants, and his people. But if ye will not hear these words, I swear by Myself, saith the Lord, that this house shall become a desolation" (Jer. 22:2 ff.). *Jeremiah*

To justify a message of confirmation and hope some of the later prophets mitigated the pristine polarity of this doctrine and made God's withdrawal of His backing less ultimate; but this was soothing balm, not



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~~basic teaching.~~

Given these facts, one is tempted to make the following reconstruction: monarchy was a latecomer on the Hebrew scene; tribal autonomy was tenaciously held during three centuries of Palestinian life, lived entirely among petty nations and city-states where the concept of kingship or tyranny was well established. Monarchy was not universally welcomed. It came into being under the duress of external political pressure. I Samuel 8, the <sup>rejection</sup> ~~turn-down~~ by Gideon of the proffered throne (Judges 8:22 ff.), Jotham's mocking parable of the bramble in derision of Abimelech's ambitions may all be late (Judges 9:6 ff.), but they certainly reflect the spirit of the period of change-over. Judgeship, *that is,* ~~the~~ occasional federation under an acclaimed general with a limited brevet, went as far as the tribes would trust human authority. Such distrust was elemental with the ancient Hebrews. Judge after judge set down his commission without pretense to dynasty. Blood played no part in the selection of the judge. They came from the most ordinary families in Israel. One is even mentioned to have been the son of a harlot (Judges 11:1).

"In those days there was no king in Israel" (Judges 17:6). Monarchy was never projected back beyond Saul. Abraham lived among kings, yet none of the Patriarchs held that title. Moses had power which came close to being absolute, but never any pretense to title. His authority was charismatic. He established no dynasty. Joshua held military, but never legislative, power. He established no dynasty even in his own tribe. He needed the consent of the several tribes to his strategy (Josh. <sup>7</sup>7). He assumed his lands not by aggrandizement but by the decision



of the tribal assembly (Josh. <sup>11a</sup>9:49 f.). His commission expired, and with the end of the emergency it was returned to the elders (Josh. <sup>11a</sup>24:31 f.).

How came kingship, then, into being? The traditional explanation has been that under the pressure of external attack, especially after the success of the Philistine invasion, centralized military and economic authority became imperative. This is certainly the explanation of I Samuel.

One may well ask where lay the <sup>Forces</sup>~~power~~ which needed to be organized if the tribes west of the Jordan suffered Philistine domination. Guer- rilla bands and city plotters seldom inaugurate exotic political forms. The suggestion intrudes that there is a parallel between Saul's Israel and DeGaulle's France. Without any actual grant of power, during the Nazi occupation General DeGaulle came to personify the hope of the French people. A past hero and accurate prophet of events, a prostrate France invested its hopes in him. He became its de facto head. It would seem that Saul also fell into grace. He was called to be a judge, the plowman summoned to the defense of the confederation, in this case against the Ammonite (I Sam. <sup>11a</sup>11). He had success east of the Jordan. He was given lands there. In the meantime the Philistine advance gained momentum. The once chosen Saul came to be the absentee hope of those who fell before the Philistines.

Saul's first brevet, his captaincy in the Ammonite war, certainly was typical of a judge. Even later, when he was legitimatized with broader powers for the Philistine campaign, Samuel named him not king but Nagid (I Sam. <sup>11a</sup>9:16), a term which Albright and others equate with "military commander" (cf. Samuel and the Beginning of the Prophetic Move-



ment, pg. 8). Saul and/or his sons, like Abimelech in an earlier age, may have had larger expectations but in these they were frustrated. "Now there was long war between the house of Saul and the house of David; and David waxed stronger and stronger, but the house of Saul waxed weaker and weaker" (II Sam. 3:1). It is really doubtful whether there was a "house of Saul." Abner and those who rallied to Ishbaal seem to have been motivated by the intransigence of the Northern tribes towards Judean hegemony rather than by any conceit of hereditary legitimacy (II Sam. 2). Certainly no subsequent attempt was made in Israel to re-establish the fortunes of the house of Kish. No pretender to the throne ever intimated such a cause. The Bible never speaks of the throne of Saul as it does of the throne of David, nor does it mention a royal chronicle of his acts as of the subsequent reigns.

The conceit intrudes that kingship in an operative sense began with David rather than with Saul, that Saul was in reality if not the last of the judges certainly a transitional figure, not the first of the kings. His story is most reminiscent of Gideon's. His sons had similar hopes but as little chance. The tribal assembly continued to image itself as the ultimate source of power. Samuel selected him as Nagid.

David was the first in Israel successfully to establish a dynasty. David initiated a new concept of power. Saul lacked the distinguishing hallmark of all later kings, their employment of a mercenary force. His command, as that of the judges before him, was of the free men of Israel. David from the first was not an elected captain of tribal volunteers but chief of a hired band (I Sam. 22). David seems to have grabbed power rather than to have been selected for it. This chief of Hessians intro-

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duced a revolutionary new power structure ~~the~~ <sup>m</sup> heavy hand of professional troops financed by the proceeds of a royal domain, first and always booty then the perquisites of the territory allotted him by the Philistines, in time the taxes and tariffs of the royal city of Jerusalem. ~~It is not known why mercenaries were not a feature of political life before David.~~ It is possible that <sup>the</sup> smallness of tribal landholdings and the lack of commercial wealth precluded their hire. What is clear is that no conscript army, fighting between harvests, could withstand the discipline and training of these bands.

It would appear that David sought power rather than was selected for it. True, the Bible tells us that he was anointed by Samuel, but again this was as Nagid. Samuel may only have been selecting the most likely commander in chief of the forces, or he may have been legitimatizing an unusual emergency extension of powers for this commander. David was accepted by the "men of Judah," but a tribal assembly of Israel delayed acceptance for seven years (II Sam<sup>uel</sup> 2:11) and seems to have come under his authority unwillingly and largely by force of his military power and military success. "All Israel" is active throughout David's reign in challenging his authority. Absalom appealed to the dissatisfaction of the tribes of Israel (II Sam<sup>uel</sup> 15:2). There is no indication that Israel willingly accepted the existence of Jerusalem as a national capital, or the position of the royal sanctuary as central cultic shrine, or Solomon's redistricting of territory for administrative purposes. The older tribal denominations reappear in the later history of the Northern Kingdom.

David certainly viewed himself as a king. He was eager to cen-



tralize power and the symbols of authority. This alone would explain his radical deployment of the Ark to Jerusalem and his figuratively cementing it to the royal sanctuary's floor. Solomon continued building the paraphernalia of royalty (I Kings 5:15 ff.). He was ceremoniously anointed (I Kings 1:32 ff.). He sought to break down tribal autonomy by imposing administrative districts (I Kings 4:7 ff.). He built great fortress cities for his governors and his chariots (I Kings 9:15 ff.). Pomp and circumstance, power and pageantry become inseparable <sup>from</sup> with power. The Northern Kingdom, which in our view never willingly accepted the theology of monarchy, could do little against Solomon's manifest power, but Rehoboam was quickly rejected and, interestingly, the "men of Israel" felt no need to oppose him by one of the Davidic family (I Kings 12). "What portion have we in David?" (v. 16). Nor did Jeroboam crown himself. He is acclaimed by "all Israel" in the old manner (v. 20).

David taught the future heads of Israel the economics of royal authority, but Israel itself was always restive under the royal figure. Judah, however, was not. It is important to underscore the different forms that the institution of monarchy took in the Northern Kingdom and in the South. Hereditary sovereignty, based on a sacrosanct royal family, was a conceit unique to the Southern Kingdom. There David's house was elementally established. There were ten dynasties in Israel's brief history, one in Judah's longer chronicle. Moreover, Israel's dynasties ranged among the several tribes and legitimacy of lineage seems to have roused little or no concern. It was not felt necessary <sup>to</sup> to cite only one important example <sup>to</sup> to join Omri to any family tree (I Kings 16:15 ff.). Hierarchical forms seem to have been further developed in Judah than in



Israel. The dowager queen certainly played an official role in the South, one unparalleled in the North where the citing of the dowager upon the royal ascension is entirely absent. Similarly, it is only of Judean kings that we find reference to the adoption of a royal name upon ascension. David established in Judah a royal city, part of his personal domain, "The City of David." In Israel, the kings continued to live in tribal centers until Omri purchased the Hill of Schechem about a century later, and this establishment does not seem to have won universal assent (I Kings 16:24).

Samaritan  
of 12

How shall we account for Judah's acceptance of what Israel re-  
jected? We do not know. Judah's partnership in the Mosaic experience  
is historically suspect. Could it be that Judah never felt itself an  
integral part of the tribal confederation and that it had evolved some  
differing form of authority? Could it be that whatever scruples were  
felt at this radical political departure were silenced by its obvious  
success? The answers are open. The questions are intriguing. What is  
clear is that David innovated a new and successful basis of power and  
that this power was legitimatized in the Southern Kingdom, and that it  
was never similarly accepted, though it was in force, in the North.  
Israel remained restive under the royal figure. Hosea, a northerner, was  
unhappy with "the burden of kings and princes" (Hosea 8:10). He was the  
only prophet to denounce the whole royal institution:

"It is thy destruction, O Israel

That thou art against Me, against thy help.

Ho, now, thy king,

That he may save thee in all thy cities!



And the judges, of whom thou saidst:

'Give me a king and princes!'

I give thee a king in Mine anger,

And take him away in My wrath" (Hosea 13:9-11).

In the North Elijah and Miciah refused to be agreeable to the royal will or to be silent before royal excess. Ahijah, the Shilonite, played an important role in catalyzing Israel's rebellion against the house of David and did not feel it incumbent to choose one of royal seed. Amos was no kinder than Hosea to the royal incumbent (Amos 3:10 ff. The future promise of Amos 9:1 ff. must be taken as a later textual addition).

What is true of prophecy is true of the Law. Except for the Deuteronomic stipulation of late Judean origin (17:14 ff.), the Law is silent on the subject of monarchy. The covenant as Israel knew it made no mention of monarchy.

What is true of prophecy and the Law is true of history. Not a single Israelite escaped the condemnation of the editors of the Book of Kings, though, to be sure, these were Judean.

This Northern uncertainty with monarchy reflects, in our opinion, the authentic Hebrew tradition, a tradition which could not be discounted even in royalist Judah. Despite fanfare and paraphernalia, Judean kings were by and large judged quite harshly by their biographer. Isaiah was no gentler than Hosea. Jeremiah was quite explicit as to Jehoiakim's and Zedekiah's faults. The editor of the Book of Kings was almost as harsh with many of the Southern incumbents as he was with the Israelite rulers. The Southern kings do not establish fundamental law of their own. Josiah, after finding the sacred scroll, had it read aloud and confirmed by all



the people. The conceit of an enforceable covenant between king and God was conceived, to use the legal term, without prejudice ~~the~~ the subject could be reopened upon the inattention of the king to his obligations. Nor was the dream of return as it expressed itself in Judea a purely royalist one. Deutero-Isaiah's vision is naked of monarchic presuppositions.

Monarchy represented a departure from traditional Hebrew norms. It was an imposed, not a home-born, idea. Monarchy came into being out of practical, not theologic, necessity. The Mosaic tradition centered on the kingdom of God and contained an instinctive prejudice against power and privilege. "I will not rule over you, neither shall my son rule over you; The Lord shall rule over you" (Judges 8:23).

Governmental minimalists fared no better three thousand years ago than they do today; however, their philosophy tempered the organization of power. Monarchy in Israel was never sanctified. The king remained a man and was judged as a man. The king remained bound by a strict covenant with God. There was at least the conceit that his rights were limited by certain contracts with the people. The Mosaic philosophy of the kingdom of God made its peace with monarchy, but it was at best a marriage of convenience. The faith wept no tears when after the exile monarchy was not re-established. Monarchy lived on in Jewish life mostly as a messianic pipedream while the realities of Jewish life struggled to establish a government of law rather than of men.

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