

The Israel Koschitzky Virtual Beit Midrash

The Book of Shmuel
Yeshivat Har Etzion

Shiur #13: CHAPTER 8 (PART II) THE CUSTOMARY PRACTICE OF THE KING

Rav Amnon Bazak

I. "THIS WILL BE THE CUSTOMARY PRACTICE OF THE KING"

At the end of the previous lesson we saw God's words to Shmuel: "Now you must hearken to their voice; nevertheless you should solemnly forewarn them, and relate to them the customary practice of the king that shall reign over them" (v. 9). It was explained that despite the negative motive for requesting a king, God acceded to the request, on the assumption that the monarchy can also lead to positive results. But what did God intend for Shmuel to say to Israel? One might have expected that Shmuel would tell them the laws of a king as they appear in the Torah section dealing with the monarchy in the book of *Devarim* (17:14-20). Shmuel, however, presents the people with a gloomy scenario, which does not describe the laws pertaining to a king, but rather what is liable to happen in actual practice:

And he said, This will be the customary practice of the king that shall reign over you: he will take your sons, and appoint them unto him, for his chariots, and to be his horsemen; and they shall run before his chariots. And he will appoint them unto him for captains of thousands, and captains of fifties; and to plow his ground, and to reap his harvest, and to make his instruments of war, and the instruments of his chariots. And he will take your daughters to be perfumers, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your men-servants, and your maid-servants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your flocks; and you shall be his servants. And you shall cry out in that day because of your king whom you shall have chosen for yourselves; and the Lord will not answer you in that day. (11-18)

Both God and Shmuel use the same expression, "*mishpat ha-melekh*," but they appear to use it in two different senses.^{1[1]} God's objective is that the people should

^{1[1]} The double sense of the word "*mishpat*" was already noted in chap. 2, where the expression, "And the priest's custom (*mishpat*) with the people was, that when any man offered..." (v. 13) paraphrases what is stated in *Devarim* 18:3: "And this shall be the priest's allotment (*mishpat*) from the people, from those who offer a sacrifice." The differences in meaning are similar to the differences in our chapter: In *Devarim* the word *mishpat* means "law," whereas in *Shmuel* it refers to the actual practice – which in large measure runs counter to the law!

know the conditions under which the king must operate – for He had already reconciled Himself with the people's request, and all that was left to do now was to let them know what the fulfillment of their request entails. Shmuel, on the other hand, is clearly not yet at peace with the imminent change, and therefore tries to persuade the people to retract their request. What God had wanted to say, we will apparently see later in the book, at the time of Shaul's coronation, where it is stated: "Then Shmuel told the people *mishpat ha-melukha*, and wrote it in a book, and laid it up before the Lord. And Shmuel sent all the people away, every man to his house." It seems that the "*mishpat ha-melukha*" mentioned there refers to the laws governing the king, and that this is what God was referring to here as well.

II. "HE WILL TAKE"

Now, however, Shmuel tries to persuade the people to retract their request for a king, and to achieve this aim he paints a gloomy scenario of what the king will do to the people. Let us examine the rhetorical devices that Shmuel uses to convince the people.

First of all, he uses the verb "*yikach* - he will take," four times (see below, in italics). Second, he makes extensive use of the pronominal suffix, "*-chem* - your" (see below, in boldface), on the one hand, and the pronominal suffix, "*-o* - his" (see below), underlined, on the other. Shmuel emphasizes time and time again that the king will take that which belongs to the people for his personal use:

And he said, This will be the customary practice of the king that shall reign over you: he will *take your* sons, and appoint them unto him, for his chariots, and to be his horsemen; and they shall run before his chariots.^{2[2]} And he will appoint them unto him for captains of thousands, and captains of fifties; and to plow his ground, and to reap his harvest, and to make his instruments of war, and the instruments of his chariots. And he will *take your* daughters to be

^{2[2]} The king's men running before his chariot is an expression of honor, similar to the motorcycles that precede the presidential motorcade in our day. In Scripture we find two people who instituted runners in order to strengthen their claim to the royal throne. Regarding Avshalom it is stated: "And it came to pass after this, that Avshalom prepared him chariots and horses, and fifty men to run before him" (II *Shmuel* 15:1); and regarding Adoniyahu it is stated: "Then Adoniyah the son of Chaggit exalted himself, saying, I will be king: and he set up chariots and horsemen for himself, and fifty men to run before him" (I *Melakhim* 1:5). In a slightly different context it is related about the prophet Eliyahu: "And there was a great rain, and Achav rode, and went to Yizre'el. And the hand of the Lord was on Eliyahu; and he girded up his loins, and ran before Achav as far as the entrance to Yizre'el" (*ibid.* 18:45-46). On this the Midrash says (*Yalkut Shimoni I Melakhim*, no. 217): "This teaches that he showed honor to the king."

Regarding Avshalom it is reported several verses later: "And it came to pass after forty years, that Avshalom said to the king, I pray you, let me go and pay my vow, which I have vowed to the Lord in Chevron" (II *Shmuel* 15:7). The commentators had great difficulty explaining the number forty, especially in light of the fact that the sum total of David's years as king was forty (II *Shmuel* 5:4). *Chazal* proposed an interesting solution: "Forty years to what? It was taught: Rabbi Nehorai said in the name of Rabbi Yehoshua: Forty years after they had asked for a king" (*Temura* 14b). It stands to reason that the Midrash wishes to say that forty years later Shmuel's warnings came true: Already then someone claiming the crown began to conduct himself in the royal manner which Shmuel had warned about. It should be recalled that according to Rabbi Nehorai, whose position was cited in the previous lesson, the appointment of a king is not a *mitzva*, and "this section was spoken only in anticipation of their future murmurings." It turns out then that Rabbi Nehorai is consistent here with his own negative attitude towards the monarchy.

perfumers, and to be cooks, and to be bakers. And he will *take* **your** fields, and **your** vineyards, and **your** oliveyards, even the best of them, and give them to his servants. And he will *take* the tenth of **your** seed, and of **your** vineyards,^{3[3]} and give to his officers, and to his servants. And he will *take* **your** men-servants, and **your** maid-servants, and **your** goodliest young men,^{4[4]} and **your** asses, and put them to his work. He will *take* the tenth of **your** flocks; and you shall be his servants.

It is interesting to note that the extensive use of the verb "*yikach*" – which repeats itself four times in this passage – is found also in another speech delivered by Shmuel, when he parts from the people in chapter 12:

Behold, here I am: answer me before the Lord, and before His anointed, Whose ox have I **taken** (*lakachti*)? or whose ass have I **taken** (*lakachti*)? or whom have I defrauded? whom have I oppressed? or of whose hand have I **taken** (*lakachti*) any bribe with which to blind my eyes? and I will restore it to you. And they said, You have not defrauded us, nor oppressed us, neither have you **taken** (*lakachta*) ought of any man's hand.

That is to say, whereas Shmuel did not take, and did not take, and did not take, and did not take, the king that will rule over Israel will take, and take, and take, and take.

Shmuel also divides up the things that the king will take into four groups, the gradation between them being evident at least with respect to the first three groups: The king will take "your sons" and "your daughters" for his various needs, whereas "your fields," "your vineyards" and "your oliveyards," he will take and give **to his servants**, and of that which is left, he will take a tenth and give it **to his officers and servants**.

Shmuel concludes his speech with the following warning:

And you shall cry out in that day because of your king whom you shall have chosen for yourselves; and **the Lord will not answer you in that day**.^{5[5]}
(18)

^{3[3]} The twofold mention of "your vineyards" (vv. 14-15) has a clear reason: In v. 14, Shmuel describes the **good** fields, vineyards and oliveyards, which the king will confiscate in absolute manner. The poorer quality fields, vineyards and oliveyards he will leave in the hands of the people, but even from them he will take a tenth and give it to his officers and servants, as is described in v. 15.

^{4[4]} The mention of the "goodliest young men" between the men-servants and the maid-servants and the asses is surprising not only in its location, but also because it is not clear to who the term refers, for "your sons" were already mentioned in earlier verses. The Septuagint has here "your cattle"; *bachureikhem* might mean the select (*nivcharim*), the praiseworthy, that is to say, the select cattle. If this is true, then the reference to animals parallels the reference to agricultural produce (see previous note): the best cattle the king will confiscate in absolute fashion, and from the sheep that remain, he will take a tenth.

^{5[5]} The wording of the verse parallels *Shoftim* 10:11-14: "And the Lord said to the children of Israel, Did not I deliver you from Egypt, and from the Emori, from the children of Ammon, and from Pelishtim? The Zidonim also, and Amalek and Maon, did oppress you; and you cried to Me, and I delivered you out of their hand. Yet you have forsaken Me, and served other gods; therefore I will deliver you no more. Go and cry to the gods which you have chosen; let them deliver you in the time of

It would appear that the wording that Shmuel uses is not by chance, and that it alludes to the war that was fought against the Pelishtim, as described in the previous chapter. Under the leadership of Shmuel, Israel had emerged victorious in that conflict – without a king:

And Shmuel **cried** unto the Lord for Israel; **and the Lord answered him**. And as Shmuel was offering up the burnt-offering, the Pelishtim drew near to battle against Israel; but the Lord thundered with a great thunder **on that day** upon the Pelishtim, and discomfited them; and they were smitten down before Israel. (7:9-10)

The implication is that under the leadership of the prophet, there is somebody who will cry out to God on your behalf, and that God will answer him on that day; if you insist on a king, you will cry out to God, but He will not answer you on that day.

III. "IT IS PERMITTED TO A KING"?

Shmuel's prediction about how the king will conduct himself raises the following question: Is Shmuel describing a king's legal privileges, or perhaps he is describing a situation in which the king will go beyond his legal rights, based on the assumption that the king will not respect the limitations imposed upon him? The Tannaim and Amoraim disagree on this point:

Rav Yehuda said in the name of Shmuel: All that is set out in the chapter [dealing with the actions] of a king, he is permitted to do. Rav said: That chapter was intended only to inspire them with awe, for it is written, "You shall surely set a king over you" (*Devarim* 17:15) - his awe should be over you. [The same point of difference is found among the following] Tannaim; Rabbi Yose said: All that is set out in the chapter [relating to the king], the king is permitted to do. Rabbi Yehuda said: That section was stated only to inspire them with awe, for it is written: "You shall surely set a king over you," that his awe should be over you.

It seems, however, that in our chapter this disagreement is not so significant. On the one hand, maintaining a royal house and monarchical regime clearly requires a budget, based, quite naturally, on taxes imposed on the people. On the other hand, there is constant concern that the king will exploit his legal privileges even in gray areas, and use the authority invested in him in ways that go beyond what is absolutely necessary. Rambam rules (*Hilkhos Melakhim* 4:1-7) that all these things are permitted to the king, but the dividing line between true needs and excesses is very thin. It seems that Shmuel wishes to emphasize that the line will not always be properly respected. Shmuel's words contain one of the most basic warnings about governmental corruption.^{6[6]}

your trouble." In both places the claim is brought against Israel that they had chosen a different means in place of God, and the price was set down: when they understand their mistake, God will not listen to them. Thus, Shmuel returns to the comparison between the request for a king to idolatry, which was already mentioned in the words of God in v. 8.

^{6[6]} *Tosafot* (ad loc., s.v. *melekh mutar*) ask: If it is permitted to the king, why was Achav punished in the incident involving Navot's vineyard? In that short passage, *Tosafot* bring no less than six answers,

A special expression of the manner in which Shmuel presents the material is found in the verses: "He will take your sons, and appoint them unto him, for his chariots, and to be his horsemen; and they shall run before his chariots. And he will appoint them unto him for captains of thousands, and captains of fifties." The verse appears to be saying that the taking of the sons to be captains of thousands and captains of fifties gives expression to the king's tyranny; he controls the sons and forces them into positions in accordance with his needs. However, when Shaul tries to warn his servants that if David becomes king, they will not enjoy the privileges that they have thus far enjoyed, he says: "Hear now, you Ben-Yemini; will the son of Yishai give every one of you fields and vineyards, and make you all captains of thousands, and captains of hundreds" (22:7) - implying that being appointed to be a "captain of thousands" is regarded as a good thing, and not a problem! This contradiction has a simple resolution: Since Shmuel wishes to present the problematic side of royal privileges, he emphasizes the negative scenario – taking the sons against their will and assigning them to positions without consulting them - even though in a different context such action might be perceived in a positive light and as a realization of their aspirations.

IV. "FOR US" OR "OVER US"

Despite Shmuel's gloomy description of what would happen in the future, the people are not convinced. Why not? Did the people not accept this pessimistic prediction? Or were they perhaps ready to accept the monarchy despite the problems?

Scripture answers this question in a unique manner. At the beginning, when the people of Israel turned to Shmuel, they asked:

Now appoint for us (*lanu*) a king to judge us like all the nations.

They ask for a king to be appointed "for us" – to satisfy our needs. It is possible that this attitude is part of the reason that Shmuel is so angry about the request:

But the thing displeased Samuel, when they said, Appoint **for us** a king to judge us.

Indeed, God instructs Shmuel to correct this mistaken approach of the people, and make it clear to them that the king will not serve their needs, but on the contrary – he will rule over them, and they will serve his needs.

some of which are very important in their exegetical, halakhic and conceptual contexts. For our purposes, I shall mention two of them. In their first answer, *Tosafot* write that Shmuel said to the people that the king will "take and give to his servants," but the king is forbidden to take anything for himself. In this answer, *Tosafot* distinguish between taking in order to satisfy a state need and taking in order to satisfy a personal need, the latter being forbidden even according to the authority who maintains that "it is permitted to the king." In the last answer, *Tosafot* write: "The section of the king was only said about a king who rules over all of Israel and Yehuda and by God, but Achav did not rule over Yehuda and he also did not rule by God." The implication is that in the ideal situation a king is permitted to take for himself as well. It stands to reason, though, that such an ideal king will not take for himself unless there is objective justification for such conduct.

Now you must hearken to their voice; nevertheless you should solemnly forewarn them, and relate to them the customary practice of the king that shall reign **over them** (*aleihem*). (9)

This is also the way that Shmuel opens his own speech:

And he said, This will be the customary practice of the king that shall reign **over you** (*aleikhem*). (11)

We can now go back to our question: What did the people absorb from Shmuel's admonition? The verses provide a clear answer:

But the people refused to hearken unto the voice of Shmuel; and they said, Nay; but there shall be a king **over us** (*aleinu*). (19)

The people answer as it were: We understand that the king will not be "for us," but rather "over us." Nevertheless, we want a king, for even if he will be "over us," we will still be able to achieve our main objectives: "That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles" (v. 20).

Shmuel hears Israel's answer, and "passes" it back to God: "And Shmuel heard all the words of the people, and he spoke them in the ears of the Lord" (v. 21). It stands to reason that this is Shmuel's final attempt to remove the proposal to institute a royal house in Israel. Once again, however, God confirms that there is a positive side to the establishment of a monarchy:

And the Lord said to Shmuel: Hearken unto their voice, and make for them (*lahem*) a king. (22)

Even though the people now understand that the king will rule "over them," it cannot be ruled out that in the end the people will also enjoy gains from the appointment of a king, and the king will also be "for them." Even though the initial motivation for asking for a king was negative, as was explained in the previous lecture, the idea of the monarchy in and of itself is not necessarily bad. One of the main ways to succeed with this idea is for the king to find the proper balance between ruling "over" the people and ruling "for" them.

(Translated by David Strauss)
