



## Give the People (Only Some of) What They Want:

### Deuteronomy and the King

Rabbi Shai Held

Should Israel ideally have a king? On this fundamental political and theological question, biblical voices are sharply divided. For some texts, the very idea of a human monarch is an offense against God, an unacceptable assault on God's exclusive sovereignty over Israel.

Thus, for example, when the people ask Gideon to "rule over us—you, your son, and your grandson as well," Gideon demurs, insisting, "I will not rule over you myself; nor shall my son rule over you; the

Lord alone shall rule over you" (Judges 8:22-23).<sup>1</sup> Yet other texts see an Israelite king as a key part of God's providential plan for Israel's flourishing in the land. For Psalm 2, for example, the human king is the adopted son of the God, the divine king (Psalm 2:7); for texts such as this one, the kingship of David and his descendants is "an earthly manifestation of divine

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kingship."<sup>2</sup> The laws of the king in parashat Shof'tim stake out a middle ground between these two extremes: Israel may indeed have a king, but God places "severe limits on the powers and functions



<sup>1</sup> Cf. also, especially, 1 Samuel 8:10-18.

<sup>2</sup> Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (1985), p. 155.



of the ruler.”<sup>3</sup>

The laws begin: “If, after you have come into the land that the Lord your God is going to give you, and taken possession of it and settled in it, you say, ‘I will set a king over me, like all the nations that surround me,’ you may certainly set a king over yourself, one whom the Lord your God chooses” (Deuteronomy 17:14-15).<sup>4</sup> Although some Talmudic Sages understand Deuteronomy to be mandating Israel to appoint a king, others insist—correctly—that our verses *permit* the appointment of a king but do not *require* it (BT, Sanhedrin 20b).<sup>5</sup> The initiative for monarchy comes from the people, with their urge to be like the peoples all around them. For Deuteronomy, “the king is the result of divine acquiescence to human desire, not a requirement for life in the land under God.”<sup>6</sup>

The text grants the people’s wish to have a king but radically circumscribes his powers. Conventionally in the ancient Near East, the monarch was assigned a major role in the administration of justice. But “Deuteronomy remarkably denies the king any role whatsoever in justice, granting the local courts and the central sanctuary complete jurisdiction.” The king was also customarily given the responsibility of supervising public worship; Deuteronomy

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<sup>3</sup> Cf. Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading* (1994), p. 82.

<sup>4</sup> For translations of Deuteronomy 17, I have relied—with minor modifications—on Richard D. Nelson, *Deuteronomy: A Commentary* (2002), pp. 211-212.

<sup>5</sup> Among traditional interpreters, it is helpful to begin with the comments of R. Saadia Gaon (882-942) and R. Abraham Ibn Ezra (1089-1167) to Deuteronomy 17:15. And see also especially the comments of R. Isaac Abravanel (1437-1508) to our verses. For the opposite view, whereby appointing a king is an obligation incumbent upon Israel, cf. Maimonides (1125-1203), *Sefer Ha-Mitzvot*, positive commandment #173.

<sup>6</sup> Patrick D. Miller, *Deuteronomy* (1990), p. 147. That said, permission is granted emphatically: “You may certainly set (*som tasim*)” (17:15).



again denies him any such role.<sup>7</sup> Deuteronomy assigns the king “no role in... any... area of government and says nothing of the powers that were actually exercised by Israelite kings.”<sup>8</sup> In these verses, in other words, “traditional royal powers are limited if not abrogated.”<sup>9</sup>

Deuteronomy focuses much less on what the king must do than on what he must *not* do: “Only he shall not acquire many horses nor return the people to Egypt in order to add to his horses, since the Lord has said to you, ‘You must not go back that way again.<sup>10</sup> And he shall not acquire many wives, lest his heart go astray; nor shall he acquire an excess of silver and gold” (17:16-17). The text “does not forbid characteristic royal activities, but rather thoroughly limits them. [The king] can have military forces, wives, and a treasury, but he is not to ‘multiply’ them, that is, not acquire too many or too much.”<sup>11</sup> These three restrictions “quite explicitly cut against the accepted pattern of kingship throughout the ancient Near East.” As Bible scholar Christopher Wright explains, “military power (the point of having great numbers of horses), the prestige of a large harem (frequently related to international marriage alliances), and great wealth (large amounts of silver and gold)—these were the defining marks of kings worthy

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<sup>8</sup> Jeffrey H. Tigay, *Deuteronomy* (2003), p. 166.

<sup>9</sup> Nelson, *Deuteronomy*, p. 222.

<sup>10</sup> There is no explicit and unambiguous command to this effect in the preceding books of the Torah. But cf. Exodus 13:17 (a promise) and also Deuteronomy 28:68 (a threat). The text may well assume that God’s promise contains an implicit command within it.

<sup>11</sup> Nelson, *Deuteronomy*, p. 222.

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of the title... But Deuteronomy starkly declares: ‘Not so in Israel.’”<sup>12</sup>

Why are weapons, wives, and wealth considered so dangerous?

Cavalry and chariots signal a king’s self-glorification. When David’s sons Absalom and Adonijah seek to become king, each “provide[s] himself with a chariot, horses, and fifty outrunners” (2 Samuel 15:1; 1 Kings 1:5). Moreover, massive military power can delude kings into thinking that they are “self-sufficient and not dependent on God.”<sup>13</sup> Indeed, for the prophets, a massive chariot force is a sign of infidelity to God: Isaiah condemns the people because “their land is full of horses, and there is no limit to their chariots” (Isaiah 2:7) and Micah foresees a day when God “will destroy the horses in your midst and wreck your chariots” (Micah 5:10). Faithful followers of God, in contrast, declare: “They call on chariots, they call on horses, but we call on the name of the Lord our God” (Psalm 20:8). The desire to keep up a large army will also tempt the king to take advantage of his subjects. As Samuel warns, the king “will take your sons and appoint them as charioteers and horsemen, and they

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<sup>12</sup> Christopher J. H. Wright, *Deuteronomy* (2003), p. 209. In a similar vein, Jon Levenson writes that “the Law of the King places limits upon the royal office which no king worthy of the name could ever embrace.” Levenson, *Sinai and Zion*, p. 190.

<sup>13</sup> Tigay, *Deuteronomy*, p. 167,



will serve as outrunners for his chariots” (1 Samuel 8:11).<sup>14</sup>

Vast numbers of wives, Deuteronomy worries, will undermine the king’s loyalty to God. The reader of Tanakh thinks immediately of King Solomon, the wisest of men who nevertheless lost his way: “He had seven hundred royal wives and three hundred concubines; and his wives turned his heart away” (1 Kings 11:3). Or, of Ahab, who married a Phoenician wife and soon began to worship Baal and Asherah (1 Kings 16:31-33).<sup>15</sup> The text’s insistence—“You may set as king over you someone from your own kindred; do not dare put a foreigner over you, who is not your kindred”—likely stems from the same concern: A foreign king would be less likely to commit himself completely to worshipping God alone. As for silver and gold, they “signal a state that is committed to opulence and self-aggrandizement, an achievement possible only by the transfer of tax moneys in exploitative ways.”<sup>16</sup> Perhaps even more fundamentally, vast wealth—like massive military force—foments pride and the illusion of

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<sup>14</sup> The prohibition on an excess of horses is tied in the text to a concern lest the people return to Egypt, but the precise meaning of that concern is not entirely clear. The text may be prohibiting commercial transactions, or, what is worse, it may be concerned that the king will trade Israelite soldiers as mercenaries in exchange for horses. Cf. Nelson, *Deuteronomy*, p. 224. Peter Craigie observes that “the net result of such action, for the men involved, would be separation from freedom of the Israelite community and a return to old bondage in Egypt. There could be few worse fates for an Israelite freeman.” Peter C. Craigie, *The Book of Deuteronomy* (1976), p. 256. Deuteronomy may also be warning against alliances with—and dependence on—Egypt. Isaiah explicitly links having many horses and seeking help from Egypt with disloyalty to God: “Ha! Those who go down to Egypt for help and rely upon horses! They have put their trust in abundance of chariots, in vast numbers of riders, and they have not turned to the Holy One of Israel, they have not sought the Lord” (Isaiah 31:1). Cf. also Isaiah 30:1-7. Still another possibility is that “turning the people back to Egypt may refer to a condition of virtual or actual slavery to which a profligate monarch could reduce many of his overtaxed subjects through his expenditures.” Robert Alter, *The Five Books of Moses: A Translation with Commentary* (2004), p. 967.

<sup>15</sup> For a biblical warning against multiple wives along different lines, cf. Proverbs 31:3.

<sup>16</sup> Walter Brueggemann, *Deuteronomy* (2001), p. 185. The people’s plea to Rehoboam after Solomon’s death amply illustrates the point: “Your father made our yoke heavy. Now lighten the harsh labor and the heavy yoke which your father laid on us, and we will serve you” (1 Kings 12:4). Cf. the comments of R. Abraham Ibn Ezra to Deuteronomy 17:17.



self-sufficiency and thus leads to “unfaithfulness and apostasy.”<sup>17</sup>

According to Deuteronomy, *there is only one thing the king must do*—he must produce a copy of the law book and study it diligently:

“As soon as he sits on the throne of his

kingdom, he shall write for himself a copy of this teaching on a scroll in the presence of the Levitical priests. It shall remain with him and he shall read in it all the days of his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this teaching as well as these laws” (Deuteronomy 17:18-19). As Richard Nelson explains, “the production of a copy of the law book is to be an integral part of [the king’s] enthronement.”<sup>18</sup> But the king’s commitment to the law must extend beyond his ascent to the throne; he is charged to occupy himself with the law every day of his life. Crucially, the mandate given to the king mirrors the directive given to the people as a whole: “Recite [God’s instructions] to your children and speak about them when you are sitting in your house and when you are walking on the road, when you lie down and when you get up” (6:7). The implications for Deuteronomy’s vision of the monarchy now come powerfully into view: “The way of the king in Deuteronomy is not a reflection of the deity but a model of the true Israelite... King and subject share a common goal: to learn to fear [God].”<sup>19</sup>

*Vast wealth—like massive military force—foments pride and the illusion of self-sufficiency*

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<sup>17</sup> A.D.H. Mayes, *Deuteronomy* (1979), p. 272.

<sup>18</sup> Nelson, *Deuteronomy*, p. 224.

<sup>19</sup> Miller, *Deuteronomy*, pp. 147, 149. The king is, in Richard Nelson’s words, “the ideal citizen, a model Israelite, more a student of the law than a ruler.” Nelson, *Deuteronomy*, p. 222.



The thrust of Deuteronomy is revolutionary: The king lives under the law. It is a lesson as powerful as it is easily forgotten (even in a democracy): No one is above the law.

Deuteronomy's vision of government is, in a sense, a constitutional monarchy,<sup>20</sup> an extremely radical idea in the ancient world. Jeffrey Tigay notes that "in Mesopotamia the monarchy was viewed as an institution created by the gods early in human history and practically indispensable for the welfare of society. The king was the lawgiver. He was inspired by the gods with the wisdom to make laws, but the laws themselves were his. In Egypt, the king was believed to be a God, and he *was* the law." For Deuteronomy, in stark contrast, the king is "essentially an optional figurehead who is as much subject to God's law as are the people as a whole."<sup>21</sup>

***The king lives under the law.***

The effect—or at least the goal—of all this legislation is that the king "not think himself higher than his kinsmen or turn aside from the commandment, either to the right or to the left, so that he and his sons may reign long in the midst of Israel" (17:20). The king may reign over (*al*) Israel, but he must remember that his fellow Israelites are ultimately his "kin"—literally, his "brothers" (*ehav*); The force of the word "brothers" is to remind the king that he is ultimately the people's equal, not their superior.<sup>22</sup> "The king is 'set over' (v. 15) the people,

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<sup>20</sup> It should go without saying that it is also very much a theocracy.

<sup>21</sup> Tigay, *Deuteronomy*, p. 166.

<sup>22</sup> Tigay observes that "Deuteronomy regularly uses this term [*ahim*, brothers] to emphasize the equality and fraternity of all Israelites, whether king or servant, prophet or king." Tigay, *Deuteronomy*, p. 12. Cf. what I have written about Deuteronomy's approach to Israelites as kin in "Do Not Be Afraid of Anyone': On Courage and Leadership," CJLI Parashat Devarim 5774, available [here](#); and in "Opening Our Hearts and Our Hands: Deuteronomy and the Poor," CJLI Parashat Re'eih 5774, available [here](#).



but his heart may not to be lifted up [*le-vilti rum levavo*] above his compatriots (v. 20)”;<sup>23</sup> although the king reigns over the people, he nevertheless remains very much one of them, always “in their midst.” He is to be “an obedient constitutional monarch on the same level with ordinary citizens and under the control of the law.”<sup>24</sup>

Note how the text ends: “So that he and his sons may reign long in the midst of Israel.”

Dynastic rule is entirely conditional: The king and his descendants will maintain the throne only so long as they are faithful to the covenant.<sup>25</sup> The king’s seat on the throne, in other words, parallels the people’s presence in the land: What God has granted God can also take away. The throne belongs to the king not by right but by grace.

Some scholars place great emphasis on how Deuteronomy couches Israel’s desire for a king: “I will set a king over me, like all the nations that surround me.” Tigay, for example, notes that “Deuteronomy, by mentioning only this motive for wanting a monarchy, characterizes the institution as unnecessary and unworthy.”<sup>26</sup> Jon Levenson similarly maintains that Deuteronomy is suggesting that the monarchy is “an institution [that is] foreign to Israel’s true nature.”<sup>27</sup> But rather than denying—or condemning—the people’s request, the Torah instead reshapes it according to its own vision. As R. Hayyim ibn Attar (1696-1743) points

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<sup>23</sup> Miller, *Deuteronomy*, p. 147. Cf. also the comments of Nahmanides (Ramban, 1194-1270) to Deuteronomy 17:20.

<sup>24</sup> Nelson, *Deuteronomy*, 222.

<sup>25</sup> Walter Brueggemann puts this nicely: “The durability of monarchy depends on preoccupation with Torah.” Brueggemann, *Deuteronomy*, p. 186.

<sup>26</sup> Tigay, *Deuteronomy*, p. 166.

<sup>27</sup> Levenson, *Sinai and Zion*, p. 190.





out, there are two different types of monarch spoken of in the text: The people ask for a king who, like the kings of other nations, will rely on his own skill and strength to lead the nation in battle (17:14), but God grants them a very different kind of king, one whose roles (and limitations) are enumerated in our verses (Or Ha-Hayyim to Deuteronomy 17:14).<sup>28</sup>

We can learn a powerful lesson about leadership from God's response to the people's request for a king: God neither capitulates to the problematic request, on the one hand, nor castigates the people for making it, on the other. Instead, God accedes to their request but radically reshapes it into something with the potential to move Israel forward in its service of God. It is all too easy for leaders either to become slaves of the people's will—and thus to cease to function as leaders at all—or to write off the people as hopeless and incorrigible. Here, crucially, God does neither.

Shabbat Shalom.

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See Shai Held's other *divrei Torah* on parashat Shof'tim:

- [5774 – \*The Future is Wide Open, Or: What Prophets Can and Cannot Do\*](#)

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<sup>28</sup> Ibn Attar thinks that the appointment of the latter type of king is an obligation, but I have followed other traditional interpreters (and virtually all modern scholars) in suggesting that in Deuteronomy Israel is permitted to appoint a king but not required to do so. Cf. also the comments of the Talmudic Sage R. Eleazar b. R. Yossi, who insists that (in 1 Samuel 8:5) Israel actually makes two requests, one legitimate and the other illegitimate. In asking for a king, he argues, Israel is well within its bounds; but in adding that it wants a king "like all the nations that surround me," Israel strays (Tosefta Sanhedrin 4:5). In the interests of brevity, I have simplified R. Eleazar's remarks somewhat.

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