



THE POWERS OF A JEWISH KING

Jewish history certainly seems to be on a positive trajectory. After 2,000 years, millions of Jews have returned home to a burgeoning and bustling country. Israel is growing, making strides geopolitically, economically and spiritually. However, with all the developments, advancements and religious progress, we must remind ourselves of a critical missing link in the actualization of the ideal Jewish society. Contrary to the appreciation of democracy no doubt embedded in our DNA, we are still waiting for the reestablishment of *Malchus Beis David* (the Davidic Kingdom); we are waiting for our king.

We may wonder what positive role the Jewish king plays. After all, the separation of powers enjoyed by

virtually all modern democracies seems almost axiomatic. Monarchy seems outdated, inefficient and unideal. But this is a flawed perspective that stems from a misunderstanding of the role played by the Jewish king. In reality, Jewish monarchy is part of a greater system with its own separation of powers. The Ran, in his *Derashos* no. 11, explains that while the role of the rabbis and judges of the Sanhedrin is to institute and apply halacha, the king's responsibility and authority lies in maintaining and developing the nation in areas outside the realm of what halacha directly relates to, what halachic literature has deemed "*tikkun medina*," or modifications of the state. Anything necessary for societal function, not explicitly addressed by halacha, falls under the purview

of the king. What follows is a brief discussion of sources suggesting that aspects of *malchus* in various forms have, in fact, traveled alongside us throughout our exile, to this very day.

The first extension of Jewish monarchy outside of the prototypical king on the throne in Israel was the office of *Reish Galusa*, or Exilarch. The *Reish Galusa* was the leader of the Jewish community in Babylonia. This institution was established concurrent with the exile of King Yechonia and his court at the end of the First Temple, and was more or less an active position in Jewish exile for over 1,000 years. Tracing his lineage to the royal Davidic line, the *Reish Galusa* exercised political power over his constituents with tax collecting and judicial authority. This

power was recognized by Chazal. As the Rambam, *Hilchos Sanhedrin* 4:13 explains:

ראשי גליות שבבבל במקום מלך הן עומדים,
ויש להן לרדות את ישראל בכל מקום ולדון
עליהן בין רצו בין לא רצו שנאמר לא יסור
שבט מיהודה אלו ראשי גליות שבבבל.

The exilarchs in Bavel stand in place of the king, and they have the authority to impose their will on the nation at any time and to judge them whether or not they consent, as the verse states "the staff shall not leave Judah," these are the exilarchs in Bavel.

Note that the Rambam brings the verse "lo yasur shevet M'Yehuda" in sourcing the authority of the *Reish Galusa*. This is based on the Gemara, *Sanhedrin* 5a. This verse is the source that the Jewish king is generally supposed to be from Shevet Yehuda. Here we see the first departure of the classic application of Jewish monarchy. Apparently, this authority can be manifested in a king in exile of sorts, outside the Land of Israel. It is striking that with the onset of *galus* efforts were made to establish and maintain a seat of rule for the Jewish community. However, today, without a *Reish Galusa*, are we fully devoid of any semblance of monarchy? The *Avnei Nezer*, *Yoreh Deah* no. 312, in a broader discussion about whether a position of town rabbi should pass through inheritance to the deceased's son, maintains that modern rabbis, lacking the authentic *semicha* originating from Moshe, do not hold the position of the *shoftim*, the judges of old. Rather, they are acting as "kings":

רק באמת אין כוונת התורה לדון כשאין
סמוכין. רק שההכרח לדון במידי דשכיח
ואית ביה חסרון כיס שלא יחרב העולם. והוא
דומיא דמלך ממש שבמשפט יעמיד ארץ וא"כ
הרי הוא בירושה כמו מלך ממש.

The truth is, the Torah did not intend for people to judge without semicha. Only in extenuating circumstances, in common enough situations which would cause financial loss, to maintain order. In this regard, he (the rabbi) is comparable to a king, literally, maintaining order in the land, in which case the position should pass through inheritance.

Finally, and perhaps most significantly for the time we live in, some argue the modern government of Israel with the prime minister at its helm has the status of the kingdom of the Jewish people. This is based on an oft quoted comment of the Radvaz, *Melachim* 3:8, where he maintains that the king of Israel is crowned by a prophet, or with the consent of all of Israel:

והאי מלך היינו שהומלך על פי נביא או
שהסכימו עליו כל ישראל.

The king is crowned by a prophet or with the consent of all of Israel.

This second tract, consent of the people, is novel, and its implications are profound. Rav Kook, *Mishpat Kohen* no. 144, based on this comment, maintains that any leader recognized by the Jewish nation takes on the role of king, with all the stringencies and honor afforded to him:

שבזמן שאין מלך, כיון שמשפטי המלוכה
הם ג"כ מה שנוגע למצב הכללי של האומה,
חוזרים אלה הזכויות של המשפטים ליד
האומה בכללה... אבל למה שנוגע להנהגת
הכלל, כל שמנהיג את האומה דן הוא
במשפטי המלוכה, שהם כלל צרכי האומה
הדרושים לשעתם ולמעמד העולם.

In a time without a king, since the rules of the monarchy are relevant to the general national condition, these rights return to the nation as a whole... However, in regard to leading the nation, any (modern) leader governs with the rules of the monarchy that includes the

short-term and long-term needs of the nation.

We cannot overstate the significance of this approach. Every election (even three in a year!) takes on the significance of a coronation ceremony. What a privilege for those living in Israel, that they can participate actively in the crowning of the chief representative of the Jewish state, himself (to a certain extent) the embodiment of royalty.

We have seen that the position of king was historically not limited to a monarch in Israel. In addition, throughout this long and often dark exile our rabbinic leaders may well have taken on regal roles. Finally, perhaps the office can be assumed by one who has no royal or prophetic or religious claim to the throne, but rather by a consensus of the people.

Ultimately though, until the full realization of *Malchus Beis David*, with the coming of Mashiach, we should remind ourselves of the kingly portion within all of us. We are all the children of the ultimate King, Hashem. As Chazal, *Bava Metzia* 113b, state, "kol Yisrael bnei melachim," the entire nation are the children of kings. The *Sefer HaChinuch*, no. 16, commenting on the prohibition of breaking the bones of the *korban Pesach*, explains that such behavior is unbecoming of royalty. Every year, on Seder night we remind ourselves of our monarchical ties by assuming kingly behavior. In anticipation of the ultimate fulfillment of the geulah unfolding before our very eyes, it would do us well to remember that, in addition to our religious and political leaders, we are all members of the *mamleches kohanim v'goy kadosh* — a kingdom of priests and holy nation.