

Is monarchy an obligation or an accommodation?

Debate in סנהדרין :

1. רבי יונתן : Obligation as one of three $\mu\epsilon\tau\epsilon\upsilon$ upon entering Israel. a) establishing a monarchy b) destroying $\epsilon\kappa\alpha\upsilon\gamma$ and c) building the Temple
2. רבי נהוראי : An accommodation used on the request of the nation for a monarch
3. אברבנל : says that a democracy is actually a much more effective form of government.
4. רמבן : Accommodation
5. רמבם : Obligation
6. Shimshon Rephael Hirsch: Explains the purpose and true role of the King in relation to the people - ideally a spiritual role model and not a warrior type. Must unify Israel so all the resources must be placed at his disposal. Eventually and inevitably, he will eventually be forced to become more of a warrior.

The rule of the judges in contrast to the rule of Kings:

Judges	Kings
1. Consent of the סנהדרין and approval of the people	1. Consent of סנהדרין, people, and anointment by a prophet.
2. Honor but not like a king	2. Honors specifically for a monarch like: Can't marry the king's wife or divorcee, or make use of his utensils.
3. Lead the nation in battle, could not tax against will	3. Lead the nation in battle can tax against the people's will, can take half the spoils of war.
4. Judges filled by appointment and not necessarily hereditary	4. Only the monarchy was inherited.

Procedure for a King's appointment:

1. Consent of סנהדרין
2. Could not be a גר
3. Couldn't even have worked one day of menial labor
4. Davidic Dynasty - שמן המשחה was used that was prepared by משה to show that his success would be fully dependant on whether or not he could follow in the footsteps of משה the nation's first and greatest leader.

5. A King from the Davidic dynasty would be anointed by a river or a flowing body of water as a means of expressing the hope that his reign would be as smooth and flowing from generation to generation as a body of water.
6. Anointment was waived when a son of a Davidic monarch inherited the throne since transfer from father to son was automatic. The exception to this was when the son was not the clear and undisputed choice, or not the eldest, or because his rule was being contested by one of his brothers.
7. Kings other than the Davidic dynasty were anointed with שמן אפרסמון made of fruit oil.
8. The ceremony consisted of pouring the oil in the shape of a crown on the new king's head.
9. If the King was a minor, he would still inherit the throne on his father's death, but a regent would be appointed to help him rule until he reached the age of majority.
10. The King had to be knowledgeable and G-d fearing. If he lacked knowledge, he was supplied with a teacher to teach him, but if he was not G-d fearing, even if he was wise, he was not legally able to assume the throne.

Property Rights of Kings:

1. The monarch has absolute rights only to property that was purchased by an individual, but not to fields that that individual might have inherited.
2. The right to confiscate property was given only to a King who was chosen by ה'.

Obligations of the Monarchy:

1. All people must show the King the utmost in respect at all times, and even if the King was willing to waive the honor due him, he could not legally do so.
2. No one could ride the King's horse, sit on his seat or throne, and use his scepter, crown or any other royal utensil.
3. The King's wife could never remarry even after his death, and no one could marry his divorcee - even the King's brother.
4. No one could view the King while he was in an undignified pose, such as nakedness.

5. The King was limited in his number of wives.
6. He was limited in the number of horses - only enough for the chariots he needed for the army - none for show.
7. He was limited in the amounts of gold and silver he could have to economic necessity, not for reasons of gluttony or pride.
8. He could never be drunk, and must always be immersed the needs of his people or in תורה study.
9. He had to write or have written an additional תורה scroll - so that he had 2 - One to be kept in the archive or treasure house, and one to be with him constantly, even in war.
10. He must be well groomed and attired, with a daily hair trim.
11. While seated on the throne he had to be crowned.
12. People were required to bow to the ground before him, and remain standing in his presence. Even a נביא was required to kneel and stand before a King.
13. When the King approached the כהן גדול for advice, the King had to stand out of respect for a man of G-d, but the כהן גדול was also required to rise when the King approached, and respond to the King's needs.
14. The King had to rise momentarily for תורה scholars, and could not demand the service of someone actively involved in the performance of a מצוה .
15. He could tax the people and press anyone into service.
16. He could collect up to 1/10th of the nation's cattle and produce.
17. He could take $\frac{1}{2}$ the spoils of war.
18. The King could be required to give testimony in a court case.
19. The King alone had the legal authority to kill the rebel.
20. As long as it was motivated by the spirit of the law, he could give punishments that were harsher than תורה law itself.