

Rabbi Rothkoff is now a resident of Israel, where he devotes himself to scholarly pursuits. A review of his recent book, a biography of Dr. Bernard Revel, will appear in one of our forthcoming issues.

DINA D'MALKHUTA DINA* — THE LAW OF THE LAND IN HALAKHIC PERSPECTIVE

INTRODUCTION

Jewish ritual has always zealously guarded its independence during the long history of the conquest and dispersion of the Jewish people. The Talmud declared that when the Jewish religion itself is persecuted even the most insignificant religious custom or habit must be defended at all costs because of the higher principles at stake. Rav Dimi decreed that when there is a royal edict against Judaism, "one must incur martyrdom rather than transgress even a minor precept."¹ The Talmud explained that "even to change one's shoe strap" is considered a "minor precept." The shoe latches worn by Jews were white, whereas those worn by non-Jews were black. A Jew was obligated to sacrifice his life rather than be coerced into wearing black shoe latches.

While charged with safeguarding the integrity of his spiritual heritage, the Jew was also exhorted to be a loyal citizen of the land of his dispersion. The prophet Jeremiah, in his epistle to the Judeans who were exiled to Babylonia, wrote,

Seek the peace of the city whither I have caused you to be carried away captive, and pray unto the Lord for it, for in the peace thereof shall ye have peace.²

The Mishnah recorded the epigram of Rabbi Chanina, the deputy

*This study is dedicated by the author to the memory of Julius Horowitz, a pioneer of the Young Israel movement.

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high-priest, who said,

Pray for the welfare of the non-Jewish governments, since were it not for the fear of it men would swallow each other alive.³

The Jewish tradition called for a sense of loyalty to the secular government since it realized that this would aid the Jewish Community in its struggles to survive during the years of exile.

Nevertheless, when Jews were summoned to abide by the secular laws of his adopted nation, it was more than just a feeling of allegiance that dictated their obedience. In many instances, the non-Jewish legal system functioned as an extension of the Halakhah due to the recognition granted to it by the principle of *Dina D'Malkhuta Dina*. Four times this principle is quoted by the Talmud in the name of the Babylonian sage, Samuel (third century C.E.).⁴ Literally, it means "the law of the kingdom is the law." It is more meaningfully paraphrased as "the law of the non-Jewish government is the law." This essay will analyze to what extent and under which conditions the Jewish legal system can accommodate *Dina D'Malkhuta* and its application to contemporary problems.⁵

SCOPE AND SOURCE

The Talmud and all related literature clearly states that this maxim is confined to aspects of *dinei mammonot*, i.e., to the monetary, civil, and real-estate laws of the Jewish legal system. Only those statutes may be waived when contravened by the prevailing non-Jewish secular legal system. However, issues of *issura*, i.e., rituals such as *kashrut* or Sabbath observance, are not subject to convention, or waiver. The *Sdei Chemed* declared that even a ritual of rabbinic origin and authority may not be abrogated or waived because of *Dina D'Malkhuta*.⁶ To illustrate this distinction, Rabbi Isaac Herzog utilized the Jewish concept of marriage as an example. He wrote:

The wife owes her husband certain duties, some of the order of *mammona*, others of the order of *issura*. The husband is entitled for instance to the usufruct of her estate. This is of the order of *mam-*

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mona, or *dini*. The husband can renounce this right if he so wishes, and this renunciation will be binding under certain conditions. The wife owes him also duties of the order of *issura*, of a religio-moral, or religio-ritual nature. She is forbidden to have carnal relations with any other man. This is a duty which it is not within the power of the husband to waive. No matter what his feelings may be, if she has carnal relations with another man, she commits a deadly sin, and it is unlawful for the husband to continue to live with her . . . Matters of marriage and divorce as far as they create or terminate the relation of husband and wife are *issura*, and are not affected by the law of the land, while the monetary rights or duties issuing from the creation or termination of the husband-wife relation are *mammona* or *dini*, and it was a question in how far they were affected from the standpoint of Jewish law, by the law of the land.⁷

The initial Talmudic discussions of this principle display some of its areas of applicability. In *Gittin* (10b), the Mishnah validated all legal instruments executed in heathen courts or register-offices, although attested by Gentile witnesses, with the exception of writs or divorce and emancipation. The Talmud did make a distinction between deeds of sale and deeds of gift. In the case of the former, the deed is mere evidence of the sale which had been effected by the payment of money, while in the case of a gift the deed is in itself the instrument which made the object pass from the donor to the donee. The certificate of a heathen court or official registry to the effect that sale had been transacted is unimpeachable, and it is accepted by Jewish law even without the principle of *Dina D'Malkhuta* since it is assumed that a deed would not be written by the judges unless the seller had actually received payment for the object. However, for a deed to be valid as an instrument of transfer in the case of a gift, it may be that the document had to be written and attested in strict accordance with the formalities of Jewish Law which were not observed in heathen courts. Nevertheless, there was an opinion that even such a deed was valid because of the principle of *Dina D'Malkhuta*.

In *Nedarim* (28A) and *Baba Kamma* (113A), gentile tax-collectors were classified as thieves by the Mishnah. The Talmud qualified this designation and limited it either to tax-collectors who arbitrarily set the tax rates without following a tax-table or to tax collectors who possessed no governmental authority.

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However, the just actions of a duly appointed tax-collector were validated by the principle of *Dina D'Malkhuta*. In *Bava Batra* (54B), this principle was utilized to validate two acts which otherwise would have been considered theft. If a Persian citizen had been in occupation of a piece of land for forty years, and a Jew then bought it from him, his title was impregnable since "Persians acquire ownership by forty years occupation," even though it may have originally been illegally acquired by the Persian. Similarly, it was legal to buy property from "wealthy landlords," who paid to the Government the tax on the land, the owners of which were in arrears, and thereby became the new owners of the land. Since this transference of land was legal according to Persian law, Jews were allowed to buy the land from these "wealthy landlords."

Some of the early post-Talmudic rabbinical authorities attempted to limit the application of *Dina D'Malkhuta* to delineated areas of *mammona*. The Meiri held that this principle only validated the non-Jewish government's methods of taxation,⁸ while the Mordecai felt that it applied solely to the secular laws which governed real estate transactions.⁹ However, the Rabad¹⁰ and R. Isaac Duran¹¹ utilized this principle to certify all *mammona* enactments of the secular government, and subsequent practice has reflected this viewpoint. Particularly, the government's regulations in the areas that are solely its prerogative, such as the coining and evaluation of money, were certified by this principle.¹² A post World War I decision enabled a debtor to repay his loan in accordance with the devalued currency of the newly organized Lithuanian Republic, although he was in reality only repaying one-fifth of the value of the money he originally borrowed.¹³ Likewise, borrowers were required to repay an additional sum when the local currency was increased in value.¹⁴

The widespread latitude granted to *Dina D'Malkhuta* was in conformity with the opinion of most later authorities that this principle was of Torah origin.¹⁵ Only the *Bet Shmuel* held it to be a rabbinic enactment.¹⁶ However, there were many different theories propounded by the sages for the Torah's institution of this regulation. The Meiri held that the king's rights were

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expressed in the prophet Samuel's exhortation to the Jewish people regarding the institution of monarchy. Samuel proclaimed:

This will be the manner 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 menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your flocks; and ye shall be his servants.¹⁷

The Meiri held that the prophet was discussing the legitimate rights of a king, and that these privileges were also granted to gentile monarchs.¹⁸ Another early rabbinical authority, Rabbi Jonah Gerondi, wrote that this concept was premised upon the Biblical concept of *hefker bet din hefker*, namely that the Jewish court was given the express power to declare anyone's property *res nullius*. The suggestion was made by Rabbi Jonah that the king, or the state, likewise had similar powers, and they could declare an individual's property *hefker* or ownerless. Therefore, the law of the land had to be obeyed in matters of *dinei mammonoth*.¹⁹ Another viewpoint validated *Dina D'Malkhuta* because the land belonged to the king, and he possessed the rights to expel those citizens who would not heed his regulations.²⁰

The Rashbam explained that *Dina D'Malkhuta* was based upon the principle of agreement or pact, for the king's subjects bind themselves to follow whatever laws he enacts. Just as a private agreement had the effect of modifying the civil Jewish law in respect of the terms of the private agreement, likewise the pact of the Jewish subjects to follow the statutes of the king obligated them to follow these laws in purely civil matters, *dinei mammonoth*. The Rashbam stated,

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All regular and special taxes, and all decrees promulgated by the kings are the law, because all the people of the kingdom willingly accept the statutes and ordinances of the king. These are therefore binding. No man may be accused of robbery if he retains money given him by the law of the kingdom.²¹

Basing his viewpoint upon Rashi's Talmud commentary, a contemporary rabbinical authority, the late Rabbi Isar Zalman Meltzer of Jerusalem, explained that this concept was an extension of the Noahic Law of *Dinim*. Seven basic universal commandments were given to Noah. The charge of *Dinim* required that an equitable legal system and courts of justice be established for mankind. The king was therefore permitted to promulgate laws which were legally binding upon the residents of his kingdom.²²

However, *Dina D'Malkhuta* does not automatically validate all the laws. Besides being subsumed under the category of *mammona*, the laws must be just, equitable, and applicable to all citizens and residents of the state. The basic idea is that *Dina D'Malkhuta* is acceptable, but *Chamsa D'Malkhuta* or *Gazlanuta D'Malkhuta*, malevolent, ill-disposed, and unjust laws, is to be rejected. The Jew must only observe the decrees of a just government, but he is not obligated to observe the rulings of a despotic regime. Maimonides ruled that the king may rightfully collect taxes, "if his laws are decreed for all, and are not just directed against one individual."²³ In addition, Maimonides stated that the King must be recognized and accepted by his subjects:

The coinage system of this king must be utilized in the land for only then is he truly accepted by the populace.²⁴

Nachmanides placed an even more stringent requirement. He ruled that only statutes and legal traditions which had existed in the land for many generations may be validated and enforced by the principle of *Dina D'Malkhuta*.

Dina D'Malkhuta is only accepted by Jewish Law when they are laws which are known and accepted throughout the kingdom, and they were previously enforced by all the kings who preceded the present ruler.

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These laws must be recorded in the chronicles of the land and in the legal volumes of the kingdom.²⁵

When the Communists took over Russia and converted synagogues into communal meeting halls the late Rabbi Moses Soloveitchik was asked whether the new government's acts must be obeyed? He replied that these acts were *Chamsa D'Malkhuta* rather than *Dina D'Malkhuta*. The Communist government did not meet the necessary standards of justice to qualify for *Dina D'Malkhuta* since these laws were not applicable to all houses of worship and they certainly were not found in the traditional Russian legal system.

Although *Dina D'Malkhuta* is confined to *dinei mammonot*, there are many instances where the application of this principle also affects *issura*. After a person has relinquished hopes of retrieving his lost object, it is permitted for the finder to retain the item and the *issur* of theft is inapplicable. Nevertheless, the object must at present be returned in accordance with the *Dina D'Malkhuta*.²⁶ Likewise, a stolen object may be kept after the victim has given up hope of recovering his possession and the item has been transferred out of his domain. Such a stolen object must today be returned because of *Dina D'Malkhuta*.²⁷ In the case of reevaluation of currency, there is no prohibition of theft when the money has been devalued and the borrower is returning cash which is worth less than that which he borrowed. Nor does the prohibition of taking interest apply when the currency has increased in value, and the lender is now receiving money which is worth more.

There are also instances which may begin with *mammonot* and ultimately result in the most basic of *issurim*. The right of the king to draft the inhabitants of his land for forced labor or military service is an ancient tradition which found expression in the prophet Samuel's exhortation. A legal government therefore has the right to draft its citizens to serve in its military establishment. This obligation may be classified under *dinei mammonot*, an economic and worldly responsibility, stemming from loyalty to one's government. Nevertheless, these instances may result in a soldier's eating non-kosher food or desecrating

the Sabbath while under battle conditions. Even worse, he may kill enemy soldiers during the war. Although his initial involvement with the military was validated by *Dina D'Malkhuta*, these acts, which are classic examples of *issura*, have no relevancy to this principle. Nevertheless, these deeds will be permitted for the soldier due to other Halakhic considerations. During warfare, when his life is constantly in danger, he may desecrate the Sabbath to protect himself.²⁸ When *kosher* food is unavailable, he may eat *non-kosher* food when this is the sole nutrition obtainable.²⁹ He is permitted to kill his enemies when he knows that otherwise they will kill him in fulfillment of the Talmudic principle, "If one comes with the intention of killing you, be quick and first kill him."³⁰

There are also cases where knowledge of the secular law may simultaneously result in important verdicts in cases of *issura*. In these instances *Dina D'Malkhuta* does not validate the secular practices and they do not function as an extension of Judaic Law. However, Jewish Law does depend upon their enforcement by the secular government and halakhic assumptions are made on this basis. Thus, the identity of a deceased husband may be established by *Dina D'Malkhuta*, although it will result in permitting his widow to remarry. The Mishnah deemed testimony about a husband's crucifixion insufficient to allow his wife to remarry. Testimony must include actually seeing the victim dead.³¹ Nevertheless, the rabbis accepted it as a fact even if the testimony only described the Jew hanging from the gallows since the secular law of that country demanded that the victim's neck also be broken afterwards. The death penalty was carried out by the secular authorities, and the principle of *Dina D'Malkhuta Dina* was utilized to establish the assumption of death. Even though this resulted in *issura*, the widow's ability to remarry, it did not affect the initial application of *Dina D'Malkhuta* to determine the fact of death.³² Similarly, the responsa literature detailed the case where a murdered body was identified by a fellow Jew by means of the deceased's clothing. However, the garments were at the side of the body when the witness arrived at the scene. Rabbi Moses Sofer ruled that since the law of the land demanded a coroner's examination in cases of death

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by unknown causes, the deceased's clothing had to be removed to allow the examination to take place. Jewish law could therefore accept the fact that the clothing found belonged to the deceased and their identification was tantamount to identification of the murdered husband. His widow was now free to remarry.³³ From these cases we may also deduce that *Dina D'Malkhuta* is effective and operative, although it also may directly result in *issura* situations. Similarly, a military draft is validated by *Dina D'Malkhuta*, although it may later have *issura* implications.

CONSCIENCE VERSUS AUTHORITY

Granting the validity of the secular government's right to draft its citizens, the problem of conscience versus authority comes to the fore. When a citizen disagrees with his government's policies must he voluntarily surrender to the draft or may he passively attempt to avoid induction until he is taken by force? Does *Dina D'Malkhuta* command obedience just as other *halakhot* do or is passive resistance permissible? The question need not be solely confined to the military draft. May an objector to some aspect of government policy simply place the percentage of his taxes which would be used on what he considers an immoral purpose in a bank account and insist that the government actively collect this sum rather than his remitting it? It may be that the resolution of this problem is subject to the reasons which the rabbinical sages give for the principle of *Dina D'Malkhuta*. According to the Meiri's viewpoint that Samuel's description of the king's rights to tax and draft his citizens is the basis for *Dina D'Malkhuta*, then the king himself must collect that which he desires and decrees. Although the king possesses these rights, a citizen does not have to voluntarily pay his taxes or surrender to the military. Passive resistance would be sanctioned by the halakhah, and the king or government would be obligated to bear the burden for enforcing their taxation and draft regulations.

Likewise, according to those who held that *Dina D'Malkhuta* derived from *hefker bet din hefker* or the king's ability to expel his subjects from his land, then these powers could only be

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utilized by the government to enforce its laws. Citizens did not have to voluntarily obey the government's edicts, but it was up to the ruling authorities to take the initiative and enforce its decisions.

However, according to the Rashbam's viewpoint that this principle was the result of the citizens' agreement to follow the laws of the land, then they are obligated to obey and respond to the needs and decrees of their government. Since they have surrendered some of their rights and submitted themselves to a supreme government, *Dina D'Malkhuta* commands obedience and passive resistance is improper. Likewise, in conformity with the opinion of Rabbi Isar Zalman Meltzer, that this concept resulted from the Noahic Law of *Dinim*, then *Dina D'Malkhuta* commands observance. Just as the other basic Noahic Laws such as the prohibitions regarding murder, robbery, and adultery command obedience, likewise the precept of *Dinim*, translated into practice and the conventions of society, dictates our positive acquiescence.

The Talmud did declare that "It is a transgression to elude the customs-collectors."³⁴ The *Mishnah Le-Melech* explained that tax evasion is forbidden since the government's regulations outlaw it.³⁵ The *Kesef Mishnah* understood this ruling as an attempt to avoid the "Desecration of the Divine Name" which would result if the government discovered that its Jewish citizens were attempting to evade their tax responsibilities.³⁶ It is not simply a question of the law of the land, but rather that Jewish citizens must be loyal to their adopted country and avoid a "desecration." Therefore, a Jew must voluntarily fulfill his governmental obligations and evasion is forbidden. This viewpoint may resolve the question of evasion during normal circumstances. Does this, however, preclude the permissibility of passive resistance at a time of an "immoral" governmental undertaking? If the Jewish tradition considers a particular conflict "immoral" and "unjust," then it is no longer a "desecration" but rather a "Sanctification of the Divine Name."

Halakhah classifies warfare into two basic categories: (1) Obligatory Wars and (2) Optional Wars. Any war fought against aggressors actually threatening the Jewish people was

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considered an Obligatory War. Wars fought to extend the boundaries of Israel or to enhance the prestige and reputation of the Israeli king were considered Optional Wars and were only permitted when the king had the consent of a *Sanhedrin* of seventy-one judges, and when the High Priest also received an affirmative answer from the *Urim V-tumim*.³⁷ However, such wars were always forbidden for gentile nations since the prohibition against murder constantly remains operative, and they have no recourse to a *Sanhedrin* and High Priest. Nevertheless, they may engage in defensive obligatory wars to save themselves from "the enemies who have come upon them." This is once again a fulfillment of the Talmudic dictum that "If one comes with the intention of killing you, be quick and first kill him."

Preventive war is yet another type of conflict which differs from defensive war in that it does not wait until the enemy attacks, but initiates military action in order to avoid being attacked on home grounds. According to the interpretation of the Meiri, the categorization of preventive conflicts is debated by Rabbi Judah and the Sages.

They only disagree in an instance when a nation declares war because they fear that the enemy will soon attack, or if they know the enemy was preparing to attack. Rabbi Judah considered such a conflict an "Obligatory War," while the Sages still deemed it an "Optional War."³⁸

The *Arukh HaShulchan* declared that Maimonides ruled that preventive conflicts are subsumed under the category of "Obligatory War," and they would therefore be permissible for gentile nations.³⁹ The *Arukh HaShulchan* stated,

It is not only obligatory to wage war against an aggressor who has actually come upon the Jewish people, but even if there is only fear that the enemy will ultimately come upon us, we are obligated to fight.

From the viewpoint of the Halakhah, a conflict may justifiably be considered "preventive" if the "experts" of the nation feel it is a necessary war which will forestall future aggression against it. Just as Halakhah considers physicians the "experts"

in relation to deciding the intricate questions of care of the ill on the Sabbath, similarly, the authorized military, security, and political personnel of the government would have the status of experts regarding the decisions of war and peace.⁴⁰ Passive resistance to the military draft would therefore be forbidden even if the individual differed with the experts' declaration of a preventive war. If a preventive war is the official policy of the government, then draft evasion is not acceptable.⁴¹

There is another instance when a gentile nation may morally engage in warfare in accordance with Jewish Law. Even when its own security is not threatened, a country may come to the aid of another nation which is being attacked by an aggressor. When a gentile country is under siege and its inhabitants' lives are in danger, they are considered as individuals "who are being pursued by neighbors who wish to slay them."⁴² Rabbi Shelomo Joseph Zevin of Jerusalem wrote that it is obligatory to come to the aid of gentile individuals in such grave danger,⁴³ while the *Minhat Chinuch* held that it is not obligatory but rather permissible to kill the pursuers.⁴⁴

It may therefore be concluded that draft evasion would be forbidden in instances when the government is engaged in a conflict which its experts consider defensive or preventive, or when the government comes to the aid of a besieged country. However, if the government is conducting warfare which is unacceptable to the Halakhah, then draft evasion would be acceptable. Similarly, a soldier would not be allowed to kill civilians or non-combatants during such a war. He would only be allowed to defend himself against enemy soldiers who would otherwise destroy him.

RELEVANCY TO ISRAEL

A contemporary problem engendered by the establishment of the State of Israel in 1948 concerns the applicability of *Dina D'Malkhuta Dina* to the legislation enacted by its *Knesset*. Do these laws function as an extension of Jewish Law due to Samuel's dictum, and does this law also apply to a Jewish King or the Jewish government in the Land of Israel? In his Talmudic

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commentary, Rashi stated that this law only applied to gentile governments.⁴⁵ The Ran quoted a viewpoint of the *Tosafot* that likewise stated that this rule was limited to gentile monarchs.⁴⁶ The *Tosafot* explained that *Dina D'Malkhuta* applied only to non-Jewish kings because the land is their property.

It is therefore within their power to demand obedience to their laws since they could expel those who defied them. This privilege is denied to Jewish kings since the Land of Israel is owned by all Jews in a partnership.

Nevertheless, we find that Maimonides explicitly ruled that the Jewish king's rights to draft and tax his subjects are validated by the principle of *Dina D'Malkhuta*. He stated that

The [Jewish] King has the right to tax his nation for his own need or for the purposes of waging war. It is forbidden to evade the payment of these taxes.⁴⁷

Maimonides openly equated Jewish and gentile monarchs regarding these rights. He ruled,

The Law of the King is the Law in matters of taxation . . . and this applies whether or not the king is gentile or Jewish.⁴⁸

This contradiction between the previously cited viewpoints and that of Maimonides can be resolved if the principle of *Dina D'Malkhuta Dina* is divided into two functional areas: (1) the Biblical rights granted to kings to establish and conduct their kingdoms; and (2) the validity given to the efforts of kings, rulers, and states to establish equitable and just legal systems for their subjects. Both Jewish and gentile monarchs were granted the first right by the Prophet Samuel. Both must maintain order in their lands and both must have available the necessary manpower and monetary resources to enable their kingdoms to thrive. Therefore, Maimonides equated the Jewish and gentile rulers in their rights to execute these laws. However, the second area is applicable only to gentile kings. They must also legislate and evolve codes of law for their subjects, and their enactments will be validated by *Dina D'Malkhuta Dina*. However, the Jew-

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ish king must follow the Torah's legal system, and he is not permitted to deviate from its dicta. When questions of civil law arise in his country, he, too, is obligated to seek rabbinical guidance. He must heed the specific command of the Torah:

And it shall be, when he sitteth upon the throne of his kingdom, that he shall write 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.⁴⁹

Therefore, the principle of *Dina D'Malkhuta* does not apply to legal systems established on the initiative of a Jewish king. He must follow the Torah system. Maimonides judiciously neglected to equate Jewish and gentile monarchs when he validated the legal system of a gentile king because this law is not operative in instances of Jewish rulers in the Holy Land.⁵⁰ Nonetheless, the first principle of *Dina D'Malkhuta* granting kings the rights to establish and conduct their kingdoms is valid for both gentile and Jewish rulers. This right not only validates the draft and tax edicts of the king, but it also grants him the right to execute and imprison criminals in accordance with his decisions to safeguard internal order and security in his land. He is even permitted to execute criminals in a brutal and inhuman fashion so that his authority will be established. Despite the express prohibition of the Torah against leaving the victim's body hanging overnight,⁵¹ the king is allowed to keep his victims hanging for many days so that his reign will be feared. Maimonides ruled:

The king may execute a murderer, even though there was lack of clear proof, or the slayer was not warned before the act, or even if there was only one witness present. [Even though the *Sanhedrin* could not execute the killer under these circumstances], the king has authorization to execute him, and to establish security in his land in accordance with the needs of the hour. He may bring to the gallows many in one day and allow their bodies to remain hanging for many days to cause his rule to be feared and to break the hands of the wicked of the world.⁵²

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In this area of "establishing security in accordance with the needs of the hour," both gentile and Jewish monarchs may be equated, and the principle of *Dina D'Malkhuta* is operative for both.⁵³ A Jewish king would therefore have all the rights of a gentile king, with the exception of being able to legislate new civil canons and decrees. In this area, he must follow the existing Torah legal system.

The rights of kings and other forms of government have been equated throughout this study. Indeed, Rabbinical literature is unanimous in holding that the principle of *Dina D'Malkhuta* is not solely applicable to the institution of monarchy, but that it also applies to all recognized rulers and governing authorities of a given country.⁵⁴ The Bible is replete with descriptions of the leadership exercised by the Judges and the Prophets. It also detailed the proclamation of the elders during the period of Ezra:

And they made proclamation throughout Judah and Jerusalem unto all the children of the captivity, that they should gather themselves together unto Jerusalem; and that whosoever came not within three days, according to the counsel of the princes and the elders, all his substance should be forfeited and himself separated from the congregation of the captivity.⁵⁵

The Mishnah relates the story of King Agrippa who was not of Jewish descent on his father's side.⁵⁶ He was therefore not eligible to be the king since the Torah clearly required that only "one from among thy brethren shalt thou set over thee."⁵⁷ The Mishnah described his discharging the royal obligation to publicly read the Torah during the ceremony of *Hakhel* in the following fashion:

King Agrippa stood and received it and read standing, for which act the sages praised him. When he reached, "Thou mayest not put a foreigner over thee," his eyes ran with tears. They said to him, "Fear not, Agrippa, thou art our brother, thou art our brother."

Although the Talmudic Sages decried this flattery of Agrippa who was truly a "foreigner,"⁵⁸ nonetheless, he did have the authority of the ruler of Israel since he was accepted by the people. Not only do the sources record the authority and pre-

