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GOVERNMENT IN BIBLICAL ISRAEL

The political experience of ancient Israel as recounted in the Bible is of central importance to Biblical teaching because of the Bible's concern with teaching humans, particularly Jews, the right way to live in this world. The highly social character of the Biblical concern with achieving the good life leads to an emphasis on the good commonwealth. The Biblical account of the history of the Israelites can be seen in that light.

At the same time, the Biblical discussion of the government of ancient Israel stands at the very beginning of Western political life and thought. The record of that experience represents the oldest stratum in Western political thought and, since the record is derived very directly from the experience, the latter is in itself an important factor in the development of Western political institutions. If this is more difficult to perceive today than it was in Spinoza's time, it is because the study of the political experience of ancient Israel has been generally neglected since the Puritans and the philosophers of the 17th century paid serious attention to it in shaping the political views of the modern men who were to reject Scripture, at the very outset of the modern era.

Most important, the political experience of ancient Israel remains the foundation of the Jewish political world view, particularly as it pertains to the organization and government of the Jewish People. In traditional terms, Judaism itself is essentially a theopolitical phenomenon, a means of seeking salvation by constructing God's polity, the proverbial "city upon a hill," through which the covenantal community described in the Bible takes on meaning and fulfills its purpose in the scheme of things. The Biblical account of the origins of the Jewish People reflects a blend of kinship and consent that generates a special

political culture and a variety of institutions at home in it. A family of tribes becomes a nation by consenting to a common covenant with God and with each other, out of which flow the principles and practices of religious life and political organization that have animated the Jews as a corporate entity ever since.

Methods and Procedures

The political teaching of Biblical Israel represents the oldest living political tradition in the Western world. Biblical political ideas as expressed through the description of the institutions and prophesies connected with the government of ancient Israel have influenced Western political thought and institution-building since their emergence, perhaps seven centuries before the foundation of the Greek political institutions that led to the development of Greek political philosophy.

Less formally articulated than Greek political thought, Biblical political teaching must be discovered in the same manner that all Biblical knowledge must emerge, by careful examination and analysis of the text with careful attention to recurring patterns and the reconciliation of apparent contradictions. Understanding the method necessary to approach the subject, it is indeed possible to learn much about the theory and practice of government in ancient Israel both in terms of the way in which the Israelites governed themselves and in terms of their response to the great question of politics which they confronted in their unique way, as every people must.

As in the case with other Biblical teachings, the Bible does not offer us a clear-cut picture of any particular political theory or of the workings of particular political institutions. Rather, the theory must be induced from the discussion of the political history and hopes of the Israelites and from Biblical critiques of institutions not fully described. Contemporary understanding of Biblical political ideas and institutions rests in great measure on our expanded understanding of the political institutions in the ancient Near East as a whole, particularly those of the civilizations of the Fertile Crescent. Advances in the study of

the history and life of the ancient Near East made during the past two generations, have enabled us to better understand the Bible in its political dimension as well as in so many others.

Constitutional Periods and Characteristics

The political life and thought of ancient Israel can best be understood in light of the constitutional periods through which the Israelites passed. Four constitutional periods can be identified from the time of nation building connected with the Exodus from Egypt to the completion of the Biblical canon. Each was marked by an initial constitutional development that significantly changed the governmental structure, institutions and functions of the nation, a later modification of that constitutional change in an effort to perfect it, and a final governmental crisis leading to a substantial reconstitution involving more radical changes in structure, institutions and functions. Each constitutional period lasted approximately 300 years or ten generations.

The first constitutional period after the Exodus stretches from the founding of the Israelite tribal confederacy (c. 1300 BCE) to the establishment of the monarchy (1000 BCE). The founding of the tribal confederacy immediately after the Exodus from Egypt comes simultaneously with the founding of the nation, or the transformation of the Hebrew tribes into a national entity. Since ancient times, Moses has been recognized as the founder of the nation and its constitution-maker. The Mosaic constitution laid the foundations for the first Israelite polity which was organized federally around a loose union of tribes, traditionally twelve in number. This union, perhaps the first true federal system in history, was bound together by a common constitution and law but maintained relatively rudimentary national institutions grafted onto more fully articulated tribal ones whose origins may have antedated the Exodus. This situation prevailed, in great part, because the constitution specified that God himself was to be considered the direct leader of the nation as a whole, assisted by an *Eved A-donai* ("Servant of God") or more appropriately, Minister of the Lord(, who was to be His representative. The *Eved A-donai*, or Prime Minister maintained

a core of civil servants to handle the transmission of his or, more correctly, God's instructions to the tribal and familial authorities. The prime minister may have been assisted by a national council representing the tribes or may have simply convened ad hoc assemblies of tribal elders or delegates for purposes of policy-making.

During the first two generations of the tribal confederacy, an *Eved A-donai* exercised authority over all the tribes according to the Biblical account. Moses and Joshua were the two figures to bear that title and exercise such authority. However, once the nation had been formed by Moses and settled in the land by Joshua, no single national leaders of this kind emerged until the very end of the first constitutional period. Instead, regional "Judges" — also charismatic leaders — appeared from time to time, according to the Biblical account one in each generation, to act as proto-national leaders, under God's direct sovereignty, primarily, though not exclusively, in the military realm. The term "Judge," introduced in English Bibles as the translation for the Hebrew term, carries roughly the same meaning as the term originally did in Anglo-American political life, that is to say, an executive office whose duties may include the settling of disputes but are essentially directed toward the authoritative execution of the laws, as in the case of the traditional County Judge who actually served as chief executive officer of the English or American county.

The use of the term "Judges" to describe the post-Joshua leadership of the nation accurately reflected the less than nationwide scope of the Judges' authority. The Ministers of the Lord had in their governmental structures "judges and officers," lesser figures responsible to them whose authority may have been parallel to that of the later Judges though limited by the existence of a national leader. Only after the departure of the former did the Judges acquire a leading role of their own.

The first constitutional epoch came to an end with the advent of the monarchy, which was instituted with some reluctance to cope with the Philistine threat to the very existence of Israel. Its last stage was dominated by Samuel, the last of the Judges and the first of the prophets, who brought the period to a close

with his efforts to revive national unity in the traditional manner through a single nationwide leader with limited authority primarily in the military field. His grant of such limited authority to Saul, whom he designated as "Governor" (*nagid*), represented an effort to restore the kind of national institutions needed to promote energetic national unity of the kind that existed in the days of Moses and Joshua.

For Samuel, the Israelite constitution demanded that energetic government be limited government under God's continuing sovereignty. He introduced the idea of dividing authority between the governor and the prophet, with the former holding executive powers under the latter's mediation of God's word. Samuel failed for a number of reasons, not the least of which was the fact that the successful implementation of such a political arrangement required more sophisticated institutional arrangements than those at his disposal. In the end, he himself took the decisive steps necessary to create a full-fledged monarchy, though one limited by the traditional constitution.

The establishment of the kingship opened a new constitutional period in Israelite history, one marked by the institutionalization of a limited monarchy and the struggle over the means to insure its limitation. David can be considered the first true king of Israel with Saul a transitional figure who was really part of the older federal republican tradition. At the same time, the struggle between Samuel and Saul did set the stage for the character of the political struggle in the monarchic period. As Saul was endowed with increasingly monarchic powers, Samuel transformed his own role from that of judge to that of *navi*, or prophet, whose main task was to keep the monarch within the limits of the constitution in the largest sense. This tension between king and prophet was to be the primary constitutional feature of the second constitutional period. During most of that period, the prophets functioned in lieu of a written constitution to direct and restrict monarchic action and powers.

David was the first to formally assume the mantle of kingship with popular consent. He established most of the fundamental powers of the monarch during his long reign, including the power of hereditary succession within his "house." He did

so by grafting the monarchy and institutions designed to support it upon the governing base of the old tribal federation, preserving most of the institutions of the federation otherwise intact but increasingly subordinate to the monarchy. David accomplished this by utilizing military necessity as the basis for creation of a ruling class whose power derived from their military role rather than from traditional sources and who were consequently tied to the monarch first and foremost.

Solomon intensified this trend by transforming the ruling class from a military elite to a more complex military-bureaucratic-cultic one, introducing bureaucratic administrative forms as vehicles for centralizing power in the country. Both did what they did, however, within the purview and under the gaze of prophetic counterparts who were able to maintain some constitutional limitations on the exercise of monarchic power if not on the increase in its scope. Indeed, there is good reason to believe that the prophets were not initially opposed to the centralization of power under the first two Davidic monarchs, seeing the new centralization as a way to better implement God's law in the nation as a whole.

However, when Rehoboam attempted to further extend and intensify the actions of his father and grandfather and impose burdens on the Israelite public that were not only taxing but seemingly arbitrary as well, the major prophetic leadership deserted him and fostered a revolution which led to the division of the kingdom into two. Political division did not mark a constitutional revolution because even under David and Solomon the northern tribes and Judah (which had virtually absorbed the tribe of Simon by that time) had become separate groupings that accepted the rule of David and his son in separate actions. The refusal of the northern tribes to accept Rehoboam, then, was an act fully consonant with the Israelite constitution as they understood it.

What the division did inaugurate was the development of two different ways of integrating the monarchy into the constitutional framework of Israel. In the southern kingdom, where the Davidic dynasty continued to rule, the tension between the kings and prophets was usually resolved in favor of the king, even

to the point where specific monarchs suppressed the prophetic schools, though at no point was the tension completely eliminated. The maintenance of the dynastic principle insured this result in a way that was not possible in the northern kingdom where the secession itself was founded upon an opposition to dynastic rule and a desire to restore the tradition of charismatic leadership.

In the north, the prophets were sufficiently strong to prevent the entrenchment of any particular dynasty and, indeed, the prophetic role became one of supporting or rejecting particular candidates for the kingship (by extending or refusing them God's charisma) and thereby encouraging dynastic changes. Consequently, kingship in the northern tribes meant, in no small degree, a restoration of the principles and practices of the tribal federation with the kings far more limited in power than their southern counterparts and the older institutions of the tribal federation stronger in their governing role. At the same time, a national ruling elite did emerge that was tied to the monarchy even if its composition changed with the dynastic changes that took place in the North.

With the destruction of the northern kingdom in 722 B.C.E., the second constitutional period came to an end. The southern kingdom once again stood alone as the single sovereign entity of the Jewish People and, indeed, extended its sway over part of the North and many of its people. It is fair to say that the real meaning of the destruction of the northern kingdom was not the dispersion of the people so much as the destruction of the ten tribes as political entities and, hence, the elimination of the tribal federation as the basic structural element in the Israelite constitution. Subsequent Jewish tradition which sees their restoration as tribes and the consequent restoration of the tribal system as a major element in the coming of the messianic age confirms this.

Elimination of the northern kingdom had the consequence of greatly weakening the role of the prophets as defenders of the traditional constitution in the South, a tendency that was further strengthened by the elimination of the federal institutions that had survived in the North as additional constitutional

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bulwarks. In the South, where the tribes had already merged into the single polity of Judah, the old federal traditions were preserved only at the local government level. Consequently, the century between the destruction of the northern kingdom and the ascension of King Josiah was marked by the greatest violation of the traditional constitution ever to occur in the Biblical period. These violations led to a major constitutional reform under Josiah whereby the limitations on the monarchy which the prophets had tried to sustain were, in effect, brought together to form a written constitution that successfully changed the power of relationships in the country, at least partly because the monarchy itself disappeared shortly thereafter as a reality.

The Josianic reform centered on the establishment of the Book of Deuteronomy as the basic constitutional document of a reconstituted and more limited monarchy. The monarchy was further limited by the loss of Israelite independence, the reduction of the Davidic ruler to vassal status in the Babylonian Empire and, ultimately, the disappearance of the throne itself in restored Judea. By the end of the third constitutional period, the monarchy had disappeared as a viable institution though hope for its restoration became part of Israel's messianic dream. The mysterious disturbances surrounding the last scion of the House of David in the period immediately following the restoration under Cyrus, marked the closing of the monarchic chapter in Biblical history (and, except for the Hasmonean interlude, in Jewish history as a whole).

The necessity to develop new modes of group survival in exile enhanced the importance of the written constitution as a source of authority in Israel. Consequently, in this third period, the written constitution became the ascendent political authority in the Israelite polity, with prophets turning their attention to expounding its principles and elucidating its promises for future political success rather than being solely responsible for the maintenance of the constitutional order.

The removal of the last of the Davidides from the political scene ended the third constitutional period and led to the inauguration of a fourth — often known as the Second Common-

wealth, which brought the restoration of republican government though within a single polity rather than on a federal basis. Significantly, the Biblical account of the inauguration of this fourth constitutional period features the promulgation by Ezra of the Torah as a constitutional document in a special ceremony at which public consent to it was reaffirmed. Characteristic of this fourth constitutional period was rule by a council which shared power with the high priest and the *sopherim* ("scribes") in what must be considered an early example of a separation of powers system. As a constitutional period, however, it falls outside the purview of this article.

Forms of Political Organization

By and large, our knowledge of the forms of Israelite political organization is limited, based on the Biblical discussion of political institutions in the context of its larger purposes and our increased understanding of the political institutions of the ancient Near East in general. Three interacting planes of political organization are to be noted: local, tribal, and national, each of which underwent transformation through the various constitutional periods.

Local institutions had their origins in the familial structure developed before the first national constitution when the Israelites were semi-nomads. The various *mishpachot* (clans) formed by the combination of households (household: *bet av*) formed the tribal substructure in those times. After Israelite settlement of Canaan during the first constitutional period, the clans settled down in discreet villages or townships and the relationship among those households was transformed into one that was linked with the particular locality of their settlement.

The clans were governed by councils of elders (*zekenim*), no doubt consisting of the heads of their several households. After the conquest, these councils were known as "the Gates of the City," referring to the point within the Israelite township (a more accurate term) at which they met to conduct their business. These local councils seem to have persisted throughout the Biblical period and, with some changes, into the post-Bib-

lical period as well. Since we have no record of other local institutions, we must assume that these local councils exercised whatever political functions handled locally, combining within them such legislative, executive and judicial functions as were exercised at the various periods of their existence. It is possible that these were shared with locally based priests from time to time.

Tribal political institutions also grew out of the familial patterns of the pre-settlement period. During the first constitutional period, the tribes were entrusted with the major governmental responsibilities of the nation, with the linkages among them being essentially confederal. Tribal government was apparently vested in a council of elders representing the various families or clans within each tribe. Specific members of the council of elders or others co-opted for the purpose were given special responsibilities of an executive character, while policy-making and adjudicating functions remained in the hands of the tribal council. It is unclear whether tribes were led by *nesiim* (singular, *nasi* — erroneously translated as "princes" in many English versions of the Bible, and actually meaning raised up representatives) or whether such *nesiim* were simply selected on an ad hoc basis to undertake particular tasks or to represent the tribes in national activities. During this first period, reference is also made to *sarim* (singular *sar* or officers) and *alufim* (singular *aluf* — leader of a thousand), military titles used to describe commanders of tribal levies.

During this period, the tribes took on a territorial basis much as in the case of the clans so that in the course of a few generations, the very term *shevet* acquired strong territorial connotations. The land as divided into tribal segments was further subdivided into private and tribal parcels with cultivated lands passing into family ownership and pasture lands remaining the common property of the tribe.

During the second constitutional period, the independent governmental role of the tribes was substantially reduced as the role of national authorities was strengthened, although, as in the first period, tribal representatives continued to participate extensively in the national government. In the southern king-

dom, the virtual merger of the tribes led to the emergence of a single council of elders which became, in effect, the popular organ of the state, which shared power with the monarch in ways not quite clear from the information we have on hand. In the northern kingdom, where central authority remained weak, the tribal councils apparently continued to function and exercise substantial control over tribal affairs. Constitutionally, their powers remained relatively uncircumscribed by the monarchy though particular monarchs exercised great power over them by virtue of their power position in the kingdom as a whole. These tribal councils disappeared with the fall of the northern kingdom.

The elimination of separate tribal governments with the fall of the northern kingdom ended the federal structure of the Biblical polity though it did not eliminate the use of federal principles in the organization of power in that polity. In the third constitutional period, tribal institutions as such were no longer in evidence though the tribal council survived as the popular body of the kingdom, in the pattern which had already emerged in Judah during the previous constitutional period. The pattern was carried over into the fourth constitutional period when the council became the dominant political institution in the country.

The greatest changes in political forms in the Biblical period took place on the national plane. These changes have already been described above. Examining them more directly, we find that in the first constitutional period national institutions were rudimentary, consisting primarily of leaders exercising authority nationwide or over several tribes with small entourages of assistants responsible to them plus councils and commissions drawn on strict principles of tribal representation composed for particular purposes. In addition to the charismatic leaders, the High Priest (and perhaps lesser priests in the period of the Judges) also exercised authority in certain fields, apparently sharing certain powers with the charismatic leadership particularly where a certain impartiality among the tribes was required.

A major feature of the tribal federation in this period was its tribal composition whereby the tribes participated directly

in the national government. It is unclear as to whether there was a continuing national assembly during the first constitutional period or whether ad hoc assemblies of tribal elders functioned in lieu of such a body when the occasion arose. Beyond that, the Biblical account portrays the constitution of special commissions for special purposes on the basis of one representative per tribe, such as the commission of the twelve spies to scout out Canaan prior to its conquest, the commission which carried the Ark of the Covenant across the Jordan when the invasion commenced and the twelve-man commission established to work with Joshua and Elazar, the High Priest, to allocate the land among the tribes after the conquest was completed. Smaller commissions, comprising representatives of more than two but less than the full number of tribes appear to have functioned during the period of the Judges to assist them from time to time. Thus, national government, in the first constitutional period, involved direct sharing among the tribes for very limited purposes.

During the second constitutional period, separate and autonomous national institutions of a continuing nature emerged, centered around the monarchy. The first of these were military and related to the development of a military command structure. This command structure gradually gained civil responsibilities as well and was strengthened by the addition of strictly civil components based on the priesthood and non-Israelite elements.

During the reign of Solomon, a separate civil bureaucracy was created and the country was divided into administrative districts which were probably coordinate with the tribal governments over most of the country but in the South at least, superceded them. While the thrust of this new national structure was primarily to undertake executive and judicial functions in a political system where legislation in the modern sense was unknown, it essentially preempted the powers of authoritative decision-making to itself in all matters which the monarch felt to be of national importance except where he was constitutionally restrained from doing so by effective local institutions or prophetic actions.

These national institutions reached the high point of their strength in the third constitutional period and then disappeared in the catastrophe that destroyed the First Commonwealth. Their reemergence in the fourth constitutional period was in a substantially different guise since the monarchy could no longer serve as their focal point. Apparently, the scribes staffed the reconstituted national administrative structure functioning within the boundaries of the Torah.

The Exercise of Political Functions

Very little is known about the exercise of political functions in the Biblical period. Modern conceptions of limited or unlimited government are not easily applied to a period in which the role of the family was extraordinarily strong in areas later to become governmental responsibilities and the connections between the political and the cultic aspects of life were inseparable. It is clear that Israelite government was not intended to be one that penetrated into all aspects of life. At the same time, the notion of government limited to the exercise of police powers would also have been foreign to the ancient Israelites. Political and cultic authority were so intertwined as to be inseparable even for analytic purposes. The community felt free to regulate the economy in numerous ways and the state undertook economic development tasks but government-sponsored social services were essentially nonexistent.

Israelite government pursued a limited but active role in the affairs of society, a role whose level depended upon the needs of the times. It is very likely that local authorities exercised some control over local economic conditions, if only to regulate competition. By the same token, after the rise of the monarchy and the development of the commercial dimension of Israel's economy, the national government pursued clearly mercantilistic policies designed to promote commerce through joint governmental-private ventures which tended to favor the ruling elite. It was during this period that the national government took responsibility for providing a proper infrastructure in the way of roads and security protection for the fostering of com-

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merce. In the domain of religion, it seems that there was general agreement that government had a responsibility to foster proper observance of cultic forms. This was true regardless of whether the cultic forms were those of Israel's God or foreign gods with the struggle being simply between parties that wished to direct government effort one way or another.

While the Bible makes provision for public activity in the realm of education and the social services, there is no particular indication that this public activity must be governmental in any way and it is quite unclear as to whether there were any governmental roles played in this realm.

Even less is known about the way in which political interests were articulated and aggregated in the Biblical period. Was there voting? What does the Bible mean when it says the entire people would gather together to affirm or ratify particular decisions? How were elders chosen? How did one enter the ruling elite in the second and third constitutional periods? These are questions which remain substantially unanswered.

The Bible does describe various covenant affirmation ceremonies in which the people or their representatives would reaffirm a covenantal relationship with God and a particular constitution or leader. These invariably ocaurred at points of constitutional crisis where it could not be assumed that a popular consensus persisted from the previous period. These covenantal acts are politically intriguing but their descriptions in the Biblical accounts are not very revealing so that we can only speculate regarding their relationship to the larger political system and processes of ancient Israel.

Fundamental Principles of Government and Politics

It may fairly be said that the fundamental principles animating government and politics in ancient Israel were theocratic, federal and republican. The theocratic principle underlies all of Israel's political institutions. God is conceived to be directly involved in the governance of the Israelites. During the first constitutional period, He is accepted as the great governor of the nation. Under the two constitutional periods in which the

monarchy existed, He was conceived to have, in effect, delegated that direct role to kings and, finally, in the fourth constitutional period, He was viewed as having resumed that role though in ways which were at once better institutionalized and more obscure than in the first period.

This theocratic principle had two immediate consequences in shaping the Israelite conception of politics. In the first place, politics or the governance of the state was not an end in itself in the Israelite scheme of things but rather a useful way of serving Divine purposes. This meant that the state did not exist as an end in itself. Indeed, Israelite political thought does not conceive of the state as a reified entity. There was no Israelite equivalent of the Greek *polis*, that is to say, the city which exists independently of its inhabitants as a political entity. The term "state" (*medinah*) is used in the Bible only to describe territories with discreet political personalities but without political independence. Even the nation of Israel, important as it was in the fulfillment of God's plan, was conceived to be a partnership of Israelites and not an entity that existed independently of its people. Political institutions were viewed not as serving the state but as serving this partnership which united the people with each other and with God or through their common linkage with God.

At the same time, politics was important because the creation of the Holy Commonwealth, later to be called God's Kingdom on Earth in some quarters, was a primary goal of the Israelite nation, a goal mandated them by God. Thus the character of Israelite political institutions was constantly judged in the Bible in terms of their success in fostering the development of the Holy Commonwealth. The very institution of the monarchy became an issue because it involved the abandonment of God's direct rule over the people and thus was viewed by many as a departure from the path leading toward the Holy Commonwealth. Subsequent to the introduction of the monarchy, particular dynasties were judged in terms of their obedience to God's will in this connection. Thus the disappearance of the ten tribes as political entities is lamented as a break in the right order of things that must be mended if the Holy Com-

monwealth is to be achieved.

The Biblical concern with political matters is so pervasive within its moral framework that reference to such matters can be found in virtually every book and range from discussion of the origins of imperialism to the nature of statesmanship, aside from its major concern with the government of Israel. Thus, Biblical thought is, on one hand, highly political and, on the other, very clear in its subordination of the political to higher goals.

Political relationships in ancient Israel were based on the covenant or federal principle (the word federal is derived from the Latin *foedus* which means covenant). In fact, the Bible portrays the covenant principle as the basis for the relationships between God and man, between the nation of Israel and God and among men. Covenants in Biblical thought are the means through which lasting relationships are forged, designed to preserve the respective integrities of the partners and to provide a basis for cooperation among them in order to achieve the common ends delineated in the compact. Thus the basis of all of Israelite society was federal down to its roots.

The first covenant between God and Israel, according to the Biblical account, the covenant with Abraham, is pre-political in character. The covenant at Sinai was the first great political covenant. It created the federal relationship between God and the Israelites. By doing so, it also constituted the Israelites as a nation, that is to say, as something more than a family or descendants of a putative common ancestor.

The Bible clearly relates the formation of the political institutions of Israel to the Sinai experience, whether in the form of the Book of the Covenant which is the basis of the first constitution of the Israelite federation or in connection with Moses' following the advice of his father-in-law to establish a national administrative and judicial structure, which is presented as taking place at the same time, though without the same Divine character attached to it. The Bible is quite clear in indicating that no particular form of government is mandated by God though some forms receive Divine sanction and others do not.

The theopolitical aspects of this great covenant were re-