

למנות מלך: לכתחילה או בדיעבד?

1. ספר המצוות לרמב"ם מצות עשה קעג

והמצוה הקע"ג היא שצונו למנות עלינו מלך מישראל יקבץ כל אומתינו וינהיגנו. והוא אמרו ית' (שם יז) שום תשים עליך מלך.

2. תוספתא מסכת סנהדרין פרק ד הלכה ה

A. ר' יהודה אומ' שלש מצוות נצטוו ישראל בביאתן לארץ נצטוו למנות להן מלך ולבנות להן בית הבחירה ולהכרית זרעו של עמלק אם כן למה נענשו בימי שמואל אלא לפי שהקדימו עליהן
B. ר' נהוראי אומ' לא נאמרה פרשה זו אלא מפני התרעומות שני ואמרת אשימה עלי מלך
C. ר' אלעזר ברי' יוסי אומ' זקנים שאלו כהלכה שני תנה לנו מלך לשפטינו אבל עמי הארץ חזרו וקילקלו שני והיינו גם אנחנו ככל הגוים ושפטנו מלכינו ויצ' לפ' ונלחם וגומ':

A. Israel was commanded to implement three mizvot on their entry into the Land. They were commanded to appoint themselves a king, to build a sanctuary, and cut off the seed of Amalek. Such being the case why were they punished in the days of Samuel? Because their request was premature.

B. R. Nehorai said: This chapter was only recorded in anticipation of their future murmurings, as it is written: "and they shall say, I will set a king over me."

C. R. Eliezer son of R. Yose said: The elders' request was in order as it is written: "Give us a king to judge us," but the common people added an improper rider, as it is said: "That we may be also like other nations."

3. Abarbanel

The Torah wishes to forecast how Bnei Yisrael would display their ingratitude for all the Divine help they had received, in facilitating their conquest and settlement of the land, by asking for a king. They did not make such a request because they stood in need of one, but simply to ape the practices of the surrounding nations. In fact, during the period of conquest and settling down, when it could be argued that a king was necessary to lead the people to battle and institute order, they did not make such a request. After they had settled down to an ordered existence, and a king was obviously no necessity, they asked for one reason only: "to be like all the nations that are about me." In such an event, God commanded that they should not elect a king as they wanted, but "you shall set over yourselves a king whom God shall choose." In short, the mizvah was merely a permissive one, not an absolute command. If you must have a king then this is how you must go about it...Once the people have given expression to this desire, unworthy as it is, it can be implemented, and, indeed must only be implemented, in the manner prescribed in the Torah, and in no other.