

בענין השייך להנהגת הכלל נוגע לסכנת נפשות שדוחה מצות עשה, מש"ה לא אפשר לצוות בהחלט למנות מלך כל זמן שלא עלה בהסכמת העם לסבול עול מלך, עפ"י שרואים מדינות אשר סביבותיהם מתנהגים בסדר יותר נכון, או אז מצות עשה לסנהדרין למנות מלך, ומש"ה כתיב ואמרת וגו' **שיהא העם מבקשים כך**, אז שום תשים וגו'.

13. העמק דבר דברים פרק יז

והרי ידוע בדברי חז"ל דמצוה למנות מלך, וא"כ למאי כתיב ואמרת וגו', ונראה דמשום **דהנהגת המדינה משתנה אם מתנהג עפ"י דעת מלוכה או עפ"י דעת העם ונבחריהם**, ויש מדינה שאינה יכולה לסבול דעת מלוכה, ויש מדינה שבלא מלך הרי היא כספינה בלי קברניט, ודבר זה אי אפשר לעשות עפ"י הכרח מצות עשה, שהרי

14. Wikipedia:

The divine right of kings, divine right, or God's mandate is a political and religious doctrine of royal and political legitimacy. It stems from a specific metaphysical framework in which the king (or queen) is pre-selected as an heir prior to their birth. By pre-selecting the king's physical manifestation, the governed populace actively (rather than merely passively) hands the metaphysical selection of the king's soul – which will inhabit the body and thereby rule them – over to God. In this way, the "divine right" originates as a metaphysical act of humility or submission towards the Godhead. Consequentially, it asserts that a monarch (e.g. a king) is subject to no earthly authority, deriving the right to rule directly from a divine authority, like the monotheist will of God. The monarch is thus not subject to the will of his people, of the aristocracy, or of any other estate of the realm. It implies that only divine authority can judge an unjust monarch and that any attempt to depose, dethrone or restrict their powers runs contrary to God's will and may constitute a sacrilegious act. It is often expressed in the phrase "by the Grace of God", attached to the titles of a reigning monarch; although this right does not make the monarch the same as a sacred king. The divine right has been a key element for legitimizing many absolute monarchies.

Kings were often seen as either ruling with the backing of heavenly powers or perhaps even being divine beings themselves. However, the Christian notion of a divine right of kings is traced

to a story found in 1 Samuel, where the prophet Samuel anoints Saul and then David as mashiach or king over Israel. The anointing is to such an effect that the monarch became inviolable, so that even when Saul sought to kill David, David would not raise his hand against him because "he was the Lord's anointed".

Social Contract Theory: In moral and political philosophy, the social contract is a theory or model that originated during the Age of Enlightenment and usually concerns the legitimacy of the authority of the state over the individual. Social contract arguments typically posit that individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority (of the ruler, or to the decision of a majority) in exchange for protection of their remaining rights or maintenance of the social order.