

The Doctrine of the Responsibilities and the Requirements of the Judges of Israel

1. One of the more serious mistakes that people make when explaining a doctrine is that they give as *proof passages* experiences and incidents of various characters in the Bible. Just because Paul did it, that doesn't mean we should do it. Just because the early Apostles did something, that does not mean that is the outline for us in days to come. A good for instance of this is the election of the 12th Apostle. The eleven Apostles were completely out of line here. God did not call upon them to call an election; the Holy Spirit did not guide them to choose a replacement for Judas. They just did. Obviously, this was not perpetuated because that is the first and last Apostolic election. The office was not carried on after the deaths of the twelve primary Apostles (the 12th Apostle being Paul, of course, and not Matthias, whom we never hear from again).
2. In general, the function of a judge was to govern, dispense justice, judgment and protection, and to do so as the representative of God.¹
3. Prior to the nation Israel, there was not an organized system of judges.
4. We have a verb which means *to judge*, but we do not have a noun cognate which means *judge*.
 - a. One noun cognate is sh^ophâtîym (שׁוֹפְטִים) [pronounced *sh^o-faw-TEEM*], which is a masculine noun, always in the plural, which means *judgements, judicial decisions, judicial renderings*. This is a term which is used exclusively for judicial decisions and actions which are made by God or in accordance with His will (Ex. 6:6 7:4 12:12 Num. 33:4 II Chron. 24:24 Prov. 19:29 Ezek. 5:10, 15 11:9 14:21 16:41 25:11 28:22, 26 30:14, 19*). Strong's #8201 BDB #1048.
 - b. We have seen the next noun several times: mîsh^opâṭ (מִשְׁפָּט) [pronounced *mish^o-PAWT* or *meesh^o-PAWT*] and this is very consistently translated *judgement* throughout the KJV, with a several notable exceptions (Gen. 18:25 40:13 Ex. 15:25 21:9 26:30 Lev. 5:10 9:16 Num. 9:3, 14 15:16, 24); one of these notable exceptions being when this word is used as an attribute of God (Job 40:8 Isa. 30:18), in which case, this word should be rendered *just, justice, right, rightness, judgment, just decision, judicial sentence*. In fact, early on in the Old Testament, this word is translated *right, manner, ordinance, fashion, manner of law, ceremonies*; however, following the books of Moses, this is translated almost exclusively *judgement*. Gesenius has the most organized way of dealing with this: (1) *judgement*; (a) *the act of judging*; (b) *the place of judgment*; (c) *a forensic cause, the setting forth of a cause, to appeal a judgment*; (d) *the sentence of a judge*; (e) *the fault or crime one is judged for*; (2) *a right, that which is just, lawful according to law*; (a) *a law, a statute; a body of laws*; (b) *that which is lawfully due a person, a privilege, a legal privilege, the right of redemption, the right of primogeniture*; (c) *a manner, a custom*; (d) *a fashion, a kind, a plan*. The key to the choice of meaning here is the fact that Job is not the one judging, but he is the one under judgment; therefore, to him, this word means *appeal*. Strong's #4941 BDB #1048.
 - c. We have several other words, mostly proper nouns, which are related to the verb *to judge*, but are found infrequently in Scripture, and therefore not a part of our study.
 - d. The important word is the verb shâphaṭ (שָׁפַט) [pronounced *shaw-FAHT*], which means *to judge, to govern*. The Qal active participle is often used to refer to one's occupation or activity in life; so the proper rendering here is *those judging, judges, governors*. It is this Qal active participle that we will concentrate on. Strong's #8199 BDB #1047.
5. The Qal active participle of shâphaṭ is found nearly 70 times in the Old Testament and it is on these early passages that we will concentrate. It will become obvious that not every occurrence refers to the authoritative position of a *judge* as we find in the book of the Judges.
6. The first time that we find this word, it is used of God in Gen. 18:25.
7. The second time we find the Qal participle of *to judge*, it is used derogatorily of Moses (Ex. 2:14).
8. We do not find an proper institutionalizing of any position known as judge. Suddenly, in Num. 25:5, we read (Moses is speaking): **So Moses said to the judges of Israel, "Each of you will slay his men who have joined themselves to Baal of Peor."** As we have studied before, Moses is looking back when he writes this, and he calls certain men judges in retrospect. What they are going to do is to carry our God's will under him and apparently, these are men from various tribes who seem to be taking responsibility for those deviants in their own tribe.

¹ Paraphrased from *The Complete Word Study Old Testament*; Dr. S. Zodhiates; ©1994 AMG Publishers; p. 739.

9. It is not until Deut. 1:9, 12–18 that we find out when such a position was actually formulated some time ago. We read: “and I spoke to you at that time, saying, ‘I am not able to bear you alone...How can I alone bear the load and burden of you and your strife? Choose wise and discerning and experienced men from your tribes, and I will appoint them as your heads.’ And you answered me and said, ‘The thing which you have said to do is good.’ So I took the heads of your tribes, wise and experienced men, and appointed them heads over you, leaders of thousands, and of hundreds, of fifties and of tens, and officers for your tribes. Then I charged your judges at that time, saying, ‘Here the cases between your brother, and judge righteously between a man and his brother, or the alien who is not with him. You will not show partiality in judgment; you will hear the small and the great alike. You will not fear man, for the judgment is God’s. And the case that is too hard for you, you will bring that to me, and I will hear it.’ And I commanded you at that time all the things that you should do.” In case you do not recognize the reference, this was what Moses did soon after exiting Egypt at the suggestion of his father-in-law Jethro. Therefore, the tradition concerning judges was the brainchild of Jethro, the father-in-law of Moses, and it appeared, in theory, to be an excellent idea. In fact, it probably kept Moses from losing his mind. All this took place prior to Mount Sinai, so this was an institution begun by Moses at the suggestion of Jethro. Since this is a reference back to Ex. 18 that we can make some general statements about the requirements and responsibilities of the judges.
- Moses originally appointed these judges (Ex. 18:25), as per Jethro’s suggestion (Ex. 18:21).
 - Moses chose men who were wise and experienced (Ex. 18:21a, 25a Deut. 1:15).
 - Moses probably taught these men the Law of God (Ex. 18:20).
 - Those chosen were to judge the disputes of the *hoi polloi* (Ex. 18:22).
 - No mention is made of their sex or national origin, although we have all masculine nouns (which is often used in most languages for both males and females). From the various verses already quoted and soon to be quoted, we cannot eliminate females from this position, although it obviously was not the standard operating procedure (which neither makes it right or wrong).
 - These men were to judge justly, as from God, all minor disputes, between Israelites and themselves and between Israelites and foreigners, without partiality and without giving into bribery (Ex. 18:21b Deut. 1:16–17 16:19).
 - Finally, all of the difficult decisions were to be brought to Moses, and Moses would take the even more difficult decisions and place them before God (Ex. 18:22 Deut. 1:17).
 - One of the examples of this was the case of Zelophehad’s daughters (Num. 27:1–14 36).
10. There are several supposed contradictions in the Pentateuch because Moses talks about a thing being done one way and then being done another in a different passage. What is generally the case is that you have different periods of time for Israel. For awhile, Israel was in the desert, and there were peculiarities of Law practiced then. For that time in the desert, Moses was their unique ruler; therefore certain things applied that would not later. Once Moses died, then various functions, e.g., rituals, the choosing of judges, and celebrations might vary somewhat. In these could points, we will examine how were judges to be chosen after the death of Moses and what would their role be at that time.
- Down the road, once he was gone, Moses told the people to choose for themselves their judges over the cities and towns that they would establish (Deut. 16:18).
 - Samuel chose his sons to be judges to follow after him (I Sam. 8:1). Because of their dishonesty and lack of integrity as judges, the people requested strongly for Samuel to choose a king over them (I Sam. 8:2–7).
 - The king also appointed judges (II Chron. 19:5).
 - The intention and pursuit of these judges, as well as the people in choosing the judges, was justice (Deut. 16:19–20).
 - Once we move into the period of the judges, several of the judges were first or simultaneously military heroes (Judges 2:16 3:10, 31) and sometimes afterward were military heroes (Judges 4:4, 8–9).
11. General information about judges:
- Very difficult cases were to be taken to the Tent of Meeting, and put before the Levites and priests (Deut. 17:8–11). Anyone who brought a case before the priests who decided they did not like the verdict and were going to deal with the situation differently—that person was to be executed (Deut. 17:12).
 - Perjury, particularly when leveled against a defendant, was to be investigated thoroughly by the judges (Deut. 19:16–18).
 - Judges were involved in determining the jurisdiction of a crime committed in the country (Deut. 21:1–3).

- d. A judge would see to it that immediate punishment was inflicted on the guilty (Deut. 25:1–3).
 - e. The judges took part in ceremonies which indicated that their function and importance was similar to that of the priests and the commanding officers of Israel's army (Joshua 8:33 23:2 24:1).
 - f. One of the last messages from Joshua was given in particular to the elders and their heads, to the commanding officers and to the judges, who would have been partially chosen by Moses and partially by the people at that time (Joshua 23:2).
 - g. It is apparent that judges could be female, although this was quite rare (Judges 4:4).
 - h. One judge is called a prophetess (Judges 4:4) and the last of the pre-king judges, Samuel, was a prophet (I Sam. 7:15–17 Acts 3:24 13:20).
 - i. A repeated warning from the prophets was to judges whose judgment was impaired by bribery (Isa. 1:23 5:23 Amos 5:12 Micah 3:11).
 - j. Although ZPEB seems to indicate that there were no judges after the king was chosen,² this seems unlikely. A system of judges existed in the monarchy period of Israel, which is supported by the following reasons:
 - i. There is no way that a king could judge over all of Israel and keep up with his other duties.
 - ii. Absalom's desire to be made a judge implies that this office was still in existence during the time of David (II Sam. 15:4).
 - iii. There were certainly judges under Solomon, as under him were 6000 officers and judges (I Chron. 23:4; see also I Chron. 26:29).
 - k. The king's function as a judge:
 - i. Only a final judgment of any seriously disputed case was probably taken to the king, who would act as the final judge (I Kings 7:7 Prov. 20:8).
 - ii. The king's function as a judge was an important function (I Kings 3:16 II Kings 15:5).
 - iii. Unfortunately, some kings bent the law to get what they wanted (I Kings 21:1–16).
 - l. A judge stands in the place of God dispensing judgment, which is why the psalmist says to the judge, **you are gods; and all of you are sons of the Most High** (Psalm 82:6). They are gods, as they represent God's justice before the people. The people of Israel are gods, as they represent God's grace and love before all the world.
 - m. Interestingly enough, there does not appear to be a public prosecutor (II Sam. 14:4 15:2–6).
12. Judges in the New Testament.
- a. Under Roman authority, the Jewish judge had the right to flog a prisoner (Acts 5:40 II Cor. 11:24) and to ex-communicate one from the synagogue (John 9:24 12:42 16:2).
 - b. The Israelites were not permitted to execute their prisoners (Matt. 27:1–2 John 18:31).
13. Application to today:
- a. All judges should be afforded respect and obedience (Rom. 13:1–2, 7 I Peter 2:13–15).
 - b. We should pray for our leaders and for our judges (I Tim. 2:1–3).
 - c. We are not to concern ourselves with judging our fellow man (Matt. 7:1–5 Rom. 2:1 14:10 James 4:12).
 - d. Nor are we to seek vengeance upon anyone for some real or supposed wrong (Rom. 12:19–21).
 - e. Interestingly enough, although we saw that the judges should know the law (Ex. 18:20), we do not have them writing new laws.
 - f. Their primary focus was to be on justice, which is repeated several times, rather than to the Law. This did not mean that they disregarded the Law or ruled now and again in opposition to the Law. The Law was clear-cut and the judges were not involved in that aspect. They were called upon when disputes arose which were not covered by the Law (Ex. 18:22 Deut. 1:16).
 - g. Continually emphasized was the character of the judges chosen (Ex. 18:21).
 - h. Extremely important was impartiality and giving every man his due (Deut. 1:17 Prov. 18:5).
 - i. All men, including aliens, should be given legal recourse (Deut. 1:16).
 - j. God's judgment is against those who enact evil legislation and make unjust decisions (Isa. 10:1).
 - k. One of the worst sins which we can commit is perjury (Prov. 6:19).
 - l. The variety of methods given for choosing judges indicates that the key to choosing a judge is not the way he is chosen.

² *The Complete Word Study Old Testament*; Dr. S. Zodhiates; ©1994 AMG Publishers; p. 739.

- m. The greatest weakness of our system of judges in the United States is that they are dedicated to the law rather than to justice. We continually read of criminals who are let off due to improper police procedure or of condemning evidence being excluded because it was obtained improperly. When a policeman acts improperly or commits an act which compromises a particular case, that should be a separate issue dealt with completely apart from the final determination of the guilt or innocence of the defendant.³
- n. The second greatest weakness of our system of judges in the United States is that they, by their often bizarre interpretation of the law, actually make the law. This opens up a whole new subject; however, I recall from my Poly-Sci class of twenty-some years ago when Dr. Gottlieb Baer presented two cases where two judges took the exact same law and interpreted in two exactly opposite ways, both setting a legal precedent in their day and, in that way, making the law. Many of the judgments handed down over the years *based upon the constitution* interpret the amendments in ways that our forefathers would have never anticipated. The idea of free speech being applied to pornography, that the Bible would be removed from the public schools under the concept of separation of church and state, and the idea that homosexuals would be given certain rights and privileges designed for married couples—these are ideas and applications which would have our forefathers rolling in their graves. In fact, this reminds me of one of the most humorous political statements which I ever heard, and I wish that I recall who made it. There was a law which was written and it was being voted down in the Texas state senate not because it had poor ideas, but because it was poorly written. A proponent said that it should have been passed, and that the verbiage was secondary—that is, one could trust the court system to uphold the intention of the law. If history has taught us anything, it is that we cannot ever trust the court system to uphold the intention of a law over the letter of the law.
14. In all cases, God remains the Supreme Judge over all (Deut. 32:35 Rom. 3:6 Heb. 10:30 12:23). **There is only one Lawgiver and Judge, the One Who is able to save and to destroy; but who are you to judge your neighbor?** (James 4:12).
15. The final judgment will be given over to Jesus Christ, Who will judge both the living and the dead (Matt. 25:31–46 Acts 10:42 17:31 I Peter 4:5).
16. We will, in His kingdom to come, receive the delegated authority to judge (Daniel 7:27 Luke 22:30). **Or, do you not know that the saints will judge the world? And if the world is judged by you, are you unworthy of the smaller judgments? Do you not know that we will judge angels? How much more, then, the matters of this life?** (I Cor. 6:2–3).

³ And don't ever think that this means that a criminal should have the right to sue a police officer if he is convicted on evidence which was illegally obtained. That would be a further, blatant confusion of justice.