

Justice, Judges, and Priests
Deuteronomy 16:18-20,17: 8-13
January 23, 2022

This lesson concerns the Laws that established the judicial system in ancient Israel. There are many parallels between the book of Exodus and Deuteronomy. Both contain the Ten Commandments. Both contain miscellaneous laws such as the establishment of festivals, laws concerning women captured in a siege, and laws against various injustices as we saw in last week's lesson. But only Deuteronomy establishes a system by which justice is to be administered. The closest parallel is in Exodus 18, prior to Sinai. Moses's father-in-law Jethro appeared and saw that Moses was spending all of his time deciding every case that came up. Jethro advised Moses that this was too much for him to do. He had some suggestions.

Exodus 18 ¹⁷ Moses' father-in-law said to him, "What you are doing is not good. ¹⁸ You will surely wear yourself out, both you and these people with you. For the task is too heavy for you; you cannot do it alone. ¹⁹ Now listen to me. I will give you counsel, and God be with you! You should represent the people before God, and you should bring their cases before God; ²⁰ teach them the statutes and instructions and make known to them the way they are to go and the things they are to do. ²¹ You should also look for able men among all the people, men who fear God, are trustworthy, and hate dishonest gain; set such men over them as officers over thousands, hundreds, fifties, and tens. ²² Let them sit as judges for the people at all times; let them bring every important case to you, but decide every minor case themselves. So it will be easier for you, and they will bear the burden with you. ²³ If you do this, and God so commands you, then you will be able to endure, and all these people will go to their home in peace."

This was good advice! Notice the attributes to be sought in a judge: ability, fear of God (meaning respect), trustworthiness, and hatred of dishonest gain. This is in the Israelites' nomadic period, coming even before the Covenant in Sinai. So, by what criteria are cases to be decided? There is no "Law" yet. Even so, among nomadic peoples with no formal government beyond the family and tribe, there is a sense of right and wrong. It was clearly wrong for Cain to kill Abel, though laws were yet to be invented. Right and wrong were discernable in Abraham's time, and in Joseph's. But with the Covenant, the Israelites promised to obey God's Law.

In Deuteronomy, we have words supposedly spoken by Moses prior to the Israelites crossing the Jordan River into the promised land, Canaan. They anticipate a settled way of life, living in towns and villages, engaged in agriculture, and with governance suited to that kind of life. In many places in Deuteronomy, it is seen that the basic process of judgment centers around village elders who decide cases at the gate. Boaz makes his case for Ruth in such a setting (Ruth 4:1-12). Examples in Deuteronomy include unsolved murders (20:1-9), rebellious sons (21:18-21), false charges made to justify divorce (21:13-19), and many other matters.

In this passage we have instruction to appoint judges and their qualifications, but it is not clear by whom and how these appointments are made. It may be that these appointments were local, the head of the elders, for example. In the second section of these instructions in Chapter 17, following some laws about forbidden forms of worship, we see a process by which difficult cases are passed up to a higher authority. That is similar to the Israelites having their more difficult cases brought to Moses, as Jethro suggested. Moses would rule as he understood God's will. That same principal applies here as well. So, here is the scripture passage:

Deuteronomy 16: ¹⁸ You shall appoint judges and officials throughout your tribes, in all your towns that the Lord your God is giving you, and they shall render just decisions for the people. ¹⁹ You must not distort justice; you must not show partiality; and you must not accept bribes, for a bribe blinds the eyes of the wise and subverts the cause of those who are in the right. ²⁰ Justice, and only justice, you shall pursue, so that you may live and occupy the land that the Lord your God is giving you.

Deuteronomy 17: ⁸ If a judicial decision is too difficult for you to make between one kind of bloodshed and another, one kind of legal right and another, or one kind of assault and another—any such matters of dispute in your towns—then you shall immediately go up to the place that the Lord your God will choose, ⁹ where you shall consult with the levitical priests and the judge who is in office in those days; they shall announce to you the decision in the case. ¹⁰ Carry out exactly the decision that they announce to you from the place that the Lord will choose, diligently observing everything they instruct you. ¹¹ You must carry out fully the law that they interpret for you or the ruling that they announce to you; do not turn aside from the decision that they

announce to you, either to the right or to the left. ¹² As for anyone who presumes to disobey the priest appointed to minister there to the Lord your God, or the judge, that person shall die. So you shall purge the evil from Israel. ¹³ All the people will hear and be afraid, and will not act presumptuously again.

The qualifications for a Judge in Deuteronomy 16 are consistent with Jethro's advice, as well as the admonitions in Exodus 23:6-8 from last week:

Exodus 23: ⁶ You shall not pervert the justice due to your poor in their lawsuits. ⁷ Keep far from a false charge, and do not kill the innocent and those in the right, for I will not acquit the guilty. ⁸ You shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right.

The difference between “one kind of bloodshed or another” means the distinction between murder and an accident. In a tribal society, the dead man's next of kin would have the obligation of avenging the death. The Deuteronomic Law provides “cities of refuge” where the man innocent of deliberate murder could flee to escape the avenger, and justice would be served there, one way or the other (Deuteronomy 19:4-7). Notice that the killer having harbored hatred toward the dead man, even in what seemed to be an accident, was considered a reason to find the killer culpable. “One kind of legal right or another” or “one kind of assault or another” presumably required similar discernment of nuances in those cases.

The provision for a decision by a “higher” authority in Chapter 17 of Deuteronomy is not a right of appeal. It seems a wise provision for difficult cases where a local judge either could not discern what was the correct decision, or perhaps also, where the local judge did not feel able to be impartial. Suppose, for example, a charge was brought against his only son. That would be a case in which impartiality would be very difficult. Difficult cases were brought to these “supreme courts” to be decided by Levitical priests “and the judge” (verse 9). The method they use in deciding the case is not described. However, we do see a “difficult decision” brought before the LORD in the case of Achen after Jericho (Joshua 7) and in the case of Jonathan, Saul's son (I Samuel 14: 36-46). In both cases, lots were cast to discern the will of the LORD. In the first case, Achen, the guilty man (and his family) were punished by death. In Jonathan's case, the people “ransomed” Jonathan, so he did not have to die. Neither of these cases quite fit the context given in Deuteronomy. Perhaps the Levitical priests and judge were given

discretion in how they decided these cases. That makes even greater demands on their integrity.

Deuteronomy, at least the core of the book, was the Book of the Law “discovered” in Jerusalem in the time of Josiah (II Kings 22). That might make it seem that all of these laws were put into Moses’s mouth by a later author or editor. But these provisions for justice clearly predate the monarchy, and as we saw in Jethro’s advice, even predate the settlement of the land. In a Monarchy, the king would aggregate to himself the supreme authority of making decisions. Maybe, to some extent, that did happen. We read in I Kings 3:16-28 of Solomon deciding a difficult case. He may have been acting as the “Judge” for the city of Jerusalem in this case, although Jerusalem was not one of the designated “Cities of Refuge.” (Those cities were Kadesh, Shechem, Hebron, Golan, Ramoth, and Bosor, the last three being to the east of the Jordan River.) Interestingly enough, Deuteronomy also includes provisions for if the Israelites should set over themselves a king. That immediately follows the scripture passage, Deuteronomy 17: 14-20. These laws set limits on royal authority, something that was not generally true elsewhere of monarchies at the time. It’s possible those verses were a later addition by an editor.

As I was preparing for this lesson, I browsed through many of the laws in this section of Deuteronomy. These were the kinds of cases that these judges would be deciding. There are some difficult issues there! Yet, the Law is tempered with mercy, and seems wise beyond the wisdom of our age. Yes, it was set in that much earlier era, and does not include such things as equal rights for women, and does not outlaw slavery. But within the context of the times, I’m quite impressed. The Law supports what was important then – family issues, the integrity and protection of families, for example. We in this day seem to be in the process of abandoning the institution of family. Then, children were supposed to be obedient and cooperative. In our day, it seems that children are supposed to bring charges against the parents for any difficulties encountered.

Ultimately no just system of laws can sustain against corruption, and that was as true in Israel as it is in our day. Before the monarchy, there were corrupt judges, exemplified by the sons of Eli and later even the sons of Samuel, who should have known better. They were corrupt even despite the high calling of their father Samuel. How could this situation be fixed? The Israelites thought that the solution was to have a king. But, that would ultimately centralize corruption even more, and

make it more pervasive. We see that in the record of many of the kings of Israel and Judah, as described in I Kings and II Kings.

That there would be corruption and consequent injustice is no surprise. Yet, how was this overcome? How is it that the Israelites endured to have given us the Bible, and the foundation of our Christian faith? For that, I can only point to God. It was He who loved and cared for the Israelites and sought to do what was necessary to their promise and purpose. His instrument for setting the issues of His love and justice before them were the prophets. The presence of prophets in Israel is a distinction from all of the other peoples of that era, as I understand it. Other nations merely had oracles and soothsayers. The prophets brought messages of both accountability, and God's love, to the king and to the people.

Interestingly, the institution of prophesy is also there in Deuteronomy, in 13: 1-5 and 18:15-19. Yes, Deuteronomy is perhaps more concerned with false prophets than the message of true prophets. But the presence of prophets is traced back to Moses, and acknowledged. With the perspective granted us by the passage of time, we can see now just how very important the prophets were. They made quite a difference in how Judaism emerged at the time of Jesus, quite different from all of the pagan religions and philosophies of that time. Truly, God kept his promise to Abraham, that through him, all the world would be blessed.

The lesson book talks about how these characteristics of a "judge" are needed in all types of leaders, and that is true in the Church as well. But, for whom is such integrity NOT important? All can benefit from following these principles. In so doing, we can be an example to others, as well as doing good for others through living as God would have us live. Jesus calls all of us, not just those chosen for leadership roles. We can't anticipate what God may do with our lives as we follow Him.

Prayer: Almighty God, thank you for the gift of good leaders. As we follow their example, help us to be patient and understanding when we face the weaknesses of ourselves and others. Teach us not to judge harshly. Help us be fair and to judge justly in all circumstances. Make us instruments of your justice so that people can dwell in security, for we pray in the name of the one who gave himself for the life of the world, Jesus our Christ. Amen.