



Judges in the Scripture

Part 3 – How to Judge

by Tim Kelley

In His “sermon on the mount”, Yeshua made this statement to His disciples and others who may have been listening –

^{ESV} **Matthew 7:1** "Judge not, that you be not judged. ² For with the judgment you pronounce you will be judged, and with the measure you use it will be measured to you.

Based on the many other scriptures we see in the Bible, we know that Yeshua is not warning His disciples against making judgments, for to do so would violate the Torah. Instead, Yeshua is telling them that they need to be very careful in making judgments. Though they may not have known it at the time, they would soon be instrumental in bringing to pass the beginning of the restoration of the Kingdom of God on earth, and in so doing, they would find themselves mediating many disputes between their fellow Jewish brothers and the returning Israelites. It was of paramount importance that they knew how to properly judge those matters.

The proverbs say –

^{ESV} **Proverbs 21:3** To do righteousness and justice is more acceptable to the LORD than sacrifice.

This could be taken to mean that those who learn how to properly judge their brother are performing a more beneficial service than even the priests.

In the first two parts in this series we saw that it's important, if not imperative, that we learn how to judge according to the scripture. We might even draw the conclusion that the Messianic Kingdom will not begin until there are a sufficient number of qualified judges who are prepared to judge the 12 tribes of Israel¹. We've also seen that those who judge must prepare themselves so that they can judge. This includes becoming knowledgeable in Torah, avoiding situations that might cause you to be unqualified to judge a matter, as well as realizing that the goal of any judgment is to bring peace to the community.

Let's now see what the scripture has to say about the application of judgment . . . what a person must do if he's called upon to make a judgment, and what it takes to become a successful Biblically-based judge. We'll cover four requirements – not necessarily in any order, three that are quite obvious, and one that's not so obvious.

Avoid Having to Make a Judgment

The first requirement of a judge is that he try to avoid having to make a judgment in the first place. In Exodus 18 where we see Moses judging the people, there's some words that are spoken that we often pass over. Let's read a few excerpts from that story –

^{NKJ} **Exodus 18:14-16** So when Moses' father-in-law saw all that he did for the people, he said, "What is this thing that you are doing for the people? Why do you alone sit, and all the people stand before you from morning until evening?" ¹⁵ And Moses said to his father-in-law, "Because the people come to me to inquire of God. ¹⁶ "When they have a difficulty, they come to me, and I judge between one and another; and I make known the statutes of God and His laws."

¹ Isaiah 1:26; Matt. 19:28

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Did you notice what the people were doing? They were coming to Moses to get his help in resolving a dispute. Moses wasn't looking for opportunities to stick his nose into their disputes. Instead, they had to bring them to him before he would get involved. Even though he was the one "in charge", he did not believe it was his job or responsibility to get involved in all their problems.

Yeshua, the "prophet like unto Moses" did the same thing. When someone from the crowd tried to involve Him in a family dispute, Yeshua answered him saying –

^{NKJ} **Luke 12:14** . . . "Man, who made Me a judge or an arbitrator over you?"

The man who asked Him was probably quite familiar with Yeshua and His teachings, and thus knew that Yeshua was very knowledgeable in the Torah. It's also likely that if Yeshua had involved Himself in the case, He might have ruled in favor of the man. But the point is, Yeshua chose to stay out of the dispute. A point could also be made that because Yeshua clearly stated that He had not been chosen to be a judge, He thus had no authority to make a judgment in the case.

An example that goes along with that is of the woman caught in adultery.² In this case, the scribes and Pharisees came to Him, hoping He would make a judgment on a case. Though they were probably telling the truth about her sin, they failed to follow the Torah's instructions pertaining to adultery³ by not bringing the man who was "caught in the very act" as well. Yeshua, recognized the trap they were setting and refused to make a judgment⁴, but instead told the woman to "go and sin no more".

Yeshua taught that instead of the judges being involved in every dispute, they should be the tool of "last resort". He taught that whenever there are disputes between members of the community, their first step to a peaceful resolution is for the harmed party to "go to his brother". Here's what He said –

^{ESV} **Matthew 18:15** "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother.

Notice that He's talking about disputes . . . not offenses.⁵ Disputes are often a result of sin as in the case farmer OxOwner and farmer PitDigger, the two neighbors we talked about in Part One of this series. Though it was not a sin to dig a pit, it was a sin for farmer PitDigger to not erect a fence around it. In these types of cases, (according to Messiah Yeshua), it's best to try to work the problem out yourself before involving others.

A good example of a person attempting to make a judgment when he should not have is that of Moses. Before YHVH had called him to actually judge Israel, he saw two Israelites fighting and he got in the middle of it.

^{ESV} **Exodus 2:13** When he went out the next day, behold, two Hebrews were struggling together. And he said to the man in the wrong, "Why do you strike your companion?"¹⁴ He answered, "Who made you a prince and a judge over us? Do you mean to kill me as you killed the Egyptian?"

Though Moses probably thought that he was helping their situation, their reaction to his interference was quite unexpected and showed otherwise. You'll notice that Moses had pre-judged the situation and was

² John 8:2-11

³ Lev. 20:10

⁴ The Greek word for "condemn" is "katakrino" (Strong's 2632) which means "to judge"

⁵ The Greek word that's used (hamartano –Strong's 264) actually has as one of its meanings "to miss the mark". "Hamartano" is used many times in the Tnakh to translate the Hebrew word "chattah" in the Septuagint. "Chattah" (Strong's 2403) of course, is the Hebrew word for "sin" and it comes from a root word that also means "to miss the mark".

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not invited to solve the disput. Of course, their reaction was also a result of Moses getting involved in an earlier confrontation where he made a rash judgment and ended up killing someone. As a result of his actions, Moses found himself wandering in Median for 40 years.

So the first requirement of a good judge is to wait till your services are called on before getting involved in a matter.

Judge by the Torah Only

For a person to make good judgments, he must have a basis from which to judge. For civil and criminal judges in our American society, that basis is the city, state, and federal laws that had been previously created. Of course, those laws are supposed to be based on our country's supreme law – the Constitution. Unfortunately, judges in our country oftentimes base their decisions on what's called "case law" which is nothing more than previous decisions that were supposed to be based on the underlying laws of the land. Instead of judging a person against the written and codified laws, they judge that person against opinions of previous judges, and if that previous judge made the wrong decision, the current judgment may be based on that wrong decision as well.

Godly judges are not allowed to base their decisions on another judge's decision; instead, they must base their judgments wholly on God's law – the Torah. Going back to the example of Moses at Mount Sinai, he explained to Jethro that when disputes arise between the Israelites, they come to him and he judges them based on the Torah –

^{ESV} **Exodus 18:16** . . . when they have a dispute, they come to me and I decide between one person and another, and I make them know the statutes of God and his laws (*torah*)."

According to Moses, the Torah is the basis of judgment in a Biblical society. It is the "constitution" from which all judgment is based. A person's actions can only be judged against the law of God; it is the unmovable boundary, the clear benchmark of what God expects from His people. It defines what is right and what is wrong. And unlike our country's Constitution, the Torah is unchangeable,

^{NKJ} **Deuteronomy 4:2** "You shall not add to the word which I command you, nor take from it, that you may keep the commandments of the LORD your God which I command you.

Thus we never need to worry that what may have been right today, may be wrong tomorrow or vice versa. With a set of unmovable laws, a people can plan for the future never having to worry whether their livelihood or way of life might someday become "illegal".

With that said, it's interesting that we never see the scripture actually tell us to "judge by the Torah". Instead, the judges are instructed to judge "righteously".

^{NKJ} **Deuteronomy 1:16** "Then I commanded your judges at that time, saying, 'Hear *the cases* between your brethren, and judge righteously between a man and his brother or the stranger who is with him.

Other than the example of Moses at Mount Sinai, how do we make the connection between "righteous judgment" and the Torah? We talked about that in Part One of this series, but let's rehearse a few points that were previously discussed.

The Hebrew word for "justice" is "tsedaqah" (צֶדֶקְיָהוּ – Strong's 6666). The Hebrew word for "righteousness" is also "tsedagah". Thus justice and righteousness are basically the same thing. We found in our previous study that the root word for "tsedaqah" (tsedeq) is synonymous with the Hebrew word "yashar" and that "tsedeq" is often paired with the Hebrew word "yashar" (יָשָׁר - Strong's 3477) or its root word "yashar" (יָשַׁר - Strong's 3474) in passages such as -

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^{KJV} **Job 8:6** If thou wert pure and upright (*yashar*); surely now he would awake for thee, and make the habitation of thy righteousness (*tsedeq*) prosperous.

^{ESV} **Psalm 94:14-15** ¹⁴ For the LORD will not forsake his people; he will not abandon his heritage; ¹⁵ for justice will return to the righteous (*tsedeq*), and all the upright (*yashar*) in heart will follow it.

In these two passages the “righteous” person is also a “yashar” person.

We then saw that the word “yashar” means “strait”, “correct”, “level”. It implies a path that is strait as in this passage in Jeremiah which speaks of the future return of Israel to the land -

^{NKJ} **Jeremiah 31:9** They shall come with weeping, And with supplications I will lead them. I will cause them to walk by the rivers of waters, In a straight (*yashar*) way in which they shall not stumble; For I am a Father to Israel, And Ephraim *is* My firstborn.

Scripture points out that our walk should follow that straight path and not deviate from it -

^{NKJ} **Deuteronomy 5:33** "You shall walk in all the ways (*"derech"* – the “road” or “path”) which the LORD your God has commanded you, that you may live and *that it may be well with you*, and *that you may prolong your days* in the land which you shall possess.

^{ESV} **Proverbs 4:26-27** ²⁶ Ponder the path of your feet; then all your ways will be sure. ²⁷ Do not swerve to the right or to the left; turn your foot away from evil.

So the righteousness person will be walking on the strait path . . . and as we’ve seen in previous messages - that strait path is the Torah.

Since we are in training to be judges in the Messianic Kingdom, it’s important that we understand by what standard the Judge of all the Earth will judge His people. In this prophecy of the coming Messiah we get a glimpse of how He intends to judge all mankind -

^{KJ} **Psalm 96:12** Let the field be joyful, and all that *is* in it. Then all the trees of the woods will rejoice before the LORD. ¹³ For He is coming, for He is coming to judge the earth. He shall judge the world with righteousness, And the peoples with His truth.

He will judge with truth and righteousness. And what is truth?

^{NKJ} **Psalm 119:142** Your righteousness *is* an everlasting righteousness, And Your law (*torah*) *is* truth.

Yes – the Messiah will judge His people by the same law that we are to judge each other. He will not add to the law, nor take from it, rather all men will be judged by the same standard, and that standard is the Torah. Thus judges must make judgments based on Torah and Torah alone. He cannot base his judgment on the opinion of others or on a set of laws that are not clearly defined in the Law of Moses.

Going back to the Matthew 18 example of Yeshua telling his disciples to “go to your brother”, we can now see He said “if your brother SINS against you”. Why didn’t he say “if your brother OFFENDS you”? The answer is clear. An offence is not a Torah infraction, and because He said that the judges could eventually be called to settle the matter, they could not do so if there was no Torah infraction. They can only judge against the Torah.

Seek the Truth Through Witnesses

The Proverbs tell us that –

^{NKJ} **Proverbs 18:13** He who answers a matter before he hears *it*, *it is* folly and shame to him.

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It is the responsibility of the judges to seek credible witnesses before making a judgment, thus part of a judges responsibility is to determine to the best of His knowledge that the witnesses are telling the truth. In regards to how the judges are to incorporate witnesses in their search of the truth, the Torah says –

^{NKJ} **Deuteronomy 19:15-19** " One witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three witnesses the matter shall be established. ¹⁶ "If a false witness rises against any man to testify against him of wrongdoing, ¹⁷ "then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. ¹⁸ "And the judges shall make careful inquiry, and indeed, *if the witness is a false witness, who has testified falsely against his brother,* ¹⁹ "then you shall do to him as he thought to have done to his brother; so you shall put away the evil from among you.

This pretty much defines the role of the judges in regards to witnesses. They are to:

- Find at least two witnesses, preferably three
- Examine and cross-examine all the witnesses
- If one witness is found to be lying, the judges must invoke the anticipated sentence of the defendant upon the false witness.

In the above passage, the Hebrew word for “inquiry” is “darash” (דָּרַשׁ – Strong’s 1875). It’s the root word from which we get “midrash” which is the diligent search and discussion of the scriptures. The implication is that the judges were to “leave no stone unturned” as they search to determine if the witnesses are truthful or not.

A witness is not always a human. Sometimes material evidence serves as a witness -

^{NKJ} **Exodus 22:10-13** ¹⁰ "If a man delivers to his neighbor a donkey, an ox, a sheep, or any animal to keep, and it dies, is hurt, or driven away, no one seeing *it,* ¹¹ "then an oath of the LORD shall be between them both, that he has not put his hand into his neighbor's goods; and the owner of it shall accept *that,* and he shall not make *it good* . . . ¹³ "If it is torn to pieces *by a beast,* then he shall bring it as evidence, *and* he shall not make good what was torn.

In this passage, the word “evidence” is from the same Hebrew word as “witness”⁶. This leads us to wonder if video tapes of the infraction, forensic evidence, DNA, or other types of evidence might also be used as witness to determine a case.

Because the Torah requires the testimony of witnesses to determine if an infraction has taken place, it stands to reason that no other factors should be allowed to sway the decision of the judges. YHVH makes that quite clear by telling us to –

^{NKJ} **Leviticus 19:15** ' . . . do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor.

As a judge, you are only to consider the evidence of the case. You are to disregard the status of the poor and the rich as well as their standing in the community. To judge righteously requires that the Torah is the sole basis of your judgment. There again, we should pattern our judgment after that of Messiah Yeshua -

^{ESV} **Isaiah 11:1-4** There shall come forth a shoot from the stump of Jesse, and a branch from his roots shall bear fruit . . . ^{3b} He shall not judge by what his eyes see, or decide disputes by what his ears hear, ⁴ but with righteousness he shall judge the poor, and decide with equity for the meek of the earth . . .

⁶ “ayd” – אַיִד – Strong’s 5707

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This verse can be somewhat confusing until you see that the prophet is contrasting how the world judges with that of Yeshua. Unlike the tendencies of some, Yeshua will not make judgments by the stature of the man or by hearsay evidence, but will instead – judge by the facts and weigh them against the Torah.

Thus the third requirement for being a successful judge is to solicit the evidence of witnesses – both human and material, and not make a judgment until you have heard all the evidence.

Sit While Judging, Don't Stand

The fourth and last requirement for successful judges seems somewhat trivial, but has Biblical precedent and follows common sense logic. When we see Moses judging the people of Israel, we see him sitting –

^{NKJ} **Exodus 18:13** And so it was, on the next day, that Moses sat to judge the people; and the people stood before Moses from morning until evening. ¹⁴So when Moses' father-in-law saw all that he did for the people, he said, "What is this thing that you are doing for the people? Why do you alone sit, and all the people stand before you from morning until evening?"

If you've ever been in an active courtroom or saw one on television, you probably noticed that the judge sits while the attorneys and others stand. In fact, any judge who has authority over a certain courtroom is called a "sitting judge".

Why do judges sit? I don't really know, but I do know that in my business, when employees come to me with problems between each other, they generally come into my office and stand to make their case while I sit at my desk. I sit because I've found that it tends to ease the tension of a somewhat stressful situation. I would assume that was Moses' reason as well, though he may have done so simply because he didn't want to be on his feet all day.

In any case, sitting seems to be the Biblical pattern. In Joel's end time prophecy, he speaks of the time when the Messiah will judge the nations for what they had done to Israel. In the prophecy we see the Messiah saying to them –

^{NKJ} **Joel 3:11** Assemble and come, all you nations, And gather together all around. Cause Your mighty ones to go down there, O LORD. ¹² Let the heathen be wakened, and come up to the valley of Jehoshaphat: for there will I sit to judge all the heathen round about.

Another example is when Yeshua told His disciples –

^{ESV} **Matthew 23:2-3** "The scribes and the Pharisees sit on Moses' seat, ³ so practice and observe whatever they tell you- but not what they do. For they preach, but do not practice.

According to tradition, Moses' seat was a literal seat in a synagogue where the judge would sit to make a judgment between two people. The Pharisees, as opposed to the Sadducees⁷, were keen in the knowledge of Torah, and thus were most qualified to make those judgments. Because the Torah requires us to follow the decisions of the judges⁸, Yeshua instructed His followers to go to the Pharisees when they needed the service of the judges, yet He warned them to not follow after their walk.

Yeshua also gave a little hint about our "judging posture" when he mentioned the Messianic role of his followers –

^{NKJ} **Matthew 19:28** So Jesus said to them, "Assuredly I say to you, that in the regeneration, when the Son of Man sits on the throne of His glory, you who have followed Me will also sit on twelve thrones, judging the twelve tribes of Israel.

⁷ Matt. 22:29

⁸ Deut. 17:10-13

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So it appears that YHVH would like for us to sit while judging his special people. We don't necessarily know why, but it seems to be the pattern. Maybe we can ask Him why someday – maybe right after we stand before Him as He sits on His throne and pronounces His judgment to us.

Review:

There is obviously a lot more we could say about what it takes to become a successful judge, but I'll finish by saying that judging God's people is a huge, but necessary responsibility. If we properly apply the instructions God has given the judges, then we can rest assured that He will support our decisions.

^{ESV} **Deuteronomy 1:17** You shall not be partial in judgment. You shall hear the small and the great alike. You shall not be intimidated by anyone, for the judgment is God's. . .

Shalom Alecheim