

SESSION #38 (30 November 2010) Deut 16:18 – 17:1; Judges, Justice, Law, and the State

I. INTRODUCTION & REVIEW

1:1-5	Introduction to God's spokesman, the 1 st Prophet Moses
1:6 - 4:40	1 st Exposition of the Torah = <u>motivation to obey</u> from (1) <u>past gracious actions</u> of Yahweh and (2) <u>sovereign destiny of the nation</u> (<u>future gracious actions</u> of Yahweh)
4:41-49	Editorial comment on context of 2 nd Exposition of the Torah
5:1 - 26:19	2 nd Exposition of the Torah = proper response to Yahweh in heart and soul
5:1 - 11:32	Loving Yahweh with <u>all the heart</u>
12:1 - 26:19	Loving Yahweh with <u>all the soul</u> (<i>nephesh</i> =life)
12:1 - 13:18	Theological unity of Israel's tribes and its Enforcement (esp 1 st , 2 nd , and by implication the corresponding 9 th , 10 th commandments)
14:1-21	Enforcement of Distinct Cultural Sustenance from Life to Death (a witness consistent with Yahweh's name, see 3rd commandment)
14:22 - 16:17	A Distinct Culture of Theocentric Faith in God's Economic Order (with emphasis upon the 4 th and by implication the corresponding 8 th commandment)
16:18 - 18:22 A Distinct Culture of Human Authority Under God's Justice (emphasis upon human authority starting in the home—the 5th commandment and by implication the 7th commandment)	
16:18-17:13 Authority & Function of the Judges	

16:18-18:22 covers 4 kinds of officials with varying spheres of authority.

16:18 - 17:13 judges

17:14-20 kings

18:1-8 Levites

18:9-22 prophets

What is the linkage with the 10 commandments?

Hint: 16:20 parallels **Deut 5:16** which addresses “honor” (respect for the position of parents) and its connection with social prosperity (cf. **Eph 6:1-3**)

Modern evidence:

- [Educational] success clearly a function of the family.
- [Lesbianism] now linked to weak or absent father in the family.

Failure of socialism's programs:

Evangelical Christianity:

II. FOUR STAGES IN MOSES' GOVERNMENT

Lesson in political organization

1st stage

16:18 judges and officers

Background: **Ex 18:13-16**

Yahweh > Law > Moses > 12 tribal elders

Moses' father-in-law comes to faith **18:7-12** and gives some wisdom

2nd stage

Ex 18:17-26

Yahweh > Law > Moses > sarim (“officers”) > marching units’ elders (4 levels)

Judicial duties Ex 18:21-22

Military leaders Num 31:14, 48

3rd Stage

Num 11:1-30

Yahweh > Law > Moses > 70 empowered elders & shoterim > sarim marching units

4th Stage

Deut 16:18

Yahweh > Law > Supreme Court (priests * shoter) >

city 1	city 2	city 3
shoterim & sarim	shoterim & sarim	shoterim & sarim

III. THE OFFICE OF JUDGE (16:18-17:1)

16:18 gates which Yahweh your God is giving you. . .

Principle #1 *True justice requires local, immediate accessibility*

judge with righteous judgment

righteousness will be defined in following context

16:19 pervert justice. . .

How is perversion done?

not recognize faces (show partiality)

Principle #2 *Personal influences and manipulation of judging officials must be opposed.*

not take a bribe

Observe who it affects: the [wise] and the [righteous]—i.e., those involved in judicial decisions

blinds the eyes

stops proper consideration of evidence

twists the words

reasoning behind the verdict

16:20 righteousness—righteousness you will follow

emphasis upon the standard reflective of God’s character, the *sine quo non* of justice

that you may live and inherit the land

Cf Deut 5:16 → family is the key to this particular blessing

Lev 19:1-3 the family structure is key to the holiness of Israel

Deut 6:6-9, 20-25 family training in the Word of God

Principle #3 *The foundation of justice is God’s righteousness, the revelation of which the family imbues the next generation with both by words and deeds*

Concept: The God of Israel is the Creator of both man and nature as well as being the Lord of history. Thus a long successful and productive occupation of the Promised Land would come, not through “success techniques” but through faithful obedience to Him.

What about **16:21 - 17:1**?

Moses points out two connections between religion and the law.

16:21-22

Connection #1 Law requires a transcendent standard above individual man or “judgments” become merely the judge’s personal opinion.

Dilemma of Nurnberg:

Nazi Defense	Allied Prosecution
Our society made its own laws based upon its needs and desires. Our society commanded us to exterminate the Jews. Therefore it would have been illegal for us to not exterminate the Jews. Laws of non-Nazi German societies are irrelevant to this case.	[You] “ <i>should be tried on this basis, on a higher law, a higher law which rises above the provincial and the transient.</i> ” US Supreme Court Justice and prosecutor Robert Jackson.

Modern repudiation of absolute righteousness:

Chief Justice US Supreme Court 1902-1932, Oliver W Holmes: “*law is only a prophecy of what the courts will do in fact and nothing more.*”

Chief Justice US Supreme Court 1946-1953, Frederick Vinson: “*There is nothing more certain in modern society than the principle there are no absolutes.*”

Barack Obama in Audacity of Hope: “*Implicit in [the Constitution’s] structure. . .was a rejection of absolute truth, the infallibility of any idea or ideology or theology or ‘ism,’ any tyrannical consistency that might lock future generations into a single, unalterable course.*”

wooden image. . .sacred pillar. . .

Seeking for help in judging via religious oracles instead of the Word of God.

16:21-22 prohibit __[God denying counterfeit standards of righteousness]__

Here is precisely the locus of the clash of civilizations between Western secularism and Islam.

- Various Muslim spokesmen argue that the West cannot show a transcendental standard of righteousness, which statement is true since the so-called Enlightenment rejected the genuine, revealed truth of the Bible.
- I believe that God is using the Semitic-based religion of Islam with its counterfeit doctrine of verbal revelation to chasten Western secularism.
- It’s also a rebuke to Christians for not insisting upon the supreme authority of the Bible over all society (exception: creationism, anti-abortion movement, and anti gay-marriage crusades).

Moses correctly linked religion and law in **16:21-22** based upon the legal requirement for a standard of righteousness.

17:1 not sacrifice. . .

Connection #2 Law convicts conscience of sin and thus requires an effective source of forgiveness, not mere gimmicks.

“A clear vision of the moral law reveals a debt which exceeds anything we can pay. Apart from an assurance that the debt can be forgiven—something available only in biblical revelation because it transcends what human reason can find out on its own—no human being dares to face the law straight-on. Yet we can’t wipe the law from our intellects. . . .Unable to make it go away, we use every means we can devise to pretend that we are really being good. Evasions and rationalizations spread through our intellects like the mycelium of a fungus. . . .That is why the ancient world was brutal. . . .not even the greatest of the pagans could admit what was wrong with infanticide, although they knew very well that the child was of our kind. . . .It is hard enough to face the moral law even with the revelation that divine justice and divine mercy are conjoined. It offends our pride to be forgiven and terrifies it to surrender control” (p. 66f). **J. Budziszewski, What We Can’t Not Know**

IV. CONCLUSION

The first officials of Israel’s government—the judges—must judge cases based upon the ultimate standard of righteousness, God’s character revealed in His Word.

These judges, like the following officials, function as extensions of family governance.